



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



INSPECTION REPORT: Construction & Demolition (C&D) Debris Recovery Program
 San Francisco Environment Department
 1155 Market Street, 3rd Floor, San Francisco CA, 94103
<https://sfenvironment.org/construction-demolition-requirements>
 Phone: 415-355-3799 Email: debrisrecovery@sfgov.org

<input type="checkbox"/> NOTICE OF VIOLATION <input type="checkbox"/> DOCUMENTATION REQUEST <input type="checkbox"/> WARNING		
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INSPECTION ID:	INSPECTION DATE:	TIME:
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ENTITY NAME:	ENTITY TYPE: <input type="checkbox"/> Contractor <input type="checkbox"/> C&D Transporter <input type="checkbox"/> Property owner <input type="checkbox"/> Other _____
INSPECTION ADDRESS:	

CONTACT PERSON NAME:	INSPECTION TYPE: <input type="checkbox"/> Routine <input type="checkbox"/> Reinspection <input type="checkbox"/> Complaint
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CONTACT PHONE:	CONTACT EMAIL:	INITIAL INSPECTION REFERENCE: (Reinspection only) Inspection ID #: _____ Inspection Date: _____
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<input type="checkbox"/> VIOLATIONS: Mark violations identified	REQUIRED ACTIONS:
<input type="checkbox"/> 1. Transport of C&D debris directly to a landfill, incinerator, or unregistered facility	Provide attestation why disposal was required and acceptable
<input type="checkbox"/> 2. Collection/transport of C&D debris without a permit	Obtain required C&D debris transport permit(s) or attest to cease and desist transport of mixed C&D without a permit
<input type="checkbox"/> 3. Violation of other conditions of C&D debris transport permit	See OBSERVATIONS/VIOLATIONS section below
<input type="checkbox"/> 4. Collection/transport of C&D debris without permit displayed	Display C&D debris transport permit on vehicle/debris box
<input type="checkbox"/> 5. Failure to maintain copies of required receipts and/or records	Correct record keeping within 30 days
<input type="checkbox"/> 6. Right to inspect denied	Provide access to relevant premises/equipment/records
<input type="checkbox"/> 7. Violation of Public Works Code Section 725	See OBSERVATIONS/VIOLATIONS section below

DOCUMENTATION REQUEST: Provide the most recent receipt for disposal from this inspection address, an attestation claiming no further debris will be generated at this address, or a request for extension of the due date. This request alone does **not** indicate that a violation has occurred. Failure to provide documentation within _____ days will result in a fine of \$_____.

OBSERVATIONS/VIOLATIONS: (violations identified shall be corrected as indicated within the prescribed Correction Period)

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CURE PERIOD: Correct violations identified by date indicated
 # ____ by: _____ (within ____ days of receipt of this notice)
 # ____ by: _____ (within ____ days of receipt of this notice)
 # ____ by: _____ (within ____ days of receipt of this notice)
 No correction period necessary or given

FINE AMOUNT: If the violation is not corrected or a request for extension is not submitted within the prescribed Cure Period, the administrative fine assessed to the entity shall be **due within 30 days following the end of the Cure Period in the following amounts:**
 \$_____00 PER DAY FOR VIOLATION #_____,
 \$_____00 PER DAY FOR VIOLATION #_____,
 \$_____00 PER DAY FOR VIOLATION #_____,
for a total fine amount of \$_____00.

TO SELF-VERIFY CORRECTED VIOLATION(S), SUBMIT DOCUMENTATION/ATTESTATION, OR REQUEST EXTENSION OF CURE PERIOD: Email pictures, documentation, cease and desist attestation, or a statement requesting an extension of the cure period up to 5 business days, including the Entity Name, Address, and Inspection ID Number, to **DebrisRecovery@sfgov.org** by end of business day (date): _____

REFERRAL: SF DBI SFDPH (SWP/LEA) SF PW SF SHERIFF OTHER

SERVED VIA:
 In person
 Email
 Certified mail

DATE SERVED:

INSPECTOR NAME:

INSPECTOR PHONE:

INSPECTOR SIGNATURE:

INSPECTOR EMAIL:

I acknowledge receipt of proper notice and understand that failure to provide the requested documentation or correct the violation(s) identified within the prescribed Cure Period, the owner, contractor, official representative, agent, and/or responsible party may be subject to administrative penalties as listed. (See Environment Code, Chapter 14, Section 1410(f), on reverse). The absence of a signature does not invalidate this notice, nor any of the corrective actions required or penalties levied.

RECEIVED BY: (PRINT)

RECEIVED BY: (SIGNATURE)

NOTICES	DESCRIPTION
<p>Failure to Abate</p> <p>[Environment, Chapter 14, Sec. 1410(f)]</p> <p>[Environment, Chapter 14, Sec. 1410(c)]</p> <p>[Environment, Chapter 14, Sec. 1410(e)]</p> <p>[Administrative, Chapter 100, Sec. 4].</p>	<p>Violations of Chapter 14 of the Environment Code that are not corrected within the cure period specified on this Notice of Violation are punishable by the Director as set forth below:</p> <p>Administrative Penalties: The Director may impose fines of up to \$1,000 for each violation, each day such violation occurs. A published fine schedule is available at https://sfenvironment.org/c&d.</p> <p>Permit Suspension: The Director may impose an order suspending a permit or registration at any time, based on a finding that information in a Person’s permit or registration, a required report, or other submission to the Director, is inaccurate or incomplete, or a person does not have all appropriate permits, authorizations, or licenses to use or operate the registered Facility or permitted equipment, or that a person is violating or has violated this Chapter 14 or the terms of a permit or registration.</p> <p>Property Lien: Where there is a nexus between the violation and real property located in the City, the charging official may provide notice of the citation to the owner of the real property as set forth in the Administrative Code Chapter 100 and that unpaid fines for the citations may become a lien on the property.</p> <p>Civil and Criminal Penalties: The Director may refer any violation of Chapter 14 to the City Attorney and/or District Attorney to commence an action for imposition of civil and/or criminal penalties. Civil penalties may include \$1,000 dollars for the first violation, and between \$1,000 and \$5,000 for the second and subsequent violations, on each day such violations occur. Each violation of Chapter 14 of that code shall be considered a separate misdemeanor punishable by a fine not exceeding \$1,000, or imprisonment not to exceed six months in the County Jail, or both.</p>
<p>Citation Payment</p> <p>[Administrative, Chapter 100, Sec. 6(c)].</p>	<p>Invoices for Notices of Violations that are not corrected within the cure period will be emailed or mailed by the San Francisco Department of Public Works to the representative of the entity to whom this Notice of Violation was served. Payment may be made via credit/debit card on the provided web portal. Alternatively, a check can be mailed or provided in person, payable to:</p> <p>SAN FRANCISCO PUBLIC WORKS 49 SOUTH VAN NESS AVE, SUITE 300 SAN FRANCISCO, CA 94103</p> <p>Fines that remain unpaid 30 days after the due date shall be subject to a late payment penalty of 10 percent plus interest at the rate of 1 percent per month on the outstanding balance, which shall be added to the penalty amount from the date that payment is due.</p>
<p>Right to Appeal</p> <p>[Administrative, Chapter 100, Sec. 8].</p>	<p>Any person served with a citation may seek administrative review of the citation by filing an appeal with the Controller within 30 days of the date that the citation is served on the grounds that there was no violation of the ordinance or that the person cited did not commit the violation. Failure to appeal will make the issuance of the citation a final action by the City, for which there is no further administrative review and no judicial review.</p> <p>All fines must be submitted with the request for appeal, unless the person served with a citation applies for an advance deposit hardship waiver. To apply for a hardship waiver, please contact the Controller’s office at controller@sfgov.org or 415-554-7500.</p> <p>An appeal form with a check payable to the Controller and an advanced deposit hardship waiver, if applicable, must be submitted to the Environment Department via mail, email, or fax within 30 days of receipt of the citation:</p> <p>SAN FRANCISCO ENVIRONMENT DEPARTMENT 1155 MARKET ST, FLOOR 3 SAN FRANCISCO, CA 94103</p> <p>A copy of the appeals form will be attached to a mailed or emailed copy of this notice. Alternatively, an appeals request can be made directly to the Controller’s office online at bit.ly/3FsK17y.</p>

San Francisco Environment Department has issued a Notice of Violation against you for violation of the San Francisco Environment Code, Chapter 14, as set forth in this Citation, OR has requested documentation to determine your compliance with the Environment Code. Please refer to the following Sections of the Environment Code and/or Public Works Code for additional information:

Violation Number:	Violation Description	[Code Section(s)]
<u>1.</u>	Transport of C&D debris to an unregistered facility or directly to landfill for disposal or incineration	[Environment, Chapter 14, Sec. 1402(a)]
<u>2.</u>	Collection/transport of C&D debris in a vehicle or debris without a permit	[Environment, Chapter 14, Sec. 1403(a)]
<u>3.</u>	Violation of other conditions of C&D debris transport permit	[Environment, Chapter 14, Sec. 1403(c)(6)(A) - (H)]
<u>4.</u>	Collection/transport of C&D debris in a vehicle or debris box without permit displayed	[Environment, Chapter 14, Sec. 1403(d)]
<u>5.</u>	Failure to maintain copies of required receipts and/or records	[Environment, Chapter 14, Sec. 1403(c)(6)(E)]
<u>6.</u>	Right to inspect denied	[Environment, Chapter 14, Sec. 1410(b)]
<u>7.</u>	Violation of Public Works Code Section 725	[Public Works, Article 15, Sec. 725-725.8]
<u>N/A</u>	Documentation Request	[Environment, Chapter 14, Sec. 1403(c)(6)(F)] [Environment, Chapter 14, Sec. 1402 (a)]

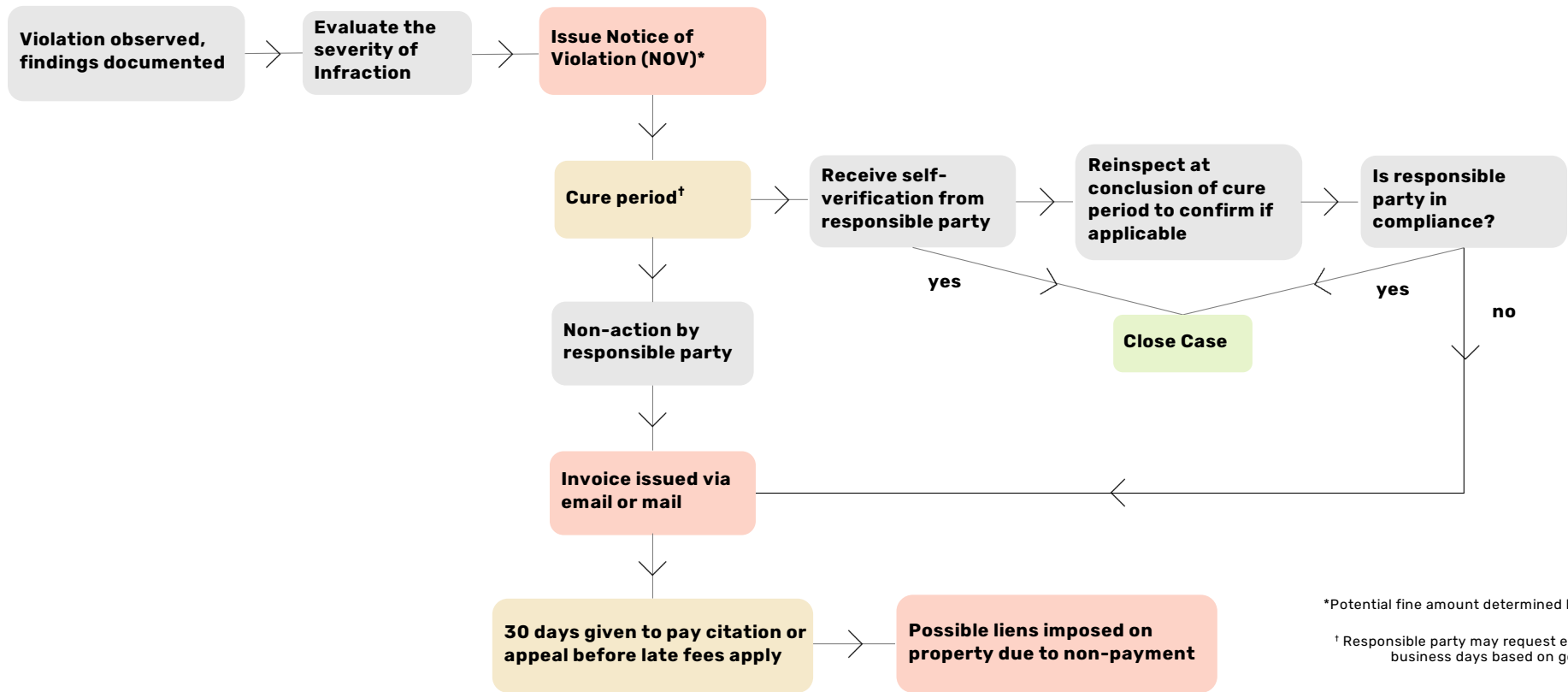


Construction and Demolition (C&D) Debris Transporter Fine Schedule				Fines PER DAY PER VIOLATION*		
Violation	Corrective Action	Cure Period	Transport Type	1st Offense	2nd Offense	3rd Offense
1. Transport of C&D debris directly to a landfill, incinerator, or unregistered facility.	Provide attestation why disposal was required and acceptable.	5 business days	Debris Box	\$ 200.00	\$ 400.00	\$ 600.00
			Tier 1	\$ 100.00	\$ 200.00	\$ 300.00
			Tier 2	\$ 300.00	\$ 600.00	\$ 900.00
			Tier 3	\$ 400.00	\$ 800.00	\$ 1,000.00
			Tier 4	\$ 500.00	\$ 1,000.00	\$ 1,000.00
2. Collection/transport of C&D debris without a permit	Submit an application for a transport permit, or provide attestation of intent to cease and desist transport of mixed C&D in San Francisco without a permit.	5 business days	Debris Box	\$ 100.00	\$ 200.00	\$ 300.00
			Tier 1	\$ 50.00	\$ 100.00	\$ 150.00
			Tier 2	\$ 150.00	\$ 300.00	\$ 450.00
			Tier 3	\$ 200.00	\$ 400.00	\$ 500.00
			Tier 4	\$ 250.00	\$ 500.00	\$ 500.00
3. Violation of other condition of C&D debris transport permit	Refer to Notice for Violation for resolution.	5 business days	Debris Box	\$ 100.00	\$ 200.00	\$ 300.00
			Tier 1	\$ 50.00	\$ 100.00	\$ 150.00
			Tier 2	\$ 150.00	\$ 300.00	\$ 450.00
			Tier 3	\$ 200.00	\$ 400.00	\$ 500.00
			Tier 4	\$ 250.00	\$ 500.00	\$ 500.00
4. Collection/transport of C&D debris without permit displayed	Affix permit to vehicle or debris box within 5 business days.	5 business days	Debris Box	\$ 50.00	\$ 100.00	\$ 150.00
			Tier 1	\$ 25.00	\$ 50.00	\$ 75.00
			Tier 2	\$ 75.00	\$ 150.00	\$ 225.00
			Tier 3	\$ 100.00	\$ 200.00	\$ 250.00
			Tier 4	\$ 125.00	\$ 250.00	\$ 250.00
5. Failure to maintain copies of required receipts and/or records	Correct record keeping within 30 days.	30 calendar days		\$ 50.00	\$ 100.00	\$ 150.00
6. Right to inspect denied	Allow reinspection within 30 days.	30 calendar days		\$ 50.00	\$ 100.00	\$ 150.00
Provide documentation to support compliance with Chapter 14 of the Environment Code	Provide weight ticket or attestation to support lawful disposal.	30 calendar days		\$ 50.00	\$ 100.00	\$ 150.00

* Fines may accumulate for the extent of the cure period, with citation issuance occurring at the end of the cure period.

All instances of illegal dumping will be referred to the Department of Public Works and/or the Sheriff for enforcement, which may include administrative, civil, and/or criminal penalties.

ESCALATED ENFORCEMENT PROCESS



*Potential fine amount determined by fine schedule

† Responsible party may request extension up to 5 business days based on good faith efforts

San Francisco Environment Department
 1155 Market Street, 3rd Floor
 San Francisco, CA 94103

SFEnvironment.org (415) 355-3700

