

[Requiring the Development and Maintenance of Stormwater Management Controls]

LEGISLATIVE DIGEST

Ordinance amending the San Francisco Public Works Code by repealing Article 4.2, sections 140 – 149.4, and adding Article 4.2, sections 147 – 147.6, requiring the development and maintenance of stormwater management controls for specified activities that disturb 5,000 square feet or more of the ground surface, and are subject to building, planning and subdivision approvals.

Existing Law

The ordinance adopts new provisions. San Francisco codes currently do not require installation and maintenance of stormwater controls for new development and redevelopment projects in San Francisco. Existing provisions of the Public Works Code contain obsolete provisions regarding sewer service charges that have been superseded by Charter provisions.

Amendments to Current Law

The proposed ordinance will ensure San Francisco's compliance with the Federal Clean Water Act and Statewide General Permit by codifying requirements of the San Francisco Stormwater Design Guidelines, a policy document developed to comply with Federal Clean Water Act requirements and a State of California National Pollutant Discharge Elimination Permit ("Statewide General Permit").

The ordinance includes the following provisions:

- 1) A regulatory framework to ensure that project proponents subject to the stormwater management activities comply with required stormwater controls;
- 2) Definition of the development projects that are required to comply with stormwater management controls;
- 3) Requirements relating to the submittal of a Stormwater Control Plan for projects that must comply with the stormwater management controls;
- 4) Prohibited discharges to the SFPUC and Port stormwater collection systems;

- 5) Maintenance and inspection requirements for completed projects; and
- 6) Enforcement and cost reimbursement provisions for those projects that violate stormwater management controls.

The current sections 140 – 149.4 of the Public Works Code are obsolete provisions relating to the authority to levy sewer service charges. These provisions have been superseded by the Charter amendments adopted in November, 2002, that added Article 8B to the Charter. Section 8B.125 of the Charter now provides the authority and process for the adoption of sewer service charges.

Background Information

Like most California municipal agencies, the Port of San Francisco (“Port”) and the San Francisco Public Utilities Commission (“SFPUC”) administer Stormwater Management Programs developed in accordance with the Federal Clean Water Act and a State of California National Pollution Discharge Elimination Permit (“Statewide General Permit”). Among the specific obligations set forth in this NPDES Permit, the Port and SFPUC are required to develop, implement and enforce a program to reduce pollutants in storm water runoff from new development and redevelopment projects. This effort is commonly referred to as a *post-construction stormwater control program*¹.

The Statewide General Permit includes provisions requiring permittees to demonstrate oversight for post-construction stormwater control programs. To meet this requirement, SFPUC and Port staffs have developed a stormwater management ordinance and departmental regulations. The proposed ordinance:

- Establishes thresholds for compliance with the departmental regulations;
- Requires project applicants to adhere to all requirements in the ordinance and regulations and to submit a Stormwater Control Plan for review;
- Lists prohibited discharges to the SFPUC and Port stormwater collection systems,
- Establishes ongoing maintenance and inspection requirements for completed projects, and

¹ California State Water Resources Control Board General Permit for Stormwater Discharges from Small Municipal Storm Sewer Systems, Water Quality Order 2003-0005-DWQ: “*The Permittee must use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law*”.

- Establishes an administrative framework for enforcement and cost reimbursement.

The SFPUC and the Port have partnered to develop the San Francisco Stormwater Design Guidelines (“Guidelines”), departmental regulations that fulfill state and federal requirements for post-construction stormwater runoff control. In keeping with Mayor Gavin Newsom’s policy goals for promoting sustainable development in San Francisco, the Guidelines require Low Impact Design (“LID”) approaches for the stormwater management. LID strategies integrate green space, native landscaping, natural hydrologic functions and various other techniques to reduce pollution in runoff from developed land. The stormwater management ordinance will function as the regulatory mechanism through which the Guidelines regulations are implemented.

Projects complying with the ordinance will protect the water quality of the San Francisco Bay and the Pacific Ocean, help to restore hydrologic function and wildlife habitat to San Francisco’s urban watersheds, reduce the burden on the city’s combined sewer system, and contribute to the creation of a green city.