

File No. 201151 Committee Item No. 5
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date December 7, 2020

Board of Supervisors Meeting Date _____

Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|-------------------------------------|--------------------------|----------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral CEQA 101320</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI 101320</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Determination 101620</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Hearing Notice 120720</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Completed by: Erica Major Date December 3, 2020
Completed by: Erica Major Date _____

1 [Environment, Public Works Codes - Construction and Demolition Debris Recovery]

2

3 **Ordinance amending the Environment Code and the Public Works Code to require**
 4 **transporters of construction and demolition debris to obtain a temporary or annual**
 5 **permit from the Department of Environment for each vehicle and debris box used for**
 6 **such transport and to comply with permit conditions; to require facilities that process**
 7 **such debris to register with the Department of Environment and comply with updated**
 8 **registration conditions; to require each person who conducts full demolition projects**
 9 **as permitted by the Department of Building Inspection to submit to the Director of the**
 10 **Department of Environment a material reduction and recovery plan providing for at**
 11 **least 75% recovery away from landfill, and to verify this recovery rate after completing**
 12 **the project; to authorize the Director to impose administrative penalties for violations;**
 13 **and affirming the Planning Department's determination under the California**
 14 **Environmental Quality Act.**

15 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 16 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 17 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 18 **Board amendment additions** are in double-underlined Arial font.
 19 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 20 **Asterisks (* * * *)** indicate the omission of unchanged Code
 21 subsections or parts of tables.

19

20 Be it ordained by the People of the City and County of San Francisco:

21

22 Section 1. Land Use Findings.

23 The Planning Department has determined that the actions contemplated in this

24 ordinance comply with the California Environmental Quality Act (California Public Resources
 25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. 201151 and is incorporated herein by reference. The Board
2 affirms this determination.

3

4 Section 2. General Background and Findings.

5 (a) In 2002, the City adopted Resolution No. 679-02, setting a goal of zero waste to
6 disposal of, and promoting the highest and best use of, recovered materials. In 2018, Mayor
7 London Breed committed San Francisco to new waste reduction targets that will require the
8 city to reduce total solid waste generation by 15% and reduce solid waste to disposal (landfill
9 and incineration) by 50%, by 2030.

10 (b) In 2006, the City enacted Ordinance No. 27-06, the Construction and Demolition
11 Debris Recovery Ordinance, which became operative as Chapter 14 of the Environment
12 Code. Section 1402 requires anyone who transports construction and demolition debris in San
13 Francisco, other than the owner of the property at which the material was generated, to
14 register with the Department of Environment. Any facility in San Francisco that processes
15 construction and demolition debris must be also registered with the Department of
16 Environment.

17 (c) Chapter 14 has led to the recovery of hundreds of thousands of tons of material
18 through the registration of 15 facilities and more than 400 transporters. However, the growing
19 number of transporters has made registration compliance increasingly challenging to
20 implement and enforce, with the result that it has become harder to prevent illegal dumping
21 and landfilling of construction and demolition debris in San Francisco.

22 (d) People who live or work in San Francisco, along with its visitors, generate about
23 three million tons of solid waste (or material discards) annually. Over half of these materials
24 constitute construction and demolition debris. While most of this construction and demolition
25 debris is recovered for reuse and recycling, at least 150,000 tons needlessly winds up

1 disposed in a landfill or incinerator, making up a quarter of all solid waste disposal. This
2 challenge must be addressed in order to achieve the city’s zero waste targets of reducing
3 solid waste generation 15% and disposal 50% by 2030.

4 (e) Reducing illegal disposal and illegal dumping of construction and demolition debris
5 requires a robust regulatory and enforcement system focused on ensuring that construction
6 and demolition debris generated in San Francisco is transported to facilities that can
7 adequately process it.

8
9 Section 3. The Environment Code is hereby amended by revising Sections 1401,
10 1402, 1404, 1409, and 1410, adding Sections 1403 and 1408, and deleting Sections 1405,
11 1406, and 1411, to read as follows:

12 **SEC. 1401. DEFINITIONS.**

13 For the purposes of this Chapter 14, the following words have the following
14 meanings:

15 (a) "Alternative Daily Cover" or "ADC" shall mean materials, other than soil, that
16 have been approved by the ~~California Integrated Waste Management Board~~ California
17 Department of Resources Recycling and Recovery (“CalRecycle”), or a successor agency for use
18 as an overlay on an exposed landfill face.

19 “Beneficial Reuse” shall mean the reuse at a landfill of material for the following purposes:
20 ADC; alternative intermediate cover; final cover foundation layer; liner operations layer; leachate and
21 landfill gas collection system; construction fill; road base; wet weather operations pads and access
22 roads; and, soil amendments for erosion control and landscaping. “Beneficial Reuse” shall not include
23 Disposal of material at a landfill.

24 (b) "Bio-mass Conversion" shall mean the controlled combustion, when separated
25 from other solid waste and used for producing electricity or heat, of wood, woodchips,

1 woodwaste, tree and brush prunings. Bio-mass conversion does not include the controlled
2 combustion of recyclable pulp or recyclable paper materials, sludge, medical or hazardous
3 waste.

4 "C&D Debris Box" shall mean a portable, non-vehicular container, including but not limited to
5 a roll-off dumpster, that is used for collection of Construction and Demolition Debris from site of
6 generation, and for loading onto a Vehicle for Transport through the streets of San Francisco.

7 (e) "Construction and Demolition Debris" or "C&D Debris" shall mean building
8 materials and solid waste generated from construction and demolition activities in San
9 Francisco, including, but not limited to, fully-cured asphalt, concrete, brick, rock, soil, lumber,
10 gypsum wallboard, cardboard and other associated packaging, roofing material, ceramic tile,
11 carpeting, fixtures, plastic pipe, metals, tree stumps, and other vegetative matter resulting
12 from land clearing and landscaping for construction, deconstruction, demolition or land
13 developments. This term does not include: refuse regulated under the 1932 Refuse Collection
14 and Disposal Initiative Ordinance or sections of the Municipal Code that implement the
15 provisions of that ordinance, materials excavated from the public right-of-way; or, unless
16 otherwise specified in Section 1402(b). Hazardous waste, as defined in California Health and
17 Safety Code section 25100 et seq., as amended from time to time, is not Construction and
18 Demolition Debris for purposes of this Chapter.

19 (d) "Department" shall mean the San Francisco Department of the Environment.

20 (e) "Director" shall mean the Director of the Department of the Environment or ~~his or~~
21 ~~her~~ the Director's designee.

22 "Disposal" shall have the meaning set forth in California Public Resources Code Section
23 40192(b), as amended from time to time.

1 —(~~f~~) "Facility" shall mean a facility, including a Person responsible therefor, that receives
2 and processes ~~e~~Construction and ~~d~~Demolition ~~d~~Debris into its component material types for
3 ~~r~~Reuse, ~~r~~Recycling, and ~~d~~Disposal of residuals.

4 "Fixed Body Vehicle" shall mean a Vehicle used to collect, contain, and Transport C&D
5 Debris that does not rely on a C&D Debris Box, trailer, or any other detachable container.

6 "Gross Vehicle Weight" or "GVW" shall mean the maximum operating weight of a vehicle as
7 specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel,
8 accessories, driver, passengers, and cargo. Gross Vehicle Weight is identified in Section 13.020 of the
9 California DMV Vehicle Industry Registration Procedures Manual "Chapter 13: Commercial
10 Vehicles," as Declared GVW or Declared CGW, wherein CGW is the combined gross weight of a
11 motor vehicle and trailer. Section 13.020 provides for vehicle weight codes A through N, starting at
12 10,000 up to 80,000 pounds of GVW or CGW, that must appear on a California commercial vehicle
13 registration.

14 "Hazardous Material" shall mean any material defined as hazardous in California Health and
15 Safety Code Sections 25100 et seq., as amended from time to time, and 25500 et seq., as amended from
16 time to time.

17 "Landfill" shall mean a facility that (a) accepts for Disposal, in or on land, waste that is not
18 Hazardous Material, such as household, commercial, and industrial waste, and waste generated during
19 construction, remodeling, repair, and demolition operations, and (b) has a valid current solid waste
20 facilities permit from CalRecycle.

21 —(~~g~~) "Person" shall mean a natural person, a firm, joint stock company, business
22 concern, association, partnership or corporation, or governmental entity, including the City
23 and County of San Francisco and its departments, boards, and commissions for projects
24 within the geographic boundaries of the City, and its or their successors or assigns.

1 "Processed Residual" shall mean the remaining byproduct material after a Facility lawfully
2 registered under this Chapter has sorted or processed C&D Debris and completed removal of material
3 for Recovery. Processed Residual may include unrecoverable C&D Debris.

4 ~~—(h)~~ "Recover" or "Recovery" shall mean any activity, including source reduction,
5 deconstruction and salvaging, reuse, recycling, ~~and~~ composting, or anaerobic digestion, which
6 causes materials to be recovered for use as a resource and diverted from disposal. Recovery
7 shall not include engineered municipal solid waste conversion as defined in Section 40131.2, or
8 transformation as defined in Section 40201, of the California Public Resources Code, as amended from
9 time to time.

10 "Recovery Rate" shall mean the percentage of total material that is diverted or recovered from
11 Disposal at permitted landfills and transformation facilities through processes such as source
12 reduction, reuse, Recycling, and composting.

13 "Recycle" or "Recycling" means the process of collecting, sorting, cleansing, treating, and
14 reconstituting materials that would otherwise become solid waste, and returning them to the economic
15 mainstream in the form of raw material for new, reused, or reconstituted products which meet the
16 quality standards necessary for use in the marketplace. Recycling shall not include transformation, as
17 defined in Section 40201, or engineered municipal solid waste conversion as defined in Section
18 40131.2, or transformation as defined in Section 40201, of the California Public Resources Code, as
19 amended from time to time, nor shall it include Disposal.

20 ~~(i) "Registered Transporter" or~~ "Registered Facility" shall mean a person who holds a
21 valid registration issued by the Director pursuant to this Chapter.

22 "Reuse" shall mean the use of an object or material again, either for its original purpose or for
23 a similar purpose, without significantly altering the physical form of the object or material.

24 "Solid Waste Facility" shall have the meaning set forth in California Public Resources Code
25 Section 40194 as amended from time to time.

1 "Source Reduction" shall mean any action which causes a net reduction in the generation of
2 solid waste. Source reduction includes, but is not limited to, reducing the use of non-recyclable
3 materials, replacing disposable materials and products with reusable materials and products, reducing
4 packaging, reducing the amount of yard wastes generated, and increasing the efficiency of the use of
5 paper, cardboard, glass, metal, plastic, and other materials.

6 "Source-Separate" or "Source-Separation" shall mean the act of separating materials by type
7 at the point of generation for Reuse, Recycling, or composting for delivery to markets, in order to be
8 transformed into raw material for new, reused, or reconstituted products.

9 "Trailer" shall mean a nonmotorized, wheeled container, such as an end dump, super dump, or
10 transfer trailer, that is used for collection and towing by Vehicle for Transport of Construction and
11 Demolition Debris through the streets of the City and County of San Francisco. "Trailer" shall not
12 include a C&D Debris Box.

13 ~~(j)~~ "Transport" or "Transportation" shall mean transportation of eConstruction and
14 dDemolition dDebris as defined in this Chapter, through the streets of San Francisco. "Transport" or
15 "Transportation" does not include transportation of Source-Separated material, soil designated for
16 Beneficial Reuse, or of Processed Residual, or transportation of less than one cubic yard of C&D
17 Debris~~construction and demolition debris or transportation in a vehicle that has no more than two~~
18 ~~axles and no more than two tires per axle.~~

19 ~~(k)~~ "Transporter" shall mean a pPerson that in the business of tTransporte~~construction~~
20 ~~and demolition debris~~ as defined in this Chapter, including his or her agents and designees.
21 "Transporter" does not include a pPerson that who owns or resides at the property at which the
22 of eConstruction and dDemolition dDebris was generated, a City department, or an entity
23 performing activities approved and funded through the City's refuse rate-setting process.

1 (†) "Vehicle" shall mean a motorized vehicle used to ~~†~~Transport ~~€~~Construction and
2 ~~‡~~Demolition ~~‡~~Debris as those terms are defined in this Chapter, including but not limited to
3 Fixed-Body Vehicles, roll-off Vehicles, and Vehicles towing Trailers.

4 **SEC. 1402. GENERAL REQUIREMENTS.**

5 (a) Except as provided in this Chapter, no ~~‡~~Person, other than the owner or resident
6 of the property where the ~~€~~construction and demolition ~~‡~~C&D Debris was generated, a City
7 department, or an entity performing activities approved and funded through the City's refuse rate-
8 setting process, may ~~†~~Transport or cause the Transport of, and no ~~‡~~Person may accept or cause
9 acceptance for processing of, €construction and demolition ~~‡~~C&D Debris unless that person has a
10 registration from the Department as provided in this Chapter the transporting and/or accepting
11 Facility has valid permit(s) and/or registration(s) as required by this Chapter. Except as provided in
12 this Chapter, all ~~€~~construction and demolition ~~‡~~C&D Debris, regardless of transport or volume, must
13 be Transported to and processed at a registered ‡Facility registered under this Chapter and may not
14 be Transported directly to landfill. No Person shall direct or cause the Transport of C&D Debris to
15 landfill unless the material is documented to have been received as Beneficial Reuse, or the material is
16 Processed Residual from a Facility registered under this Chapter. This provision is not intended to
17 preclude or inhibit Source-Separation or carrying of Source-Separated materials to appropriate
18 facilities, or the carrying of Processed Residual to landfill.

19 (b) No permit or registration granted under this Chapter shall substitute for any license or
20 permit required by state, federal, or other City law, nor does compliance with the requirements of this
21 Chapter relieve any party of compliance with any other applicable State, federal, or City law. Any
22 permit or registration recertification or renewal shall not constitute issuance of a new permit or
23 registration.

24 (c) **Director To Issue Permits and Registrations.** The Director shall issue a permit or
25 registration upon a determination that an application is complete and satisfies the requirements of this

1 Chapter. If the Director determines that the information required by the application is not complete,
2 the Director shall provide written notice to the applicant of the remaining information needed. The
3 Director must act on an application submitted under this Chapter within 15 days of receipt.

4 (d) **Permit and Registration Renewal.** Except as otherwise provided in this Chapter, if a
5 Person submits a satisfactory permit or registration renewal application in the form and manner
6 prescribed by the Director 30 or more calendar days prior to the expiration date, the current permit or
7 registration will continue in full force and effect until the Director grants the renewal. A Person may
8 not renew a permit or registration during a period of suspension, either by filing a renewal form or by
9 operation of law. At the end of the suspension period, the Person may apply for renewal, if eligible, or
10 otherwise may apply for a new permit or registration.

11 (e) **Obligation to Notify Director of Changes in Information and Lawful Status.** A Person
12 with a permit or registration must notify the Director in writing of any change in information it
13 submitted to the Department in connection with a permit or registration application or renewal, within
14 30 days of such change. In addition, a Person with a permit or registration must notify the Director in
15 writing within 24 hours of any event affecting its lawful ability to conduct business.

16 (f) **Nonliability of San Francisco, and Save Harmless Clause.** Each permit and registration
17 issued shall provide that it is granted on the condition that the Person who holds the permit or
18 registration shall indemnify and save harmless the City and County of San Francisco, and its officers
19 and employees, from any and all claims, losses, damages, injuries, and liabilities, however the same
20 may be caused and regardless of the negligence, if any, of the City and County of San Francisco,
21 resulting directly or indirectly from business operations for which the registration or permit has been
22 granted, and that the acceptance of the permit or registration shall bind the owner to so indemnify and
23 save harmless the City and County of San Francisco and its officers and employees.

24 (bg) **Material Reduction and Recovery Plan Required for Full Demolition of Existing**
25 **Structure.** A ~~p~~Person conducting full ~~d~~Demolition of an existing structure, as permitted by the

1 Department of Building Inspection, must submit a ~~waste diversion plan~~ *Material Reduction and*
2 *Recovery Plan (Plan)* to the Director ~~which that~~ provides for a minimum of ~~675% diversion~~
3 *Recovery away* from landfill of ~~construction and demolition d~~*C&D* Debris, including materials
4 *Source-Separated for Reuse or Recycling*~~source-separated for reuse or recycling which would~~
5 ~~otherwise not be subject to this Chapter.~~ The *p*Plan may propose to use facilities and transporters
6 that are not registered *or permitted* under this Chapter *only for materials that will be Source-*
7 *Separated. The Plan shall identify strategies that prioritize the reduction of C&D Debris generated,*
8 *onsite and offsite reuse of materials, Source-Separation, and maximizing Recovery.*The ~~waste diversion~~
9 *p*Plan must be submitted to the Director at the time the *p*Person applies for a *full d*Demolition
10 permit from the Department of Building Inspection and must include the following information:
11 a list of all material types and volumes anticipated from the *full d*Demolition; the market or
12 destination for each material; the estimated ~~r~~*Recovery r*Rate (*diversion from landfill*) by material
13 ~~or market~~; and the anticipated transporter for each material type. *The Director may specify the*
14 *form and manner for Plan submission, and require submission of additional related information and*
15 *supporting documentation as part of a complete Plan.* The Director shall make a determination as
16 to the adequacy of the *p*Plan within five (5) business days and shall notify the Department of
17 Building Inspection of its decision.

18 *(h) Within 30 calendar days of completing a full Demolition project, the Person who submitted*
19 *the Plan or other agent responsible for the project must submit documentation to the Director as*
20 *specified in regulations to verify the actual Recovery Rate associated with the Demolition.*

21 *(i) Failure to comply with any provision of this Chapter 14, including any permit or*
22 *registration condition prescribed in Section 1403 or 1404, shall constitute a violation of this Chapter.*

23 **SEC. 1403. ANNUAL AND TEMPORARY TRANSPORT PERMIT REQUIREMENTS**
24 **FOR VEHICLES AND C&D DEBRIS BOXES.**

1 **(a) Permits Required for Vehicles and C&D Debris Boxes.** Except as otherwise provided in
2 this Chapter, no Person other than the owner or resident of the property where the C&D Debris was
3 generated, a City department, or an entity performing activities approved and funded through the
4 City's refuse rate-setting process, may Transport such C&D Debris without a valid permit covering
5 each Vehicle and/or C&D Debris Box used in connection with Transport that is received, displayed,
6 and abided by, in accordance with this Chapter. A Person need not obtain a permit for a Vehicle used
7 in connection with Transport so long as the Vehicle's Transport activities are limited to Transporting
8 C&D Debris Box(es) for which the Transporter has obtained a valid permit. Permits granted under
9 this Section 1403 are not transferable between or among Transporters, or between or among Vehicles
10 or C&D Debris Boxes owned or operated by the same permitted Transporter. The Director shall
11 assign a unique permit number to each permit that is issued.

12 **(b) Vehicle and C&D Debris Box Permit Issuance, Limitations, and Period of Validity.**

13 **(1) Annual Permits.** Each annual permit period shall coincide with the City's fiscal
14 year, unless the Department defines in regulations an alternative 12-month cycle period. Annual
15 permits shall be valid from issuance for the duration of the permit period, and permit fees shall be
16 prorated accordingly. Annual permits are not transferable between or among individual Vehicles or
17 C&D Debris Boxes. Unless suspended or revoked by the Director or as otherwise provided in this
18 Chapter, annual permits are eligible for renewal under Section 1402(d).

19 **(2) Temporary Permits.** Unless suspended or revoked by the Director or as otherwise
20 provided in this Chapter, each temporary permit is valid for seven calendar days from its date of
21 issuance and is not eligible for renewal.

22 **(c) Vehicle and C&D Debris Box Permit Application and Conditions.** To apply for an
23 annual or temporary Vehicle or C&D Debris Box permit, a Person must complete and submit to the
24 Department in a form and manner prescribed by the Director payment of applicable permit fee(s)
25

1 according to to Section 1408, and a completed written application that includes, without limitation, the
2 following information:

3 (1) Name, address, and phone number of Transporter;

4 (2) Number of Vehicle(s) and/or C&D Debris Box(es) the Transporter seeks to operate
5 in connection with Transport (one permit required for each);

6 (3) Name and address of Person(s) to whom each Vehicle is registered with the
7 California Department of Motor Vehicles (DMV);

8 (4) Copy of DMV registration for each Vehicle the Transporter intends to use in
9 connection with Transport;

10 (5) For temporary permits, the site location(s) and Department of Building Inspection
11 permit number(s) associated with anticipated Transport work;

12 (6) Attestation by the applicant that the following information is true and complete, and
13 that the Transporter agrees to conditions including, but not limited to, the following:

14 (A) Transporter seeks Vehicle and/or C&D Debris Box permit(s) to provide
15 C&D Debris Transport services within the City and County of San Francisco;

16 (B) applicant is in compliance with all City, state, and federal laws and
17 regulations applicable to contemplated activities, including but not limited to possession of valid
18 licenses, permits, and insurance, and is in good standing with all other regulatory agencies;

19 (C) applicant will not Transport C&D Debris directly to landfill except as
20 this Chapter or other applicable laws expressly permit;

21 (D) applicant has no outstanding notices of violation from any federal, state,
22 or City agency that could affect the permits, authorizations, or licenses required for continued lawful
23 and safe operation of his or her vehicles;

24 (E) applicant will maintain copies of all Facility receipts and other business
25 records that demonstrate compliance with this Chapter for a minimum of three years;

1 (F) applicant agrees to comply with the provisions of this Chapter, to provide
2 documentation to support the information in the application form to the Director upon request, and to
3 allow the Director to make inspections of records related to compliance with this Chapter in order to
4 verify the information in the application and other submitted reports or records;

5 (G) applicant agrees that all Vehicles and C&D Debris Boxes will be
6 handled, placed, parked, and operated in accordance with all applicable City, state, and federal laws,
7 including motor carrier regulations, and in accordance with standard industry practices to ensure
8 against leakage and unsafe loads; and

9 (H) all C&D Debris will be Transported in a fully enclosed or covered
10 Vehicle or container to minimize any potential spillage or littering.

11 (d) **Requirement to Display Permit.** The Department shall issue a decal or placard bearing the
12 permit number for each permit it issues for a Vehicle or C&D Debris Box. A Transporter must ensure
13 that the appropriate Department-issued decal or placard is prominently displayed on and visible from
14 the outside of each Vehicle or C&D Debris Box, at all times that such equipment is being used in
15 connection with Transport. C&D Debris Box permits must be affixed to the box in the manner
16 specified in any applicable Department regulations or guidelines.

17 **SEC. 1404. REGISTRATION REQUIREMENT FOR FACILITIES ~~AND~~**
18 **~~TRANSPORTERS.~~**

19 (a) **Facility Registration Required.** Except as otherwise provided in this Chapter, no Person
20 may process C&D Debris without a valid Facility registration procured and abided by in accordance
21 with this Chapter. Nothing in this provision is intended to preclude or inhibit Source-Separation.
22 Within 60 days after the operative date of this ordinance in File No. _____ amending this Chapter, all
23 Facilities that seek to begin or continue operating must register or re-register and agree to comply with
24 the provisions of this Chapter as amended in said ordinance.

1 **(b) Registration Issuance and Period of Validity.** Registrations granted under this Section
2 1404 are not transferable between Facilities. A Person that operates multiple Facility sites must obtain
3 registration for each site. The Director shall assign a unique number to each Facility registration.
4 Each registration is valid for one year from its date of issuance and subject to renewal under Section
5 1402(d), unless it is suspended or revoked by the Director or as otherwise provided in this Chapter.

6 **(c) Facility Registration Application and Conditions.** The Director shall issue Facility
7 registrations to Facilities that meet the requirements of this Chapter and submit timely and complete
8 registration applications according to this Section 1404, subject to the Director's determination. A
9 Facility person subject to Section 1402 shall apply for a registration by filing with the Director
10 an ~~completed~~ application form prescribed by the Director, ~~which contains~~ including, but not limited
11 to, the following information: ~~;~~ and the information set forth in Section 1405.

12 (1) ~~For construction and demolition C&D Debris processing facilities: t~~The name
13 and address of the ~~p~~Person(s) ~~who~~that owns the ~~f~~Facility;

14 (2) the name and address of the ~~p~~Person who operates the ~~f~~Facility; ~~a statement~~
15 that the owner or operator has all permits, authorizations or licenses required by any local, state or
16 federal agency to operate the facility and all necessary insurance. ~~and~~

17 (3) attestation that the following information is true and complete, and that the
18 applicant agrees to the following conditions:

19 ~~(A)~~ The Facility's Recovery Rate for C&D Debris is current and verified
20 through a Department-approved third-party as the Director shall specify in regulations. ~~meets an~~
21 overall minimum recovery rate of 65 percent for construction and demolition debris (based on the most
22 recent month); ~~This Recovery Rate may include materials used as ADC or bio-mass conversion,~~
23 provided that the Facility can demonstrate that the use as ADC or bio-mass conversion is the highest
24 and best use, and that outgoing material is comprised only of Processed Residual, as determined by the
25 Director in accordance with regulations promulgated consistent with this subdivision;

1 (2B) The Facility will accept C&D Debris generated in San Francisco only if
2 delivered either by a Transporter in a permitted Vehicle or C&D Debris Box whose permit credentials
3 the Facility, upon reasonable examination, determines to be valid prior to accepting the C&D Debris,
4 or by the owner or resident of property at which the C&D Debris was generated;

5 (C) The Facility will weigh each incoming C&D Debris load and the
6 outgoing materials on certified scales integrated with an automated record-keeping system, such that
7 this data will be recorded in connection with the Transporter who delivered the load;

8 (D) The Facility is in compliance with all City, state, and federal laws and
9 regulations applicable to its activities, including but not limited to possession of valid licenses, permits,
10 and insurance, and is in good standing with all relevant regulatory agencies;

11 (E) The Facility has all insurance necessary and adequate for operation;

12 (F) The Facility will submit annual reports to the Director on forms and by
13 dates specified by the Director, including but not limited to the following information regarding C&D
14 Debris generated in San Francisco: total quantity of material received at the registered facility, the
15 breakdown of all of the specific recycled commodities, the end use of the recycled commodity (reuse,
16 recycling, composting, ADC, bio-mass conversion), landfill destination for Processed Residuals, and
17 the recovery ratio for the report period, by processing area;

18 (G) For each Vehicle load received at a discrete Facility processing area, the
19 Facility will provide the Vehicle operator with a uniquely numbered receipt on which is printed, at a
20 minimum, the Facility name, processing area, and registration identification associated with this
21 Chapter, the quantity of material received and the current recovery rate for that processing area,
22 identity of the Transporter and its permit numbers, and Department of Building Inspections permit
23 application number (where applicable) associated with that load;

1 (H) The Facility will maintain copies of Facility receipts, underlying
2 documentation, load weight data, and other business records that demonstrate compliance with this
3 Chapter, for a minimum of three years; and

4 (I) The Facility will comply with all provisions of this Chapter, provide
5 supporting documentation to the Director upon request, and allow the Director or designee to make
6 inspections of the Facility and records in order to verify compliance with this Chapter.

7 ~~(ii) For transporters of construction and demolition debris: the name and address of the~~
8 ~~person who owns the vehicle(s); a statement that the vehicle(s) and each operator has all permits,~~
9 ~~authorizations or licenses and any insurance required by any local, state or federal agency to operate~~
10 ~~the vehicle(s). An owner of a vehicle may obtain a single registration covering all vehicles and all~~
11 ~~debris boxes or other containers, provided that each vehicle is clearly and prominently marked as~~
12 ~~belonging to that owner (with the name of the business entity). The owner of the vehicle(s) is~~
13 ~~responsible for compliance by any operator of a vehicle owned by that person being used to transport~~
14 ~~construction and demolition debris.~~

15 (bd) Requirement to Display Registration. A registered Facility shall at all times
16 prominently display a copy of proof of registration in a publicly accessible area of its premises.

17 ~~The person who owns the facility or the vehicle(s) must certify the accuracy of the information~~
18 ~~submitted in the application form under penalty of perjury.~~

19 ~~(c) The Director must act on an application form within 15 days of receipt.~~

20 ~~(d) If the Director determines that the information required by the application form is not~~
21 ~~complete, the Director will provide written notice to the potential registrant of the remaining~~
22 ~~information needed.~~

23 ~~(e) If the Director determines that the application form is complete, the Director shall issue~~
24 ~~a registration containing the following minimum information: a reference to the general terms and~~
25 ~~conditions specified in Section 1406; the name and address of the registrant, the name and address of~~

1 *the facility (if applicable); the effective and expiration date of the registration; and a registration*
2 *number assigned by the Director.*

3 **SEC. 1405. REGISTRATION CRITERIA. [RESERVED]**

4 *—The owner of the facility or the transporter shall include the following information in the*
5 *application form described in Section 1404.*

6 *—(a) For Facilities.*

7 *—(i) The facility meets an overall minimum recovery rate of 65 percent for construction and*
8 *demolition debris (based on the most recent month), which may include materials used as ADC or bio-*
9 *mass conversion, provided that the facility can demonstrate that the use as ADC or bio-mass*
10 *conversion is the highest and best use. The recovery rate will be determined by the total quantity of*
11 *materials delivered to established recycling and composting markets divided by the total quantity*
12 *received by the registered facility. Highest and best use for ADC does not include ADC which is*
13 *generated by intentional crushing or grinding of construction and demolition debris that has not been*
14 *processed to remove wood, metal, wallboard, glass and other materials for which markets or uses other*
15 *than ADC are available. Consistent with this section, the Director shall adopt regulations pursuant to*
16 *Section 1412 to specify how the recovery rate will be calculated and when ADC or bio-mass conversion*
17 *is considered to be the highest and best use of a particular material.*

18 *—(ii) The facility has and is implementing a hazardous waste load checking program to*
19 *minimize hazardous waste accepted at the facility.*

20 *—(iii) The facility has no outstanding notices of violation from any federal, state or local*
21 *agency that could affect the permits, authorizations or licenses required for its continued operation.*

22 *—(iv) The facility agrees to submit annual reports to the Director on forms and by dates*
23 *specified by the Director pursuant to Section 1412. The reports must include, with respect to San*
24 *Francisco materials only, the following information; the total quantity of material received at the*
25 *registered facility, the breakdown of all of the specific recycled commodities, the end use of the*

1 ~~recycled commodity (reuse, recycling, composting, ADC, bio-mass conversion) landfill destination for~~
2 ~~residuals, and the recovery ratio for the report period by processing area.~~

3 ~~— (v) For each truckload received at a discrete facility processing area, the facility agrees to~~
4 ~~provide each vehicle with a uniquely numbered receipt specifying, at a minimum, the facility name and~~
5 ~~processing area, the quantity of material received and the current recovery rate for that processing~~
6 ~~area. The receipt will also include the identity of the transporter and the permit application number~~
7 ~~issued by the Department of Building Inspections, if any, associated with that load.~~

8 ~~— (vi) The facility agrees to comply with the provisions of this Chapter; provide~~
9 ~~documentation to support the information in the application form, including the Section 1404(b)~~
10 ~~certification, to the Director upon request; and allow the Director to make inspections of the facility in~~
11 ~~order to verify the information in the application form and required reports.~~

12 ~~(b) For Transporters.~~

13 ~~— (i) The owner has no outstanding notices of violation from any federal, state or local~~
14 ~~agency that could affect the permits, authorizations or licenses required for continued operation of his~~
15 ~~or her vehicles.~~

16 ~~— (ii) The owner agrees to submit to the Director, upon request, the receipts specified in~~
17 ~~subsection (a)(v).~~

18 ~~— (iii) The owner agrees that for each truckload of materials delivered to a facility, the~~
19 ~~operator of the vehicle will provide to the facility the permit application number, if any, associated with~~
20 ~~that load.~~

21 ~~— (iv) The owner of the vehicle agrees to comply with the provisions of this Chapter; provide~~
22 ~~documentation to support the information in the application form, including the Section 1404(b)~~
23 ~~certification, to the Director upon request; and allow the Director to make inspections of vehicles in~~
24 ~~order to verify the information in the application form and reports.~~

1 —(v) ~~The owner agrees that all vehicles will operate in accordance with state and federal~~
2 ~~laws and motor carrier regulations and in accordance with best business practices to ensure against~~
3 ~~leakage and unsafe loads. All construction and demolition dC&D Debris must be transported in either~~
4 ~~a fully enclosed vehicle or container and must be covered to minimize any potential spillage or~~
5 ~~littering.~~

6
7 **SEC. 1406. GENERAL TERMS AND CONDITIONS FOR REGISTERED FACILITIES**
8 **AND TRANSPORTERS. [RESERVED]**

9 —~~The following terms and conditions shall apply to each registration:~~

10 —(a) ~~A registration is valid for two years.~~

11 —(b) ~~Each registrant must submit a registration renewal on a form specified by the Director~~
12 ~~thirty (30) days prior to the expiration date of the registration. Except as provided in this subsection, if~~
13 ~~a registrant submits a properly completed renewal form thirty (30) days prior to the expiration date,~~
14 ~~the current registration will continue in full force and effect until the Director issues a registration or~~
15 ~~all administrative and judicial appeals have been exhausted or the time for appeal has expired. A~~
16 ~~person may not renew a registration during a period of suspension, either by filing a renewal form or~~
17 ~~by operation of law. At the end of the suspension period, the person may apply for a registration.~~

18 (c) ~~All records required to be kept by registered facilities and transporters shall be kept for~~
19 ~~at least three (3) years.~~

20 —(d) ~~A registration is not transferable.~~

21 —(e) ~~A registration does not take the place of any license required by state, federal or local~~
22 ~~law nor does compliance with the requirements of this Chapter relieve any party of compliance with~~
23 ~~any other applicable State, federal or local law.~~

24 —(f) ~~A copy of proof of registration shall be prominently displayed at any registered facility~~
25 ~~and kept in a registered vehicle.~~

1 ~~—(g) Within thirty (30) days of a change of any of the information required on a registration~~
2 ~~or renewal form, a registrant must file an amendment to the registration on a form prescribed by the~~
3 ~~Director.~~

4 ~~—(h) Each registrant must notify the Director, in writing, within twenty four (24) hours of the~~
5 ~~time a permit, authorization or license required by any local, state or federal agency to operate the~~
6 ~~facility or vehicle terminates, expires or is revoked or suspended.~~

7 **SEC. 1408. VEHICLE AND C&D DEBRIS BOX PERMIT FEE SCHEDULE.**

8 **(a) Annual Vehicle Permit Fees. The annual permit fee for each Vehicle shall be as**
9 follows:

10 (1) Tier 1 for Vehicles with a GVW of less than 10,000 pounds or no California weight
11 code shall not be subject to a fee until July 1, 2022, when the fee shall be \$395;

12 (2) Tier 2 for Vehicles with a GVW of 10,000 pounds up to and including 35,000 pounds
13 shall be \$1200;

14 (3) Tier 3 for Vehicles with a GVW of 35,001 pounds up to and including 60,000 pounds
15 shall be \$1600; and

16 (4) Tier 4 for Vehicles with a GVW of 60,001 pounds up to and including 80,000 pounds
17 shall be \$2000.

18 **(b) Annual C&D Debris Box Permit Fee. The annual permit fee for each C&D Debris Box**
19 shall be \$795.

20 **(c) Temporary Vehicle 7-Day Permit Fee. The fee for the Temporary Vehicle 7-Day**
21 Permit shall be as follows:

22 (1) Tier 1 for Vehicles with a GVW of less than 10,000 pounds shall be \$175;

23 (2) Tier 2 for Vehicles with a GVW of 10,001 pounds up to and including 35,000 pounds
24 shall be \$300;

1 (3) Tier 3 for Vehicles with a GVW of 35,001 pounds up to and including 60,000 pounds
2 shall be \$400; and

3 (4) Tier 4 for Vehicles with a GVW of 60,001 pounds up to and including 80,000 pounds
4 shall be \$500.

5 (d) **Temporary C&D Debris Box Permit Fee.** The fee for each temporary, 7-day C&D
6 Debris Box Permit shall be \$200.

7 (e) Annual Vehicle and C&D Debris Box permit fees under this Section 1408 shall be
8 prorated from the month that the permit is issued to the end of that permit year cycle.

9 (f) Beginning with fiscal year 2022-2023 and annually thereafter, the fees set forth in this
10 Section 1408 may be adjusted each year to reflect changes in the Consumer Price Index as determined
11 by the Controller, without further action by the Board of Supervisors, as set forth in this subsection (f).
12 Not later than April 1, the Director shall report to the Controller the revenues generated by the fees for
13 the prior fiscal year and the prior fiscal year's costs of operation, as well as any other information that
14 the Controller determines appropriate to the performance of the duties set forth in this subsection. Not
15 later than May 15, the Controller shall determine whether the current fees have produced or are
16 projected to produce revenues sufficient to support the costs of providing the services for which the fee
17 is assessed and that the fees will not produce revenue which is significantly more than the costs of
18 providing the services for which the fee is assessed. The Controller shall, if necessary, adjust the fees
19 upward or downward for the upcoming fiscal year as appropriate to ensure that the program recovers
20 the costs of operation without producing revenue which is significantly more than such costs. The
21 adjusted fee schedule shall become operative on July 1.

22 **SEC. 1409. LIST OF REGISTERED FACILITIES AND ~~REGISTERED~~ PERMITTED**
23 **TRANSPORTERS.**

24 The Director will maintain a current list of registered ~~f~~Facilities and ~~registered~~ permitted
25 ~~t~~Transporters available at the Department's Office and on its website. ~~The Director will update~~

1 ~~the list at least every sixty (60) days.~~ The Director will work with the Department of Building
2 Inspection, the Department of Public Works, and other City departments to ensure availability of
3 this information to the public.

4 **SEC. 1410. ENFORCEMENT.**

5 (a) The Director, the Director of Public Works, the Sheriff, and their respective designees
6 ~~has~~ve authority to administer all provisions of this Chapter 14 and to enforce its provisions by
7 any lawful means available for such purpose. The Departments of Building Inspection, Public
8 Works, and the Sheriff shall work together with the Director to coordinate enforcement of this
9 Chapter with enforcement of relevant provisions of the Building Code, Public Works Code, and
10 related rules and regulations.

11 (b) In order to carry out the provisions of this Chapter 14, the Director, the Director of
12 Public Works, the Sheriff, and their respective designees ~~have~~has the authority to inspect the
13 premises, equipment, and records of any registered ~~f~~Facility or ~~registered permitted~~ †Transporter.
14 This right of entry will be exercised only at reasonable hours, ~~and~~ with the consent of the
15 owner of the vehicle or facility or with a proper inspection warrant, and to the extent permitted by
16 applicable laws. The Director and/or the Director's designee(s) will inspect and/or audit the records
17 of each registered ~~f~~Facility and ~~†~~Transporter at least once annually.

18 (c) Suspension of registration or permit. Whenever the Director finds that information
19 in a ~~p~~Person's ~~permit or application,~~ registration, ~~or any a~~ a required report, or other submission to
20 the Director, is inaccurate or incomplete, or a person does not have ~~the~~ all appropriate permits,
21 authorizations, or licenses to use or operate the registered ~~f~~Facility or ~~vehicle~~permitted
22 equipment, or that a person is violating or has violated this Chapter 14 or the terms of a permit
23 or registration, the Director may issue an order suspending the permit or registration as
24 provided in this Section 1410. The Director's order to suspend must include a written
25 statement of the reasons for the suspension and must provide the person with an opportunity

1 to respond in writing before the order becomes effective. The order shall provide the effective
2 date and end date of the suspension. The suspension period will be no more than: one (~~1~~)
3 month for the first violation; six months for the second; and twelve months (~~12~~) for any
4 subsequent violations. The Director's decision shall be final.

5 (d) A final decision of the Director to suspend a permit or registration may be
6 appealed to the Board of Appeals in the manner prescribed in Article 1 of the ~~San Francisco~~
7 Business and Tax Regulations Code. Any person who fails to appeal the Director's decision to
8 the Board of Appeals within the time specified may not challenge a decision or final order of
9 the Director in any judicial proceedings brought to enforce the decision or order or for other
10 remedies. Within ~~ninety~~ (90) days of the decision of the Board of Appeals, a person may file
11 with a ~~C~~ court of competent jurisdiction a petition for writ of mandate to review the Board of
12 Appeals decision, provided that the responsible party has exhausted its administrative
13 remedies. Any person who fails to file a petition within this 90-day period may not challenge a
14 decision or final order of the Board of Appeals in any judicial proceedings brought to enforce
15 the decision or order or for other remedies. Section 1094.5 of the California Code of Civil
16 Procedure shall govern any proceedings conducted pursuant to this Section 1410. In all
17 proceedings pursuant to this Section, the Court shall affirm the Board of Appeal's decision if it
18 is based upon substantial evidence in the whole record. This Section does not prohibit the
19 Court from granting any appropriate relief within its jurisdiction.

20 (e) The Director may request the City Attorney or the District Attorney, as the case
21 may be, to commence an action to enforce this Chapter 14.

22 (~~1~~) Civil Penalties. Any person who violates this Chapter 14 shall be civilly
23 liable to the City and County of San Francisco for a civil penalty in an amount not to exceed
24 ~~one thousand dollars~~ (\$1,000) for each day in which the violation occurs. Each day that such
25 violation continues shall constitute a separate violation. For a second violation of the Chapter,

1 the civil penalty will be not less than ~~one thousand dollars~~ (\$1,000) and not more than ~~five~~
2 ~~thousand dollars~~ (\$5,000) for each day in which the violation occurs. In determining civil
3 penalties, the court shall consider the extent of harm caused by the violation(s), the nature
4 and persistence of the violation(s), the length of time over which the violation(s) occur(s), the
5 frequency of past violations, any action taken to mitigate the violation, and the financial
6 burden to the violator.

7 (ii) Criminal Penalties. Each violation shall be considered a separate
8 misdemeanor punishable by a fine not exceeding than ~~one thousand dollars~~ (\$1,000), or
9 imprisonment not to exceed six ~~(6)~~ months in the County Jail, or both. In determining criminal
10 penalties, the court shall consider the extent of harm caused by the violation(s), the nature
11 and persistence of the violation(s), the length of time over which the violation(s) occur(s), the
12 frequency of past violations, any action taken to mitigate the violation, the financial burden to
13 the violator, and such other factors as deemed relevant and material.

14 (f) Administrative Penalties. If the Director determines that any Person has violated this
15 Chapter or a regulation adopted pursuant thereto, the Director shall send a written notice of violation
16 as well as a copy of the relevant provisions of this Chapter and/or any regulations adopted pursuant
17 thereto, to that Person, specifying the violation. The Person shall have 5 calendar days from receipt of
18 the notice of violation to correct or cure the violation, by procuring a permit, submitting to the
19 Department receipts documenting that materials were received as Beneficial reuse, or by other method
20 provided for in Department regulations. If, after having received the notice of violation, the Person
21 fails to correct or cure the noticed violation within 5 calendar days after receipt of the notice, the
22 Director may impose administrative penalties. Administrative Code Chapter 100, "Procedures
23 Governing the Imposition of Administrative Fines," as amended, is hereby incorporated in its entirety
24 and shall govern the imposition, enforcement, collection, and review of administrative fines imposed to
25 enforce this Chapter or any rule or regulation adopted pursuant to this Chapter, with the exception that

1 the Director may impose administrative penalties up to one thousand dollars per violation. Each day a
2 Person operates in violation of any provision this Chapter shall constitute a separate violation for these
3 purposes.

4 (g) Remedies under this Section 1410 are in addition to and do not supersede or limit
5 any and all other remedies, civil or criminal.

6 **SEC. 1411. ~~REPORTS.~~[RESERVED]**

7 ~~—Within two (2) years of the effective date of this Chapter, the Director shall report to the~~
8 ~~Commission on the Environment on the results of this ordinance, including the quantity recovered from~~
9 ~~landfill, and any recommended amendments of the ordinance.~~

10
11 Section 4. The Public Works Code is hereby amended by revising Sections 725,
12 725.1, 725.2, 725.3, 725.5, 725.6, 725.7, 725.8, and 725.9, and deleting Section 725.4, to
13 read as follows:

14 **SEC. 725. DEBRIS BOX DEFINED.**

15 A debris box for purposes of this Section 725 et seq. is any portable non-vehicular
16 container offered by its owner for use as a means of disposal of waste materials by being
17 placed for loading in, and by being transported through the streets ~~of the City and County~~ of San
18 Francisco: and includes without limitation a “C&D Debris Box” as defined in Chapter 14 of the
19 Environment Code, as amended from time to time.

20 **SEC. 725.1. AUTHORIZED USES.**

21 Debris boxes shall be used only for the following purposes:

22 (a) The loading and transporting of excavated and waste materials derived from the
23 construction, reconstruction, alteration, or demolition of real property structures, in accordance
24 with Chapter 14 of the Environment Code and other laws as may be applicable;

1 (b) The removal of debris and waste materials not required by law to be otherwise
2 disposed of by owners, lessees, or occupants of real property.

3 **SEC. 725.2. ~~REGISTRATION OR PERMIT AUTHORIZATION~~ REQUIRED FOR**
4 **PLACEMENT.**

5 (a) No person, firm, or corporation owning or operating a debris box or debris boxes
6 shall place such box or boxes, or ~~permit~~ cause or allow the same, in any street areas of ~~the City~~
7 ~~and County of~~ San Francisco without first ~~registering with the Department of Public Works and~~
8 ~~obtaining either a registration number or permit for each debris box from the Department of Public~~
9 ~~Works. A registration number or permit shall be required for every debris box whether or not such box~~
10 ~~will be used to serve a project for which~~ obtaining all necessary authorizations and permits, which may
11 include, without limitation, a permit under Environment Code Chapter 14 for use in connection with
12 C&D Debris, and/or a street occupancy or building permit, or both, has been issued.

13 ~~—(b) If the person, firm, or corporation elects to obtain permits for each debris box, a new~~
14 ~~permit shall be required for a substitute box at any one location.~~

15 ~~—(c) The Director of Public Works shall not issue registration numbers or permits to a debris~~
16 ~~box owner unless the owner has provided a bond in the amount of \$5,000 in the format specified by the~~
17 ~~Director to guarantee compliance with this Article.~~

18 **SEC. 725.3. ~~REGISTRATION OR PERMIT CONDITIONS AND INSPECTION~~**
19 **~~FEES~~ REMOVAL OF DEBRIS BOXES FROM PUBLIC RIGHT OF WAY.**

20 (a) ~~Registration Option. Registration numbers shall be valid for one year, and shall be~~
21 ~~renewed annually, from the date established by the Director of Public Works. The registration and~~
22 ~~inspection fee for each box shall be \$250 annually. The registration numbers shall be affixed securely~~
23 ~~to the exterior of either end of the debris box. A list of debris box registration numbers shall be kept on~~
24 ~~file in the City Engineer's office.~~

1 ~~—(b) Permit Option. Each permit issued shall be valid for the duration of each debris box~~
2 ~~placement for any one location. The permit issuance and inspection fee shall be \$20 for each permit~~
3 ~~issued. The permits shall be affixed securely to the exterior of either end of the debris box. A list of the~~
4 ~~location and permit number for each permit issued shall be kept on file in the City Engineer's office.~~

5 ~~(c) Removal By Director.~~ The Director of Public Works is authorized to order the
6 immediate removal of a debris box from the public right of way when, in ~~his or her~~the Director's
7 opinion, the debris box constitutes a safety hazard or public nuisance, or when the presence
8 of an emergency requires removal of the debris box. After notification by the Director of the
9 removal order the debris box shall be removed immediately from the street area by its owner
10 or operator. If the owner or operator does not remove the debris box from the public right of way
11 immediately, the Director may order the Department of Public Works to remove the debris
12 box. The owner or operator shall pay to the City the costs of removal. No debris box shall be
13 placed at that location until the conditions which have caused the removal order shall have
14 been abated to the satisfaction of said Director.

15 **SEC. 725.4. NONLIABILITY OF SAN FRANCISCO; SAVE HARMLESS**

16 ~~CLAUSE.~~**[RESERVED]**

17 ~~—Each registration number certificate or permit issued for a debris box shall provide that it is~~
18 ~~granted on the condition that the owner shall indemnify and save harmless the City and County of San~~
19 ~~Francisco, and its officers and employees, from any and all claims, losses, damages, injuries and~~
20 ~~liabilities, howsoever the same may be caused and regardless of the negligence of the City and County~~
21 ~~of San Francisco, resulting directly or indirectly from the presence of the debris box on the street, and~~
22 ~~that the acceptance of the registration shall bind the owner to so indemnify and save harmless the City~~
23 ~~and County of San Francisco and its officers and employees.~~

24 **SEC. 725.5. PLACEMENT OF BOXES.**

1 (a) *If placed in the public right of way, a* debris box shall be placed in the roadway
2 area of the street parallel to the curb with its outer edge no more than eight feet from the face
3 of the curb. Its placement shall be further subjected to all laws relating to the prohibition of
4 parking unless specifically exempted from compliance therewith by written approval of the
5 Director of Public Works. Further, no debris box shall be placed in the sidewalk area without
6 permission of said Director. ~~*The duration of each debris box placement shall be limited to not more*~~
7 ~~*than seven days.*~~

8 (b) No debris box ~~*approved by the Director of Public Works to be*~~ placed in a residential
9 area shall be delivered or removed for transport *through the streets of San Francisco* between the
10 hours of 7:00 p.m. and 6:00 a.m.

11 **SEC. 725.6. REFLECTORS AND STRIPING.**

12 There shall be installed, on the exterior of the ends of each debris box *placed in the*
13 *public right of way*, four reflective-type warning devices, each having a red reflecting area of at
14 least three inches in diameter. The devices shall be so placed that one device shall be located
15 near each edge that abuts the side of the box and that they shall be no less than 24 inches or
16 more than 45 inches from ground level. Further, both ends of each box shall be painted
17 entirely in four-inch wide alternate color diagonal stripings, the colors for which shall be as
18 approved by the Director of Public Works.

19 **SEC. 725.7. IDENTIFICATION OF OWNER.**

20 The owner's name, address, *and* telephone number ~~*and the debris box identification*~~
21 ~~*number*~~ shall be clearly imprinted on both sides of each box *placed in the public right of way* in a
22 manner approved by the Director of Public Works, *along with any permit information as required*
23 *by applicable laws*. Imprinting other than such identification of the owner *and permit information*,
24 and posting of advertisements are prohibited.

25 **SEC. 725.8. COVERS REQUIRED FOR TRANSPORTING.**

1 All contents of a debris box shall be completely covered at all times while being
2 transported through ~~the city~~ San Francisco streets.

3 **SEC. 725.9. PENALTIES.**

4 (a) ~~The placement of a debris box on a street without a registration number or permit as
5 required in Section 725.2 shall constitute an infraction punishable by a fine of \$100. The nonpayment
6 of such fine, or the existence of a condition in violation of any of the regulations of Sections 725.3,
7 725.5, 725.6, 725.7 and 725.8, shall be grounds for the Director of Public Works to prohibit placement
8 of debris boxes in streets by the debris box owner until such penalty has been paid or the condition
9 corrected.~~

10 ~~(b) Further, a A violation of any regulation in Sections 725.3, 725.5, 725.6, 725.7, 725.8 any~~
11 of the requirements in Sections 725 through 725.8 shall constitute:

12 (1) An infraction punishable by a fine of \$100, or

13 (2) A misdemeanor, and any person, firm, or corporation upon conviction of such
14 violation shall be punished by a fine of not more than \$500 or by imprisonment in the County
15 Jail for a period of not more than five days, or by both such fine and imprisonment.

16 (b) Remedies under this Section 725.9 are in addition to and do not supersede or limit any and
17 all other remedies, whether they be administrative, civil, or criminal.

18
19 Section 5. Effective and Operative Dates.

20 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
21 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
22 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
23 Mayor's veto of the ordinance.

24 (b) The provisions of this ordinance shall become operative on July 1, 2021 except
25 where otherwise specified.

LEGISLATIVE DIGEST

[Environment, Public Works Codes - Construction and Demolition Debris Recovery]

Ordinance amending the Environment Code and the Public Works Code to require transporters of construction and demolition debris to obtain a temporary or annual permit from the Department of Environment for each vehicle and debris box used for such transport and to comply with permit conditions; to require facilities that process such debris to register with the Department of Environment and comply with updated registration conditions; to require each person who conducts full demolition projects as permitted by the Department of Building Inspection to submit to the Director of the Department of Environment a material reduction and recovery plan providing for at least 75% recovery away from landfill, and to verify this recovery rate after completing the project; to authorize the Director to impose administrative penalties for violations; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Chapter 14 of the Environment Code requires both facilities that accept and process construction and demolition debris and transporters of such debris to register with the Department of Environment. It sets forth standards and registration criteria facilities and transporters must meet, and authorizes the Director of the Department of Environment to inspect registered facilities and transporters to the extent permitted by law, and to suspend registrations for failure to meet Chapter 14 requirements. In addition, Chapter 14 requires a person conducting full demolition of an existing structure to submit to the Director for the Director's approval a waste diversion plan, and related information, that provides for a minimum of 65% diversion from landfill. Chapter 14 also sets forth civil and criminal penalties for violations of its provisions. Section 725, *et seq.*, of the Public Works Code require registration with the Department of Public Works to place a debris box in any San Francisco street and authorizes the Director of Public Works to remove debris boxes placed in violation of these code provisions.

Amendments to Current Law

This ordinance would amend Chapter 14 of the Environment Code and Sections 725, *et seq.*, of the Public Works Code to require qualifying transporters of construction and demolition debris to obtain an annual or temporary transporter permit for vehicles and debris boxes, according to specified permit conditions and a permit fee schedule. It would require facilities accepting construction and demolition debris to register with the Department of Environment, as before, but according to revised registration criteria. It would also require a person

conducting full demolition of an existing structure to to submit a refuse recovery plan to the Director for the Director's approval that provides for a minimum of 75% recovery of construction and demolition debris away from landfill.

The ordinance would authorize the Director of the Department of Environment, the Director of Public Works, Sheriff, and their respective designees to inspect the premises, equipment, and records of registered transporters and facilities to the extent permitted by law. It would also authorize the Director of the Department of Environment not only to suspend permits and registrations for failure to comply with provisions of Chapter 14, but also to pursue administrative enforcement and penalties.

Finally, the ordinance would lift the requirement to register or obtain a permit for a debris box placed in the public right of way with the Department of Public Works, but would maintain the Director of Public Works' authority to regulate placement of debris boxes in the public right of way and to remove them for failure to meet applicable requirements.

n:\legana\as2020\1800682\01482615.docx

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

October 13, 2020

File No. 201151

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 6, 2020, Supervisor Safai submitted the following legislation:

File No. 201151

Ordinance amending the Environment Code and the Public Works Code to require transporters of construction and demolition debris to obtain a temporary or annual permit from the Department of Environment for each vehicle and debris box used for such transport and to comply with permit conditions; to require facilities that process such debris to register with the Department of Environment and comply with updated registration conditions; to require each person who conducts full demolition projects as permitted by the Department of Building Inspection to submit to the Director of the Department of Environment a material reduction and recovery plan providing for at least 75% recovery away from landfill, and to verify this recovery rate after completing the project; to authorize the Director to impose administrative penalties for violations; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

10/15/2020

A handwritten signature in cursive script, appearing to read "Don Lewis".

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

October 13, 2020

File No. 201151

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 6, 2020, Supervisor Safai submitted the following legislation:

File No. 201151

Ordinance amending the Environment Code and the Public Works Code to require transporters of construction and demolition debris to obtain a temporary or annual permit from the Department of Environment for each vehicle and debris box used for such transport and to comply with permit conditions; to require facilities that process such debris to register with the Department of Environment and comply with updated registration conditions; to require each person who conducts full demolition projects as permitted by the Department of Building Inspection to submit to the Director of the Department of Environment a material reduction and recovery plan providing for at least 75% recovery away from landfill, and to verify this recovery rate after completing the project; to authorize the Director to impose administrative penalties for violations; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Patrick O'Riordan, Director, Department of Building Inspection
Sonya Harris, Commission Secretary, Building Inspection Commission
Deborah Raphael, Director, Department of the Environment
Paul Miyamoto, Sheriff, Sheriff's Department
Julie Rosenberg, Executive Director, Board of Appeals

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: October 13, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Safai on October 6, 2020:

File No. 201151

Ordinance amending the Environment Code and the Public Works Code to require transporters of construction and demolition debris to obtain a temporary or annual permit from the Department of Environment for each vehicle and debris box used for such transport and to comply with permit conditions; to require facilities that process such debris to register with the Department of Environment and comply with updated registration conditions; to require each person who conducts full demolition projects as permitted by the Department of Building Inspection to submit to the Director of the Department of Environment a material reduction and recovery plan providing for at least 75% recovery away from landfill, and to verify this recovery rate after completing the project; to authorize the Director to impose administrative penalties for violations; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

cc: Patty Lee, Department of Building Inspection
John Murray, Department of Building Inspection
Peter Gallotta, Department of the Environment
Charles Sheehan, Department of the Environment
Johanna Saenz, Sheriff's Department
Katherine Johnson, Sheriff's Department
Nancy Crowley, Sheriff's Department
Katy Sullivan, Board of Appeals

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

**NOTICE OF PUBLIC HEARING
LAND USE AND TRANSPORTATION COMMITTEE
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO**

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee of the City and County of San Francisco will hold a remote public hearing to consider the following hearing matter and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: December 7, 2020

Time: 1:30 p.m.

Location: REMOTE MEETING VIA VIDEOCONFERENCE

Watch: www.sfgovtv.org

Watch: SF Cable Channel 26, 78, or 99 (*depending on your provider*) once the meeting starts, the telephone number and access code will be displayed on the screen.

Public Comment Call-In: <https://sfbos.org/remote-meeting-call>

Subject: **File No. 201151.** Ordinance amending the Environment Code and the Public Works Code to require transporters of construction and demolition debris to obtain a temporary or annual permit from the Department of Environment for each vehicle and debris box used for such transport and to comply with permit conditions; to require facilities that process such debris to register with the Department of Environment and comply with updated registration conditions; to require each person who conducts full demolition projects as permitted by the Department of Building Inspection to submit to the Director of the Department of Environment a material reduction and recovery plan providing for at least 75% recovery away from landfill, and to verify this recovery rate after completing the project; to authorize the Director to impose administrative penalties for violations; and affirming the Planning Department's determination under the California Environmental Quality Act.

If this legislation passes, the proposed Ordinance will amend Chapter 14 of the Environment Code and Sections 725, et seq., of the Public Works Code to require qualifying transporters of construction and demolition debris to obtain an annual or temporary transporter permit for vehicles and debris boxes, according to specified permit conditions and a permit fee schedule. The annual fee for each vehicle shall be as follows:

Annual Vehicle Permit Fees:

- Tier 1 for vehicles with (Gross Vehicle Weight) GVW of less than 10,00 pounds or no California code and not subject to a fee until July 1, 2022, shall be \$395;
- Tier 2 for vehicles with a GVW of 10,000 pounds up to and including 35,000 pounds shall be \$1,200;
- Tier 3 for Vehicles with a GVW of 35,001 pounds up to and including 60,000 pounds shall be \$1,600; and
- Tier 4 for Vehicles with a GVW of 60,001 pounds up to and including 80,000 pounds shall be \$2,000.

Annual Construction and Demolition (C&D) Debris Box Permit Fee:

- The annual permit fee for each C&D Debris Box shall be \$795.

Temporary Vehicle 7-Day Permit Fee:

- Tier 1 for Vehicles with a GVW of less than 10,000 pounds shall be \$175;
- Tier 2 for Vehicles with a GVW of 10,001 pounds up to and including 35,000 pounds shall be \$300;
- Tier 3 for Vehicles with a GVW of 35,001 pounds up to and including 60,000 pounds shall be \$400; and
- Tier 4 for Vehicles with a GVW of 60,001 pounds up to and including 80,000 pounds shall be \$500.

Temporary C&D Debris Box Permit Fee:

- The fee for each temporary, 7-day C&D Debris Box Permit shall be \$200.

Annual Vehicle and C&D Debris Box permit fees under Environment Code, Section 1408, shall be prorated from the month that the permit is issued to the end of that permit year cycle. Beginning with fiscal year 2022-2023 and annually thereafter, the fees set forth in Environment Code, Section 1408, may be adjusted each year to reflect changes in the Consumer Price Index as determined by the Controller, without further action by the Board of Supervisors.

On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely and allow for remote public comment due to the Coronavirus -19 pandemic. Therefore, Board of Supervisors meetings that are held through videoconferencing will allow remote public comment. Visit the SFGovTV website (www.sfgovtv.org) to stream the live meetings or watch them on demand.

PUBLIC COMMENT CALL-IN

WATCH: SF Cable Channel 26, 78, or 99 (*depending on your provider*), once the meeting starts, and the telephone number and access code will be displayed on the screen; or

VISIT: <https://sfbos.org/remote-meeting-call>

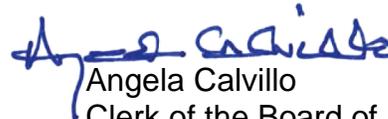
Please visit the Board's website (<https://sfbos.org/city-board-response-covid-19>) regularly to be updated on the City's response to COVID-19 and how the legislative process may be impacted.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available in the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (<https://sfbos.org/legislative-research-center-lrc>). Agenda information relating to this matter will be available for public review on Wednesday, November 25, 2020.

For any questions about this hearing, please contact the Assistant Clerk for the Land Use and Transportation Committee:

Erica Major (Erica.Major@sfgov.org) ~ (415) 554-4441

Please Note: *The Department is open for business, but employees are working from home. Please allow 48 hours for us to return your call or email.*



Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

em:jec:ams

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Safai

Subject:

Environment, Public Works Codes - Construction and Demolition Debris Recovery

The text is listed:

Ordinance amending the Environment Code and the Public Works Code to require transporters of construction and demolition debris to obtain a temporary or annual permit from the Department of Environment for each vehicle and debris box used for such transport and to comply with permit conditions; to require facilities that process such debris to register with the Department of Environment and comply with updated registration conditions; to require each person who conducts full demolition projects as permitted by the Department of Building Inspection to submit to the Director of the Department of Environment a material reduction and recovery plan providing for at least 75% recovery away from landfill, and to verify this recovery rate after completing the project; 4) to authorize the Director to impose administrative penalties for violations and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: [Signature]

For Clerk's Use Only