

1 [Medical Waste Generator Registration, Permitting, Inspections Fees.]

2
3 **Ordinance amending Sections 1504 through 1509, 1513, and 1514 and adding 1515**
4 **to San Francisco Health Code Article 25 to increase registration and permit fees for**
5 **persons who generate, store, haul and treat medical waste and for inspections by the**
6 **Department of Public Health; and to provide for subsequent fee adjustments to ensure**
7 **that such fees cover program costs; and making environmental findings.**

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9 Note: Additions are single-underline italics Times New Roman;
10 deletions are ~~strikethrough italics Times New Roman~~.
11 Board amendment additions are double underlined.
12 Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. Findings.

15 A. The Planning Department has determined that the actions contemplated in this
16 Ordinance are in compliance with the California Environmental Quality Act (California Public
17 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
18 Board of Supervisors in File No. 040734 and is incorporated herein by reference.

19 Section 2. The San Francisco Health Code is hereby amended by amending Section
20 1504 to read as follows:

21 **SEC. 1504. REGISTRATION REQUIREMENTS FOR SMALL QUANTITY**
22 **GENERATORS.**

23 (a) On-Site Treatment Registration. Each small quantity generator using on-site steam
24 sterilization, incineration, or microwave technology to treat medical waste shall register with
25 the Director.

1 (1) Small quantity generators using on-site treatment, as specified in Subsection (a),
2 which operate as a business in the same building, or which are associated with a group
3 practice in the same building, may register as one generator.

4 (2) Small quantity generators using on-site treatment, as specified in Subsection (a),
5 operating as specified in Paragraph (a)(1) in different buildings on the same or adjacent
6 property, or as approved by the Director, may register as one generator.

7
8 (3) "Adjacent," for purposes of paragraph (a)(2), means real property within 400 yards
9 from the property boundary of the primary registration site.

10 (b) Registration Deadline. Small quantity generators subject to Subsection 1504(a) shall
11 register with the Director and pay the required fee no later than 120 days after the effective
12 date of this Article. In those cases where the generation of medical waste begins after the
13 effective date of this Article, registration shall be completed pursuant to this Article prior to
14 commencement of the generation of medical waste.

15 (c) Registration by Filing Management Plan. Any small quantity generator required to
16 register with the Director pursuant to this Section shall file with the Director a medical waste
17 management plan, on forms prescribed by the Director containing, but not limited to, all of the
18 following:

19
20 (1) The name of the person responsible for operation of the small quantity generator, or
21 with direct responsibility for management of medical waste;

22 (2) The business address of the person specified in Paragraph (1);

23 (3) The type of business;
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1 (4) The types, and the estimated average monthly quantity, of medical waste generated;

2 (5) The type of treatment used on-site;

3
4 (6) The name and business address of the hazardous waste hauler used by the
5 generator for backup treatment and disposal, for waste for which the on-site treatment method
6 is not appropriate due to the hazardous or radioactive characteristics of the waste, or the
7 name of the hazardous hauler used by the generator to have untreated medical waste
8 removed for treatment and disposal;

9 (7) A statement indicating that the generator is hauling the medical waste generated in
10 his or her business pursuant to Section 1506 and the name and any business address of the
11 treatment and disposal facilities to which the waste is being hauled, if applicable;

12 (8) The name and business address of the hazardous waste hauler service provided by
13 the building management to which the building tenants may subscribe or are required by the
14 building management to subscribe and the name and business address of the treatment and
15 disposal facilities used, if applicable;

16 (9) A statement certifying that the information provided is complete and accurate.

17
18 (d) Inspection and Additional Permitting Requirements. Small quantity generators
19 required to register under Subsection 1504(a) are subject to biennial inspection of the on-site
20 treatment facility by the Director and may be subject to the permitting requirements of Section
21 1509 for on-site medical waste treatment facilities as determined by the Director. The
22 inspection and permitting requirements of this paragraph do not apply when on-site steam
23 sterilization is not used for the treatment or disposal of medical waste.

24 (e) Duration of Registration; Renewal and Update of Information. Each small quantity
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1 generator registration issued by the Director under Subsection 1504(a) shall be valid for two
2 years. Applications for renewal of the registration shall be filed with the Director on or before
3 the expiration date. Small quantity generators shall submit an updated application form within
4 30 days of any change in the medical waste management plan information specified in
5 Paragraphs (c)(1) to (c)(9) of this Section.

6 (f) Recordkeeping Requirements. Any medical waste generator required to register
7 pursuant to this Section shall maintain individual treatment and tracking records, including
8 tracking documents if applicable, for three years, or for the period specified in the Director's
9 regulations, and shall report or submit to the Director, upon request, both of the following:

10 (1) Treatment operating records;

11 (2) An emergency action plan complying with regulations adopted by the State of
12 California, pursuant to the Act.

13 (g) Containment and Storage Requirements. Containment and storage of medical waste
14 shall be in accordance with Section 1510.

15 (h) Treatment Requirements. Treatment of medical waste shall be in accordance with
16 Section 1511.

17 (i) Fees For Small Quantity Generator Registration. The registration and inspection fee
18 for small quantity generators required to register under Subsection 1504(a) is ~~\$255 which shall~~
19 ~~be paid once every two years.~~ \$321 for fiscal year 2004 (beginning July 1, 2004), \$398 for fiscal year
20 2005 (beginning July 1, 2005), \$482 for fiscal year 2006 (beginning July 1, 2006).
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24 Section 3. The San Francisco Health Code is hereby amended by amending Section
25 1505 to read as follows:

1 SEC. 1505. REQUIREMENTS FOR NONREGISTRANT SMALL QUANTITY
2 GENERATORS.

3 (a) Recordkeeping by Nonregistrants. Small quantity generators who are not required to
4 register pursuant to this Article shall maintain on file in their office all of the following:

5
6 (1) An information document stating how the generator contains, stores, treats, and
7 disposes of any medical waste generated through any act or process of the generator. The
8 information document may be prepared using the medical waste management plan form
9 prescribed by the Director pursuant to Subsection 1504(d);

10 (2) Records of any medical waste transported off-site for treatment and disposal,
11 including the quantity of waste transported, the date transported, and the name of the
12 hazardous waste hauler or individual hauling the waste pursuant to Subsection 1506(b). The
13 small quantity generator shall maintain these records for not less than two years.

14 (b) Nonregistrant Fee and Notification. Every small quantity generator subject to
15 Subsection 1505(a) shall mail a copy of the information document specified in Paragraph
16 (a)(1) to the Director no later than 120 days after the effective date of this Article. In those
17 cases where the generation of medical waste begins after the effective date of this Article, the
18 information document shall be mailed to the Director within 30 days of commencement of the
19 generation of medical waste.
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21 (1) The information document shall be accompanied by a one-time fee of ~~\$75~~ \$95 for
22 fiscal year 2004 (beginning July 1, 2004), \$117 for fiscal year 2005 (beginning July 1, 2005), \$142 for
23 fiscal year 2006 (beginning July 1, 2006).
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1 (2) A new information document and fee shall be submitted only if the generator moves
2 to a new location more than 400 yards from the boundary of the location specified in the
3 previous information document.

4 Section 4. The San Francisco Health Code is hereby amended by amending Section
5 1506 to read as follows:

6 SEC. 1506. MEDICAL WASTE HAULERS.

7
8 (a) Transportation of Waste. Except as otherwise exempted pursuant to Subsection
9 1506(b), all medical waste shall be transported off-site by a hazardous waste hauler in leak-
10 resistant and fully enclosed rigid containers in vehicle compartments. Medical waste shall be
11 transported off-site only to a permitted medical waste treatment facility, a permitted transfer
12 station, or a permitted large quantity generator for the purpose of consolidation before
13 treatment and disposal pursuant to this Article and the Act; provided that, no large quantity
14 generator shall accept off-site medical waste for purposes of consolidation before treatment
15 and disposal without written permission from the Director or as provided in a permit under this
16 Article.

17 (1) No person shall transport medical waste in the same vehicle with other waste unless
18 the medical waste is separately contained in rigid containers or kept separate by barriers from
19 other waste, unless all of the waste is to be handled as medical waste under this Article.

20
21 (2) Any persons manually loading or unloading containers of medical waste shall be
22 provided by their employer at the beginning of each shift with, and shall be required to wear,
23 clean and protective gloves and coveralls, changeable lab coats, or other protective clothing.

1 (b) Application for Exemption. Small quantity generators may apply to the Director for an
2 off-site limited-quantity hauling exemption, if the generator meets all of the following
3 requirements:

4 (1) The generator generates less than 20 pounds of medical waste per week, transports
5 less than 20 pounds of medical waste at any one time, and has a management plan pursuant
6 to Subsection 1504(d) or an information document pursuant to Subsection 1505(b) on file in
7 the Director's office.

8
9 (2) The generator transports the waste himself or herself, or directs a member of his or
10 her staff to transport the waste, to a permitted medical waste treatment facility or a permitted
11 transfer station before consolidation or treatment and disposal.

12 (3) The generator maintains a tracking document.

13 (A) Any person transporting medical waste off-site in a vehicle shall have a tracking
14 document in his or her possession while transporting the waste.

15
16 (B) The original tracking document shall be provided to the facility receiving the medical
17 waste.

18 (c) Issuance of Hauling Exemption; Fee. The Director may issue or modify small quantity
19 generator hauling exemptions with such conditions as necessary to protect public health and
20 welfare. Every applicant for an exemption shall pay a fee of ~~\$85~~ \$107 for fiscal year 2004
21 (beginning July 1, 2004), \$133 for fiscal year 2005 (beginning July 1, 2005), \$161 for fiscal year 2006
22 (beginning July 1, 2006); in addition to the small quantity generator registration fee under
23 Section 1504 or the nonregistrant fee under Section 1505.
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1 Section 5. The San Francisco Health Code is hereby amended by amending Section
2 1507 to read as follows:

3 SEC. 1507. PERMIT REQUIREMENTS FOR COMMON STORAGE FACILITIES.

4 (a) Permit Requirement. Every common storage facility shall have a permit issued by the
5 Director. A permit for any common storage facility may be obtained by any one of the
6 following:
7

8 (1) A provider of health care as defined in Section 56.05(d) of the Civil Code;

9 (2) The hazardous waste hauler responsible for collection of medical waste from the
10 common storage facility;

11 (3) The property owner;

12 (4) The property management firm responsible for providing tenant services to the
13 medical waste generators.
14

15 (b) Permit Application Deadlines. Any person under Subsection 1507(a) responsible for
16 the operation of a common storage facility shall apply for a permit from the Director within 120
17 days of the effective date of this Article, where the storage of medical waste in the common
18 storage facility began prior to that date. In those cases where the storage of medical waste
19 begins after the effective date of this Article, a permit application shall be submitted to the
20 Director and issued prior to commencement of storage of medical waste in the common
21 storage facility. The Director is authorized to take enforcement action against unpermitted
22 common storage facilities under Section 1512.
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24 (c) Permit Issuance and Denial Process. The Director shall issue, renew, modify or deny
25 common storage facility permits after notice and an opportunity for a hearing under Section

1 1503. The Director shall hold a hearing upon request of the applicant or any interested
2 person. Permit application forms shall be prescribed by the Director.

3 (d) Fee for Common Storage Facility Permits. The annual permit fee for a common
4 storage facility permitted pursuant to this Section is the amount specified in the following
5 schedule:

6
7 (1) For storage facilities serving 10 or fewer generators, the permit fee is ~~\$213~~ \$268 for
8 fiscal year 2004 (beginning July 1, 2004), \$333 for fiscal year 2005 (beginning July 1, 2005), \$403 for
9 fiscal year 2006 (beginning July 1, 2006).

10 (2) For storage facilities serving 11 to 49 generators, the permit fee is ~~\$340~~ \$428 for fiscal
11 year 2004 (beginning July 1, 2004), \$531 for fiscal year 2005 (beginning July 1, 2005), \$643 for fiscal
12 year 2006 (beginning July 1, 2006).

13 (3) For storage facilities serving 50 or more generators, the permit fee is ~~\$425~~ \$536 for
14 fiscal year 2004 (beginning July 1, 2004), \$664 for fiscal year 2005 (beginning July 1, 2005), \$803 for
15 fiscal year 2006 (beginning July 1, 2006).

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17 Section 6. The San Francisco Health Code is hereby amended by amending Section
18 1508 to read as follows:

19 SEC. 1508. REGISTRATION REQUIREMENTS FOR LARGE QUANTITY
20 GENERATORS.

21 (a) Registration Requirements. Each large quantity generator, except as specified in
22 paragraphs (1) and (2), shall register with the Director. Large quantity generators owning or
23 operating an on-site medical waste treatment facility shall also apply for a permit for that
24 treatment facility pursuant to Section 1509.
25

1 (1) Large quantity generators operating as a business in the same building, or which are
2 associated with a group practice in the same building, may register as one generator.

3 (2) Large quantity generators as specified in Paragraph (1), operating in different
4 buildings on the same or adjacent property, or as approved by the Director, may register as
5 one generator.

6
7 (3) "Adjacent" for purposes of Paragraph (2), means real property within 400 yards from
8 the property boundary of the primary registration site.

9 (b) Registration Deadline. Large quantity generators subject to Subsection 1508(a) shall
10 register with the Director and pay the required fee no later than 120 days after the effective
11 date of this Article. In those cases where the generation of medical waste begins after the
12 effective date of this Article, registration shall be completed prior to commencement of the
13 generation of medical waste.

14 (c) Registration by Filing Management Plan. Any large quantity generator required to
15 register pursuant to Subsection 1508(a) shall file with the Director a medical waste
16 management plan, on forms prescribed by the Director containing, but not limited to, all of the
17 following:

18
19 (1) The name of the person responsible for operation of the large quantity generator, or
20 with direct responsibility for management of medical waste;

21 (2) The business address and telephone number of the person in Paragraph (1);

22 (3) The type of business;

23 (4) The types, and the estimated average monthly quantity, of medical waste generated;

1 (5) The type of treatment used on-site, if applicable. For generators with on-site medical
2 waste treatment facilities, including incinerators or steam sterilizers or other treatment facilities
3 as determined by the Director, the treatment capacity of the on-site treatment facility;

4 (6) The name and business address of the hazardous waste hauler used by the
5 generator to have untreated medical waste removed for treatment, if applicable;

6
7 (7) The name and business address of the hazardous waste hauler service provided by
8 the building management to which the building tenants may subscribe or are required by the
9 building management to subscribe, if applicable;

10 (8) The name and business address of the off-site medical waste treatment facility to
11 which any medical waste is being hauled, if applicable;

12
13 (9) An emergency action plan complying with regulations adopted by the Director and
14 approved by the department, if applicable;

15 (10) A statement certifying that the information provided is complete and accurate.

16 (d) Inspections. Every large quantity generator shall be subject to at least annual
17 inspection by the Director.

18
19 (e) Duration of Registration; Renewal and Update of Information. Each large quantity
20 generator registration issued by the Director shall be valid for one year.

21 (1) An application for renewal of the registration shall be filed with the Director not less
22 than 90 days prior to the expiration date. Failure to meet this requirement shall result in
23 assessment of a late fee.
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1 (2) Every large quantity generator shall submit an updated application form within 30
2 days of any change in the medical waste management plan information specified in
3 Subsection (c) above.

4 (f) Recordkeeping Requirements. Any large quantity generator required to register
5 pursuant to this Section shall maintain individual treatment and tracking records, including
6 tracking documents if applicable, for three years or for the period specified in the Director's
7 regulations.

8
9 (g) Containment and Storage Requirements. Containment and storage of medical waste
10 shall be in accordance with Section 1511.

11 (h) Waste Treatment Requirements. Treatment of medical waste shall be in accordance
12 with Section 1511.

13 (i) Annual Fee For Large Quantity Generators. The registration and annual fee for large
14 quantity generators shall be set in following amounts:

15
16 (1) A general acute care hospital, as defined in Subdivision (a) of Section 1250, Division
17 2, Chapter 2 of the Health and Safety Code, which has one or more beds, but not more than
18 99 beds, shall pay ~~\$510~~ \$643 for fiscal year 2004 (beginning July 1, 2004), \$797 for fiscal year 2005
19 (beginning July 1, 2005), \$964 for fiscal year 2006 (beginning July 1, 2006); a facility with 100 or
20 more beds, but not more than 199 beds, shall pay ~~\$765~~ \$964 for fiscal year 2004 (beginning July
21 1, 2004), \$1195 for fiscal year 2005 (beginning July 1, 2005), \$1446 for fiscal year 2006 (beginning
22 July 1, 2006); a facility with 200 or more beds, but not more than 250 beds shall pay ~~\$1,020~~
23 \$1285 for fiscal year 2004 (beginning July 1, 2004), \$1594 for fiscal year 2005 (beginning July 1,
24 2005), \$1928 for fiscal year 2006 (beginning July 1, 2006); and a facility with 251 or more beds
25

1 shall pay ~~\$1,445~~ \$1821 for fiscal year 2004 (beginning July 1, 2004), \$2258 for fiscal year 2005
2 (beginning July 1, 2005), \$2732 for fiscal year 2006 (beginning July 1, 2006).

3 (2) A specialty clinic, providing surgical, dialysis, or rehabilitation services, as defined in
4 Subdivision (b) of Section 1204, Division 2, Chapter 1 of the Health and Safety Code, shall
5 pay ~~\$595~~ \$750 for fiscal year 2004 (beginning July 1, 2004), \$930 for fiscal year 2005 (beginning July
6 1, 2005), \$1125 for fiscal year 2006 (beginning July 1, 2006).

7
8 (3) A skilled nursing facility, as defined in Subdivision (c) of Section 1250, Division 2,
9 Chapter 2 of the Health and Safety Code, which has one or more beds, but not more than 99
10 beds shall pay ~~\$255~~ \$321 for fiscal year 2004 (beginning July 1, 2004), \$398 for fiscal year 2005
11 (beginning July 1, 2005), \$482 for fiscal year 2006 (beginning July 1, 2006); a facility with 100 or
12 more beds, but not more than 199 beds shall pay \$340 \$428 for fiscal year 2004 (beginning July
13 1, 2004), \$531 for fiscal year 2005 (beginning July 1, 2005), \$643 for fiscal year 2006 (beginning July
14 1, 2006); and a facility with 200 or more beds shall pay \$425 \$536 for fiscal year 2004 (beginning
15 July 1, 2004), \$664 for fiscal year 2005 (beginning July 1, 2005), \$803 for fiscal year 2006 (beginning
16 July 1, 2006).

17 (4) An acute psychiatric hospital, as defined in Subdivision (b) of Section 1250, Division
18 2, Chapter 2 of the Health and Safety Code, shall pay ~~\$595~~ \$750 for fiscal year 2004 (beginning
19 July 1, 2004), \$930 for fiscal year 2005 (beginning July 1, 2005), \$1125 for fiscal year 2006 (beginning
20 July 1, 2006).

21
22 (5) An intermediate care facility, as defined in Subdivision (d) of Section 1250, Division
23 2, Chapter 2 of the Health and Safety Code, shall pay ~~\$595~~ \$750 for fiscal year 2004 (beginning
24 July 1, 2004), \$930 for fiscal year 2005 (beginning July 1, 2005), \$1125 for fiscal year 2006 (beginning
25 July 1, 2006).

1 (6) A primary care clinic, as defined in Section 1200.1, Division 1, Chapter 1 of the
2 Health and Safety Code, shall pay ~~\$595~~ \$750 for fiscal year 2004 (beginning July 1, 2004), \$930
3 for fiscal year 2005 (beginning July 1, 2005), \$1125 for fiscal year 2006 (beginning July 1, 2006).

4 (7) A licensed clinical laboratory, as defined in Paragraph (3) of Subdivision (a) of Section
5 1206, of the Business and Professions Code, shall pay ~~\$255~~ \$321 for fiscal year 2004 (beginning
6 July 1, 2004), \$398 for fiscal year 2005 (beginning July 1, 2005), \$482 for fiscal year 2006 (beginning
7 July 1, 2006).

8 (8) A health care service plan facility, as defined in Subdivision (f) of Section 1345,
9 Division 2, Chapter 2.2 of the Health and Safety Code, shall pay ~~\$595~~ \$750 for fiscal year 2004
10 (beginning July 1, 2004), \$930 for fiscal year 2005 (beginning July 1, 2005), \$1125 for fiscal year 2006
11 (beginning July 1, 2006).

12 (9) A veterinary clinic or veterinary hospital shall pay ~~\$255~~ \$321 for fiscal year 2004
13 (beginning July 1, 2004), \$398 for fiscal year 2005 (beginning July 1, 2005), \$482 for fiscal year 2006
14 (beginning July 1, 2006).

15 (10) A large quantity generator medical office shall pay ~~\$255~~ \$321 for fiscal year 2004
16 (beginning July 1, 2004), \$398 for fiscal year 2005 (beginning July 1, 2005), \$482 for fiscal year 2006
17 (beginning July 1, 2006).

18 Section 7. The San Francisco Health Code is hereby amended by amending Section
19 1509 to read as follows:

20 SEC. 1509. PERMIT REQUIREMENTS FOR ON-SITE MEDICAL WASTE
21 TREATMENT FACILITIES.

22 (a) Permit Requirement; Inspections. All on-site medical waste treatment facilities shall
23 be permitted and inspected by the Director pursuant to this Section.
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1 (b) Permit Application Deadlines. Within 120 days of the effective date of this Article,
2 each person owning or operating a medical waste treatment facility shall apply for a permit
3 pursuant to this Section. If the medical waste treatment facility begins operation after the
4 effective date of this Article, the permit shall be obtained pursuant to this Section prior to
5 commencement of the treatment facility's operation. Registered small quantity generators
6 shall obtain a permit if required by the Director pursuant to Subsection 1504(e).

7 (c) Medical Waste from Adjacent Small Quantity Generators. A health care facility
8 accepting medical waste for treatment from small quantity generators located on property
9 adjacent to the facility shall be classified as an on-site treatment facility. The word "adjacent"
10 as used in this subsection means real property within 400 yards of the property boundary of
11 the health care facility accepting medical waste for treatment.

12 (d) Permit Application. Any person required to obtain a permit pursuant to this Section
13 shall file an application on forms prescribed by the Director, containing, but not limited to, all of
14 the following information:
15

16 (1) The name of the applicant;

17 (2) The business address of the applicant;

18 (3) The type of treatment provided, the treatment capacity of the facility, a
19 characterization of the waste treated at this facility, and the estimated average monthly
20 quantity of waste treated at the facility;

21 (4) A disclosure statement, as provided in Section 25112.5 of the California Health and
22 Safety Code;
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1 (5) Evidence satisfactory to the Director that the operator of the medical waste treatment
2 facility has the ability to comply with this Article and other requirements of State or local law;

3 (6) Any other information required by the Director for the administration or enforcement
4 of this Article.

5 (e) Issuance or Renewal of Permit; Grounds for Denial.

6 (1) Prior to issuing or renewing a permit under this Section, the Director shall review the
7 compliance history of the applicant, under any local, state, or federal law or regulation
8 governing the control of medical waste or pollution.
9

10 (2) The Director shall, pursuant to this Section, deny a permit, or specify additional
11 permit conditions, to ensure compliance with applicable laws and regulations, if the Director
12 determines that in the three- year period preceding the date of application the applicant has
13 violated laws or regulations identified in Paragraph (1) at a facility owned or operated by the
14 applicant, and the violations demonstrate a recurring pattern of noncompliance or pose, or
15 have posed, a significant risk to public
16 health and safety or to the environment.
17

18 (3) In addition to any other information required to be submitted for the permitting of a
19 facility pursuant to this Section, an applicant who has owned or operated a facility regulated
20 by the Director shall provide a description of all violations described in Paragraph (1), which
21 occurred at any facility permitted and owned or operated by the applicant in the City and
22 County of San Francisco in the three years prior to the date of application.
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1 (4) In making the determination of whether to deny a permit or to specify additional
2 permit conditions pursuant to Paragraph (2), the Director shall take both of the following into
3 consideration:

4 (A) Whether a permit denial or permit condition is appropriate or necessary given the
5 severity of the violation;

6 (B) Whether the violation has been corrected in a timely fashion.

7 (f) Recordkeeping Requirements.

8
9 (1) The Director shall evaluate, inspect, and review the records of on-site medical waste
10 treatment facilities for compliance with this Article. Commencing on the thirtieth day after the
11 effective date of this Article, all persons operating an on- site medical waste treatment facility
12 shall maintain individual records for a period of three years and shall report or submit to the
13 Director upon request, all of the following information:

14 (A) The type of treatment facility and its capacity;

15 (B) All treatment facility operating records;

16 (C) If applicable, copies of the tracking documents for all medical waste it receives for
17 treatment from off-site generators or from hazardous waste haulers.

18 (g) Duration, Renewal and Transfer of Permits.

19 (1) A medical waste permit issued by the Director to a medical waste treatment facility
20 shall be valid for five years.
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1 (2) An application for renewal of the permit shall be filed with the Director not less than
2 90 days prior to the expiration date. If a permittee fails to make a timely application for
3 renewal, the medical waste permit shall expire on the expiration date.

4 (3) A medical waste permit may be renewed if the Director finds the permittee has been
5 in substantial compliance with this Article and any regulations adopted pursuant hereto during
6 the preceding permitted period, or that the permittee corrected
7
8 previous violations in a timely manner.

9 (4) Upon approval of the Director, a permit may be transferred from one subsidiary to
10 another subsidiary of the same corporation, from a parent corporation to one of its
11 subsidiaries or from a subsidiary to a parent corporation.

12 (h) Termination of Permit Prior to Expiration Date. A person required to obtain a medical
13 waste permit shall at all times, possess a valid permit for each facility in operation. A medical
14 waste permit shall terminate prior to its expiration date if suspended or revoked pursuant to
15 Section 1512 or, notwithstanding Section 1512, if either of the following occurs:
16

17 (1) The permittee sells or otherwise transfers the facility except as specified in
18 Paragraph (g)(4) of this Section;

19 (2) The permittee surrenders the permit to the Director because the permittee ceases
20 operation.

21 (i) Permit Issuance Procedures.

22 (1) Permits shall be issued, renewed, denied or modified only after notice and a hearing
23 pursuant to Subsection 1503(b).
24
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1 (2) The Director shall issue a medical waste permit upon evaluation, inspection, or
2 records review of the applicant if the applicant is in substantial compliance with this Article and
3 the applicant has corrected any previous violations. A decision to issue or not to issue the
4 permit shall be made by the Director within 120 days of the time that the application is filed,
5 unless waived by the applicant.

6 (j) Permit Provisions. When issuing, renewing, or revising any treatment facility permit,
7 the Director may prohibit or condition the handling or treatment of medical waste to protect
8 public health and safety.

9 (k) Fees for Medical Waste Treatment Facilities.

10 (1) The annual permit fee for an on-site treatment facility shall be set at the following
11 amount:
12

13 (A) The fee for an autoclave is ~~\$255~~ *\$321 for fiscal year 2004 (beginning July 1, 2004), \$398*
14 *for fiscal year 2005 (beginning July 1, 2005), \$482 for fiscal year 2006 (beginning July 1, 2006).*
15

16 (C) The Director shall charge an application fee for an on-site treatment facility equal to
17 ~~\$85~~ *\$142 for fiscal year 2004 (beginning July 1, 2004), \$155 for fiscal year 2005 (beginning July 1,*
18 *2005), \$167 for fiscal year 2006 (beginning July 1, 2006)* for each hour spent processing the
19 application.

20 Section 8. The San Francisco Health Code is hereby amended by amending Section
21 1513 to read as follows:

22 SEC. 1513. INSPECTION AND INVESTIGATION FEES.

23 (a) Notwithstanding any other provision of this Article, the Director may conduct an
24 investigation and an inspection pursuant to Section 1512 whenever information is received
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1 that any medical waste generator or any person is in violation of this Article. The Director may
2 require any person subject to this Article to pay an inspection and investigation fee equal to
3 \$85 \$142 for fiscal year 2004 (beginning July 1, 2004), \$155 for fiscal year 2005 (beginning July 1,
4 2005), \$167 for fiscal year 2006 (beginning July 1, 2006) for each hour or portion thereof spent by
5 the Department of Public Health in conducting such activities.

6 (b) A notice of payment due shall be sent by the Director to the medical waste generator
7 and the owner of the property inspected, advising of the amount of any fee and containing the
8 following information:

9
10 (1) The date and location of the Director's investigation and inspection activities;

11 (2) The amount of the fee;

12
13 (3) A statement advising the generator and property owner that he or she is liable under
14 this Article for the fee in the amount indicated in the notice and that payment to the City is due
15 within 30 days of the mailing date of the notice;

16 (4) A statement advising the generator and property owner that a penalty of 10 percent
17 plus interest at the rate of one percent per month on the outstanding balance shall be added
18 to the costs from the date that payment is due under Subsection (b)(3);

19 (5) A statement advising the property owner that if payment of the costs is not received
20 within 90 days of the mailing date, a lien may be imposed on the property of the owner where
21 the generator is located, or where the violation occurred, pursuant to the provisions of this
22 Section;

23
24 (6) A statement that the generator or property owner may appeal the fee determination
25 contained in the notice of payment due to the Director. Said appeal must be filed in writing

1 with the Director no later than 30 days after the date the notice of payment due is issued. The
2 Director's decision on the appeal shall be final.

3 (c) If full payment of the costs is not received within 30 days after the notice of payment
4 due was sent, a second notice of payment due shall be sent by the Director to the generator
5 and property owner. The second notice shall state that the generator and property owner are
6 liable for the payment of the costs indicated on the notice.

7
8 (d) If full payment of the costs is not received within 30 days after the second notice of
9 payment due was sent, a third (and final) notice of payment due shall be sent by the Director
10 to the generator and property owner. The third notice shall state that the generator and
11 property owner are liable for the payment of the costs indicated on the notice and that if
12 payment of such costs is not received within 30 days of the mailing date of the third notice,
13 lien proceedings may be initiated against the subject property pursuant to the provisions of
14 this Article.

15 (e) If payment is not received within 30 days following mailing the third notice, the
16 Department shall initiate lien proceedings pursuant to the provisions of Article XX of Chapter
17 10 of the San Francisco Administrative Code.

18 Section 9. The San Francisco Health Code is hereby amended by amending Section
19 1514 to read as follows:

20 SEC. 1514. FEES. Beginning with fiscal year 2007-2008, no later than April 15 of each year,
21 the Controller shall adjust the fees provided in this Article to reflect changes in the relevant Consumer
22 Price Index, without further action by the Board of Supervisors. In adjusting the fees, the Controller
23 may round these fees up or down to the nearest dollar, half-dollar or quarter-dollar. The Director
24 shall perform an annual review of the fees scheduled to be assessed for the following fiscal year and
25

1 shall file a report with the Controller no later than May 1st of each year, proposing, if necessary, an
2 adjustment to the fees to ensure that costs are fully recovered and that fees do not produce significantly
3 more revenue than required to cover the costs of operating the program. The Controller shall adjust
4 fees when necessary in either case.

5 ~~SEVERABILITY. If any section, subsection, paragraph, subparagraph, sentence, clause, or~~
6 ~~phrase of this Article, is for any reason held to be unconstitutional, invalid or ineffective by any court~~
7 ~~of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining~~
8 ~~portions of this Article. The Board of Supervisors declares that it would have passed each section,~~
9 ~~subsection, paragraph, subparagraph, sentence, clause, or phrase of this Article irrespective of the fact~~
10 ~~that any one or more sections, subsections, paragraphs, subparagraphs, clauses, or phrases could be~~
11 ~~declared unconstitutional, invalid or ineffective.~~

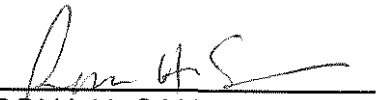
12 Section 10. The San Francisco Health Code is hereby amended by adding Section
13 1515 to read as follows:

14 SEC. 1515. SEVERABILITY.

15 If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Article,
16 is for any reason held to be unconstitutional, invalid or ineffective by any court of competent
17 jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this
18 Article. The Board of Supervisors declares that it would have passed each section, subsection,
19 paragraph, subparagraph, sentence, clause, or phrase of this Article irrespective of the fact that any
20

1 one or more sections, subsections, paragraphs, subparagraphs, clauses, or phrases could be declared
2 unconstitutional, invalid or ineffective.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: 
7 RONA H. SANDLER
8 Deputy City Attorney

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 040734

Date Passed:

Ordinance amending Sections 1504 through 1509, 1513, and 1514 and adding 1515 to San Francisco Health Code Article 25 to increase registration and permit fees for persons who generate, store, haul and treat medical waste and for 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 13, 2004 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, McGoldrick, Peskin,
Sandoval

Noes: 3 - Daly, Gonzalez, Hall

July 20, 2004 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Alioto-Pier, Ammiano, Dufty, Ma, Maxwell, McGoldrick, Peskin,
Sandoval

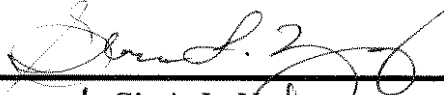
Noes: 3 - Daly, Gonzalez, Hall

File No. 040734

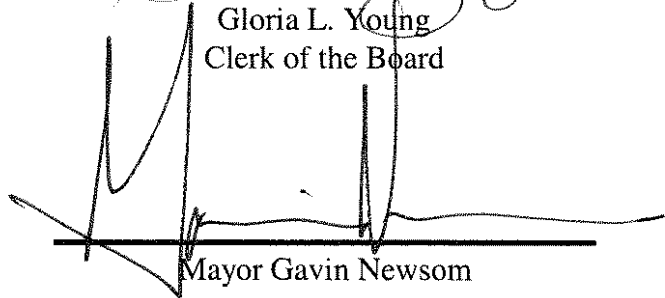
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on July 20, 2004 by the Board of Supervisors of the City and County of San Francisco.

JUL 22 2004

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom