

1 [Requiring the Development and Maintenance of Stormwater Management Controls]

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

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9 Note: Additions are *single-underline italics Times New Roman*;
10 deletions are *strikethrough italics Times New Roman*.
11 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Environmental Findings. The Planning Department has determined that the
14 actions contemplated in this Ordinance are in compliance with the California Environmental
15 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
16 on file with the Clerk of the Board of Supervisors in File No. _____ and is
17 incorporated herein by reference.

18 Section 2. The San Francisco Public Works Code is hereby amended by repealing
19 Sections 140 – 149.4 of Article 4.2.

20 Section 3. The San Francisco Public Works Code is hereby amended by adding
21 Sections 147 – 147.6, to Article 4.2, to read as follows:

22 Article 4.2. SEWER SYSTEM MANAGEMENT.

23 Section 147. Stormwater Management

24 (a) The intent of Sections 147 – 147.6 is to protect and enhance the water quality in the
25 City and County of San Francisco's sewer system, stormwater collection system and receiving

1 waters pursuant to, and consistent with Federal and State laws, lawful standards and orders
2 applicable to stormwater and urban runoff control, and the City's authority to manage and
3 operate its drainage systems.

4 (b) Urban runoff is a significant cause of pollution throughout California. Pollutants of
5 concern found in urban runoff include sediments, non-sediment solids, nutrients, pathogens,
6 oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic
7 aromatic hydrocarbons (PAHs), trash, and pesticides and herbicides.

8 (c) During urban development, two important changes occur. First, where no urban
9 development has previously occurred, natural vegetated pervious ground cover is converted
10 to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural
11 vegetated soil can both absorb rainwater and remove pollutants, providing a very effective
12 purification process. Because pavement and concrete can neither absorb water nor remove
13 pollutants, the natural purification characteristics of the land are lost. Second, urban
14 development creates new pollutant sources, including vehicle emissions, vehicle maintenance
15 wastes, pesticides, household hazardous wastes, pet wastes, trash, and other contaminants
16 that can be washed into the City's stormwater collection systems.

17 (d) A high percentage of impervious area correlates to a higher rate of stormwater
18 runoff, which generates greater pollutant loadings to the stormwater collection system,
19 resulting in turbid water, nutrient enrichment, bacterial contamination, toxic compounds,
20 temperature increases, and increases of trash or debris.

21 (e) When water quality impacts are considered during the planning stages of a project,
22 new development and redevelopment projects can more efficiently incorporate measures to
23 protect water quality.

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1 (f) Sections 147 – 147.6 protect the health, safety and general welfare of the City's
2 residents by:

3 (1) minimizing increases in pollution caused by stormwater runoff from development
4 that would otherwise degrade local water quality;

5 (3) controlling the discharge to the City's sewer and drainage systems from spills,
6 dumping or disposal of pollutants; and

7 (4) reducing stormwater run-off rates, volume, and nonpoint source pollution
8 whenever possible, through stormwater management controls, and ensuring that
9 these management controls are safe and properly maintained.

10 Section 147.1. Definitions.

11 In addition to the definitions provided in section 119 of Article 4.1 of this Code, the
12 following definitions shall apply:

13 (a) Best management practices or "BMPs." Structural devices, measures, or programs
14 used to reduce pollution in stormwater runoff. BMPs manage the quantity and improve the
15 quality of stormwater runoff in accordance with the Guidelines and applicable state and
16 federal regulatory requirements.

17 (b) Department. The San Francisco Public Utilities Commission. With regard to
18 stormwater management in areas of the City under the jurisdiction of the Port Commission,
19 "Department" means the San Francisco Port Commission until the Port Commission adopts
20 its own standards and procedures.

21 (c) Development Project. Any activity disturbing 5,000 square feet or more of the
22 ground surface, measured cumulatively from the effective date of this Article. Activities that
23 disturb the ground surface include, but are not limited to, the construction, modification,
24 conversion, or alteration of any building or structure and associated grading, filling,
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1 excavation, change in the existing topography, and the addition or replacement of impervious
2 surface. All sidewalks, parking, driveways, and landscaped and irrigated areas constructed in
3 conjunction with the Development Project are included in the project area. Development
4 Projects do not include interior remodeling projects, maintenance activities such as top-layer
5 grinding, repaving, and re-roofing, or modifications, conversions or alterations of buildings or
6 structures that does not increase the ground surface footprint of the building or structure.

7 (d) Development runoff requirements. The performance standards set forth in the
8 Guidelines to address both the construction and post-construction phase impacts of new
9 Development Projects on stormwater quality.

10 (e) General Manager. The General Manager of the Public Utilities Commission of the
11 City, or a designated representative of the General Manager. With regard to stormwater
12 management in areas of the City under the jurisdiction of the Port Commission, the Executive
13 Director of the San Francisco Port Commission or a designated representative of the
14 Executive Director shall have the same authority under this Article as the General Manager
15 until the Port Commission adopts its own standards and procedures regarding stormwater
16 management in all areas under Port Commission jurisdiction.

17 (f) Guidelines. The Stormwater Design Guidelines adopted by the San Francisco Public
18 Utilities Commission or the San Francisco Port Commission. The Guidelines contain
19 requirements pertaining to the type, design, sizing, and maintenance of post-construction
20 stormwater BMPs.

21 (g) Low Impact Design (LID). A stormwater management approach that promotes the
22 use of ecological and landscape-based systems that mimic pre-development drainage
23 patterns and hydrologic processes by increasing retention, detention, infiltration, and
24 treatment of stormwater at its source.

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1 (h) Non-Stormwater Discharge. Any discharge to the City's Stormwater Collection
2 System that is not composed entirely of Stormwater.

3 (i) Pollutant. Any substance listed in sec. 119(aa) of Article 4.1 of the Public Works
4 Code or any substance described as a pollutant in the Guidelines.

5 (j) Separate Stormwater/sewer System. Stormwater and sanitary sewage collection
6 facilities that convey, treat and discharge stormwater and sewage in separated catchbasins,
7 pipelines, treatment facilities, outfalls, and other facilities, and do not combine stormwater and
8 sewage in the same facilities.

9 (k) Stormwater. Water that originates from atmospheric moisture (rainfall or snowfall)
10 and that falls onto land, water or other surfaces.

11 (l) Stormwater Collection System. All City facilities operated by the San Francisco
12 Public Utilities Commission or the Port of San Francisco for collecting, transporting, treating
13 and disposing of stormwater. For purposes of this Article, the Stormwater Collection System
14 includes facilities owned and operated by public entities other than the City, where such
15 facilities direct stormwater into the Stormwater Collection System and are subject to the
16 jurisdiction of the San Francisco Public Utilities Commission or the Port of San Francisco as
17 defined by law, contract, or interjurisdictional agreement.

18 (m) Stormwater Control. A device designed to remove pollution in stormwater runoff
19 through detention, retention, filtration, direct plant uptake, or infiltration.

20 (n) Stormwater Control Plan. A plan that meets all applicable criteria, performance
21 standards and other requirements contained in this Article and the Guidelines.

22 Section 147.2. Stormwater Control Plan

23 (a) Development Projects. Every application for a Development Project , including, but
24 not limited to, a building or encroachment permit conditional use permit, variance, site permit,
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1 or design review, shall be accompanied by a Stormwater Control Plan that meets the
2 stormwater control criteria provided by the Guidelines. No City department shall approve or
3 issue a conditional use permit, variance, site permit, design review approval, building or
4 encroachment permit unless and until a Stormwater Control Plan developed in accordance
5 with this Article and the Guidelines has been approved by the General Manager. All projects
6 subject to the stormwater management requirements of Chapter 13C of the San Francisco
7 Building Code shall comply with the requirements of the Guidelines.

8 (b) Subdivision Approvals.

9 (1) Parcel Map or Tentative Subdivision Map Conditions. The Director of Public
10 Works shall not approve a tentative subdivision map or a parcel map for any property unless
11 a condition is imposed requiring compliance with all applicable Stormwater Control Plans to
12 serve the potential uses of the property covered by the parcel map or tentative subdivision
13 map, as may be further specified in the provisions of this Article or the Guidelines.

14 (2) Subdivision Regulations. The Director of Public Works shall adopt regulations
15 as necessary, consistent with and in furtherance of this Article, to ensure that all subdividers
16 of property subject to the provisions of this ordinance provide a Stormwater Control Plan in
17 compliance with this Article and the Guidelines.

18 (3) Final Maps. The Director of Public Works shall not endorse and file a final map
19 for property within the boundaries of the City and County of San Francisco without first
20 determining whether:

21 (A) The subdivider has complied with the conditions imposed on the tentative
22 subdivision map or parcel map, pursuant to this Article and the Guidelines; and

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

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

7 Sec. 147.3. Limitations and Prohibited Discharges.

8 (a) The establishment, use, maintenance or continuation of any unauthorized drainage
9 connections to the Stormwater Collection System is prohibited.

10 (b) The discharge of Pollutants and Non-stormwater Discharges into the stormwater
11 collection facilities located in the Separate Stormwater/sewer System portions of the
12 Stormwater Collection System is prohibited, except as provided in this section.

13 (c) The following discharges are exempt from the prohibitions set forth subsection (b)
14 above if the Regional Water Quality Control Board approves the exempted category under
15 section C. 11. of the City's NPDES permit: uncontaminated pumped groundwater, foundation
16 drains, water from crawl space pumps, footing drains, air conditioning condensate, irrigation
17 water, landscape irrigation, lawn or garden watering, planned and unplanned discharges from
18 potable water sources, water line and hydrant flushing, individual residential car washing,
19 discharges or flows from emergency fire fighting activities, dechlorinated swimming pool
20 discharges.

21 Section 147.4. Compliance with Maintenance and Inspection Requirements.

22 (a) All Stormwater Controls shall be maintained according to the Guidelines and the
23 operation and maintenance plan included in the approved Stormwater Control Plan. The
24 person(s) or organization(s) responsible for maintenance shall be designated in the plan.

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1 Those persons responsible for maintenance shall inspect the Stormwater Controls at least
2 annually and shall maintain the Stormwater Controls as required by the Guidelines and
3 described in the Stormwater Control Plan.

4 (b) Operation and Maintenance Inspection and Certificates. Every person who owns,
5 leases or operates any Stormwater Control or Controls must provide annual self-certification
6 for inspection and maintenance, as set forth in the Guidelines.

7 (c) The General Manager may perform routine or scheduled inspections, as may be
8 deemed necessary in the General Manager's sole discretion to carry out the intent of this
9 Article and the Guidelines, including, but not limited to, random sampling or sampling in areas
10 with evidence of Stormwater contamination, evidence of the discharge of Non-stormwater to
11 the Stormwater Collection System, or similar activities.

12 (d) Authority to Sample and Establish Sampling Devices. The General Manager may
13 require any person discharging Stormwater to the Stormwater Collection System to provide
14 devices or locations necessary to conduct sampling or metering operations.

15 (e) Notification of Spills. All persons in charge of the Stormwater Controls shall
16 provide immediate notification to the General Manager of any suspected, confirmed or
17 unconfirmed release of pollutants creating a risk of non-stormwater discharge into the
18 Stormwater Collection System. Such persons shall take all necessary steps to ensure the
19 detection and containment and clean up of such release. This notification requirement is in
20 addition to and not in lieu of other required notifications.

21 (f) Requirement to Test or Monitor. The General Manager may require that any person
22 responsible for Stormwater Controls undertake such monitoring activities or analysis and
23 furnish such reports as the General Manager may specify.

24 Section 147.5 Enforcement and Cost Reimbursement.
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1 Any violation of this Article may be enforced by the General Manager pursuant to section 132
2 of Article 4.1 of the Public Works Code. Persons violating any provision of this Article, the
3 Guidelines, or department regulations may be subject to penalties and abatement in
4 accordance with the Guidelines and sections 133 and 134 of Article 4.1 of the Public Works
5 Code.

6 Section 147.6 Severability

7 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this
8 Article, is for any reason held to be unconstitutional, invalid or ineffective by any court of
9 competent jurisdiction, such decision shall not affect the validity or effectiveness of the
10 remaining portions of this Article. The Board of Supervisors declares that it would have
11 passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this
12 Article irrespective of the fact that any one or more sections, subsections, subdivisions,
13 paragraphs, sentences, clauses, or phrases could be declared unconstitutional, invalid or
14 ineffective.

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

By: _____
JOHN RODDY
Deputy City Attorney