

1 [Hazardous Waste Management Fees.]

2 **Ordinance amending Section 1204 of San Francisco Health Code Article 22 to increase**
3 **fees for hazardous waste generators and inspections by the Department of Public**
4 **Health and making environmental findings.**

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6 Note: Additions are single-underline italics Times New Roman;
7 deletions are ~~strikethrough italics Times New Roman~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. Findings.

11 A. The Planning Department has determined that the actions contemplated in this
12 Ordinance are in compliance with the California Environmental Quality Act (California Public
13 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
14 Board of Supervisors in File No. _____ and is incorporated herein by reference.

15 Section 2. The San Francisco Health Code is hereby amended by amending Section
16 1204 to read as follows:

17 **SEC. 1204. FEES AND CHARGES**

18 In accordance with the single fee system established pursuant to Health and Safety
19 Code Section 25404.5, hazardous waste generators shall pay the following fees and charges
20 to cover the Department's costs incurred in implementing and enforcing the program
21 established by the Article:

22 (a) State Surcharge. Registrants, and permittees or grantees subject to the
23 requirements of this Article shall pay to the Department the annual State surcharge for
24 general program oversight, along with any program-specific surcharges established by the
25

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Secretary of the California Environmental Protection Agency pursuant to California Health and Safety Code Section 25404.5(b).

(b) Hazardous Waste Generator Fee. Hazardous waste generators subject to the program established by the Article shall pay an annual fee based upon the amount of hazardous waste generated during the preceding year. The amount of this fee is set forth in Chart I. Minimal Quantity Generators shall pay an annual fee of ~~\$72 for fiscal year 2004 (beginning July 1, 2004), \$76 for fiscal year 2005 (beginning July 1, 2005), \$80 for fiscal year 2006 (beginning July 1, 2006)~~ \$87. Minimal Quantity Generators shall be exempted from the annual base fee set forth in Section 1176(h) of Article 21 of this Code. For purposes of determining this fee, the term "Minimal Quantity Generator" or "MQG" shall mean a generator that meets all of the following requirements:

- (1) The quantity of hazardous waste generated by the generator does not exceed 50 pounds per month or 500 pounds per year; and
- (2) Hazardous waste is not treated on site; and
- (3) The generator is not required to have a hazardous materials registration pursuant to Article 21 for hazardous materials used or stored at the site.

CHART I
HAZARDOUS WASTE GENERATOR FEES

HW QUANTITY GENERATED/YEAR	<i>Fiscal Year</i> <i>2004</i>	<i>Fiscal Year</i> <i>2005</i>	<i>Fiscal Year</i> <i>2006</i>	<i>Fiscal Year</i> <i>2008-2009</i>
> 0 — 5 tons, other than MQG	\$267	\$282	\$298	<u>\$323</u>
5 — 25 tons	\$557	\$588	\$622	<u>\$675</u>
25 — 50 tons	\$778	\$822	\$868	<u>\$943</u>
50 — 250 tons	\$1,116	\$1,179	\$1,246	<u>\$1,352</u>

1	250 — 500 tons	\$1,548	\$1,636	\$1,728	<u>\$1,876</u>
2	500 — 1,000 tons	\$2,167	\$2,290	\$2,420	<u>\$2,627</u>
3	1,000 — 2,000 tons	\$3,142	\$3,320	\$3,509	<u>\$3,809</u>
4	2,000 + tons	\$4,400	\$4,649	\$4,912	<u>\$5,333</u>

(c) Tiered Permitting Fee. Persons operating pursuant to a permit-by-rule, conditional authorization or conditional exemption shall pay the following annual fee, based upon the type of permit, except that in the case of persons subject to more than one permitting either at one facility, the fee for all tiered permits at that facility shall be a single fee set at the amount of the fee for the highest applicable tier:

(1) Permit-by-Rule: ~~\$607 for fiscal year 2004 (beginning July 1, 2004), \$641 for fiscal year 2005 (beginning July 1, 2005), \$677 for fiscal year 2006 (beginning July 1, 2006)~~ \$735;

(2) Conditional Authorization: ~~\$185 for fiscal year 2004 (beginning July 1, 2004), \$195 for fiscal year 2005 (beginning July 1, 2005), \$206 for fiscal year 2006 (beginning July 1, 2006)~~ \$224;

(3) Conditional Exemption: ~~\$96 for fiscal year 2004 (beginning July 1, 2004), \$102 for fiscal year 2005 (beginning July 1, 2005), \$107 for fiscal year 2006 (beginning July 1, 2006)~~ \$117.

(d) Inspection Fee. In administering the provisions of this Article and conducting inspections pursuant to Health and Safety Code Sections 25185 and 25185.5, the Department shall require hazardous waste e generators and persons operating pursuant to a permit-by-rule, conditional authorization or conditional exemption to pay inspection and administrative fees to cover the Department's costs of any inspection (other than a routine inspection) conducted by the Department when it has reason to believe a generator is not in compliance with the hazardous waste laws and regulations. The fee for any such inspection and associated administrative activities for each hour or portion thereof for inspections performed during business hours shall be ~~\$137 for fiscal year 2004 (beginning July 1, 2004), \$145 for fiscal year 2005 (beginning July 1, 2005), \$153 for fiscal year 2006 (beginning July 1, 2006)~~ \$166; and for

1 each hour or portion thereof for inspections performed during nonbusiness hours, including
2 Saturdays, Sundays and evenings, shall be ~~\$206 for fiscal year 2004 (beginning July 1, 2004),~~
3 ~~\$218 for fiscal year 2005 (beginning July 1, 2005), \$230 for fiscal year 2006 (beginning July 1, 2006)~~
4 \$250.


5 (e) When the real property where the site is located is owned by a person other
6 than the operator of the site, it is the operator's duty to pay any inspection and administration
7 fees. However, in the event that operator fails to pay any inspection and administration fee as
8 provided for in the Article, the City and County may impose a lien on the real property
9 pursuant to the provisions of this Article and San Francisco Administrative Code, Chapter 10,
10 Article XX.

11 (f) Consultation Fee. The Director is authorized to charge a fee for Department
12 staff to consult with regulated parties subject to this Article or their representatives concerning
13 compliance with the requirements of this Article. The fee shall be ~~\$137 for fiscal year 2004~~
14 ~~(beginning July 1, 2004), \$145 for fiscal year 2005 (beginning July 1, 2005), \$153 for fiscal year 2006~~
15 ~~(beginning July 1, 2006)~~ \$166.

16 (g) Beginning with fiscal year 2007-2008, no later than April 15 of each year, the
17 Controller shall adjust the fees provided in this Article to reflect changes in the relevant
18 Consumer Price Index, without further action by the Board of Supervisors. In adjusting the
19 fees, the Controller may round these fees up or down to the nearest dollar, half-dollar or
20 quarter-dollar. The Director shall perform an annual review of the fees scheduled to be
21 assessed for the following fiscal year and shall file a report with the Controller no later than
22 May 1st of each year, proposing, if necessary, an adjustment to the fees to ensure that costs
23 are fully recovered and that fees do not produce significantly more revenue than required to
24 cover the costs of operating the program. The Controller shall adjust fees when necessary in
25 either case.

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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
CECILIA T. MANGOBA
Deputy City Attorney



City and County of San Francisco

City Hall
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Ordinance

File Number: 080742

Date Passed:

Ordinance amending Section 1204 of San Francisco Health Code Article 22 to increase fees for hazardous waste generators and inspections by the Department of Public Health and to provide for subsequent fee adjustments to ensure that such fees cover program costs; and making environmental findings.

July 16, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

July 22, 2008 Board of Supervisors — FINALLY PASSED

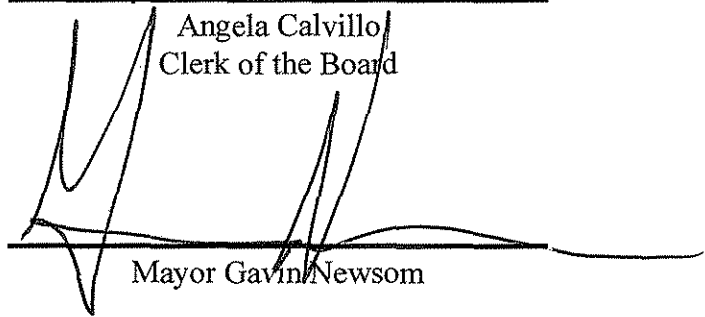
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080742

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on July 22, 2008 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

7.30.08

Date Approved