REVIEW OF WAIVER REQUEST FROM SAN FRANCISCO ENVIRONMENT CODE, CHAPTER 25: CLEAN CONSTRUCTION REQUIREMENTS FOR PUBLIC PROJECTS

Date: December 7, 2021
Project/Location: Headworks Replacement Project
Location (Facility or street): Southeast Treatment Plant (750 Phelps Street)
Contractor: Legacy Foundations

Project is within an Air Pollution Exposure Zone (APEZ). Contractor requested waiver for the following equipment: Tier 2 JLG Manlift without VDECS.1

☐ I deny the waiver request.
☒ I approve the waiver request on the following basis:

Section 2505. The Department Head may waive the equipment requirements of Subsection (a)(1) if:
☐ The particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible
☐ The equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator
☐ There is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS

Section 2507.
☐ Emergency. Emergency contract awarded under the emergency provisions of Administrative Code Section 6.60 and there is no immediately available contractor capable of performing the work in compliance with this Chapter 25.
☐ Performance Standards. There are no complying off-road vehicles or off-road engines for some or all of the required work.
☐ Cost Prohibitive. Compliance would be cost prohibitive under the circumstances.
☒ Other: The specific equipment is essential to complete the project and this waiver will not cause the project to cumulatively exceed 25% of the total operating hours of all off-road equipment or off-road engines used on the Project.

Comment: Pursuant Table 25.5.1 of the code, the Contractor is subject to Compliance Alternative 3 (Tier 2 with alternative fuel) and this equipment shall be operated on renewable diesel.

Algynon Collymore
Manager, Construction Management Bureau

1 VDECS means verifiable diesel emission control strategy. Equipment in the APEZ is intended to meet or exceed Tier 2 + VDECS (Tier 4 automatically meets this requirement).

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