



San Francisco Environment Department Regulation #SFE-23-01-CDO
Regulations Governing Enforcement of Chapter 14
(Ordinance No. 144-21)

Effective Date: Upon Director's Signature

A. Authorization

1. A law amending the Construction and Demolition Debris Recovery Ordinance (No. 144-21) was signed by the Mayor on September 24, 2021, and became operative on January 1, 2022. The ordinance amends Chapter 14 of the Environment Code as well as the Public Works, Health, and Administrative Codes. The updated Ordinance now:

- a. requires transporters of construction and demolition debris to obtain a temporary 7-day or annual permit from the Department of Environment ("SFE") for each vehicle and debris box used for such transport and to comply with permit conditions;
- b. establishes authority for the Director and their respective designee(s) to inspect the premises, equipment, and records of any permitted transporter with the consent of the owner or with a proper inspection warrant
- c. authorizes the Director to impose administrative penalties for violations.

2. The Director of SFE promulgates these regulations and associated forms pursuant to their authority to adopt regulations, guidelines, and forms and take any other actions as reasonable and necessary to implement and enforce rules and regulations under section 1410 of the Environment Code.

B. Scope

The purpose of these regulations is to detail the process that SFE inspectors will use to enforce the provisions of Chapter 14 as applicable to collection and transport of C&D debris only. These regulations do not duplicate the Ordinance and must be read together with the Ordinance. Additionally, these regulations allow SFE to make revisions or updates to the attached forms as needed without further regulations.

C. Adoption Process

The Director held a public hearing to discuss these regulations on February 6th, 2023.

D. Definitions

1. The terms used in these Regulations have the same meanings as in the Ordinance. The definitions are in Section 1401. The full Ordinance can be found here: <https://sfenvironment.org/construction-demolition-requirements>

2. "Cure period" is defined as the number of days given to the recipient of a Notice of Violation to correct the violation(s) using the mechanisms prescribed by SFE. The methods defining correction of each violation are detailed in Form 2 "Inspection Report," and Form 3 "Fine Schedule and Methodology."

E. Requirements for Enforcement of Provisions Applicable to Collection and Transport of Mixed C&D Debris

1. Upon inspection, SFE may issue an official Inspection Report (Form 1) to record an observed violation, and/or request documentation to demonstrate compliance with all provisions of Chapter 14. The Inspection Report will indicate one of the following has been issued to a person:

- a. **Notice of Violation:** A Notice of Violation may be issued to any owner, contractor, and/or transporter who is found to be in violation of the provisions of Chapter 14. When issuing a Notice of Violation, SFE will account for the following factors, including but not limited to:
 - i. Severity of the violation;
 - ii. Duration of the violation;
 - iii. The frequency, recurrence, and number of violations by the same violator;
 - iv. Recorded outreach attempts to the person by SFE;
- b. **Warning:** A warning may be issued in lieu of a Notice of Violation. A warning has no cure period and no associated fine amount. SFE documents all warnings to inform the evaluation of future infractions.
- c. **Documentation Requests:** SFE may request documentation from permitted transporters, non-permitted transporters and/or persons generating C&D debris to ensure compliance with all provisions of Chapter 14. This request alone does not indicate a violation has occurred.
 - i. A request for extension of the due date up to an additional 5 business days may be submitted to SFE for consideration. Any

such requests must be made before the end of the due date and will be considered based on good faith efforts of operator.

- ii. Documentation must be submitted to SFE within 30 calendar days. If documentation is not provided within the 30-day period, a fine may be assessed to the person as defined in the Fine Schedule (Form 2).

2. For violations related to the collection and transport of construction and demolition debris, the cure period will be updated from a minimum of five calendar days to a minimum of five business days. For all other violations of Chapter 14, the minimum cure period of 30 calendar days shall remain unchanged.

- a. A request for extension of the cure period up to an additional 5 business days may be submitted to SFE for consideration. Any such requests must be made before the end of the original cure period and will be considered based on good faith efforts of operator.

F. Penalties

1. These regulations provide further detail on the imposition of administrative fines only, and do not alter civil, criminal, or other administrative penalties found in Chapter 14. The full scope of penalties can be found in Section 1410 of Chapter 14.

2. Administrative Fines

- a. The administrative fine amount is determined at the time a Notice of Violation is issued. Fines are calculated based on a percentage of the annual mixed C&D permit fee and severity of violation and applied to the offending person based on number of previous offenses. For a thorough explanation of the methodology governing the administrative fine amount, see Form 3, "Fine Schedule and Methodology." An explanation of the tier model for annual mixed C&D transporters that forms the basis of the fine schedule can be found in Section 1408 of Chapter 14.
- b. Penalties listed in Form 2 may accrue daily for the extent of the cure period, with a citation issued at the end of the cure period.
- c. Any additional violations may lead to subsequent citations, resulting in escalating fine amounts as defined in the Fine Schedule (Form 2).
- d. The Director may also choose to impose up to the maximum fine of \$1,000 per day per violation.

G. Appeals

1. The process for appealing any administrative fines issued by SFE will be governed by Administrative Code Chapter 100, Section 8.

H. Forms

1. Inspection Report
2. Fine Schedule and Methodology
3. Escalated Enforcement Process

The Director hereby adopts this regulation as of the date specified below.

A handwritten signature in black ink, appearing to read 'Tyrone Jue', with a stylized flourish extending to the right.

Tyrone Jue
Acting Director

Approved:

Date: Feb 15th