

**San Francisco Department of the Environment Regulation #SFE-19-01-RSO
Regulation Implementing Refuse Separation Compliance Ordinance (Ord. No. 300-18)**

Effective Date: Upon Director's Signature (Page 4)

A. Authorization

The Refuse Separation Compliance Ordinance (RSO) was signed by Mayor London Breed on December 21, 2018 and is effective on July 1, 2019. The RSO amends Environment Code Chapter 19 (Mandatory Recycling and Composting Ordinance No. 100-09). The Director of the Department of the Environment promulgates this regulation pursuant to the Director's authority to adopt forms, regulations and guidelines under the Environment Code Section 1909(a) to implement that Chapter. Any section numbers in this regulation refer to Environment Code Chapter 19.

B. Scope

The purpose of this regulation is to address how the Director will determine the required adequate capacity of a Zero Waste Facilitator (ZWF) that must be engaged by a Large Refuse Generator (LRG) under an Order to Comply in Section 1906(e) of the RSO. An LRG is a refuse account holder, or City-owned and operated facility, with either a roll-off compactor or greater than 40 cubic yards per week of refuse service. This regulation will apply to any LRG found to be out of compliance with RSO as a result of an Audit finding. This regulation does not duplicate the RSO and must be read together with the RSO.

C. Process

The Director provided a 10 day public comment period and conducted a publicly noticed hearing open to all members of the public on Thursday, June 13, 2019 to allow public input into this regulation.

D. Definitions

The terms used in this regulation have the same meanings as in the RSO. An additional definition for the purpose of this regulation is as follows:

"Refuse Separation Compliance Ordinance Plan (RSCOP)" means a form for the Large Refuse Generator to complete and submit to the Director to describe the capacity, which includes the staffing level and function, that a Zero Waste Facilitator will perform, and any other actions needed to comply with Chapter 19. The RSCOP is to be approved by the Director.

E. Requirements

1. Audits, Findings, Notice of Noncompliance and Order to Comply

1.1 Audits

Section 1906(c) requires the Director or Collector as of July 1, 2019 to conduct an Audit, not less than once every three years, which is a systematic visual inspection of the contents of every LRG's refuse collection container to determine if any contamination (i.e., incorrectly placed or unclean materials) exceeds threshold levels for assessing compliance with Chapter 19.

1.2 Audit Findings

Section 1906(d) requires the Director to find an LRG out of compliance with Chapter 19 established by the Director. These contamination thresholds pertain only to LRG refuse accounts, and not necessarily to other types of refuse account holders. These thresholds are based on market conditions and processing capabilities and shall be reviewed and revised as needed, and not more than once per year. The Department shall list the currently applicable contamination thresholds on its website and provide them at the Department upon request.

1.3 Notice of Noncompliance and Order to Comply

Section 1906(e) requires the Director, upon finding an LRG is noncompliant under Chapter 19 from the results of an Audit, to promptly issue to the LRG a notice of noncompliance and an order to comply. The Director will provide via certified mail with return receipts, as a single mailing, both the notice and order to the LRG property address and account billing address, and, where available, email address (receipt requested).

1.3.1 Notice of Noncompliance

The notice of noncompliance will explain how the Audit findings demonstrate that the LRG is out of compliance with Chapter 19 and/or attendant regulations. The notice will include an Audit report with a detailed description of the contamination found in specific refuse stream(s) (e.g., recycling, composting and/or trash) in violation of Chapter 19, and will include photographic documentation.

1.3.2 Order to Comply

The order to comply will describe to the LRG the specific actions that the LRG must take to come into compliance with Chapter 19 based on the noticed violations found in the Audit. The order to comply will include the requirement imposed by Section 1906, that the LRG must engage the services of the ZWF for a period of at least 24 months. The order will include a RSCOP form and require a written response from the LRG upon 30 days of receipt of the notice and order as described in E.2.2.

2. Refuse Separation Compliance Ordinance Plan

2.1 Plan for Adequate Capacity and Role of a Zero Waste Facilitator

The RSCOP is intended to serve as a planning tool to help an LRG identify the needed capacity of a ZWF and any other actions that may be required to remediate contamination found in the Audit and comply with Chapter 19. The LRG is encouraged to consult with a ZWF to complete the RSCOP using the form that the Department will send to the LRG with the Order to Comply. The RSCOP form is attached and further described in section F. The capacity of a ZWF includes but may not be limited to the following:

- 2.1.1** Number of staff and FTE level for which LRG is engaging ZWF;
- 2.1.2** Specific days of the week and hours ZWF shall work for LRG;
- 2.1.3** Specific job functions of the ZWF, including handling or sorting refuse, identifying sources of contamination, weekly communication with LRG, and improving refuse systems;
- 2.1.4** Means by which ZWF will provide weekly feedback to the LRG to facilitate communication to tenants for increased and effective source separation; and
- 2.1.5** Physical area(s) of the LRG property in which ZWF staff will work.

2.2 Approving Adequate Capacity

The RSCOP shall be completed by the LRG and returned to the Director within 30 days of the LRG's receipt of the Director's notice and order. The Director may allow an additional 60 days for limited ZWF availability or additional response time allowed by the Chapter. The Director will review the submitted RSCOP and determine whether the plan provides adequate capacity to bring the LRG into compliance. The Director will consider the volume of the contaminated LRG refuse stream that was found to be in violation of Chapter 19 and any other information available to the Director regarding the LRG in evaluating and approving the RSCOP. The Director may require changes to the RSCOP or other specified actions that the Director determines are needed for LRG compliance with Chapter 19. The LRG shall incorporate any revisions in the RSCOP requested by the Director and resubmit within 60 days of the LRG's receipt of the Director's notice and order for final approval by the Director. The LRG shall within 60 days of the LRG's receipt of the Director's notice and order submit a copy of the executed or signed agreement of engaging the ZWF as described in E.2.3.

2.3 Execute Written Agreement with Zero Waste Facilitator

The LRG shall engage with a ZWF by executing a written agreement, such as a contract, MOU, or letter of commitment, specifying an engagement period of at least 24 months and performance of services at the capacity described in the RSCOP. The agreement may allow a shorter period in the event the Director determines the LRG is compliant as a result of a requested compliance audit after 12 months under Section 1906(g). An agreement with a ZWF should allow the LRG to increase ZWF capacity or terminate an agreement for unsatisfactory performance by the ZWF. If an LRG terminates a ZWF, they must immediately engage with another ZWF for at least the remaining

duration of the 24 months period and provide the Director a copy of the newly executed or signed written agreement. The Department will maintain on its website a reference list of ZWFs with their contact information and indicate whether the ZWF attended a training by the Department. The LRG is not restricted to use a ZWF on the Department's list. An executed copy of the agreement shall be attached to the RSCOP when submitted to the Director.

2.4 Verification of RSCOP Implementation

An LRG subject to a Director's order requiring a ZWF shall provide documentation of implementation of the RSCOP upon the Director's request, such as a copy of the ZWF weekly reports and time stamped photographs showing the compliant refuse stream(s). The Director may inspect the LRG to monitor the effectiveness of the ZWF to verify compliance with the Director's notice and order. The Director may within his or her lawful discretion issue additional order(s) requiring increased ZWF capacity or other actions for the LRG to cure violations of Chapter 19.

F. Forms

1. Refuse Separation Compliance Ordinance Plan (RSCOP)

The RSCOP form is attached. The Director may revise the RSCOP as needed to better determine the adequate capacity required of a Zero Waste Facilitator and the compliance of an LRG. A copy of the RSCOP form shall be posted on the Department's website. The RSCOP must be completed in full prior to submission to the Director, including but not limited to the following components:

- 1.1** Refuse account information;
- 1.2** Property information;
- 1.3** Weekly refuse service levels;
- 1.4** Contamination results from the Audit of the recycling, composting and trash streams;
- 1.5** ZWF information including staffing, hours and schedule; and
- 1.6** How the ZWF will ensure compliant refuse separation, including how contamination will be removed, how ZWF will report on contamination to property management, how weekly contamination reports will be used to improve source separation or refuse systems.

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



Deborah Raphael
Director

Approved:
Date: 6/19/2019

Refuse Separation Compliance Ordinance Plan (SFE Form RSCOP)

Completion of this form and submission to SFE by the date specified in the attached order is required by SFE under the Directors order issued pursuant to ENV code Chapter 19 and the violation(s) cited in the attached notice.

Refuse Account #:	Property Address:
Refuse Account Name:	Refuse Service Address, If Different than Property Address:
Property Manager Contact Name:	Property Management's Zero Waste Lead Contact Name:
Property Manager Contact Phone Number:	Property Manager's Zero Waste Lead Contact Phone Number:
Property Manager Contact Email:	Property Manager's Zero Waste Lead Contact Email:
If this is a commercial office/retail building, list all the tenants within the property address.	

Refuse Collection (e.g., Recology) Information		
Weekly Refuse Service Level (Bin size & #/wk):	Weekly Cubic Yards by Volume:	RSO Audit Result:
Recycle:	Recycle:	Recycle: Pass or Fail
Compost:	Compost:	Compost: Pass or Fail
Trash:	Trash:	Trash: Pass or Fail
	Total Weekly: (202 gallons per cubic yard)	

Zero Waste Facilitator (ZWF) List available at www.sfenvironment.org/download/zero-waste-facilitators	
Zero Waste Facilitator Company Name:	Zero Waste Facilitator Lead Contact Name:
Zero Waste Facilitator Lead Contact Email:	Zero Waste Facilitator Lead Contact Phone Number:
How many ZWF staff and FTE will be used:	Hours per day the ZWF will be working:
ZWF workdays of the week:	What time(s) of the day will ZWF be removing contamination?
What time(s) of the day are materials placed in the Refuse bins?	What time(s) of the day does the collector typically service your bins?

How ZWF and Property Management Will Ensure Refuse Separation Compliance

What functions will ZWF perform to remove or eliminate contamination from the refuse stream(s) (include locations where ZWF will operate)? Functions include opening all bags that are not clear in the refuse stream.

What procedures will be used to sort refuse or remove contamination, including equipment, tables and additional bins, and how will refuse be intercepted before being placed in any compactor bin?

How will ZWF work and communicate with property management including providing a weekly report about the types of refuse contamination and tenant sources of contamination?

How will property management use ZWF feedback on contamination to educate employees and tenants to improve ongoing source separation of recyclables, compostables and trash?

How will ZWF and property management monitor ongoing success in complying with Chapter 19?

To be completed by the Department of the Environment

SFE Approved: Yes No

Date:

SFE Required Changes:

The Department of the Environment may request proof of adequate zero waste facilitation, which may include: on-site inspections, load checks of compactors or date stamped photos of material prior to collection.