ARTICLE 21
RESTRICTION OF USE OF POTABLE WATER FOR SOIL COMPACTION AND DUST CONTROL ACTIVITIES

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SEC. 1100. FINDINGS.

(a) The entire state of California is suffering from the effects of a fifth consecutive drought year, which include the reduction of available water supplies to extremely limited levels. Rationing programs have been established in most areas of the state, including the City and County of San Francisco. Although recent rainstorms have lessened the severity of the drought, existing water supplies remain at extremely low levels.

(b) The drought highlights the need to permanently manage water resources in a prudent manner. The responsibility for management of San Francisco's water resources is under the jurisdiction of the Public Utilities Commission ("Commission"). The Board of Supervisors should exercise its legislative authority to assist the Commission in achieving its goals.

(c) The Commission has found that the use of high quality potable water for construction and demolition purposes in San Francisco is widespread. The use of such water supplies is not necessary for many construction and demolition purposes. Non-potable water is available for such purposes from various sources, including wastewater reclamation facilities and permitted groundwater wells. Use of non-potable water from those sources for construction and demolition purposes would not present a health or safety hazard if used in accordance with applicable State Department of Health and State Water Resources Control Board standards and requirements.

(d) The Commission has found that the use of increasingly scarce supplies of high quality potable water for soil compaction and dust control is no longer feasible or in the public interest when appropriate substitute sources of non-potable water are available.

(e) The Commission's findings are adopted by this Board. Furthermore, this Board finds that public interests in the preservation of high quality potable water for important human consumption uses would be best served by prohibiting the use of such water supplies for soil

compaction or dust control when alternative supplies are available. (Added by Ord. 175-91, App. 5/10/91)

SEC. 1101. RESTRICTION OF USE OF POTABLE WATER.

Potable water shall not be used for soil compaction or dust control activities undertaken in conjunction with any construction or demolition project occurring within the boundaries of the City and County of San Francisco, unless permission is obtained from the City Water Department in accordance with this Article and all applicable Water Department policies and regulations. (Added by Ord. 175-91, App. 5/10/91)

SEC. 1102. APPLICATION PROCEDURE.

(a) Except as provided in Subsection (f), any person or entity that desires to use potable water for soil compaction or dust control activities to be undertaken in conjunction with a construction or demolition project occurring within the boundaries of the City and County of San Francisco shall apply to the General Manager of the Water Department for permission for such use of potable water.

(b) Permission to use potable water for soil compaction or dust control activities may be granted by the General Manager if he or she determines in writing that:

(1) Reclaimed water is not available in sufficient quality and quantity from wastewater treatment facilities located within 10 miles of the construction or demolition site; and

(2) Well water or groundwater is not available in sufficient quality and quantity from wells and groundwater sources located within 10 miles of the construction or demolition site.

(c) The cost of obtaining reclaimed water, well water or groundwater shall not be used as a factor in determining whether such water supplies are available.

(d) Any person applying for permission to use potable water for soil compaction or dust control activities shall have the burden of providing sufficient evidence to the General Manager of the unavailability of reclaimed water, well water and groundwater supplies.

(e) The General Manager's permission to use potable water pursuant to this Article may contain any conditions necessary to effectuate the purposes of this Article.

(f) The Director of Public Works shall promulgate rules and regulations that will provide for an exemption from this Article for categories of small construction or demolition projects that commonly consume less than approximately 500 gallons of water per day. This exemption shall be implemented through the process of issuing construction-related permits and shall be based on project size, cost, characteristics or any other criteria or assumptions that reasonably accomplish the intent of this subsection. (Added by Ord. 175-91, App. 5/10/91)

SEC. 1103. USE OF NON-POTABLE WATER.

(a) Reclaimed water, well water and groundwater shall be transported and used in accordance with State Health Department, State Water Resources Control Board, Regional Water Quality Control Board and City Departments of Health and Public Works orders, standards and regulations. Such transportation and use shall at all times be in compliance with all applicable labeling, warning and signage requirements. (Added by Ord. 175-91, App. 5/10/91)

SEC. 1104. INSPECTIONS; STOP ORDERS.

The Department of Public Works is authorized to inspect all construction and demolition sites in the City for the purpose of determining compliance with this Article. The Director shall have the power to stop the construction or demolition work when, in the opinion of the Director, such work is being done in violation of any of the provisions of this Article and to order all work to be stopped by notice in writing served upon any persons engaged in the doing or causing of such work to be done. The work shall be stopped immediately and shall not be resumed without authorization from the Director of Public Work. (Added by Ord. 175-91, App. 5/10/91)

SEC. 1105. PENALTIES.

(a) Any person who violates any provision of this Article is guilty of an infraction punishable by a fine in an amount not in excess of $500. Each day each violation is committed or permitted to continue shall constitute a separate offense.

(b) Any person who intentionally or negligently violates any provision of this Article shall be liable civilly to the City in an amount not to exceed $1,000 per day for each violation that occurs.

(c) Remedies under this Section are in addition to, and do not supersede or limit any and all other civil or criminal remedies available to the City under local, State and federal laws. (Added by Ord. 175-91, App. 5/10/91)

SEC. 1106. RULES AND REGULATIONS.

The Water Department, the Department of Public Works and the Department of Health are authorized to promulgate such rules and regulations as are necessary to administer the provisions of this Article. (Added by Ord. 175-91, App. 5/10/91)

SEC. 1107. GOVERNMENTAL PROJECTS.

To the extent not directly in conflict with any applicable State or federal law, the provisions of this Article shall apply to all soil compaction and dust control activities undertaken in conjunction with the construction or demolition of public facilities by governmental entities. (Added by Ord. 175-91, App. 5/10/91)