



SF Environment

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A Department of the City and County of San Francisco

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Director

Construction and Demolition Debris Ordinance FAQ

To: Supervisor Safai

Through: Debbie Raphael, Director of the San Francisco Department of the Environment

From: Charles Sheehan, Chief Policy & Public Affairs Officer

Re: FAQ – Proposed Construction & Demolition (C&D) Debris Ordinance

SAN FRANCISCO ANNUAL TOTAL SOLID WASTE GENERATION AND DISPOSAL

Q: How much solid waste is generated in SF each year, how much of it is C&D debris?

A: Approximately 3 million tons of solid waste is generated per year in San Francisco. Of this total, 1.5 million tons is C&D debris. Therefore, C&D debris is about half of total solid waste generation.

Q: What amount of total solid waste is landfilled, how much of it is C&D debris?

A: San Francisco sends about 600,000 tons of solid waste to landfill. C&D debris is about 25% of this figure, or about 150,000 tons per year.

Q: How many tons of C&D debris gets illegally disposed at landfills?

A: Of the approximately 150,000 tons of C&D debris disposed each year, at least 120,000 tons or 80% of that is illegally disposed and should be processed to be recycled/recovered. It is illegal to dispose of recyclable or recoverable material in the landfill.

POLICIES & REGULATIONS IMPACTING C&D DEBRIS RECYCLING

Q: What is the goal for this proposed ordinance?

A: The goal of this ordinance is to reduce illegal disposal and illegal dumping of C&D debris. This ordinance will help bring the City closer to its zero waste commitments and climate goals.

Q: What is allowed for C&D debris under current City code (Environmental Code Chapter 14)?

A: C&D debris must either go to a registered C&D debris recovery facility where it is processed for recovery or go directly to reuse/recycling markets. Disposal of C&D debris from SF is only allowed when a registered C&D debris recovery facility sorts and disposes of residual materials remaining after processing.

Q: What is required for transporters of C&D debris under current City Env and PW Codes?

A: Transporters of C&D debris are required to register (at no cost) with the Department and only take mixed C&D to facilities registered by the Department and not take any C&D debris directly to landfill. Registration is not required for property owners hauling their own material, for hauling 1 cubic yard or less, or for using a 4-wheel

pickup. Unregistered transporters that meet these requirements must still follow all other rules and regulations for C&D debris.

Q: Why do projects illegally dispose and illegally dump their C&D debris?

A: Illegally dumping or illegally disposing C&D debris is often cheaper.

Q: What is the impact of illegal disposal or dumping?

A: It not only creates safety and health hazards, but also impacts local communities, specifically southern and southeast San Francisco neighborhoods which are disproportionately burdened by excessive illegally dumping. It also has a significant environmental and climate impact with an increase in landfill emissions and material life cycle emissions, and also impedes the ability of the City to meet its climate and zero waste targets.

Q: What is the key barrier to stopping illegal C&D debris disposal and dumping?

A: Lack of sufficient resources. The City is unable to adequately enforce and monitor compliance by the nearly 400 companies using thousands of debris boxes and vehicles to transport C&D debris away from job sites. A transporter permit fee program can provide sufficient resources for SFE, PW, and Sheriff to significantly improve oversight, compliance monitoring, and enforcement.

Q: What will be the requirement for C&D transporters under the proposed C&D ordinance?

A: Transporters of mixed C&D debris (including small haulers using pick-ups, which is not currently regulated) will be required to pay a progressively scaled permit fee for each vehicle (from smaller to larger weight capacity). Mixed C&D debris boxes in public right of way will continue to obtain permits, but now mixed C&D debris boxes used on private property will be added to the permit requirement. Transporters will continue to have to use facilities registered by the Department and not take C&D debris to landfill unless it is processed residual from a registered C&D facility.

Q: How will this ordinance remedy situations in which contractors direct transporters to directly haul debris to landfills or other unauthorized facilities?

The ordinance creates the additional resources to adequately monitor compliance at active construction and demolition sites. Inspectors from SFE, SFPW, and SHF will now be able to intercept, prevent, and/or fine C&D projects that direct haulers to violate debris recovery regulations.

Q: Was there a nexus cost or fee study done to set the permit fee amounts?

A: A projected expense and revenue analysis was done using forms provided by the Controller and these were reviewed and approved by the Controller to establish the proposed fees. This analysis has been attached to the Board of Supervisors file.

WHERE IS MIXED C&D DEBRIS SUPPOSED TO GO?

Q: How many C&D facilities are registered by the Department to receive and process C&D debris and how many are in San Francisco?

A: The Department maintains a list of 12 registered facilities that meet the ordinance's performance requirements, with six of these facilities based in San Francisco. The current list can be found here:

https://sfenvironment.org/sites/default/files/fliers/files/sfe_zw_cd_registered_facilities_list_062021.pdf

Q: What is the San Francisco-sourced C&D market share for the six C&D facilities in San Francisco?

A: The six C&D facilities in San Francisco have 60% of the San Francisco-sourced C&D market share.

RECOLOGY'S ROLE IN C&D PROCESSING AND IMPACT TO RATE PAYERS

Q: What is Recology's role and share of the C&D market?

A: Recology is a registered transporter and has one of the 12 Department registered C&D recovery facilities. Their facility processes approximately 40% of the total C&D debris going to the 12 registered facilities.

Q: How are refuse rate payers implicated in this?

A: This ordinance will not impact refuse rate payers.

SF PUBLIC WORKS' ROLE IN THIS PROPOSAL

Q: What will SFPW's role be in implementing and enforcing this ordinance vs the Department of Environment?

A: PW will continue to perform permit application intake, outreach, and compliance services as well as serving as the point of contact for C&D debris boxes in the public right of way. They can cite or if necessary, remove non-compliant debris boxes in the public right of way. For transporter permits and debris box permits on private property, PW will be limited to permit intake at the Permit Center. The Department of Environment will be the primary contact for transporter permits and debris box permits on private property.

Q: PW code Section 725.3 could be confusing for two departments to have jurisdiction over debris boxes, how do we reduce confusion and avoid haulers dealing with two agencies?

A: PW will be the point of contact for debris boxes in the public right of way on streets as that is their jurisdiction. PW does permit intake and can act to cite or if necessary, remove non-compliant boxes in the public right of way. For debris boxes used in all other locations, such as on private property, and for transporter vehicle permits, which are outside PW jurisdiction, SFE will be the point of contact. Permit documentation and outreach materials will delineate what City agency is the point of contact.

Q: PW code Section 725.2 states that a permit from Env Code Chapter 14 "may" be required for debris boxes, should it be "shall" instead of "may"?

A: It is correct to say "may" because there could be debris boxes in the right of way that don't have mixed C&D that would not require a permit under the Env code (e.g., boxes containing source separated debris or used to store tools and equipment). The contents of the box are what determines whether compliance with debris permit requirements is required.

Q: Why will contractors need both a C&D debris box permit and a street use permit for debris boxes in the public right of way?

A: The street use permit is required because the debris box is sitting in the public right of way and potentially taking up a parking spot or other curbside space and is the way that SFPW tracks activity in public right away and communicates required safety measures. The C&D debris box permit will be used to track C&D debris and ensure it is not illegally disposed or illegally dumped.

SF SHERIFF'S ROLE IN THIS PROPOSAL

Q: What will the Sheriff's role be in implementing and enforcing the ordinance and will deputies go to other counties?

A: The Sheriff will assist in monitoring and enforcement at construction sites and on roadways where SFE or PW staff can't effectively provide oversight (late at night, outside of County borders). They may follow truckloads of C&D outside of the County to their destination and document final deposition of materials. The Sheriff is funded by a portion of the permit fees.

CLIMATE, LOCAL JOBS, AND RACIAL EQUITY CONSIDERATIONS

Q: Can we add a carbon mitigation fee for C&D that is landfilled?

A: The City does not have authority to impose a carbon fee on landfills not under contract with the City.

Q: Can we impose a local jobs hiring benefit?

A: Many C&D transporters and facilities are based outside the city, while some are based in the City. There does not seem to be a practical method to require local hiring.

Q: What are the equity impacts, especially for southeast neighborhoods and BIPOC businesses?

A: The equity impacts to these communities will be positive as this ordinance will reduce illegal dumping. These neighborhoods in the south and southeast parts of San Francisco often experience higher rates of illegal dumping. Many of the small-to-medium sized C&D debris recovery facilities (most of which are BIPOC owned) are in the southeast, where illegal dumping is most acute. These facilities often incur expenses to clean up material that was illegally dumped. Reducing illegal dumping will lower costs for these businesses.

EXEMPTIONS and PENALTIES FOR NON-COMPLIANCE

Q: Are there exemptions on who will need a permit?

A: Yes. The following will not need to have a permit to transport C&D:

- vehicles or boxes direct hauling only source-separated C&D to reuse or recycling markets including soils, or C&D recovery facility processed residual
- property owners removing C&D debris with their own vehicles
- those that transport less than one cubic yard of C&D debris

For the above permit exemptions, all C&D debris management must still comply with all other requirements of the C&D ordinance.

Q: What are the penalties for non-compliance?

A: Violators may incur penalties, with fines of up to \$1,000 a day, and suspension of permit/registration.

Q: Are there any findings that speak to the rate of non-compliance by debris transporters?

A: Recent field monitoring in all Supervisorial districts over 3 months identified:

- 19 C&D debris boxes with 8 missing (or appeared to be missing) a current permit from SFPW, therefore 42% were not compliant for having a debris box permit
- 14 out of 17 transporters (82%) not registered with the Department