

## **LEGISLATIVE DIGEST**

[Public Works Code - Construction Site Runoff on Port Property - Enforcement]

**Ordinance amending the Public Works Code to authorize the Port Executive Director to impose penalties for failure to comply with requirements relating to construction site runoff on property within Port Commission jurisdiction; and making environmental findings.**

### Existing Law

Article 4.2 of the Public Works Code establishes pollution prevention controls for construction site runoff discharges into the sewer system by requiring among other things, a Construction Site Runoff Control Permit issued by the San Francisco Public Utilities Commission (SFPUC) prior to commencement of any land-disturbing activities. Permittees must perform daily inspections, maintain, and repair all graded surfaces and erosion and sediment controls, drainage structures, or other protective devices, plantings, and ground cover installed while construction is active. The Port Building Code contains similar requirements with respect to these activities on lands within the jurisdiction of the Port Commission. Article 4.2 of the Public Works Code also provides for enforcement of violations of the permit, including monetary penalties, by the SFPUC General Manager.

### Amendments to Current Law

The proposed ordinance would amend Article 4.2 of the Public Works Code to authorize the Port Commission's Executive Director to utilize the same enforcement mechanisms as the SFPUC General Manager with respect to these requirements within Port jurisdiction.

### Background Information

The Federal Clean Water Act and a National Pollution Discharge Elimination System Permit issued by the State of California (MS4 Permit) require the City and County of San Francisco to administer a Construction Site Runoff Control Program that protects water quality by controlling the discharges from construction sites and preventing erosion and sedimentation due to construction activities. The SFPUC is responsible for maintaining compliance with the MS4 Permit for non-Port municipal separate storm sewer systems as further specified under existing law. The Port has a separate MS4 permit applicable to Port lands and has implemented the required elements of a Construction Site Runoff Control Program through the Port Building Code. The proposed ordinance will provide the means to enforce the Port's existing requirements, including the imposition of monetary penalties, for which the Port does not have independent authority.