
ARTICLE 22B:

CONSTRUCTION DUST CONTROL REQUIREMENTS

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SEC. 1240. DEFINITIONS.

In addition to the general definitions applicable to this Code, whenever used in this Article, the following terms shall have the meanings set forth below:

(a) "Applicant" means a person applying for any permit specified in Section 106.3.2.6 of the San Francisco Building Code or, if a permit for the work is not required from the Department of Building Inspection, the owner of the property where the activities will take place.

(b) "Director" means the Director of the San Francisco Department of Public Health or the Director's designee.

(c) "Director of Building Inspection" means the Director of the Department of Building Inspection of the City and County of San Francisco.

(d) "Owner" means the owner or owners of the property that is the site of the construction activities.

(e) "Sensitive Receptor" means residence, school, childcare center, hospital or other health-care facility or group living quarters.

■ (Added by 176-08, File No. 071009, App. 7/30/2008)

SEC. 1241. APPLICABILITY OF ARTICLE.

This Article shall apply to any site preparation or construction activities taking place within the City and County of San Francisco that has the potential to create dust or that will expose or disturb soil.

■ (Added by 176-08, File No. 071009, App. 7/30/2008)

SEC. 1242. SITE-SPECIFIC DUST CONTROL PLAN.

(a) Applicants for projects over a half acre in size shall submit a map showing the location of the project and clearly identifying all surrounding sensitive receptors and particularly noting those within 1,000 feet of the project. The Director of Health shall review this map and any other information available to the Director to verify compliance with this submittal requirement. If no sensitive receptors are determined to be within 1,000 feet of the project, then the Director of Health may issue a waiver to the Applicant that specifies that the project is not required to have a site-specific dust control plan.

(b) For projects determined by the Director to be within 1,000 feet of sensitive receptors, the Applicant will submit a site-specific dust control plan to the Director for approval.

(c) The site-specific dust control plan shall contain all provisions of Section 106.3.2.6.3 of the Building Code and enhanced site-specific dust monitoring and control measures that will apply to the project. These site-specific measures may include the following or equivalent measures, which accomplish the goal of minimizing visible dust:

(1) wetting down areas around soil improvement operations, visibly dry disturbed soil surface areas, and visibly dry disturbed unpaved driveways at least three times per shift per day.

(2) analysis of the wind direction,

(3) placement of upwind and downwind particulate dust monitors,

(4) recordkeeping for particulate monitoring results,

(5) hiring of an independent third party to conduct inspections for visible dust and keeping records of those inspections,

(6) requirements for when dust generating operations have to be shut down due to dust crossing the property boundary or if dust is contained within the property boundary but not controlled after a specified number of minutes,

(7) establishing a hotline for surrounding community members to call and report visible dust problems so that the Applicant can promptly fix those problem; posting signs around the site with the hotline number and making sure that the number is given to adjacent residents, schools and businesses.

(8) limiting the area subject to excavation, grading, and other demolition or construction activities at any one time,

(9) minimizing the amount of excavated material or waste materials stored at the site,

(10) installing dust curtains, plastic tarps or windbreaks, or planting tree windbreaks on the property line on windward and down windward sides of construction areas, as necessary,

(11) paving, applying water three times daily, or applying non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at the construction site. Reclaimed water must be used if required by Article 21, Section 1100 et seq. of the San Francisco Public Works Code, Article 22. If not required, reclaimed water should be used whenever possible.

(12) loading haul trucks carrying excavated material and other non-excavated material so that the material does not extend above the walls or back of the truck bed. Tightly cover with tarpaulins or other effective covers all trucks hauling soil, sand, and other loose materials before the trucks leave the loading area. Wet prior to covering if needed.

(13) establishing speed limits so that vehicles entering or exiting construction areas shall travel at a speed that minimizes dust emissions. This speed shall be no more than 15 miles per hour.

(14) sweeping streets with water sweepers at the end of each day if visible soil material is carried onto adjacent paved roads. Reclaimed water must be used if required by Article 21, Section 1100 et seq, of the San Francisco Public Works Code. If not required, reclaimed water should be used whenever possible.

(15) installing wheel washers to clean all trucks and equipment leaving the construction site. If wheel washers cannot be installed, tires or tracks and spoil trucks shall be brushed off before they reenter City streets to minimize deposition of dust-causing materials.

(16) terminating excavation, grading, and other construction activities when winds speeds exceed 25 miles per hour.

(17) hydroseeding inactive construction areas, including previously graded areas inactive for at least 10 calendar days, or applying non-toxic soil stabilizers.

(18) sweeping of surrounding streets during demolition, excavation and construction at least once per day to reduce particulate emissions.

■ (Added by 176-08, File No. 071009, App. 7/30/2008)

SEC. 1243. EXEMPTION FOR INTERIOR ONLY TENANT IMPROVEMENT PROJECTS.

Interior Only Tenant Improvement Projects that are over one half acre in size and will not produce any exterior visible dust are exempt from complying with these requirements. If the interior only tenant improvement projects are changed during the course of construction and begin producing exterior visible dust then they will be required to immediately comply with Section 1242 by submitting a site-specific dust control plan for the Director's approval.

■ (Added by 176-08, File No. 071009, App. 7/30/2008)

SEC. 1244. WAIVER OF REQUIREMENTS FOR COMPLIANCE: RESCISSION OF WAIVER.

(a) The Director may waive the requirements for a site-specific dust control plan as described in Section 1242(a) or if the Applicant demonstrates to the Director's satisfaction that a site-specific dust control plan should not be required.

(b) The Director may rescind a waiver,

(1) if sensitive uses are placed within 1,000 feet of the project;

(2) if requested by the Director of Building Inspection; or

(3) the Director is presented with information that contradicts the Applicant's demonstration that a site-specific dust control plan should not be required.

The Director shall provide the Director of Building Inspection with a copy of the rescission order. If the Director orders rescission of the waiver, the owner of the property and the contractor or other persons responsible for construction activities at the site shall comply immediately with Section 1242 by submitting a site-specific dust control plan for the Director's approval.

■ (Added by 176-08, File No. 071009, App. 7/30/2008)

SEC. 1245. DIRECTOR'S APPROVAL OF DUST CONTROL PLAN AND NOTIFICATION TO THE DIRECTOR OF BUILDING INSPECTION.

After the Director has approved the Applicant's dust control plan, the Director shall provide the Applicant and the Director of Building Inspection with written notification that the Applicant has complied with the requirements of this Article.

- (Added by 176-08, File No. 071009, App. 7/30/2008)

SEC. 1246. RULES AND REGULATIONS.

The Director may adopt, and may thereafter amend, rules, regulations and guidelines that the Director deems necessary to implement the provisions of this Article. A public hearing before the Health Commission shall be held prior to the adoption or any amendment of the rules, regulations and guidelines recommended for implementation. In addition to any notices required by law, the Director shall send written notice, at least 15 days prior to the hearing, to any interested party who sends a written request to the Director for notice of hearings related to the adoption of rules, regulations and guidelines under this section.

- (Added by 176-08, File No. 071009, App. 7/30/2008)

SEC. 1247. CONSTRUCTION ON CITY PROPERTY.

All departments, boards, commissions, and agencies of the City and County of San Francisco that authorize construction or improvements on land under their jurisdiction under circumstances where no building, excavation, grading, foundation, or other permit needs to be obtained under the San Francisco Building Code shall adopt rules and regulations to insure that the same dust control requirements that are set forth in this Article are followed. The Directors of Public Health and Building Inspection shall assist the departments, boards, commission and agencies to insure that these requirements are met.

- (Added by 176-08, File No. 071009, App. 7/30/2008)

SEC. 1248. NO ASSUMPTION OF LIABILITY.

In undertaking the enforcement of this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

- (Added by 176-08, File No. 071009, App. 7/30/2008)

SEC. 1249. FEES.

The Director is authorized to charge the following fees to defray the costs of document processing and review, consultation with applicants, and administration of this Article: for fiscal year 2008-2009 (1) an initial fee of \$492, payable to the Department upon the filing of a Dust Control Plan with the Department; and (2) an additional fee of \$164 per hour for time spent in document processing and review and applicant consultation exceeding three hours or portion thereof payable to the Department. Beginning with fiscal year 2009-2010, no later than April 15 each year, the Controller shall adjust the fees provided in this Article to reflect changes in the relevant Consumer Price Index, without further action by the Board of Supervisors. In adjusting the fees, the Controller may round these fees up or down to the nearest dollar. The Director shall perform an annual review of

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

(Added by 176-08, File No. 071009, App. 7/30/2008)