**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 Liebherr Crane without VDECS

- 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 technologically 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:** This specialized piece of equipment is needed for drilling of piles for new structures. Due to technical limitations, it is not feasible to install any type of VDECS. 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

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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).  
2 Details available upon request.

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