[Public Works Code - Stormwater Management Requirements]

Ordinance amending the Public Works Code to incorporate changes to ensure consistency and compliance with California’s municipal stormwater permit requirements; to revise application of the requirements from projects disturbing 5,000 square feet of ground surface area to projects that include construction or remodeling of 5,000 square feet of impervious surface area; and affirming the Planning Department’s determination under the California Environmental Quality Act.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. Asterisks (*) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings.

The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000, et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 160155 and is incorporated herein by reference. The Board affirms this determination.

Section 2. The Public Works Code is hereby amended by revising Sections 147, 147.1, 147.2, 147.3, 147.4, and 147.5, to read as follows:
SEC. 147. STORMWATER MANAGEMENT.

(a) The intent of Sections 147-147.6 of this Code is to reduce the volume of stormwater entering the City’s Combined and Separate Sewer Systems and to protect and enhance the water quality of in the City and County of San Francisco’s sewer system, stormwater collection system and receiving waters pursuant to, and consistent with Federal and State laws, lawful standards and orders applicable to stormwater and urban runoff control, and the City’s authority to manage and operate its drainage systems.

(b) Urban runoff is a significant cause of pollution throughout California. Pollutants of concern found in urban runoff include sediments, non-sediment solids, nutrients, pathogens, bacteria, oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons (PAHs), trash, and pesticides and herbicides.

(c) During urban development, two important changes occur. First, where no urban development has previously occurred, natural vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural vegetated soil can both absorb rainwater and remove pollutants, providing a very effective purification process. Because pavement and concrete can neither absorb water nor remove pollutants, the natural retention and purification characteristics of the land are lost, increasing the volume of stormwater entering the collection system and the concentration of pollutants within that water. Second, urban development creates new pollutant sources, including vehicle emissions, vehicle maintenance wastes, pesticides, household hazardous wastes, pet wastes, trash, and other contaminants that can be washed into the City's stormwater collection systems Separate or Combined Sewer Systems.

(d) A high percentage of impervious area correlates to a higher rate of stormwater runoff, which generates greater pollutant loadings to the stormwater collection system City's...
Separate and Combined Sewer Systems, resulting in turbid water, nutrient enrichment, bacterial contamination, toxic compounds, temperature increases, and increases of trash or debris.

(e) When water-quality stormwater impacts are considered during the planning stages of a project, new development and redevelopment projects can more efficiently incorporate measures to protect water quality Post-Construction Stormwater Controls that will enhance the function and capacity of the City’s Separate and Combined Sewer Systems by providing pretreatment of stormwater and protecting water quality.

(f) Sections 147-147.6 of this Code protect the health, safety, and general welfare of the City’s residents by:

1. minimizing increases in pollution caused by stormwater runoff from development that would otherwise degrade local water quality; reducing stormwater runoff rates and volume whenever possible through Post-Construction Stormwater Controls, and ensuring that these stormwater controls are safe and properly maintained;

2. minimizing increases in pollution caused by stormwater runoff from development that would otherwise degrade local water quality; and

3. controlling the discharge of contaminants to the City’s sewer and drainage systems through spills, dumping, or disposal.

3. controlling the discharge to the City’s sewer and drainage systems from spills, dumping or disposal of pollutants; and

4. reducing stormwater run-off rates, volume, and nonpoint source pollution whenever possible, through stormwater management controls, and ensuring that these management controls are safe and properly maintained.
SEC. 147.1. DEFINITIONS.

In addition to the definitions provided in Section 119 of Article 4.1 of this Code, the following definitions shall apply:

(a) Best management practices or "BMPs." Structural devices, measures, or programs used to reduce pollution in stormwater runoff. BMPs manage the quantity and improve the quality of development runoff in accordance with the Guidelines and applicable state and federal regulatory requirements.

(b) Combined Sewer System. All facilities under the jurisdiction of the Department designed and operated to collect, transport, treat, and dispose of stormwater runoff, domestic sewage, and industrial wastewater combined in the same collection, storage, transport, treatment, and disposal facilities.

Department. The San Francisco Public Utilities Commission. With regard to stormwater management in areas of the City under the jurisdiction of the Port Commission, "Department" also means the San Francisco Port Commission until the Port Commission adopts its own standards and procedures.

(c) Development Project. Any activity disturbing 5,000 square feet or more of the ground surface, measured cumulatively from the effective date of this Article. Activities that disturb the ground surface include, but are not limited to, the construction, modification, conversion, or alteration of any building or structure and associated grading, filling, excavation, change in the existing topography, and the addition or replacement of impervious surface. All sidewalks, parking, driveways, and landscaped and irrigated areas constructed in conjunction with the Development Project are included in the project area. Development Projects do not include interior remodeling projects, maintenance activities such as top-layer grinding, repaving, and re-roofing, or modifications, conversions or alterations of buildings or structures that does not increase the ground surface footprint of the building or structure.
(d) Development runoff requirements. The performance standards set forth in the Guidelines to address both the construction and post-construction phase impacts of new Development Projects on stormwater quality.

(e) General Manager. The General Manager of the Public Utilities Commission of the City, or a designated representative of the General Manager. With regard to post-construction stormwater management in areas of the City under the jurisdiction of the Port Commission, the Executive Director of the San Francisco Port Commission or a designated representative of the Executive Director shall have the same authority under this Article 4.2 as the General Manager until the Port Commission adopts its own standards and procedures regarding post-construction stormwater management in all areas under Port Commission jurisdiction.

(f) Guidelines. The Stormwater Design Guidelines adopted by the San Francisco Public Utilities Commission or the San Francisco Port Commission. The Guidelines contain requirements pertaining to the type, design, sizing, and maintenance of post-construction stormwater BMPs.

(g) Low-Impact Design (LID). Green Infrastructure. A stormwater management approach that promotes the use of ecological and landscape-based systems Post-Construction Stormwater Controls that mimic pre-development drainage patterns and hydrologic processes by increasing retention, detention, infiltration, and treatment of stormwater at its source.

Large Development Project. Any construction activity that will result in the creation and/or replacement of 5,000 square feet or more of impervious surface, measured cumulatively, that is located on a property that discharges or will discharge Stormwater to the City’s Separate or Combined Sewer System. Activities that create or replace impervious surface include, but are not limited to, the construction, modification, conversion, or alteration of any building or structure and the creation or replacement of outdoor impervious surfaces such as parking areas, driveways, private street areas, or new public rights-of-way to be dedicated to and accepted by the City within Large Development Projects that are subject to the Subdivision Code. Activities that create or replace impervious surface
do not include interior remodeling projects, replacement of existing sidewalks and streets dedicated to
and accepted by the City, routine maintenance or repair activities such as pavement resurfacing within
the existing footprint, exterior wall surface replacement, and re-roofing. In areas that connect to the
Separate Sewer System, Large Development Projects also include discrete linear utility and road
projects that result in 5,000 square feet or more of newly constructed contiguous impervious surface
including, but not limited to, the construction of new streets or the widening of existing streets with
additional traffic lanes.

(h) Non-Stormwater Discharge. Any discharge to the City’s Stormwater Collection System Separate or Combined Systems that is not composed entirely of Stormwater.

(i) Pollutant. Any substance listed in see Section 119(aa) of Article 4.1 of the Public Works Code or and any substance described as a pollutant in the Stormwater Management Requirements and Guidelines.

Post-Construction Stormwater Control. A technology designed to reduce pollution in stormwater runoff, or reduce runoff rate or volume, through infiltration, retention, non-potable reuse, detention, direct plant uptake, or filtration. Post-Construction Stormwater Controls may include Green Infrastructure technologies, but do not include Construction Site Best Management Practices outlined in Section 146.1 of this Code.

Separate Sewer System. Facilities under the jurisdiction of the Department that collect, convey and discharge Stormwater, without combining Stormwater and sewage in the same facilities.

(j) Separate Stormwater/Sewer System. Stormwater and sanitary sewage collection facilities that convey, treat and discharge stormwater and sewage in separated catchbasins, pipelines, treatment facilities, outfalls, and other facilities, and do not combine stormwater and sewage in the same facilities.

Small Development Project. Any development activity that will result in the creation or replacement of between 2,500 and 5,000 square feet of impervious surface, measured cumulatively.
which is located on a property that is connected or proposing to connect to the Separate Sewer System. Activities that create or replace impervious surface include, but are not limited to, the construction, modification, conversion, or alteration of any building or structure and the creation or replacement of outdoor impervious surfaces such as parking areas, driveways, private street areas, or new public rights-of-way to be dedicated to and accepted by the City within Small Development Projects that are subject to the Subdivision Code. Activities that create or replace impervious surface do not include: interior remodeling projects; replacement of existing sidewalks and streets dedicated to and accepted by the City; routine maintenance or repair activities, such as pavement resurfacing within the existing footprint, exterior wall surface replacement, and re-roofing.

(4) Stormwater. Runoff that is generated when precipitation from rain events flows over land or impervious surfaces and does not percolate into the ground. Water that originates from atmospheric moisture (rainfall or snowfall) and that falls onto land, water or other surfaces.

(l) Stormwater Collection System. All City facilities operated by the San Francisco Public Utilities Commission or the Port of San Francisco for collecting, transporting, treating and disposing of stormwater. For purposes of this Article, the Stormwater Collection System includes facilities owned and operated by public entities other than the City, where such facilities direct stormwater into the Stormwater Collection System and are subject to the jurisdiction of the San Francisco Public Utilities Commission or the Port of San Francisco as defined by law, contract, or interjurisdictional agreement.

(m) Stormwater Control. A device designed to remove pollution in stormwater runoff through detention, retention, filtration, direct plant uptake, or infiltration.

(n) Stormwater Control Plan. A plan submitted by a Large Development Project proponent to the Department for review and approval that meets all applicable criteria, performance standards and other stormwater management requirements contained in this Article 4.2 and the Stormwater Management Requirements and Guidelines.

SEC. 147.2. STORMWATER CONTROL PLAN.

(a) Small Development Project Requirements. Every Small Development Project shall implement Post Construction Stormwater Controls and submit documentation of these measures as described in the Stormwater Management Requirements and Design Guidelines and in accordance with this Article 4.2.

(e)(b) Large Development Project Requirements. Every Large Development Project shall implement Post-Construction Stormwater Controls in accordance with this Article 4.2 and the Stormwater Management Requirements and Design Guidelines. Every Large Development Project shall submit a Stormwater Control Plan for review and approval in accordance with this Article and the Stormwater Management Requirements and Design Guidelines. No City department shall approve or issue a permit to construct a project, including a building or site permit, unless and until a Stormwater Control Plan is developed and has been approved by the General Manager. Large Development Projects not subject to City building or planning approvals, including, but not limited to, State and Federal projects, must submit a Stormwater Control Plan and receive approval from the General Manager before undertaking any construction activity. Every application for a Development Project, including, but not limited to, a building or encroachment permit conditional-use permit, variance, site permit, or design review, shall be accompanied by a Stormwater Control Plan that meets the stormwater control criteria provided by the Guidelines. No City department shall approve or issue a conditional-use permit, variance, site permit, design review approval, building or encroachment permit unless and until a Stormwater Control Plan developed in accordance with this Article and the Guidelines has been approved by the General Manager. All projects subject to the stormwater
management requirements of Chapter 13C of the San Francisco Building Code shall comply with the
requirements of the Guidelines.

(b) (c) Subdivision Approvals.

(1) Parcel Map or Tentative Subdivision Map Conditions. The Director of Public
Works shall not approve a tentative subdivision map or a parcel map for any Small or Large
Development Project subject to the provisions of this Article 4.2 unless a condition is imposed
requiring compliance with this Article and the Stormwater Management Requirements and Design
Guidelines. The Director of Public Works shall not approve a tentative subdivision map or a parcel map
for any property unless a condition is imposed requiring compliance with all applicable Stormwater
Control Plans to serve the potential uses of the property covered by the parcel map or tentative
subdivision map, as may be further specified in the provisions of this Article or the Guidelines.

(2) Subdivision Regulations. The Director of Public Works shall adopt regulations
as necessary, consistent with and in furtherance of this Article 4.2, to ensure that all
subdividers of Small or Large Development Projects subject to the provisions of this
ordinance provide a Stormwater Control Plan in compliance with this Article and the
Stormwater Management Requirements and Guidelines, including submission of a Stormwater
Control Plan if applicable.

(3) Final Maps. The Director of Public Works shall not endorse and file a final map
for property within the boundaries of the City and County of San Francisco without first determining
whether:

(A) The subdivider has complied with the conditions imposed on the tentative
subdivision map or parcel map, pursuant to this Article 4.2 and the Stormwater Management
Requirements and Guidelines; and or
(B) For any such conditions not fully satisfied prior to the recordation of the final map, the subdivider has signed a certificate of agreement and/or improvement agreement, to ensure compliance with such conditions.

(4) This Subsection (ch) shall not apply to tentative subdivision maps or parcel maps submitted solely for the purposes of condominium conversion, as defined in San Francisco Subdivision Code Section 1308(d).

SEC. 147.3. LIMITATIONS AND PROHIBITED DISCHARGES.

(a) The establishment, use, maintenance, or continuation of any unauthorized drainage connections to the Stormwater Collection System is prohibited.

(b) The discharge of Pollutants and Non-Stormwater Discharges into the stormwater collection facilities located in the Separate Stormwater/Sewer System portions of the Stormwater Collection System is prohibited, except as provided in this section 147.3.

(c) The following discharges are exempt from the prohibitions set forth in subsection (b) above if the Regional Water Quality Control Board approves the exempted category in a discharge permit issued to the City under section C.11. of the City's NPDES permit: uncontaminated pumped groundwater, foundation drains, water from crawl space pumps, footing drains, air conditioning condensate, irrigation water, landscape irrigation, lawn or garden watering, planned and unplanned discharges from potable water sources, water line and hydrant flushing, individual residential car washing, discharges or flows from emergency fire-fighting activities, and dechlorinated swimming pool discharges.

SEC. 147.4. COMPLIANCE WITH MAINTENANCE AND INSPECTION REQUIREMENTS.

(a) All Post-Construction Stormwater Controls shall be maintained according to the Stormwater Management Requirements and Guidelines and the operation and maintenance plan included in the approved Stormwater Control Plan. The person(s) or organization(s)
responsible for maintenance shall be designated in the plan. Those persons responsible for
maintenance shall inspect the Post-Construction Stormwater Controls at least annually and
shall maintain the Post-Construction Stormwater Controls as required by the Stormwater
Management Requirements and Guidelines and described in the approved Stormwater Control
Plan.

(b) Operation and Maintenance Inspection and Certificates and Self-Certification
Inspections. Every person who owns, leases or operates any Post-Construction Stormwater
Control or Controls must provide annual self-certification for inspection and maintenance, as
set forth in the Stormwater Management Requirements and Guidelines.

c. The General Manager may perform routine or scheduled inspections, and sampling, as may be deemed necessary in the General Manager's sole discretion to carry out the intent of this Article 4.2 and the Stormwater Management Requirements and Guidelines, including, but not limited to, random sampling or sampling in areas with evidence of Stormwater contamination, evidence of the discharge of Non-stormwater to the Stormwater Collection System, or similar activities.

d. Authority to Sample and Establish Sampling Devices. The General Manager may require any person discharging Stormwater to the Stormwater Collection Separate or Combined Sewer System to provide devices or locations necessary for the Department to conduct sampling or metering operations.

e. Requirement to Monitor. If requested by the General Manager, any person responsible for Post-Construction Stormwater Controls shall undertake monitoring and furnish monitoring reports to the General Manager, as he or she may specify.

(e) Notification of Spills. All persons in charge of the Post-Construction Stormwater Controls shall provide immediate notification to the General Manager of any suspected, confirmed, or unconfirmed release of pollutants creating a risk of non-stormwater discharge into the Stormwater Collection Separate or Combined Sewer System. Such persons shall take all
necessary steps to ensure the detection, containment and clean-up of such release. This
notification requirement is in addition to and not in lieu of other required notifications.

(f) Requirement to Test or Monitor. The General Manager may require that any person
responsible for Stormwater Controls undertake such monitoring activities or analysis and furnish such
reports as the General Manager may specify.

SEC. 147.5. ENFORCEMENT AND COST REIMBURSEMENT.

Any violation of this Article 4.2 may be enforced by the General Manager pursuant to
Section 132 of Article 4.1 of the Public Works Code. Persons violating any provision of this
Article, the Stormwater Management Requirements and Guidelines, or Department regulations
may be subject to penalties and abatement in accordance with the Stormwater Management
Requirements and Guidelines and Sections 133 and 134 of Article 4.1 of the Public Works
Code. For Small and Large Development Projects in areas of the City under the jurisdiction of the
Port Commission, the Port's Executive Director or his or her designee shall have enforcement
authority identical to the enforcement authority referenced in the two preceding sentences.

Section 3. Effective Date. This ordinance shall become effective 30 days after
enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
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additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:
John Roddy
Deputy City Attorney
Ordinance amending the Public Works Code to incorporate changes to ensure consistency and compliance with California’s municipal stormwater permit requirements; to revise application of the requirements from projects disturbing 5,000 square feet of ground surface area to projects that include construction or remodeling of 5,000 square feet of impervious surface area; and affirming the Planning Department’s determination under the California Environmental Quality Act.

April 04, 2016 Land Use and Transportation Committee - RECOMMENDED

April 12, 2016 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

April 19, 2016 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/19/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved