

HEALTH COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 9-92

**RESOLUTION TO ADOPT REGULATIONS FOR ISSUANCE
OF FEDERAL FACILITY REFUSE COLLECTION PERMITS**

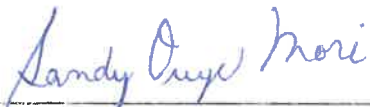
WHEREAS, the San Francisco Charter, Appendix A, provides for the collection and disposition of refuse within the City; and,

WHEREAS, the Director of Public Health is mandated to issue a permit to all refuse haulers and transporters as provided in the Charter; and,

WHEREAS, in order to comply with State requirements, accomplish the City's waste diversion goals, support the City's Waste Acceptance Control Program, and conform to the special circumstances surrounding the need for refuse collection permits for federal facilities, the Department of Public Health, following a public workshop, developed regulations for the issuance of these permits; now, therefore, be it

RESOLVED, that the San Francisco Health Commission, in accordance with Section 3.500 of the City Charter, adopts the Regulations for Issuance of Federal Facility Refuse Collection Permits proposed by the Department of Public Health.

I hereby certify that the foregoing Resolution was adopted by the Health Commission at its meeting of Tuesday, August 11, 1992.



Sandy Ouye Mori
Secretary to the Health Commission

DEPARTMENT OF PUBLIC HEALTH
BUREAU OF ENVIRONMENTAL HEALTH SERVICES

REGULATIONS FOR ISSUANCE OF FEDERAL FACILITY
REFUSE COLLECTION PERMITS

I. APPLICABILITY OF REGULATIONS

A. Authorization

The Health Commission is authorized to issue these regulations under Section 3.500 of the Charter of the City and County of San Francisco. The Director of the Department of Public Health is authorized to implement these regulations under the Refuse Collection and Disposal Ordinance, Appendix A of the Charter of the City and County of San Francisco, and has delegated that authority to the Director of the Bureau of Environmental Health. Pursuant to Resolution 259-92 of the San Francisco Board of Supervisors on April 7, 1992, the Bureau of Environmental Health Services is the designated Local Enforcement Agency under the California Integrated Solid Waste Management Act of 1989, California Public Resources Code Section 40400 *et seq.*, as required by the California Code of Regulations, Title 14, Division 7, Chapter 5, Article 2, Sections 18050-18084.

B. Policy

Under Section 4 of the Refuse Collection and Disposal Ordinance, collection permits are to be issued on the basis of need as indicated by inadequate service to a particular route. The City's permit program must use this ordinance requirement as the primary basis for issuance of new federal facility collection permits. But large federal enclaves present special problems for the City's refuse collection permit program. These facilities were previously exempt from local solid waste regulations and historically may not have been serviced by permitted and licensed refuse collectors. Additionally, these facilities are subject to federal procurement regulations that specify the requirements and process for award of contracts by each federal agency. The City's permit program must assure that conflicting regulatory requirements do not prevent efficient, continuous refuse collection. In recognition of these factors, it shall be the policy of the City and County of San Francisco to conduct its refuse collection permit program in harmony with federal procurement requirements to the extent allowable under the Charter. This policy serves to carry out City responsibilities under federal, state, and local law, and under the City Waste Disposal Agreements which set forth disposal restrictions for all City refuse. It also protects the public health and welfare by regulating and selecting the companies that transfer refuse over City streets.

C. Scope

These regulations apply to applicants for federal facility refuse collection permits under the Refuse Collection and Disposal Ordinance, Appendix A, of the Charter of the City and County of San Francisco. These regulations provide procedures and substantive requirements for issuance of refuse collection permits for six federal facilities within the boundaries of the City and County of San Francisco. The applicable

facilities are known as Hunters Point Naval Shipyard, Veteran's Hospital - Fort Miley, Treasure Island Naval Station, Yerba Buena Island, the Presidio of San Francisco, and the Golden Gate National Recreation Area. Federal facilities are subject to this ordinance to the extent required by Section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. Section 6961.

D. Other Requirements

In addition to complying with these regulations and the Charter of the City and County of San Francisco, all Permittees must comply with the California Public Resources Code Section 40000 et seq. and the requirements of Title 14 of the California Code of Regulations, Division 7, Chapter 3, beginning at Section 17200. Permittees shall comply with all requirements designated by the Board of Supervisors under Section 5 of the Refuse Collection and Disposal Ordinance, the San Francisco Integrated Waste Management Plan, and the San Francisco Waste Acceptance Control Program, all as they may be from time to time amended.

II. APPLICATION PROCEDURES

A. Filing Requirements

Any person proposing to perform refuse collection for an applicable federal facility, or proposing to modify an existing federal facility permit, shall file a complete permit application with the Director of the Bureau of Environmental Health. If requested by the applicant, the Director shall meet with the applicant within five days of filing to review the application for completeness. The Director shall notify the applicant within 15 days of receipt whether the application has been accepted as complete. If the Director finds that the application is not complete, the Director shall notify the applicant in writing that the application is not accepted for filing, and list all missing or inadequate information. Incomplete or inadequate permit applications shall not be considered for issuance or modification of a permit.

B. Showing of Need

The permit application shall contain a detailed demonstration of the need for a new permit based on one or more of the following reasons:

1. A currently licensed and permitted collector is not providing service, or;
2. The currently licensed and permitted collector is providing inadequate service as defined in Section 4 of the Refuse Collection and Disposal Ordinance, or;
3. The currently licensed and permitted collector cannot continue to provide service, (e.g., the current collector has decided not to submit a bid).

C. Qualifications of Applicant

Prior to accepting an application for filing the Director shall verify that the applicant has provided the following information:

1. General

- a. Name and address of person(s) or organization applying for permit or permit modification
- b. Name and phone number of contact person
- c. Date of submission of application
- d. Type of organization (partnership, corporation, etc.)
- e. Names of partners or major stockholders (with holdings of over 5% of stock)
- f. Five letters of recommendation or references regarding applicant's capability as a refuse collection contractor
- g. History and description of all the applicant's criminal, civil, and administrative violations in the past 10 years
- h. List and description of ongoing related party transactions (e.g., leases of trucks and equipment)
- i. Description of area(s) to be serviced

2. Financial Responsibility

- a. Financial statements for past five years
- b. Evidence of ability to secure a performance bond or equivalent security in an amount satisfactory to the Director to establish that the applicant has adequate financial resources to conduct operations under a permit.
- c. Certificates of insurance in the greater of the amounts required by federal contract, or \$1 million per occurrence/\$2 million aggregate.
- d. Description of any previous bankruptcies
- e. Other significant existing financial obligations (e.g. leases, pending lawsuits)

3. Operational Competency

- a. Statement of industry experience
- b. Resumes of key managers
- c. List of equipment to be utilized to collect and haul refuse under the permit
- d. Location and description of office/maintenance facilities
- e. Description of applicant's maintenance procedures
- f. Proposed service collection schedule
- g. DMV records of all drivers and years of commercial driving experience
- h. Description of major accidents in past five years
- i. Worker's compensation experience modification factor for past five years
- j. Description of safety procedures

4. Program Compliance

- a. Description of applicant's proposed Waste Acceptance Control Program to exclude hazardous and designated wastes
- b. Description of applicant's complaint resolution procedures
- c. Copy of customer complaint log from a comparable refuse collection operation
- d. If the applicant requests that any part of the application remain confidential, a statement of the reasons, and a statement of legal justification regarding the City's right to uphold the request.

D. Notice of Receipt of Completed Application

The Director shall provide notice of receipt of completed applications to interested persons, including all existing federal facility refuse collection permittees and other permit applicants. The notice shall provide interested persons with the date and time of the public hearing on the permit application.

III. PERMIT PROCESS

A. Notice of Public Hearing

The Director shall set a public hearing on the completed permit application to occur within 30 days of the notice of receipt of completed application under Section II. Notice of a public hearing shall also be given by publication in a newspaper of general circulation in the City for at least two days and not less than 15 days prior to the date of such hearing. If more than one application is received for the same facility, the Director may postpone the hearing date to set a joint hearing for all complete applications.

B. Conduct of Public Hearing

The Director or a designee shall preside over the public hearing on the permit application. Testimony shall be taken from the applicant, City staff, and interested members of the public. The Director shall accept written and oral testimony at the hearing, and all oral testimony will be recorded by a court reporter. All public comment on the application must be presented by the close of the hearing, unless the Director or the designee grants an extension.

C. Final Action on Permit Application

Within 30 days of the public hearing under this section, the Director shall take final action on a completed permit application by sending a copy of the Permit, the modified Permit, or the permit denial, to the applicant; to any person requesting a copy; and to all persons who presented testimony at the public hearing. The permit or notice of denial shall be accompanied by a statement explaining the reason's for the Director's action, and responding to testimony presented at the public hearing. The Director's action shall be final at the close of business on the fifteenth (15th) day following issuance or denial, unless an appeal is filed with the Board of Permit Appeals.

IV. PERMIT PROVISIONS

A. Precondition to Permit Issuance

The Director may issue a permit after a hearing only if the applicant has demonstrated that there is a need for a new permit as required under Section II.B.

B. Standard for Permit Issuance

The Director shall not issue a permit unless the applicant demonstrates sufficient financial ability, operational competence and experience, and program compliance ability, to provide high quality, professional collection and disposal services in light of prevailing industry standards and applicable laws.

C. Required Permit Provisions

Permits shall be issued in accordance with the following terms and conditions:

1. The permit shall be limited to the area within the federal facility for which the permittee has a contract, or for which the federal facility is seeking collection services;
2. The permit shall not be transferable;
3. The permit shall contain a condition requiring compliance with all local, state and federal laws;
4. The permit shall require the permittee to conduct operations in a safe and reliable manner;
5. The permit shall require the permittee to indemnify the City from financial loss or damages in a manner approved by the City's Risk Manager;
6. The permit shall require the permittee to comply with the City's solid waste program goals and requirements;
7. The permit shall require the permittee to maintain disposal arrangements that conform to Section 5 of the Refuse Collection and Disposal Ordinance, Appendix A, of the Charter of the City and County of San Francisco
8. The permit shall be non-exclusive.
9. The permit shall provide for automatic expiration in the event the area served ceases to be a federal facility.
10. The permit shall require the permittee to maintain evidence of financial responsibility such as a performance bond or equivalent security, in a form and manner acceptable to the Director.

D. Permit Modifications

The Director may make minor modifications (e.g., change of vehicles, pickup locations or times, or name of company) to a permit upon request of the Permittee without holding a public hearing. Modifications deemed major by the Director shall require submittal of a complete permit application and a public hearing under Sections II and III. Requests to expand an area for refuse collection shall require a new permit. The Director may reopen an existing permit at any time to require a minor or major modification.

E. Permit Revocation

The Director shall revoke the permit of any permittee subjected to license revocation under Section 9 of the Refuse, Collection and Disposal Ordinance. The Director may revoke any permit, after notice and a hearing held pursuant to Section III, upon a determination that the permittee has filed a false application, has failed to comply with the permit or other requirements of law, or has provided inadequate service as provided in Section 4 of the Refuse, Collection and Disposal Ordinance.

F. Emergency Permits

The director may issue temporary emergency permits without a hearing when necessary for the protection of public health if any permitted collector fails to provide adequate service to a federal facility under this Ordinance. Emergency permits shall expire upon issue of a permit under Sections II and III of this Ordinance.

Date approved: August 11, 1992

4369e