

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

2

3 **Ordinance amending the Environment, ~~and Code and the Public Works, Health, and~~**

4 **Administrative Codes to require transporters of construction and demolition debris to**

5 **obtain a temporary or annual permit from the Department of Environment for each**

6 **vehicle and debris box used for such transport and to comply with permit conditions;**

7 **to require facilities that process such debris to ~~register with the Department of~~**

8 **~~Environment and~~ comply with updated registration conditions; to require each person**

9 **who conducts full demolition projects as permitted by the Department of Building**

10 **Inspection to and submit to the Director of the Department of Environment a material**

11 **reduction and recovery plan ~~providing~~ to provide for at least 75% recovery away from**

12 **~~landfill disposal instead of 65% as required under existing law~~, and to verify this**

13 **recovery rate after completing the project; to authorize the Director to impose**

14 **administrative penalties for violations; and affirming the Planning Department’s**

15 **determination under the California Environmental Quality Act.**

16 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.

17 **Additions to Codes** are in *single-underline italics Times New Roman font*.

18 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.

19 **Board amendment additions** are in double-underlined Arial font.

20 **Board amendment deletions** are in ~~strikethrough Arial font~~.

21 **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

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

23 Section 1. Land Use Findings.

24 The Planning Department has determined that the actions contemplated in this
25 ordinance comply with the California Environmental Quality Act (California Public Resources

1 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
2 Supervisors in File No. 201151 and is incorporated herein by reference. The Board affirms
3 this determination.

4
5 Section 2. General Background and Findings.

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

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

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

23 (d) People who live or work in San Francisco, along with its visitors, generate about
24 three million tons of solid waste (or material discards) annually. Over half of these materials
25 constitute construction and demolition debris. While most of this construction and demolition

1 debris is recovered for reuse and recycling, at least 150,000 tons needlessly winds up
2 disposed in a landfill or incinerator, making up a quarter of all solid waste disposal. This
3 challenge must be addressed in order to achieve the city’s zero waste targets of reducing
4 solid waste generation 15% and disposal 50% by 2030.

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

9
10 Section 3. The Environment Code is hereby amended by revising Sections 1401,
11 1402, 1404, 1409, and 1410, adding Sections 1403 and 1408, and deleting Sections 1405,
12 1406, and 1411, to read as follows:

13 **SEC. 1401. DEFINITIONS.**

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

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

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

1 **(b)** "Bio-mass Conversion" shall mean the controlled combustion, when separated
2 from other solid waste and used for producing electricity or heat, of wood, woodchips,
3 woodwaste, tree and brush prunings. Bio-mass conversion does not include the controlled
4 combustion of recyclable pulp or recyclable paper materials, sludge, medical or hazardous
5 waste.

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

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

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

22 **(e)** "Director" shall mean the Director of the Department of the Environment or ~~his or~~
23 ~~her~~ the Director's designee.

24 "Disposal" shall have the meaning set forth in California Public Resources Code Section
25 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~~C~~onstruction~~ and ~~d~~D~~emolition~~ ~~d~~D~~ebris~~ into its component material types for
3 ~~r~~R~~euse~~, ~~r~~R~~ecycling~~, and ~~d~~D~~isposal~~ 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 ~~e~~Construction and
14 ~~d~~Demolition ~~d~~Debris 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 ~~p~~Person ~~that~~in the business of ~~t~~Transporter~~construction~~
20 ~~and demolition debris~~ as defined in this Chapter, including his or her agents and designees.
21 "Transporter" does not include a ~~p~~Person ~~that~~who owns or resides at the property at which the
22 ~~of~~~~e~~Construction and ~~d~~Demolition ~~d~~Debris was generated, a City department, or an entity
23 performing activities approved and funded through the City's refuse rate-setting process.

1 (4) "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~~ 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~~ 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 *(j) In the Director's discretion, the Director may delegate to the Department of Public*
24 *Works the Director's authority under this Section 1402 to receive and review materials and*
25 *handle the issuance of permits and registrations.*

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

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

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

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

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

24 **(c) Vehicle and C&D Debris Box Permit Application and Conditions.** *To apply for an*
25 *annual or temporary Vehicle or C&D Debris Box permit, a Person must complete and submit to the*

1 Department in a form and manner prescribed by the Director payment of applicable permit fee(s)
2 according to ~~to~~ Section 1408, and a completed written application that includes, without limitation, the
3 following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **SEC. 1404. REGISTRATION REQUIREMENT FOR FACILITIES ~~AND~~**
20 **~~TRANSPORTERS.~~**

21 (a) **Facility Registration Required.** Except as otherwise provided in this Chapter, no Person
22 may process C&D Debris without a valid Facility registration procured and abided by in accordance
23 with this Chapter. Nothing in this provision is intended to preclude or inhibit Source-Separation.
24 Within 60 days after the operative date of this ordinance in File No. 201151 amending this Chapter, all
25

1 Facilities that seek to begin or continue operating must register or re-register and agree to comply with
2 the provisions of this Chapter as amended in said ordinance.

3 (b) **Registration Issuance and Period of Validity.** Registrations granted under this Section
4 1404 are not transferable between Facilities. A Person that operates multiple Facility sites must obtain
5 registration for each site. The Director shall assign a unique number to each Facility registration.
6 Each registration is valid for one year from its date of issuance and subject to renewal under Section
7 1402(d), unless it is suspended or revoked by the Director or as otherwise provided in this Chapter.

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

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

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

19 (3) ~~attestation that the following information is true and complete, and that the~~
20 applicant agrees to the following conditions:

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

1 and best use, and that outgoing material is comprised only of Processed Residual, as determined by the
2 Director in accordance with regulations promulgated consistent with this subdivision;

3 (2B) The Facility will accept C&D Debris generated in San Francisco only if
4 delivered either by a Transporter in a permitted Vehicle or C&D Debris Box whose permit credentials
5 the Facility, upon reasonable examination, determines to be valid prior to accepting the C&D Debris,
6 or by the owner or resident of property at which the C&D Debris was generated; but the Facility in its
7 discretion may accept C&D Debris from a Transporter whose permit credentials the Facility
8 determines are not valid for a cure period of up to 30 days after the Facility makes that
9 determination if the Facility (i) notifies the Transporter of the Vehicle or Debris Box of the
10 permit requirements, including by referring to visible posted signage or other information
11 about the permit requirements; (ii) notifies the Department of the unpermitted Vehicle or C&D
12 Debris Box company name and/or license plate, or other information required by regulation,
13 within ten days each time the Transporter arrives without valid credentials; and (iii) does not
14 accept C&D Debris from the Transporter after the end of the cure period until the Facility
15 determines that the Transporter has provided valid credentials;

16 (C) The Facility will weigh each incoming C&D Debris load and the
17 outgoing materials on certified scales integrated with an automated record-keeping system, ~~such that~~
18 ~~this~~ and such data regarding incoming loads will be recorded in connection with the Transporter
19 who delivered the load, unless (i) the Facility was in possession of a valid Registration and was
20 operating without certified scales integrated with an automated record-keeping system on the
21 effective date of the Ordinance in Board of Supervisors File No. 201151, (ii) the Facility has
22 receive no notices of violation from the Local Enforcement Agency designated in Health Code
23 Section 315 since that effective date related to records of incoming and outgoing material
24 weights, and (iii) the Department has not documented any record-keeping deficiencies by the

1 Facility since that effective date that prevents the Facility from meeting reporting requirements
2 in Subsection 1404(c)(3)(A) and (F)-(I):

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

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

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

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

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

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

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

9 The Department may adopt regulations to implement this subsection (c), including
10 regulations to define the documented record-keeping deficiencies under which the
11 Department may notify a Facility under subsection (C)(iii)(c) that it must operate with certified
12 scales integrated with an automated record-keeping system.

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

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

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

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

21 ~~(e) If the Director determines that the application form is complete, the Director shall issue~~
22 ~~a registration containing the following minimum information: a reference to the general terms and~~
23 ~~conditions specified in Section 1406; the name and address of the registrant, the name and address of~~
24 ~~the facility (if applicable); the effective and expiration date of the registration; and a registration~~
25 ~~number assigned by the Director.~~

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

2 ~~—The owner of the facility or the transporter shall include the following information in the~~
3 ~~application form described in Section 1404.~~

4 ~~—(a) For Facilities.~~

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

16 ~~—(ii) The facility has and is implementing a hazardous waste load checking program to~~
17 ~~minimize hazardous waste accepted at the facility.~~

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

20 ~~—(iv) The facility agrees to submit annual reports to the Director on forms and by dates~~
21 ~~specified by the Director pursuant to Section 1412. The reports must include, with respect to San~~
22 ~~Francisco materials only, the following information; the total quantity of material received at the~~
23 ~~registered facility, the breakdown of all of the specific recycled commodities, the end use of the~~
24 ~~recycled commodity (reuse, recycling, composting, ADC, bio-mass conversion) landfill destination for~~
25 ~~residuals, and the recovery ratio for the report period by processing area.~~

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

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

10 ~~(b) For Transporters.~~

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

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

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

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

23 — (v) ~~The owner agrees that all vehicles will operate in accordance with state and federal~~
24 ~~laws and motor carrier regulations and in accordance with best business practices to ensure against~~
25 ~~leakage and unsafe loads. All construction and demolition dC&D-Debris must be transported in either~~

1 ~~a fully enclosed vehicle or container and must be covered to minimize any potential spillage or~~
2 ~~littering.~~

3
4 **SEC. 1406. GENERAL TERMS AND CONDITIONS FOR REGISTERED FACILITIES**
5 **AND TRANSPORTERS. [RESERVED]**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **SEC. 1409. LIST OF REGISTERED FACILITIES AND ~~REGISTERED~~ PERMITTED**
19 **TRANSPORTERS.**

20 The Director will maintain a current list of registered ~~f~~Facilities and ~~registered permitted~~
21 ~~Transporters~~ available at the Department's Office and on its website. ~~The Director will update~~
22 ~~the list at least every sixty (60) days.~~ The Director will work with the Department of Building
23 Inspection, ~~the Department of Public Works,~~ and other City departments to ensure availability of
24 this information to the public.

25 **SEC. 1410. ENFORCEMENT.**

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

7 (b) In order to carry out the provisions of this Chapter 14, the Director, the Director of
8 Public Works, the Sheriff, and their respective designees ~~have~~has the authority to inspect the
9 premises, equipment, and records of any registered ~~f~~Facility or ~~registered permitted~~ ~~t~~Transporter.
10 This right of entry will be exercised only at reasonable hours, ~~and~~ with the consent of the
11 owner of the vehicle or facility or with a proper inspection warrant, and to the extent permitted by
12 applicable laws. The Director and/or the Director's designee(s) will inspect and/or audit the records
13 of each registered ~~f~~Facility and ~~t~~Transporter at least once annually.

14 (c) Suspension of registration or permit. Whenever the Director finds that information
15 in a ~~p~~Person's ~~permit or application,~~ registration, ~~or any a~~ a required report, or other submission to
16 the Director, is inaccurate or incomplete, or a person does not have ~~the~~ all appropriate permits,
17 authorizations, or licenses to use or operate the registered ~~f~~Facility or ~~vehicle~~permitted
18 equipment, or that a person is violating or has violated this Chapter 14 or the terms of a permit
19 or registration, the Director may issue an order suspending the permit or registration as
20 provided in this Section 1410. The Director's order to suspend must include a written
21 statement of the reasons for the suspension and must provide the person with an opportunity
22 to respond in writing before the order becomes effective. The order shall provide the effective
23 date and end date of the suspension. The suspension period will be no more than: one (~~1~~)
24 month for the first violation; six months for the second; and twelve months (~~12~~) for any
25 subsequent violations. The Director's decision shall be final.

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

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

18 (~~i~~) Civil Penalties. Any person who violates this Chapter 14 shall be civilly
19 liable to the City and County of San Francisco for a civil penalty in an amount not to exceed
20 ~~one thousand dollars (\$1,000)~~ for each day in which the violation occurs. Each day that such
21 violation continues shall constitute a separate violation. For a second violation of the Chapter,
22 the civil penalty will be not less than ~~one thousand dollars (\$1,000)~~ and not more than ~~five~~
23 ~~thousand dollars (\$5,000)~~ for each day in which the violation occurs. In determining civil
24 penalties, the court shall consider the extent of harm caused by the violation(s), the nature
25 and persistence of the violation(s), the length of time over which the violation(s) occur(s), the

1 frequency of past violations, any action taken to mitigate the violation, and the financial
2 burden to the violator.

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

10 (f) Administrative Penalties. If the Director determines that any Person has violated this
11 Chapter or a regulation adopted pursuant thereto, the Director shall send a written notice of violation
12 as well as a copy of the relevant provisions of this Chapter and/or any regulations adopted pursuant
13 thereto, to that Person, specifying the violation. The Sheriff or the Sheriff's deputies also may
14 issue written notices of violation consistent with the preceding sentence if the Sheriff or the
15 Sheriff's deputies determine that any Person has violated this Chapter or a regulation adopted
16 pursuant thereto. For any violation related to Transport of Construction and Demolition Debris,
17 the Person shall have 5 five calendar days from receipt of the notice of violation to correct or cure
18 the violation, by procuring a permit, by submitting to the Department receipts documenting that
19 materials were received as Beneficial reuse, or by other method provided for in Department
20 regulations. For any other violation, the Person shall have 30 calendar days, or other such
21 time as specified by the Department by regulation, from receipt of the notice violation to
22 correct or cure the violation, by submitting to the Department the requested documentation
23 that the violation has been mitigated or steps taken as required by the Department to address
24 the violation, or by other method provided for in Department regulations. If, after having
25 received the notice of violation, the Person fails to correct or cure the noticed violation within the

1 prescribed period~~5 calendar days after receipt of the notice,~~ *the Director may impose*
2 *administrative penalties. Administrative Code Chapter 100, "Procedures Governing the Imposition of*
3 *Administrative Fines," as amended, is hereby incorporated in its entirety and shall govern the*
4 *imposition, enforcement, collection, and review of administrative fines imposed to enforce this Chapter*
5 *or any rule or regulation adopted pursuant to this Chapter, with the exception that the Director may*
6 *impose administrative penalties up to \$1,000* ~~one thousand dollars~~ *per violation. Each day a Person*
7 *operates in violation of any provision this Chapter shall constitute a separate violation for these*
8 *purposes.*

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

11 **SEC. 1411. ~~REPORTS. [RESERVED]~~ REVIEW OF NOTIFICATIONS, PERMITS, AND**
12 **PLANS SUBMITTED TO THE DEPARTMENT OF PUBLIC HEALTH.**

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

16 The Director shall review any notification, permit application or plan submitted to the
17 Department of Public Health under state or City law for a facility to receive and process
18 construction and demolition debris. The Director shall determine whether the facility plan,
19 including proposed material handling and sorting methods, equipment, space utilization, and
20 ability to meet recovery market requirements, is adequately designed to process and recover
21 construction and demolition debris at the proposed tonnage input levels and comply with this
22 Chapter 14. After receipt of the notification, application or plan from the Department of Public
23 Health, the Director shall notify the Department of Public Health of the Director's
24 determination and recommendations.

1 Section 4. The Public Works Code is hereby amended by revising Sections 725,
2 725.1, 725.2, 725.3, 725.5, 725.6, 725.7, 725.8, and 725.9, and deleting Section 725.4, to
3 read as follows:

4 **SEC. 725. DEBRIS BOX DEFINED.**

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

10 **SEC. 725.1. AUTHORIZED USES.**

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

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

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

17 **SEC. 725.2. ~~REGISTRATION OR PERMIT~~ AUTHORIZATION REQUIRED FOR**
18 **PLACEMENT.**

19 ~~(a)~~ No person, firm, or corporation owning or operating a debris box or debris boxes
20 shall place such box or boxes, or ~~permit~~ cause or allow the same, in any street areas of ~~the City~~
21 ~~and County of~~ San Francisco without first ~~registering with the Department of Public Works and~~
22 ~~obtaining either a registration number or permit for each debris box from the Department of Public~~
23 ~~Works. A registration number or permit shall be required for every debris box whether or not such box~~
24 ~~will be used to serve a project for which~~ obtaining all necessary authorizations and permits, which may
25

1 include, without limitation, a permit under Environment Code Chapter 14 for use in connection with
2 C&D Debris, and/or a street occupancy or building permit, ~~or both, has been issued.~~

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

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

8 **SEC. 725.3. ~~REGISTRATION OR PERMIT CONDITIONS AND INSPECTION~~**
9 **FEE REMOVAL OF DEBRIS BOXES FROM PUBLIC RIGHT OF WAY.**

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

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

19 ~~(c) Removal By Director.~~ The Director of Public Works is authorized to order the
20 immediate removal of a debris box from the public right of way when, in ~~his or her~~ the Director's
21 opinion, the debris box constitutes a safety hazard or public nuisance, or when the presence
22 of an emergency requires removal of the debris box. After notification by the Director of the
23 removal order the debris box shall be removed immediately from the street area by its owner
24 or operator. If the owner or operator does not remove the debris box from the public right of way
25 immediately, the Director may order the Department of Public Works to remove the debris

1 box. The owner or operator shall pay to the City the costs of removal. No debris box shall be
2 placed at that location until the conditions which have caused the removal order shall have
3 been abated to the satisfaction of said Director.

4 **SEC. 725.4. ~~NONLIABILITY OF SAN FRANCISCO; SAVE HARMLESS~~**

5 ~~CLAUSE.~~ [RESERVED]

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

13 **SEC. 725.5. PLACEMENT OF BOXES.**

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

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

24 **SEC. 725.6. REFLECTORS AND STRIPING.**

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

8 **SEC. 725.7. IDENTIFICATION OF OWNER.**

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

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

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

17 **SEC. 725.9. PENALTIES.**

18 (a) ~~The placement of a debris box on a street without a registration number or permit as~~
19 ~~required in Section 725.2 shall constitute an infraction punishable by a fine of \$100. The nonpayment~~
20 ~~of such fine, or the existence of a condition in violation of any of the regulations of Sections 725.3,~~
21 ~~725.5, 725.6, 725.7 and 725.8, shall be grounds for the Director of Public Works to prohibit placement~~
22 ~~of debris boxes in streets by the debris box owner until such penalty has been paid or the condition~~
23 ~~corrected.~~

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

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

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

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

7
8 Section 5. The Health Code is hereby amended by adding Section 289, to read as
9 follows:

10 **SEC. 288.2 FINDINGS REGARDING VIOLATIONS BY CONSTRUCTION AND**
11 **DEMOLITION DEBRIS FACILITIES.**

12 In their discretion, the Director of the Department of the Environment or the Director's
13 designee may transmit to the Local Enforcement Agency information that the Department of
14 the Environment has discovered through the implementation and enforcement of Environment
15 Code Chapter 14. Based on information the Department of the Environment has discovered,
16 the Director or designee also may transmit to the Local Enforcement Agency a written finding
17 that a Facility (as defined in Environment Code Section 1401) may have violated the
18 requirements or prohibitions in California Public Resources Code Section 40000 et seq., the
19 regulations enacted thereunder, or this Article 6. Within 30 days after receiving such a written
20 finding from the Department of the Environment or within 15 days after taking any
21 enforcement action, whichever is earlier, the Local Enforcement Agency shall transmit a
22 written response to the Department of the Environment. The Local Enforcement Agency's
23 written response shall describe any enforcement action that the Local Enforcement Agency
24 has taken in connection with the information transmitted by the Department of the
25

1 Environment or describe the reasons the Local Enforcement Agency determined that
2 enforcement action was not necessary or appropriate.

3
4 Section 6. The Administrative Code is hereby amended by adding Section 10.100-71,
5 to read as follows:

6 **SEC. 10.100-71. ENVIRONMENT CONSTRUCTION AND DEMOLITION DEBRIS**
7 **TRANSPORTER PERMIT FUND.**

8 (a) Establishment of Fund. The Environment Construction and Demolition Debris
9 Transporter Permit Fund is established as a category four fund as defined in Section 10.100-1
10 of the Administrative Code to receive all Construction and Demolition (C&D) debris transporter
11 vehicle and C&D debris box fees imposed and collected under Chapter 14 of the Environment
12 Code.

13 (b) Use of Fund. The City shall use this fund exclusively for the following purposes:

14 _____ (1) Refunds of any overpayments of the fees imposed hereunder;

15 _____ (2) Costs of administration, fee collection, and enforcement of Chapter 14 of
16 the Environment Code, including but not limited to, the personnel, training, equipment, and
17 materials and supplies; and

18 _____ (3) Costs of outreach and education to increase compliance with Chapter 14 of
19 the Environment Code and reduce C&D disposal and illegal dumping.

20 (c) Administration of Fund. Expenditures from the fund shall be made upon the
21 direction of the Director of the Department of the Environment with the approval of the
22 Controller. Expenditures and encumbrances from this fund shall be subject to the budget and
23 fiscal provisions of the Charter.

24
25 Section 75. Effective and Operative Dates.

1 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
2 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
3 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
4 Mayor’s veto of the ordinance.

5 (b) The provisions of this ordinance shall become operative on January 1, 2022 ~~July 1,~~
6 ~~2024~~ except where otherwise specified.

7
8 Section 86. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
9 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
10 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
11 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
12 additions, and Board amendment deletions in accordance with the “Note” that appears under
13 the official title of the ordinance.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: /s/
18 JON GIVNER
19 Deputy City Attorney

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