



**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 VDECS¹

- 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.


 Algyon Collymore
 Manager, Construction Management Bureau

London N. Breed
 Mayor

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 President

Newsha Ajami
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Sophie Maxwell
 Commissioner

Tim Paulson
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Ed Harrington
 Commissioner

Dennis J. Herrera
 General Manager

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).

