

1 [Health Code - Alternate Water Sources for Non-Potable Applications]

2

3 **Ordinance amending the Health Code to establish permitting requirements for two or**
4 **more parcels that share the use of alternate water sources for non-potable**
5 **applications; setting permit fees; and making environmental findings.**

6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are *strike-through italics Times New Roman*.
8 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. Environmental Findings. The Planning Department has determined that the
11 actions contemplated in this ordinance comply with the California Environmental Quality Act
12 (California Public Resources Code Section 21000 et seq.). Said determination is on file with
13 the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by
14 reference.

15 Section 2. The Health Code is hereby amended by amending Article 12C, Sections
16 851, 854, and 855 to read as follows:

17 **ARTICLE 12C: ALTERNATE WATER SOURCES FOR NON-POTABLE**
18 **APPLICATIONS**

19 **SEC. 851. DEFINITIONS.**

20 The terms used in this Article have the meaning set forth below:

21 (a) **Alternate Water Source:** a source of non-potable water that includes
22 graywater, on-site treated non-potable water, rainwater, and any other source approved by
23 the Director.

24 (b) **Black water:** wastewater containing bodily or other biological wastes, as from
25 toilets, dishwashers, kitchen sinks and utility sinks.

1 ~~(e)~~ **City:** the City and County of San Francisco.

2 ~~(d)~~ **Director:** the Director of Public Health or any individual designated by the
3 Director to act on his or her behalf.

4 *District: a group of two or more parcels that share alternate water sources.*

5 ~~(e)~~ **First certificate of occupancy:** either a temporary certificate of occupancy or
6 a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code
7 Section 109A, whichever is issued first.

8 ~~(f)~~ **Foundation Drainage:** nuisance groundwater that is extracted to maintain a
9 building's or facility's structural integrity and would otherwise be discharged to the City's sewer
10 system. Foundation drainage does not include non-potable groundwater extracted for a
11 beneficial use that is subject to City groundwater well regulations.

12 ~~(g)~~ **General Manager:** the General Manager of the San Francisco Public Utilities
13 Commission, or any individual designated by the General Manager to act on his or her behalf.

14 ~~(h)~~ **Graywater:** untreated wastewater that has not been contaminated by any
15 toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily
16 wastes, and does not present a threat from contamination by unhealthful processing,
17 manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater
18 from bathtubs, showers, bathroom sinks, lavatories, clothes washing machines, and laundry
19 tubs, but does not include wastewater from kitchen sinks or dishwashers.

20 ~~(i)~~ **Multi-Family Residential Building:** A building that contains three or more
21 dwelling units.

22 ~~(j)~~ **Non-potable Water Engineering Report:** Report submitted by project
23 applicant to the Director describing the alternate water source system in accordance with the
24 rules and regulations adopted by the Department of Public Health.

25 ~~(k)~~ **Non-residential:** A building that contains occupancies other than dwelling units.

1 ~~(t)~~ *On-Site Treated* **Non-Potable Water:** Non-potable water collected from
2 alternate water sources, treated, and intended to be used on the Project Applicant's site *or*
3 *district parcels* and is suitable for direct beneficial use.

4 ~~(m)~~ **NSF 350 System:** Any treatment system certified by NSF International to
5 meet NSF/ANSI Standard 350 for Onsite Residential and Commercial Reuse Treatment
6 Systems, as amended from time to time.

7 ~~(n)~~ **Permittee:** owner or operator of an on-site treated non-potable water system.

8 ~~(o)~~ **Project Applicant:** the person or entity applying for authorization to install
9 and use an alternate water source project.

10 ~~(p)~~ **Rainwater:** precipitation collected from roof surfaces or other manmade,
11 aboveground collection surfaces.

12 ~~(q)~~ **Small Residential Building:** A building that contains no more than two
13 dwelling units.

14 ~~(r)~~ **Stormwater:** Precipitation collected from at-grade or below grade surfaces.

15 ~~(s)~~ **Water Budget Documentation:** An in-depth assessment of the *permittee's*
16 *project applicant's* non-potable water use, including survey information, water meter readings,
17 water service billing information, *alternate water source schematic drawings, or ~~and~~* any other
18 information deemed necessary by the General Manager.

19 **SEC. 854. PROJECT APPLICANT AND/OR PERMITTEE DESIGN AND**
20 **CONSTRUCTION REQUIREMENTS.**

21 (a) Prior to initiating installation of any alternate water source project, project
22 applicants shall submit to the Director an application for permits to operate alternate water
23 source systems. Such applications shall comply with the requirements of this Article and any
24 regulations the Director has issued. Project applicants shall pay a non-refundable permit
25 application fee to cover the costs of investigation and processing the application and issuing

1 the permit. Each project application submitted to the Director shall include a Non-Ppotable
2 Water Engineering Report that provides project information the Director determines to be
3 necessary for complete review of the proposed project. City departments may not approve or
4 issue permits for any site installing an alternate water source system unless and until the
5 Director has approved the Non-Ppotable Water Engineering Report.

6 The Non-potable Water Engineering Report for district systems must include information on the
7 permanent legal agreements between property owners, and provide documentation that each party is a
8 willing and responsible participant in the district non-potable water use.

9 (b) **System Design.** All buildings using non-potable water from alternate water
10 source systems shall include:

11 (1) A flow meter on the ~~alternate water source~~ non-potable distribution system to
12 account for non-potable water use;

13 (2) A reduced pressure backflow assembly (RP) within 25 feet of the
14 downstream side of the point of connection or meter to protect the City's public water and/or
15 recycled water system;

16 (3) Signage that state law and the Department of Public Health's rules and
17 regulations require;

18 (4) Cross connection control in accordance with California Code of
19 Regulations Titles 17 and 22 and the San Francisco Public Utilities Commission's Cross
20 Connection Control Program;

21 (5) Any other requirements the Director determines ~~is~~ are necessary to protect
22 public health.

23 (c) **Water Budget Documentation.** Upon submitting a project application to the
24 Director, a project applicant shall also submit Water Budget Documentation to the General
25 Manager for review. Water Budget Documentation shall include a description and location of

1 the proposed alternate water source system, the project's water budget, and other applicable
2 information as determined by the General Manager. City departments may not issue an
3 encroachment permit, site permit or plumbing permit, or approve ~~an alternate water source project~~
4 ~~application~~ Non-potable Water Engineering Report unless and until the General Manager has
5 reviewed the Water Budget Documentation.

6 (d) **Plumbing Permit.** A project applicant shall obtain from the Department of
7 Building Inspection an appropriate plumbing permit and any other building or installation
8 permit required to construct, install, alter, an alternate water source system. Each parcel within
9 a district shall obtain appropriate plumbing and any other building or installation permits required.

10 (e) **Encroachment Permit.** A project applicant shall obtain from the Department of
11 Public Works appropriate authorization for placement of any pipelines or other portions of an
12 alternate water source system within the public right-of-way.

13 (ef) **Construction Certification Letter.** Project applicants shall certify to the
14 Director that alternate water source system construction is complete and consistent with the
15 approved ~~Non-Potable~~ Water Engineering Report in accordance with the provisions of this
16 Article 12C and any implementing rules and regulations. City departments may not approve or
17 issue a first certificate of occupancy or approval for any alternate water source system until
18 the Director has reviewed and verified the Construction Certification Letter.

19 **SEC. 855. FEES.**

20 (a) The non-refundable application fees for alternative source water system permits
21 are:

22	(1) Rainwater	\$1,544.00
23	(2) NSF 350 systems	\$2,688.00
24	(3) Foundation Drainage	\$5,032.00
25	(4) Graywater	\$5,032.00

1	(5) Black water	\$9,034.00
2	(6) Transfer of any permit	\$ 229.00
3	<u>(7) District Scale, the applicable amount above, plus \$ 191.00 per hour for plan</u>	
4	<u>review and /or on site inspection.</u>	

5 (b) The fees set forth in this Section may be adjusted each year, without further
6 action by the Board of Supervisors.

7 Not later than April 1, the Director shall report to the Controller the revenues
8 generated by the fees for the prior fiscal year and the prior fiscal year's costs of operation, as
9 well as any other information that the Controller determines appropriate to the performance of
10 the duties set forth in this Section.

11 Not later than May 15, the Controller shall determine whether the current fees
12 produce, or are projected to produce, revenues sufficient to support the costs of providing the
13 services for which the fees are assessed and that the fees will not produce revenue *that*
14 significantly exceed more than the costs of providing the services for which the fees are
15 assessed.

16 The Controller shall if necessary, adjust the fees upward or downward for the
17 upcoming fiscal year as appropriate to ensure that the program recovers the costs of
18 operation without producing revenue which is significantly more than such costs. The adjusted
19 rates shall become operative on July 1.

20 (c) Every permit holder shall also pay an annual license fee as provided in the
21 Business and Taxation Code Section 249.24.

22 Section 3. This ordinance shall become effective 30 days from the date of passage.

23 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
24 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
25 punctuation, charts, diagrams, or any other constituent part of the Health Code or Business

1 and Taxation Code that are explicitly shown in this legislation as additions, deletions, Board
2 amendment additions, and Board amendment deletions in accordance with the "Note" that
3 appears under the official title of the legislation.

4 Section 5. By adopting this Article, the City and County of San Francisco is assuming
5 an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on
6 its officers and employees, an obligation or duty for breach of which it is liable in money
7 damages or any other relief to any person who claims that such a breach proximately caused
8 injury or damages.

9
10 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

11 By: _____
12 VIRGINIA DARIO ELIZONDO
Deputy City Attorney

13 n:\legana\as2013\1200468\00861770.doc