

## **San Francisco Department of the Environment Regulation No. SFE13-03-GB**

Regulations Implementing Green Building Requirements for City Buildings Ordinance  
(Ordinance No. 204-11, amending San Francisco Environment Code, Chapter 7, Section 700 through 713)

Effective Date: October 21, 2013

### **A. Authorization**

The Ordinance amending the San Francisco Environment Code, Chapter 7, Sections 700 through 713 (Ordinance) was signed by Mayor Lee on 10/10/2011 and became effective on 11/4/2011. The Ordinance creates a program implemented by the Department of the Environment (Department), with oversight by the Municipal Green Building Task Force. Among other provisions, the Ordinance requires LEED Gold Certification for Municipal Construction Projects; provides for Collection, Storage and Loading of Recyclable and Compostable Materials for City departments; provides requirements for diverting debris generated at City construction and/or demolition projects from landfill; and establishes water conservation and energy efficient lighting retrofit and indoor environmental quality requirements.

The Director of the Department (Director) promulgates these regulations pursuant to the Director's authority to develop guidance, forms, performance procedures, rules and regulations Environment Code Section 703(b). Section numbers in these regulations refer to Environment Code Chapter 7, as amended.

### **B. Scope**

The purpose of these regulations is to provide the forms, performance procedures, rules and regulations to carry out the provisions of that Chapter. These regulations do not duplicate the Ordinance and must be read together with the Ordinance.

### **C. Process**

The Department has consulted with the Municipal Green Building Task Force with representation from 12 City Departments in promulgating these regulations. The Task Force unanimously recommended the regulations for approval. The Director held a public meeting to discuss these regulations on October 21, 2013.

### **D. Requirements**

See Attached.

The Director of the Department of the Environment hereby adopts these regulations as of the date specified below.

Melanie Nutter  
Director Department of the Environment

Approved:

Date:

**Regulation No. SFE13-03-GB**  
**Implementing Green Building Requirements for City Buildings Ordinance**  
**(Ordinance No. 204-11, amending San Francisco Environment Code,**  
**Chapter 7, Section 700 through 713**

## **I. Definitions**

The terms used in these Regulations have the same meanings as in the Ordinance. The definitions are in Section 701.

## **II. Forms, Regulations and Guidelines**

As provided by Section 703 (b) the Director may adopt necessary forms, regulations and guidelines to implement this Chapter.

## **III. Regulations**

A. Current applicable versions of LEED—Sec. 705(g): The USGBC updates the LEED rating system on a three-year cycle. The Director shall as necessary adopt by the regulation the current applicable versions of LEED pursuant to Section 703(b).

Regulation:

Wherever specific LEED® prerequisites or credits are cited, such references are to LEED BD&C 2009 or LEED ID&C 2009. More recent LEED versions may be used, provided the credits and points achieved are at least as stringent as LEED BD&C 2009 or LEED ID&C 2009.

B. Construction and Demolition Debris Management—Sec. 708: provides requirements for managing debris generated during each construction and/or demolition project for City-owned Facilities or City leaseholds located within the nine counties surrounding the San Francisco Bay, regardless of size of the project. Requirements include various requests, procedures and forms as follows:

Regulations:

### **1. Request to Send Construction & Demolition (C&D) Debris Material Directly to Landfill**

The Ordinance allows for a Contractor to submit a request to the Department to send Construction & Demolition (C&D) debris material directly to landfill; the requirements for this request are set forth in Section 708(a)(3). The form in Attachment A is the Request to Send Construction & Demolition Debris Material Directly to Landfill, and the form is designed for either an original or an amended request. All sections of the form must be completed, including a signed affidavit under penalty of perjury; if any section is omitted, the request will not be considered by the Department.

## **2. Request to Send C&D Debris Material to BioMass Energy Generation Facility**

The Ordinance allows for a Contractor to submit a request to the Department to send C&D debris material to a facility using the material as boiler fuel in BioMass Energy Generation; the requirements for this request are set forth in Section 708(a)(4). The form in Attachment B is the Request to Send Construction & Demolition Debris Material to a BioMass Energy Generation Facility. All sections of the form must be completed, including a signed affidavit under penalty of perjury; if any section is omitted, the request will not be considered by the Department.

## **3. Construction & Demolition Debris Management Plan Requirements**

The Ordinance requires the Contractor to prepare and submit a Construction & Demolition Debris Management Plan (CDDMP) prior to commencement of the demolition or construction project [Section 708(b)]. Pursuant to Section 708(b)(2)(B) the Director shall specify the form to be used by regulation, and Attachment C (Construction & Demolition Debris Recovery Worksheet) is the form for this purpose, and can be designated as such by checking the first box in the center of page 1 of the form.

The contractor must manage all project C&D debris materials to meet a minimum diversion rate of 75%.

For projects located within the legal and geographical boundaries of the City and County of San Francisco, Mixed C&D Debris material must be taken to a Registered Facility by a Registered Transporter, per Environment Code 14. The diversion rate for Mixed C&D Debris taken to one of San Francisco's Registered Facilities is 65%.

For projects outside San Francisco, the diversion rate for Mixed C&D Debris is 65% if taken to one of San Francisco's Registered Facilities; if taken to a non-registered facility the diversion rate approved by the local jurisdiction will be used, and official documentation of the diversion rate approved by the local jurisdiction must be provided by the Contractor. If a facility does not have a locally approved recycling rate, the diversion rate is calculated as zero.

When submitting the CDDMP, the Contractor shall include a brief explanation of how all subcontractors will be informed of the reuse and recycling goals, and how the jobsite will be managed to ensure compliance with all aspects of the plan by all persons working on the project.

The Contractor will obtain tonnage estimates from all subcontractors working on the project and compile data from subcontractors onto one CDDMP to submit to the City Representative stating under penalty of perjury that all materials will be taken to locations indicated on the form and hauled by the named transporters. Contractor is responsible for compliance by all subcontractors. If an unforeseen circumstance requires a change to the facilities or transporters named and approved on the original CDDMP, the Contractor must submit a written request to the City Representative for approval prior to the change being made; a copy should be sent to the Department. The request must provide documentation explaining why the change may be necessary, and must include a signed affidavit under penalty of perjury agreeing to use new facilities or transporters if approved. Attachment D is the Request to Change Facilities or Transporters; all sections of the form must be completed; if any section is omitted, the request will not be considered.

After reviewing and approving the CDDMP pursuant to Section 708(b)(3) the City Representative shall send the approved CDDMP to the Department electronically if possible for optional review and approval if the project involves a Full Demolition Permit from the code official having jurisdiction or if the project cost of the project exceeds \$100,000. The City Representative must secure a Return Receipt for this transmittal, indicating the date the Department receives the plan. The Department shall issue any comments or requests to the City Representative within 10 business days of CDDMP receipt. In the absence of such notification, the City Representative shall authorize work on the project to commence.

Approval of the contractor's CDDMP by the City Representative shall not relieve the contractor of the duty to comply with any other applicable laws regulating control or disposal of solid waste or other pollutants.

#### **4. Summary of Diversion**

The Ordinance requires that the Contractor shall submit a signed Summary of Diversion to the City Representative showing actual C&D debris material diversion coinciding with the time period of the Progress Payment [Section 708(c)]. The contractor shall compile data from all subcontractors into one plan/report, all weights of materials are reported in tons, and documentation supporting the reported weights shall be attached. Documentation shall include weight tags or other similar proof the hauler received from a facility where material was transported; if a facility issues a receipt with cubic yards only, the contractor shall use the Conversion Rates found in Attachment E. The documentation issued by the facility shall include the commodity or material type that was delivered to the facility and shall include evidence that the material was from the contracted job; such evidence may include the project address or project/job number provided by the facility on the weight tags or receipts it creates. Diversion reports prepared by vendors, work orders or invoices for services shall not be acceptable unless accompanied by requirements noted above. Attachment C (Construction & Demolition Debris Recovery Worksheet) is the form for this purpose, and can be designated as such by checking the second box in the center of page 1 of the form. The Contractor shall sign the Summary under penalty of perjury.

Failure to submit the Summary of Diversion and supporting documents shall render the application for progress payment incomplete and delay progress payment.

After review and approval the City Representative shall send the Department a copy of the Summary Diversion Report and supporting documentation for any project involving a full demolition or exceeding a cost of \$100,000.

#### **5. Final Diversion Report**

The Ordinance requires that the Contractor shall submit a signed Final Diversion Report showing weight of C&D debris material diverted for the entire project and the overall diversion rate achieved [Section 708(d)]. Attachment C (Construction & Demolition Debris Recovery Worksheet) is the form for this purpose, and can be designated as such by checking the third box in the center of page 1 of the form. The Final Diversion Report shall be prepared into one plan/report by the Contractor with data from all subcontractors, shall be signed under penalty of perjury and submitted to the City Representative for approval prior to final payment; the City Representative shall send a copy to the Department.

#### **6. Retention of Records**

Pursuant to Section 708(e) of the Ordinance the Department has determined that the City Representative for a project shall retain all C&D Debris Management Plans, Summaries of Diversion, Final Diversion Reports and all supporting documentation after completion of the project for three (3) years. These retained items are available to the Department upon request.

C. Indoor Environmental Quality—Sec. 711: Additional IEQ construction specifications and facility maintenance protocols for City-owned Facilities and City Leaseholds may be adopted by regulation pursuant to Section 703(b).

Regulations:

**1. Eliminate materials with lead**

For new construction and major alterations, eliminate building materials manufactured with lead, specifically for surfaces that can be touched or that can weather onto areas accessible to children and the public, such as exterior lead-coated copper sheets and gutters. This includes solder, roofing (specifically terne, copper roofing, and roof flashing), finishes with lead-coated copper, and leaded wiring. For renovation projects, ensure the removal and appropriate disposal of disconnected wires with lead stabilizers.

**2. Precautionary Purchasing**

Commodities and cleaning products purchased for use in City-Owned Facilities and Leaseholds shall be selected from the SF Approved list. The SF Approved List includes vendors, costs, and criteria for over 1,000 safer, more environmentally friendly products to help City Departments be in compliance with the SF Environment Code Chapter 2: Precautionary Purchasing Ordinance. <http://www.sfapproved.org/>

D. Procedures to Request a Waiver—Sec. 713: Waivers.

Regulations:

1. **Emergency Waiver:** A City Department may grant itself a waiver for emergency purposes by submitting a completed Emergency Waiver Notification (Attachment F) to the Municipal Green Building Coordinator for recordkeeping purposes.

2. **Cost Prohibitive or Other Specific Circumstances:** A City Department seeking a waiver shall submit the Municipal Green Building Waiver Request (Attachment G) to the Municipal Green Building Coordinator on behalf of the Municipal Green Building Task Force. The Task Force shall make a recommendation to the Director of the Department of the Environment who shall grant or deny waiver requests, for specific portions of the ordinance and for specific time frames. The Director's decision to grant or deny a waiver shall be in writing and shall be final. **The Director may not grant a waiver of the requirements of Sections 706(a)(1), 707 and 708 based on a claim that compliance would be Cost Prohibitive or for Other Specific Circumstances.**

E. Forms

**Attachment A**—Request to Send Construction & Demolition (C&D) Debris Material Directly to Landfill

**Attachment B**—Request to Send Construction & Demolition Debris Material to BioMass Energy Generation Facility

**Attachment C**—Construction & Demolition Debris Recovery Worksheet. Attachment C is the form to be used for (a) Construction & Demolition Debris Management Plan; (b) Summary of Diversion; and (c) Final Diversion Report, and checking a box in the center of page will designate the purpose of the worksheet.

**Attachment D**—Request to Change Facilities or Transporters.

**Attachment E**—C&D Debris Material Conversion Rates

**Attachment F**—Emergency Waiver Notification

**Attachment G**—Cost Prohibitive or Other Specific Circumstances Waiver Request