

LEGISLATIVE DIGEST

[Public Works Code - Control of Construction Site Runoff]

Ordinance amending the Public Works Code to protect water quality by controlling the discharge of sediment or other construction pollutants from construction sites and preventing erosion and sedimentation due to construction activities; and making environmental findings.

Existing Law

Existing law does not contain regulatory provisions that specifically control runoff pollution into the sewer system from construction sites.

Amendments to Current Law

The proposed ordinance would amend Article 4.2 of the Public Works Code to pollution prevention controls for construction site runoff discharges into the sewer system. The ordinance would require any person proposing a public or private construction project that includes 5,000 square feet or more of land disturbing activities to submit an application for a Construction Site Runoff Control Permit to the San Francisco Public Utilities Commission (SFPUC) for review and approval, prior to commencement of any land-disturbing activities. To receive approval, project proponents will be required to submit an Erosion and Sediment Control Plan (ESCP) detailing the best management practices (BMPs) they intend to employ for erosion control and sediment control.

The ordinance requires that permittees 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 ordinance also provides for enforcement of violations of the permit and the requirements of the ordinance.

Background Information

Construction sites can be significant sources of stormwater pollution. Harmful materials from construction sites such as concrete, mortars, paint chips, and other debris can wash into storm drains. As a result, these toxic pollutants can reach the bay, local lakes, and the ocean, triggering serious water quality concerns, especially in separate system areas.

Further, construction sediment and debris can create local flood hazards. These sediments clog storm drains and reduce capacity, which can contribute to allowing wastewater to spill onto the streets, causing property damage and exposure to the public. These sediments are also abrasive, and can degrade sewers, treatment plants, and pump stations and lead to increased maintenance and management costs.

The Federal Clean Water Act and a National Pollution Discharge Elimination System (NPDES) 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 program must have enforceable rules for all projects that disturb less than one acre of soil that include requirements for erosion and sediment controls, soil stabilization, dewatering, source controls, pollution prevention measures and prohibited discharges. The proposed ordinance will provide the means to enforce the necessary stormwater controls at construction sites.

The SFPUC Wastewater Enterprise (WWE) is responsible for maintaining compliance with the MS4 Permit for non-Port municipal separate storm sewer systems. SFPUC has developed a Construction Site BMP Handbook that provides technical guidance for temporary and permanent erosion prevention, sediment control, and control of other development activities that can cause pollution during the construction process. The BMPs found in the Handbook can be integrated into all development types, from public open spaces to high-density housing.

Although the MS4 Permit requirements only apply to municipal separate storm sewer systems, implementing the Construction Site Runoff Control ordinance city-wide, covering both combined and separate sewer areas, will yield multiple benefits to the whole collection system.

Approximately 90% of San Francisco is served by combined sewers. In combined sewer areas, construction runoff can contribute to reduced capacity, increased degradation of the collection system, and higher treatment costs at the Sewage Treatment Plants. By managing construction runoff from entering the collection system, sewer system infrastructure can perform more efficiently by increasing storage capacity, decreasing the amount of energy and chemicals used to pump and treat stormwater, and saving on wear and tear on the system. Ultimately, preventing construction runoff to our sewer system protects water quality.

San Francisco's separate storm sewer areas make up approximately 10% of the city. This includes Port lands, areas already under SFPUC jurisdiction (such as Mission Bay and Lake Merced), and areas that may soon be under City jurisdiction, such as Hunters Point Shipyard/Candlestick and Treasure Island. In separate storm sewer areas, stormwater flows directly to receiving waters such as San Francisco Bay, Ocean, and Lake Merced.

To achieve compliance with the MS4 Permit and protect the collection system and treatment facilities, the Construction Site Runoff Control Ordinance codifies existing standard construction practices and requires all land-disturbing activities (such as building demolition, excavation, grading, and filling) to implement BMPs to control construction site erosion and sedimentation.