

San Francisco Department of the Environment Regulation #SFE-09-02-MRO
Regulations Implementing Mandatory Recycling and Composting Ordinance
(Ordinance No. 100-09)

Regulation Effective Date: November 10, 2009

A. Authorization

The Mandatory Recycling and Composting Ordinance (Ordinance) was signed by Mayor Newsom on June 23, 2009 and becomes operative on October 21, 2009. The Ordinance creates a program which will be jointly implemented and enforced by the Department of the Environment (SFE), Department of Public Health and Department of Public Works, therefore it is codified in various places in the Municipal Code: Environment Code Chapter 19, Health Code Sections 291 and 293.1; and Public Works Code Section 173. Among other provisions, the Ordinance (1) requires all persons in San Francisco to separate recyclables, compostables and trash; (2) allows a property owner or manager to seek a waiver from all or portions of Environment Code Chapter 19 if it can be documented that the property does not have adequate storage space for containers for recyclables, compostables or trash; and (3) ensures that all properties subscribe to adequate refuse collection service.

The Director of SFE promulgates these regulations pursuant to his authority to adopt forms, regulations and guidelines under Section 1909 of the Environment Code to implement that Chapter. Any section numbers in these regulations refer to Environment Code Chapter 19.

B. Scope

The purpose of these regulations is to provide the procedure by which a property owner or manager may seek a waiver from the Director of all or portions of this Chapter, and to specify the form required to seek such a waiver. These regulations do not duplicate the Ordinance and must be read together with the Ordinance.

C. Process

The Director held a public meeting to discuss these regulations on November 10, 2009.


D. Requirements

See Attached.

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

Jared Blumenfeld
Director

Approved:
Date:


11/10/09 —

**Regulations implementing the Mandatory Recycling and Composting Ordinance
(Ord. No. 100-09); Environment Code Chapter 19**

A. Definitions

The terms used in these Regulations have the same meanings as in the Ordinance. The definitions are in Section 1902.

B. Forms, Regulations and Guidelines

As provided by Section 1909 (a), the Director may adopt necessary forms, regulations and guidelines to implement this Chapter.

C. Request for Space Waiver Form

A property owner or manager (“Applicant”) may seek a waiver from the Director of all or portions of the Chapter by using a form specified by the Director that shows that the property does not have adequate storage space for collection containers for recyclables, compostables or trash (Section 1910). Attachment A is the Request for Space Waiver Form an Applicant must submit to request a waiver showing that the property does not have adequate storage space for needed containers and that all efforts have been exhausted in finding solutions.

D. Procedures to Request a Space Waiver

The Applicant seeking a waiver from the Ordinance based on lack of adequate storage space must fill out the Request for Space Waiver Form and submit it to the San Francisco Department of the Environment (SFE) for review. All sections of the form must be completed, including a signed affidavit under penalty of perjury; if any section is omitted, the request for space waiver will not be considered by SFE.

SFE will evaluate information provided on the Request for Space Waiver Form. No waiver will be granted until all reasonable avenues have been explored between SFE staff or a designated representative and the Applicant to find solutions to a lack of adequate storage space. This may include efforts such as on-site verification of space limitations, recommending changing the sizes of collection containers, relocation of containers, changing the frequency of pick-ups and/or requiring the sharing of containers with neighboring properties. SFE may work with refuse collectors or others to accomplish the above.

The Director or SFE designee will make a determination on whether to grant a waiver and, if so, for which portions of the ordinance and what time frame. The Director’s decision to grant or deny a waiver shall be in writing and shall be final.

E. Forms

Attachment A - Request for Space Waiver Form