

BOARD of SUPERVISORS



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June 13, 2018

File No. 180558

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On June 5, 2018, the Public Utilities Commission introduced the following proposed legislation:

File No. 180558

Ordinance amending the Public Works Code to repeal the Reclaimed Water Use Ordinance; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

1 [Public Works Code - Repeal of Reclaimed Water Use Ordinance]

2
3 **Ordinance amending the Public Works Code to repeal the Reclaimed Water Use**
4 **Ordinance; and affirming the Planning Department’s determination under the California**
5 **Environmental Quality Act.**

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

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

14 Section 1. Environmental Findings.

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

20 Section 2. General Findings.

21 (a) In 1991, the City enacted the Reclaimed Water Use Ordinance (“RWO”), codified
22 in Article 22 of the Public Works Code. The purpose of the RWO was to facilitate
23 implementation of a coordinated, comprehensive Citywide plan for the efficient expansion of
24 the use of reclaimed water (also referred to as “recycled water”) by requiring owners of large
25

1 scale developments and large irrigated areas in San Francisco to install plumbing systems for
2 the transmission and use of such water.

3 (b) Specifically, the RWO requires property owners within certain designated areas on
4 the west side and east side of San Francisco to install separate plumbing systems for the
5 transmission and use of recycled water in (1) new, remodeled, or converted buildings of
6 40,000 square feet or more, (2) new developments subject to subdivision map requirements,
7 and (3) new and existing irrigated areas of 10,000 square feet or more. These recycled water
8 plumbing systems would be connected to, and dependent upon, larger external distribution
9 systems to be built by the City to produce and deliver recycled water to individual property
10 owners.

11 (c) At the time of its enactment, the RWO was intended to support the City's then-
12 existing water supply planning approach, which included the City's possible construction of
13 centralized non-potable recycled water facilities and distribution systems on both the west
14 side and east side of San Francisco that would produce and deliver recycled water to property
15 owners that installed recycled water plumbing systems.

16 (d) Since the RWO's enactment, recycled water planning and use in San Francisco
17 has evolved significantly. In 2012, the City enacted Article 12C of the Health Code, commonly
18 known as the Non-Potable Water Ordinance ("NPO"). The NPO, as amended, requires the
19 installation of on-site, non-potable water systems to treat and re-use available alternate water
20 sources for toilet flushing and irrigation in all large development projects of 250,000 square
21 feet or more in the City. Unlike the recycled water plumbing systems required under the
22 RWO, these on-site, non-potable water systems produce their own water and do not need to
23 be connected to larger external distribution systems in the City.

24 (e) The NPO's requirement that developers of large projects install their own non-
25 potable water system on-site is thus a fundamental shift from the City's development of

1 centralized recycled water facilities and distribution systems that had been envisioned when
2 the RWO was enacted. In light of the NPO, maintaining the requirements set forth in the
3 RWO is no longer necessary for implementing the City's water supply strategies.

4
5 Section 3. The Public Works Code is hereby amended by deleting Article 22
6 (consisting of Sections 1200-1210) in its entirety, as follows:

7 ~~**ARTICLE 22: RECLAIMED WATER USE**~~

8 ~~**SEC. 1200. TITLE.**~~

9 ~~*This Article shall be known as the "Reclaimed Water Use Ordinance."*~~

10 ~~**SEC. 1201. FINDINGS.**~~

11 ~~*The Board of Supervisors finds that:*~~

12 ~~*—(a) It is the responsibility of all water users in California to make effective use of available*~~
13 ~~*water resources. In San Francisco, water is distributed by the Water Department, a department of the*~~
14 ~~*Public Utilities Commission, which also supplies water to 2.6 million people in San Francisco, San*~~
15 ~~*Mateo, Santa Clara and Alameda counties. The San Francisco Department of Public Works constructs*~~
16 ~~*and operates wastewater reclamation facilities and administers building, plumbing and structural*~~
17 ~~*construction codes.*~~

18 ~~*—(b) The comprehensive management of urban water supplies should consider programs for*~~
19 ~~*developing the use of nonpotable and reclaimed water supplies. The Department of Public Works*~~
20 ~~*discharges approximately 100 million gallons per day of treated wastewater into San Francisco Bay*~~
21 ~~*and the Pacific Ocean. If this wastewater is given further treatment, it may be capable of being used for*~~
22 ~~*irrigation and other nonpotable purposes, thereby reducing potable water demand, and potentially*~~
23 ~~*making water available for conjunctive use, groundwater recharge, and other environmental benefits.*~~
24 ~~*Further, groundwater in aquifers beneath San Francisco may be utilized for potable and nonpotable*~~
25 ~~*purposes.*~~

1 ~~—(e) In 1989 the Board of Supervisors passed Resolution 389-89 urging the Department of~~
2 ~~Public Works and Water Department to expand wastewater reclamation and reuse in San Francisco.~~
3 ~~Preliminary feasibility studies prepared in 1989 indicated that reclamation could be a viable source of~~
4 ~~water for use within the City. Based on the results of the preliminary studies, the Departments began~~
5 ~~development of more extensive studies that will be completed in mid-1992. Preparation of these studies~~
6 ~~has involved many departments, including the Fire Department, Recreation and Park Department, City~~
7 ~~Planning Department, Department of Public Health, and several citizen and technical advisory groups.~~
8 ~~Public meetings have been held beginning in July 1991 and will continue for the duration of the~~
9 ~~projects.~~

10 ~~—(d) If established, a comprehensive nonpotable and reclaimed water use program would~~
11 ~~result in the development of facilities to reclaim and reuse treated wastewater to assist in meeting the~~
12 ~~future water requirements of the City by supplementing existing surface and groundwater supplies.~~

13 ~~—(e) Nonpotable and reclaimed water are resources that should be developed for beneficial~~
14 ~~use wherever it is reasonable to do so, consistent with legal requirements, economic considerations, the~~
15 ~~public health, safety and welfare, and the preservation of the environment.~~

16 ~~—(f) This ordinance will enhance achievement of the City's goals for water supply use and~~
17 ~~preservation and protection of the environment by requiring the Water Department and the Department~~
18 ~~of Public Works to prepare a coordinated, comprehensive citywide plan for the efficient expansion of~~
19 ~~the use of reclaimed water and groundwater sources by all water consumers in San Francisco.~~

20 ***SEC. 1202. DEFINITIONS.***

21 ~~—The following terms and phrases used in this Article shall have the meanings set forth in this~~
22 ~~Section.~~

23 ~~—(a) Development Project. Any project involving the construction, modification, conversion or~~
24 ~~alteration of any structure or structures or portion of any structure or structures, which will result in~~
25 ~~the construction, modification, conversion or alteration of 40,000 square feet or more of a building or~~

1 ~~structure, measured cumulatively from the effective date of this Article. A development project includes~~
2 ~~all landscaped, irrigated areas constructed in conjunction with the project, but such landscaped area~~
3 ~~shall not be included in the calculation of square footage for purposes of determining applicability of~~
4 ~~this definition. For the purposes of Section 1204(f) of this Article, a solely residential project is a~~
5 ~~development project containing residential uses occupying greater than 75 percent of the usable square~~
6 ~~footage of the structure containing residential uses.~~

7 ~~—(b) Irrigation System. Any method of application of water to vegetation. The term "sprinkler~~
8 ~~system" in applicable City codes shall be construed as meaning irrigation system under this Article~~
9 ~~when referring to the application of water to vegetation.~~

10 ~~—(c) Nonpotable Water. Groundwater and other subsurface water that may be used for a~~
11 ~~beneficial purpose in compliance with applicable City, State and Federal laws defining standards for~~
12 ~~nonpotable water uses.~~

13 ~~—(d) Reclaimed Water Distribution System. A delivery system, including but not limited to~~
14 ~~pipelines, pumps, reservoirs, and controls from the source of supply to the point of connection with a~~
15 ~~building or structure lateral supply pipeline, intended for the delivery of reclaimed water, and which is~~
16 ~~separate from any potable water distribution system and complies with all material and construction~~
17 ~~specifications contained in City codes and other applicable State and Federal laws.~~

18 ~~—(e) Reclaimed Water Irrigation System. A system designed for the use of reclaimed water for~~
19 ~~the irrigation of vegetation that complies with all material, construction and water use specifications~~
20 ~~contained in City codes and other applicable State and Federal laws.~~

21 ~~—(f) Reclaimed Water System. A system of pipes and related facilities designed and used for~~
22 ~~the transmission of reclaimed water within buildings and structures, including lateral supply pipelines,~~
23 ~~that complies with all material and construction specifications contained in City codes and other~~
24 ~~applicable State and Federal laws.~~

1 ~~—(g) Reclaimed Water Use Area. An area or areas designated by the Water Department and~~
2 ~~the Department of Public Works pursuant to this Article where reclaimed water is or will be available~~
3 ~~for use.~~

4 ~~—(h) Reclaimed Water Use Area Map. The most recently updated map, including designated~~
5 ~~reclaimed water use areas, prepared by the Water Department and the Department of Public Works~~
6 ~~and adopted by the Chief Administrative Officer and the Public Utilities Commission.~~

7 ~~—(i) Nonpotable and Reclaimed Water Use Master Plan. A comprehensive plan prepared by~~
8 ~~the Water Department and the Department of Public Works for the use of nonpotable and reclaimed~~
9 ~~water in the City and County of San Francisco and, if feasible, beyond the boundaries of the City.~~

10 ~~—(j) Reclaimed Water. Water which, as a result of the treatment of wastewater, is suitable for~~
11 ~~a direct beneficial use.~~

12 ~~**SEC. 1203. NONPOTABLE AND RECLAIMED WATER USE MASTER PLAN.**~~

13 ~~—(a) The Water Department and the Department of Public Works shall prepare a Nonpotable~~
14 ~~and Reclaimed Water Use Master Plan for review and approval by the Chief Administrative Officer~~
15 ~~and the Public Utilities Commission. By December 1, 1996, the Chief Administrative Officer and the~~
16 ~~Public Utilities Commission shall have adopted a Nonpotable and Reclaimed Water Use Master Plan.~~
17 ~~Appropriate sections of Department of Public Works reclamation facilities planning reports and the~~
18 ~~Urban Water Management Plan prepared by the Water Department shall be incorporated and~~
19 ~~reconciled with the Nonpotable and Reclaimed Water Use Master Plan. The Nonpotable and~~
20 ~~Reclaimed Water Use Master Plan shall be updated at least every five years. The Chief Administrative~~
21 ~~Officer and the Public Utilities Commission are not required to adopt a Nonpotable and Reclaimed~~
22 ~~Water Use Master Plan or any portion of such plan if environmental review identifies significant~~
23 ~~impacts that cannot be mitigated and a finding of overriding benefits cannot be made. The Chief~~
24 ~~Administrative Officer and the Public Utilities Commission shall not adopt a Nonpotable and~~
25 ~~Reclaimed Water Master Plan or any amendment or modification thereof, unless either or both has first~~

1 ~~conducted a duly noticed public hearing thereon. The notice of hearing shall include the time and place~~
2 ~~of hearing; a general summary of the terms of the proposed Nonpotable and Reclaimed Water Use~~
3 ~~Master Plan or amendment or modification thereof to be considered, including the areas included in~~
4 ~~the Reclaimed Water Use Area Map and such other information as the Public Utilities Commission or~~
5 ~~the Chief Administrative Officer considers necessary or desirable. Such notice of hearing shall be~~
6 ~~provided by publication at least once in a newspaper of general circulation no less than 20 days prior~~
7 ~~to the date on which the hearing is scheduled to occur and shall also be included on the next Public~~
8 ~~Utilities Commission calendar to be mailed following the date of such notice. Mailed notice shall be~~
9 ~~provided to any person requesting such notice in writing. Such notices shall be in addition to any other~~
10 ~~notice that may be required by law. The failure of any person to receive notice required by law does not~~
11 ~~affect the authority of the City and County of San Francisco to adopt the Nonpotable and Reclaimed~~
12 ~~Water Use Master Plan.~~

13 ~~—(b) Contents. The Nonpotable and Reclaimed Water Use Master Plan shall include, but need~~
14 ~~not be limited to, the following:~~

15 ~~—(1) Long Range Plan for Use of Nonpotable and Reclaimed Water. Development of a long-~~
16 ~~range plan for the production, delivery and use of nonpotable and reclaimed water in the City, within~~
17 ~~the wholesale water service area of the Water Department, and in areas outside of the Water~~
18 ~~Department's service area;~~

19 ~~—The plan shall include:~~

20 ~~—(A) Proposals, based on five year incremental planning and implementation phases, for~~
21 ~~the expansion of production, delivery and use of reclaimed water;~~

22 ~~—(B) Identification of opportunities for the expansion of the reclaimed water production~~
23 ~~system, including the expansion of existing facilities or the development of new wastewater treatment~~
24 ~~facilities. Estimation of the feasibility and cost of developing such facilities and analysis of financing~~
25

1 ~~requirements and alternatives. It is the express intention of this Article to exclude reliance on hookup~~
2 ~~charges or similar fees or charges in implementing the plan;~~

3 ~~—— (C) Evaluation of the potential demand for reclaimed water;~~

4 ~~—— (D) Analysis of the potential for development and use of groundwater and other~~
5 ~~subsurface sources and conjunctive use projects, and evaluation of related water quality, aquifer yield~~
6 ~~and fish and wildlife protection issues;~~

7 ~~—— (2) Reclaimed Water Use Area Map.~~

8 ~~—— (A) A reclaimed water use area map, delineating the areas that are served or, as~~
9 ~~projected by the Water Department and Department of Public Works, may be served within 10 years of~~
10 ~~the date of designation of such an area pursuant to this Article, by reclaimed water distribution~~
11 ~~systems. The map shall be prepared jointly by the Water Department and the Department of Public~~
12 ~~Works. The Chief Administrative Officer and the Public Utilities Commission shall review the map~~
13 ~~submitted by the Departments and may either approve the map or reject and remand the map to the~~
14 ~~Departments for further action. The map may be amended as necessary to reflect all additions and~~
15 ~~planned additions to the nonpotable and reclaimed water distribution system;~~

16 ~~—— (B) The map shall list and classify as designated reclaimed water use areas all areas~~
17 ~~within the boundaries of the City and County of San Francisco that meet either of the following~~
18 ~~criteria:~~

19 ~~—— (i) The area is currently served by a reclaimed water distribution system, or~~

20 ~~—— (ii) The area may be served by a reclaimed water distribution system within ten years,~~
21 ~~as projected in the Nonpotable and Reclaimed Water Use Master Plan;~~

22 ~~—— (C) The areas described in Section 1209 of this Article are hereby designated on the~~
23 ~~reclaimed water use map for the use of reclaimed water in accordance with this Article. The map areas~~
24 ~~described in Section 1209 may be modified by the Water Department and the Department of Public~~
25 ~~Works in the manner set forth in this Section;~~

1 —(3) ~~Rules and Regulations. Description and analysis of relevant City, State and Federal~~
2 ~~rules, regulations, standards and procedures governing the production, distribution and use of~~
3 ~~nonpotable and reclaimed water;~~

4 —(4) ~~Financial Assistance. Identification of resources and recommendation of specific~~
5 ~~measures to assist nonpotable and reclaimed water users to finance necessary nonpotable and~~
6 ~~reclaimed water use projects, including but not limited to identification of incentives, discounts in~~
7 ~~water rates or other measures;~~

8 —(5) ~~Pilot and Demonstration Projects. Identification of demonstration or pilot projects to~~
9 ~~substitute the use of potable water with nonpotable and reclaimed water;~~

10 —(6) ~~Public Awareness Program. Evaluation of and recommendations for the establishment~~
11 ~~and operation of a public awareness program to promote the use of nonpotable and reclaimed water;~~

12 —(7) ~~Mandatory Nonpotable and Reclaimed Water Use. Evaluation and recommendation of~~
13 ~~types of water use, such as greenbelt irrigation, agricultural irrigation, office building uses, filling of~~
14 ~~habitat lakes, or industrial processes, that shall be required, wholly or partially, to use nonpotable or~~
15 ~~reclaimed water;~~

16 —(8) ~~Interagency Coordination. Recommendations for actions to coordinate efforts between~~
17 ~~the City and other local and regional governmental agencies to share in the production and utilization~~
18 ~~of nonpotable and reclaimed water within and outside the boundaries of the City;~~

19 —(9) ~~Nonpotable and Reclaimed Water Source Protection. Recommendations for control~~
20 ~~measures and management practices necessary to maintain or improve the quality of nonpotable and~~
21 ~~reclaimed water.~~

22 —(c) ~~Status Report. An annual report on the status and implementation of the Nonpotable and~~
23 ~~Reclaimed Water Use Master Plan shall be jointly prepared by the Water Department and the~~
24 ~~Department of Public Works and submitted to the Board of Supervisors, the Chief Administrative~~
25 ~~Officer, the Public Utilities Commission, the Department of Health, the Fire Department, the~~

1 ~~Recreation and Park Department and any other interested City agencies. This annual report shall~~
2 ~~include a yearly audit of the resulting offset in use of fresh water, if any, and identification of the uses~~
3 ~~of the saved water.~~

4 **~~SEC. 1204. IMPLEMENTATION.~~**

5 ~~—(a) Development Project. A development project located within the boundaries of a~~
6 ~~reclaimed water use area designated pursuant to Section 1203(b)(2) of this Article may receive a site~~
7 ~~permit, building permit, land development authorization, or project authorization pursuant to City~~
8 ~~Planning Code Sections 320, et seq., only if the appropriate City permit approval or authorization~~
9 ~~official, as determined by the nature of the action requested by the project developer, determines that:~~

10 ~~—(1) An exemption has not been granted by the General Manager of the Water Department~~
11 ~~in accordance with Section 1204(d)(2)(e) of this Article;~~

12 ~~—(2) The development project provides for the construction and operation of a reclaimed~~
13 ~~water system and a reclaimed water irrigation system;~~

14 ~~—(3) The owner or operator of the development project has obtained an appropriate~~
15 ~~certificate in accordance with Sections 1204(c) or 1204(d) of this Article; and~~

16 ~~—(4) The development project is in compliance with all applicable City Code Sections~~
17 ~~providing for the design, installation and construction of all facilities necessary to the operation of a~~
18 ~~reclaimed water system and/or a reclaimed water irrigation system to serve the potential uses of the~~
19 ~~property or structure covered by the proposed permit or authorization, as may be further specified in~~
20 ~~the provisions of this Article, or the provisions of codes and regulations adopted pursuant to or in~~
21 ~~furtherance of this Article.~~

22 ~~—(b) Subdivision Approvals.~~

23 ~~—(1) Parcel Map or Tentative Subdivision Map Conditions. The Director of Public Works~~
24 ~~shall not approve a tentative subdivision map or a parcel map for any property within the boundaries~~
25 ~~of the reclaimed water use area map, as provided in Section 1203(b)(2) of this Article, unless a~~

1 ~~condition is imposed requiring compliance with all applicable City Code Sections providing for the~~
2 ~~design, installation, construction, or dedication of all public works, public improvements,~~
3 ~~infrastructure or fixtures necessary to the operation of a reclaimed water distribution system to serve~~
4 ~~the potential uses of the property covered by the parcel map or tentative subdivision map, as may be~~
5 ~~further specified in the provisions of this Article, or the provisions of codes and regulations adopted~~
6 ~~pursuant to or in furtherance of this Article.~~

7 ~~—(2) Subdivision Regulations. The Director of Public Works shall adopt regulations as~~
8 ~~necessary, consistent with and in furtherance of this Article, to ensure that all subdividers of property~~
9 ~~subject to the provisions of this ordinance provide such public improvements as are necessary to serve~~
10 ~~the subdivided property with reclaimed water from a reclaimed water distribution system.~~

11 ~~—(3) Final Maps. The Director of Public Works shall not endorse and file a final map for~~
12 ~~property within the boundaries of a reclaimed water use area without first determining whether:~~

13 ~~—(A) The subdivider has complied with the conditions imposed on the tentative subdivision~~
14 ~~map or parcel map, pursuant to this Article, and the ordinances and regulations adopted in furtherance~~
15 ~~thereof; and~~

16 ~~—(B) For any such conditions not fully satisfied prior to the recordation of the final map,~~
17 ~~the subdivider has signed a certificate of agreement and/or improvement agreement, to ensure~~
18 ~~compliance with such conditions.~~

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

22 ~~—(c) Reclaimed Water Use Registration and Issuance of Certificate. Any owner, operator or~~
23 ~~manager of a development project, or an irrigation system subject to Section 1204(e), located within~~
24 ~~the boundaries of a reclaimed water use area shall register such development project or irrigation~~
25 ~~system with the Water Department. The General Manager of the Water Department (or designee) shall~~

1 ~~issue a certificate of intention to use reclaimed water ("reclaimed water use certificate") and shall~~
2 ~~maintain a register of all such development projects and irrigation systems. The Water Department~~
3 ~~may inspect the operations of reclaimed water systems, reclaimed water irrigation systems and~~
4 ~~reclaimed water distribution systems to ensure the mandatory use of reclaimed water. The Water~~
5 ~~Department, acting through its Public Utilities Commission, is authorized to impose and collect fees in~~
6 ~~its discretion to recover the costs of implementing Sections 1204(c) and (d) of this Article, including~~
7 ~~costs of documentation processing, issuance of certificate, inspection, consultation with applicants and~~
8 ~~administration of Sections 1204(c) and (d) of this Article.~~

9 ~~—(d) Reclaimed Water Use.~~

10 ~~—(1) Mandatory Use. Reclaimed water shall be used in all reclaimed water systems,~~
11 ~~reclaimed water distribution systems and reclaimed water irrigation systems required by Sections~~
12 ~~1204(a), 1204(b) and 1204(c) of this Article, in a manner and to the extent consistent with all~~
13 ~~applicable local, State and Federal laws.~~

14 ~~—(2) Exemptions.~~

15 ~~—(A) The General Manager may issue a reclaimed water use certificate temporarily~~
16 ~~exempting compliance with Section 1204(d)(1) if the General Manager determines that reclaimed~~
17 ~~water is not currently available. If the General Manager makes such a determination, potable water~~
18 ~~may be supplied on a temporary basis, until the General Manager determines that reclaimed water is~~
19 ~~available.~~

20 ~~—(B) Potable or nonpotable water obtained from a subsurface water supply underlying a~~
21 ~~development project, subdivision or irrigation system subject to this Article may be used for the~~
22 ~~development project, subdivision or irrigation system if authorized by the General Manager through~~
23 ~~issuance of an alternative water supply certificate. The certificate may be issued under circumstances~~
24 ~~where the General Manager has determined that the Water Department will not be using the~~
25 ~~subsurface water supply for municipal water supply purposes. The General Manager may revoke any~~

1 ~~such reclaimed water use certificate and require the use of reclaimed water whenever the Water~~
2 ~~Department determines that the subsurface water supply is necessary for municipal water supply~~
3 ~~purposes. Revocation of the certificate will be effective one year after receipt of written notice.~~

4 ~~— (C) The General Manager may issue reclaimed water use certificate exempting certain~~
5 ~~uses from compliance with Subsections (a), (d)(1), and (e) of Section 1204 under circumstances where~~
6 ~~the use of reclaimed water is not appropriate. The person or entity requesting such an exemption shall~~
7 ~~have the burden of demonstrating that the use of reclaimed water is not appropriate for the intended~~
8 ~~purposes and cannot be made usable by user pretreatment processes or other project modifications.~~

9 ~~— (e) Irrigation Systems.~~

10 ~~— (1) New Irrigation Systems. A landscaped area located within the boundaries of a~~
11 ~~reclaimed water use area and not constructed in conjunction with or as part of a development project~~
12 ~~subject to Section 1204(a) shall be constructed for the use of reclaimed water and shall comply with the~~
13 ~~provisions of this Article if it comprises an area of 10,000 square feet or more.~~

14 ~~— (2) Existing Irrigation Systems.~~

15 ~~— (A) Irrigation systems using potable water located within a reclaimed water use area~~
16 ~~shall be converted to use reclaimed water upon a determination by the General Manager (or designee)~~
17 ~~of the Water Department that reclaimed water is currently available for use. This conversion~~
18 ~~requirement shall apply to irrigation systems for irrigated property 10,000 square feet or more in size.~~

19 ~~— (B) The General Manager shall, by written notice, inform the owner of the irrigated~~
20 ~~property that the irrigation system must be converted to use reclaimed water within 180 days of the~~
21 ~~date of mailing of the written notice. In the event the property is owned by more than one person or~~
22 ~~entity, notice to any one such owner is sufficient notice under this Article. The General Manager may~~
23 ~~provide an extension of the 180-day conversion period, if appropriate.~~

24 ~~— (C) An owner may file an objection to the required conversion by submitting to the Water~~
25 ~~Department, by certified mail, return receipt requested, a written statement of the reasons why the~~

1 ~~irrigation system should not be required to convert to reclaimed water. The written statement will not~~
2 ~~be considered by the Water Department if it is not received by the Water Department within 60 days of~~
3 ~~the date the notice was mailed to the owner. The General Manager may rescind the conversion~~
4 ~~requirement only on the grounds of severe economic hardship or technical infeasibility.~~

5 ~~—(D) In addition to other penalties provided by this Article or by law, failure to convert~~
6 ~~the irrigation system to use reclaimed water within the time prescribed in the notice shall be sufficient~~
7 ~~cause for the Water Department to terminate potable water service to the irrigation system, or in the~~
8 ~~case of common irrigation and potable water uses, the placement of a flow restrictor on the service~~
9 ~~line.~~

10 ~~—(f) Applicability.~~

11 ~~—(1) Subsections (b), (c), (d) and (e) of this Section of this Article shall be applicable~~
12 ~~immediately upon the effective date of this Article.~~

13 ~~—(2) Subsection (a) of this Section of this Article shall not apply to development projects for~~
14 ~~which a site permit, building permit, or project authorization pursuant to City Planning Code Sections~~
15 ~~320, et seq., has been issued within 180 days after the effective date of this Article.~~

16 ~~—(3) All development projects, except solely residential projects, for which a site permit,~~
17 ~~building permit, or project authorization pursuant to City Planning Code Sections 320, et seq., is issued~~
18 ~~more than 180 days after the effective date of this Article shall be in full compliance with this Article.~~

19 ~~—(4) All development projects, including residential projects, for which a site permit,~~
20 ~~building permit, or project authorization pursuant to City Planning Code Sections 320, et seq., is issued~~
21 ~~subsequent to January 1, 2000, shall be in full compliance with this Article.~~

22 **~~SEC. 1205. MATERIAL AND CONSTRUCTION SPECIFICATIONS.~~**

23 ~~—Within six months of the enactment of this Article, the Department of Public Works, in~~
24 ~~cooperation with the Public Utilities Commission, the Department of Public Health, and the San~~
25 ~~Francisco Fire Department, shall prepare and issue material and construction specifications for~~

1 ~~reclaimed water irrigation systems, reclaimed water distribution systems and reclaimed water systems.~~
2 ~~Specifications shall include, but not be limited to, pipe identification, quick coupling valves, use of~~
3 ~~distribution systems, washdown hydrants and other points of public access, warning labels, control and~~
4 ~~regulating valves, strainers, reclaimed water piping, potable water piping, conversion requirements,~~
5 ~~design criteria, backflow and cross-connection prevention designs and devices, and facilities for~~
6 ~~temporary potable water use if reclaimed water is not available. Specifications shall be based on the~~
7 ~~final draft "Guidelines for Distribution of Nonpotable Water," issued by the Association of Water~~
8 ~~Works Agencies, California Nevada Section, Water Reclamation Committee (as amended from time to~~
9 ~~time), unless the Department of Public Works determines that sound engineering judgment relating to~~
10 ~~local conditions and practices requires deviation from such specifications.~~

11 **~~SEC. 1206. PENALTIES.~~**

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

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

17 ~~—(c) Use of potable water in violation of this Article may result in the termination of potable~~
18 ~~water service by the General Manager of the Water Department.~~

19 ~~—(d) The enforcement actions authorized in Subsections (a), (b) and (c) are in addition to, and~~
20 ~~do not supersede, any other remedies available under City, State or Federal construction codes and~~
21 ~~health codes applicable to activities subject to this Article and any other remedies available under law.~~

22 **~~SEC. 1207. RULES AND REGULATIONS.~~**

23 ~~—The Public Utilities Commission, the Department of Public Works, the Health Department and~~
24 ~~the Fire Department are authorized to promulgate rules and regulations for the implementation of this~~
25 ~~Article.~~

1 **~~SEC. 1208. GOVERNMENT FACILITIES.~~**

2 ~~The provisions of this Article shall apply, to the extent consistent with applicable laws, to any~~
3 ~~government-operated irrigation systems serving 10,000 square feet or more of landscaped property and~~
4 ~~new construction and operation of 40,000 square feet or more of government-owned and operated~~
5 ~~buildings and structures.~~

6 **~~SEC. 1209. RECLAIMED WATER USE MAP DESIGNATION.~~**

7 ~~The following areas are designated for the use of reclaimed water in accordance with this~~
8 ~~Article:~~

9 ~~(a) Westside. The Westside area includes seven sub-areas: Lake Merced, Great Highway,~~
10 ~~Golden Gate Park, 39th Avenue, Lincoln Park, Richmond Tunnel and Presidio. Each of these sub-areas~~
11 ~~is described as follows:~~

12 ~~Lake Merced. The Lake Merced sub-area is bound by the Pacific Ocean on the west and by~~
13 ~~the San Francisco City and County Boundary on the south. On the east, the Lake Merced sub-area is~~
14 ~~bound by Junipero Serra Boulevard from the City and County Boundary north to Sloat Boulevard, by~~
15 ~~West Portal Avenue from Sloat Boulevard northeast to 15th Avenue, and by 15th Avenue from West~~
16 ~~Portal Avenue north to Vicente Street. On the north, the Lake Merced sub-area is bound by Vicente~~
17 ~~Street extending in a line from 15th Avenue west to the Pacific Ocean.~~

18 ~~Great Highway. The Great Highway sub-area is bound by the Pacific Ocean on the west and~~
19 ~~a line extending from the Pacific Ocean east to Vicente Street and 47th Avenue on the south. On the~~
20 ~~east, the Great Highway sub-area is bound by 47th Avenue from Vicente Street to Lincoln Way, by~~
21 ~~Lincoln Way from 47th Avenue west to the Great Highway, and by the Great Highway from Lincoln~~
22 ~~Way north to Sutro Height Park. On the north, the Great Highway sub-area is bound by the southerly~~
23 ~~boundary of the Sutro Heights Park.~~

24 ~~Golden Gate Park. The Golden Gate Park sub-area is bound by the Great Highway on the~~
25 ~~west. On the south, the Golden Gate Park sub-area is bound by Lincoln Way from the Great Highway~~

1 east to Frederick Street, and by Frederick Street from Lincoln Way east to Stanyan Street. On the east,
2 the Golden Gate Park sub-area is bound by Stanyan Street from Frederick Street north to Fulton Street.
3 On the north, the Golden Gate Park sub-area is bound by Fulton Street from Stanyan Street west to the
4 Great Highway.

5 —39th Avenue. The 39th Avenue sub-area is bound by 40th Avenue on the west, Fulton Street on
6 the south, 38th Avenue on the east, and Clement Street on the north.

7 —Lincoln Park. The Lincoln Park sub-area is bound by the Pacific Ocean on the north and
8 west. On the south, the Lincoln Park sub-area is bound by the southerly boundary of Sutro Heights
9 Park extending east from the Pacific Ocean to 48th Avenue, by 48th Avenue from the southerly
10 boundary of Sutro Heights Park north to Point Lobos Avenue, by El Camino Del Mar from Point Lobos
11 Avenue north to Seal Rock Drive, by Seal Rock Drive from El Camino Del Mar east to Clement Street,
12 and by Clement Street from Seal Rock Drive east to the easterly boundary of Lincoln Park. On the east,
13 the Lincoln Park sub-area is bound by the easterly boundary of Lincoln Park extending in a line from
14 Clement Street north to the Pacific Ocean.

15 —Richmond Tunnel. The Richmond Tunnel sub-area extends 400 feet each side of a line
16 described as follows: Beginning at the intersection of Fulton Street and 35th Avenue the line extends
17 north 150 feet in 35th Avenue, then northeast in a straight line to the intersection of Lake Street and
18 26th Avenue, then east in Lake Street to the intersection of Lake Street and 24th Avenue, then north in a
19 line extending from the intersection of Lake Street and 24th Avenue to the southerly boundary of the
20 Presidio Military Reservation.

21 —Presidio. The Presidio sub-area is bound by the Pacific Ocean on the north and west. On the
22 south, the Presidio sub-area is bound by the southerly boundary of the Presidio Military Reservation
23 from the Pacific Ocean east to Park Presidio Boulevard, by the southerly and easterly boundaries of
24 Mountain Lake Park from Park Presidio Boulevard to West Pacific Avenue, by West Pacific Avenue
25 extending in a line from the easterly boundary of Mountain Lake Park east to Lyon Street. On the east,

1 ~~the Presidio sub-area is bound by Lyon Street extending in a line from West Pacific Avenue north to the~~
2 ~~Pacific Ocean.~~

3 ~~—(b) Eastside. The Eastside area is bound by San Francisco Bay on the east and north. On the~~
4 ~~west, the Eastside area is bound by Grant Street extending from San Francisco Bay south to its~~
5 ~~intersection with Francisco Street, by Francisco Street east to its intersection with Kearny Street, by~~
6 ~~Kearny Street south to its intersection with Chestnut Street, by Chestnut Street east to its intersection~~
7 ~~with Montgomery Street, by Montgomery Street south to its intersection with Lombard Street, by~~
8 ~~Lombard Street east to its intersection with Sansome Street, by Sansome Street south to its intersection~~
9 ~~with Market Street, by Market Street southwest to its intersection with 2nd Street, by 2nd Street~~
10 ~~southeast from its intersection with Market Street to the intersection of 2nd Street and Mission Street,~~
11 ~~by Mission Street southwest from 2nd Street to the intersection of Mission Street and 7th Street, by 7th~~
12 ~~Street from Mission Street southeast to 16th Street, by Interstate 280 from the intersection of 7th Street~~
13 ~~and 16th Street south to Army Street, by Army Street from Interstate 280 west to Bayshore Boulevard,~~
14 ~~by Bayshore Boulevard from Army Street south to Jerrold Avenue, by Jerrold Avenue from Bayshore~~
15 ~~Boulevard southeast to Interstate 280, and by Interstate 280 from Jerrold Avenue southwest to~~
16 ~~Newcomb Avenue. On the south, the Eastside area is bound by Newcomb Avenue from Interstate 280~~
17 ~~southeast to Third Street, by Third Street from Newcomb Avenue northeast to Evans Avenue, by Evans~~
18 ~~Avenue from Third Street southeast to Middlepoint, by Middlepoint southwest to Ingalls Avenue, by~~
19 ~~Ingalls Avenue southwest to Wallace Avenue, and by a line extending southeast along Wallace Avenue~~
20 ~~to San Francisco Bay, including the Hunters Point Naval Shipyard.~~

21 ~~—Treasure Island. The Treasure Island sub-area shall include all of Treasure Island and Yerba~~
22 ~~Buena Island.~~

23 **~~SEC. 1210. SEVERABILITY.~~**

24 ~~If any section, paragraph, sentence, clause or phrase of this Article or any part thereof, is for~~
25 ~~any reason held unconstitutional, invalid or ineffective by any court of competent jurisdiction, said~~

1 ~~decision shall not affect the validity or effectiveness of the remaining portions of this Article, or any~~
2 ~~part thereof. The Board of Supervisors hereby declares that it would have passed each section,~~
3 ~~subsection, subdivision, paragraph, sentence, clause or phrase herein, irrespective of the fact that any~~
4 ~~one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared~~
5 ~~unconstitutional, invalid or ineffective.~~

6
7 Section 4. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

11
12 Section 5. Effect of Repeal of Article 22. Upon the effective date of this ordinance,
13 Article 22 of the Public Works Code will be repealed. Accordingly, as of that date, Article 22
14 will not apply to development projects that are in any stage of planning, permit approval, or
15 construction.

16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: 
20 _____
21 CATHERINE MALINA
22 Deputy City Attorney

23
24
25
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LEGISLATIVE DIGEST

[Public Works Code - Repeal of Reclaimed Water Use Ordinance]

Ordinance amending the Public Works Code to repeal the Reclaimed Water Use Ordinance; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Article 22 of the Public Works Code, titled the Reclaimed Water Use Ordinance, requires property owners within certain designated areas on the west side and east side of San Francisco to install separate plumbing systems for the transmission and use of recycled water in (1) new, remodeled, or converted buildings of 40,000 square feet or more, (2) new developments subject to subdivision map requirements, and (3) new and existing irrigated areas of 10,000 square feet or more. These plumbing systems would be connected to, and dependent upon, larger external distribution systems to be built by the City to produce and deliver recycled water to individual property owners.

Amendments to Current Law

This ordinance would repeal Article 22 of the Public Works Code (consisting of Sections 1200-1210) in its entirety. Accordingly, upon the effective date of this ordinance, Article 22 would not apply to development projects that are in any stage of planning, permit approval, or construction.

Background Information

The City enacted the Reclaimed Water Use Ordinance ("RWO") in 1991 to support the City's then-existing water supply planning approach. That approach included the City's possible construction of centralized non-potable recycled water facilities and distribution systems on both the west side and east side of San Francisco that would produce and deliver recycled water to property owners that installed recycled water plumbing systems.

Since the RWO's enactment, recycled water planning and use in San Francisco has evolved significantly. In 2012, the City enacted Article 12C of the Health Code, commonly known as the Non-Potable Water Ordinance ("NPO"). The NPO, as amended, requires the installation of on-site, non-potable water systems to treat and re-use available alternate water sources in all large development projects of 250,000 square feet or more in the City. Unlike the systems required under the RWO, these systems produce their own water on-site and do

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not need to be connected to larger external distribution systems in the City. In light of the NPO, maintaining the requirements set forth in the RWO is no longer necessary for implementing the City's water supply strategies.

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