

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: John Rahaim, Director, Planning Department  
Vivian Day, Director, Department of Building Inspection  
Ed Harrington, General Manager, Public Utilities Commission  
Melanie Nutter, Director, Department of the Environment

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: July 11, 2012

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Chiu on June 26, 2012, which is being forwarded to your department for review.

**File No. 120488**

Ordinance amending the San Francisco Environment Code by adding Chapter 23 to require new and remodeled buildings that have drinking fountains to provide bottle filling stations, setting an operative date, and making environmental and other findings.

If you have any additional reports or comments to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Carolyn Jayin, Department of Building Inspection  
AnMarie Rodgers, Planning Department

[Environment Code - Bottle Filling Stations]

**Ordinance amending the San Francisco Environment Code by adding Chapter 23 to require new and remodeled buildings that have drinking fountains to provide bottle filling stations, setting an operative date, and making environmental and other findings.**

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

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

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

Section 2. The San Francisco Environment Code is hereby amended by adding Chapter 23, Sections 2301 through 2306, to read as follows:

**CHAPTER 23**

**DRINK TAP ORDINANCE**

**SEC. 2301. FINDINGS.**

*The Board of Supervisors finds that:*

*(a) The City and County of San Francisco has a longstanding commitment to environmental sustainability through the prohibition of bottled water purchases by the San Francisco City and County Government, as instructed by Executive Directive 07-07.*

1           **(b) The Hetch Hetchy Regional Water System operated by the San Francisco Public Utilities**  
2           **Commission delivers pristine drinking water, which is stored in the Hetch Hetchy Reservoir, meets or**  
3           **exceeds all federal and state criteria for drinking water quality, and is tested over 100,000 times per**  
4           **year.**

5           **(c) Plastic water bottles are bad for the environment. More than one billion plastic water**  
6           **bottles end up in California's trash each year -- taking up valuable landfill space, leaking toxic**  
7           **chemicals such as phalates into the ground water, and taking 1,000 years to degrade. It takes an**  
8           **estimated 2,000 times more energy to produce plastic bottled water than it does to produce an**  
9           **equivalent amount of tap water. Plastic water bottles add to greenhouse gas emissions because high**  
10           **amounts of oil are used to manufacture the plastic bottles, in addition to the emissions resulting from**  
11           **the transportation of the bottles to stores.**

12           **(d) Plastic water bottles are expensive. Americans spent \$10.6 billion on bottled water in 2009**  
13           **and paid up to 1,000 times the cost of tap water.**

14           **(e) Plastic water bottles are potentially a health hazard. A growing number of scientific studies**  
15           **are pointing to the harmful effects of chemicals in the plastic that can leach into the water and be**  
16           **consumed. Further, most branded plastic bottled water companies do not disclose their water sources,**  
17           **treatment methods or contaminants found in the water.**

18           **(f) The City and County of San Francisco is dedicated to being a good environmental steward**  
19           **by promoting water conservation efforts and educating residents about the environmental, economic,**  
20           **and health benefits of drinking tap water.**

21  
22           **SEC. 2302. SHORT TITLE AND PURPOSE.**

23           **(a) This Chapter shall be entitled "the Drink Tap Ordinance."**

24           **(b) The purpose of this Chapter is to improve access to clean, free drinking water for residents**  
25           **and visitors of the City and County of San Francisco by providing bottle filling stations.**

1 **SEC. 2303. DEFINITIONS.**

2 For the purposes of this Chapter, the following words shall have the following meanings:

3 (a) "Drink Tap Station" means a bottle filling unit that:

4 (1) Supplies potable water;

5 (2) Delivers a minimum of 8.0 gallons per hour (gph) of ambient water;

6 (3) Is wall or floor mounted and is a separate unit or a combination unit including a  
7 drinking fountain; and,

8 (4) Complies with the standards of the Americans with Disabilities Act, is listed by the  
9 Underwriters Laboratory, and is certified to be lead-free compliant, including NSF/ANSI. 61-Annex G,  
10 AB1953.

11 (b) "Drinking fountain" means a fixture within the meaning of Chapter 4 of the California  
12 Plumbing Code (Title 24, Part 5, of the California Code of Regulations).

13 (c) "New construction" means a building that has never before been used or occupied for any  
14 purpose and does not include additions, alterations, or repairs.

15  
16 **SEC. 2304. MANDATORY PROVISION OF CLEAN, FREE DRINKING WATER.**

17 For new construction and changes in occupancy that are required by Chapter 29 of the San  
18 Francisco Building Code to provide one or more drinking fountains, the project sponsor shall provide  
19 a Drink Tap Station for each drinking fountain. This requirement shall also apply to a major plumbing  
20 alteration that will affect the plumbing system that supplies any existing drinking fountain(s).

21  
22 **SEC. 2305. IMPLEMENTATION.**

23 (a) Implementation of this Chapter shall be the responsibility of the Public Utilities  
24 Commission, the Department of Building Inspection, and the Department of the Environment.

1           **(b) The Director of the Department of the Environment shall be responsible for conducting**  
2 **outreach to building owners, developers, contractors, and others to make them aware of the**  
3 **requirements of this Chapter, and for providing them with a list of vendors who sell Drink Tap Stations,**  
4 **which list shall be developed by the General Manager of the Public Utilities Commission.**

5           **(c) The Director of the Department of Building Inspection shall be responsible for notifying**  
6 **developers, contractors, and others of the requirements of this Chapter when such persons request a**  
7 **building permit. The Director of the Department of Building Inspection shall also keep a log of all**  
8 **Drink Tap Stations installed during the first three years of this Chapter and provide to the Board of**  
9 **Supervisors an annual report on total installations under this Chapter for the same three years.**

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11           **SEC. 2306. OPERATIVE DATE.**

12           **All of the requirements set forth in this Chapter shall become operative on January 1, 2013.**

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14           Section 3. Additional Provisions.

15           (a) Effective Date. This Ordinance shall become effective 30 days from the date of  
16 passage.

17           (b) Severability. If any section, subsection, sentence, clause, or phrase of this  
18 Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of  
19 competent jurisdiction, such decision shall not affect the validity of the remaining portions of  
20 the Ordinance. The Board of Supervisors hereby declares that it would have passed this  
21 Ordinance and each and every section, subsection, sentence, clause, or phrase not declared  
22 invalid or unconstitutional without regard to whether any other portion of this Ordinance would  
23 be subsequently declared invalid or unconstitutional.

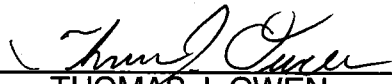
24           (c) Undertaking for the General Welfare. In undertaking the implementation of this  
25 Ordinance, the City is assuming an undertaking only to promote the general welfare. It is not

1 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it  
2 is liable in money damages to any person who claims that such breach proximately caused  
3 injury.

4 (d) No Conflict with Federal or State Law. Nothing in this Ordinance shall be  
5 interpreted or applied so as to create any requirement, power or duty in conflict with any  
6 federal or state law.

7 (e) Effect of Amendments. In enacting this Ordinance, the Board intends to amend  
8 only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation,  
9 charts, diagrams, or any other constituent part of the Environment Code that are explicitly  
10 shown in this legislation as additions, deletions, Board amendment additions, and Board  
11 amendment deletions in accordance with the "Note" that appears under the official title of the  
12 legislation.

13  
14 APPROVED AS TO FORM:  
15 DENNIS J. HERRERA, City Attorney

16  
17 By:   
18 THOMAS J. OWEN  
19 Deputy City Attorney  
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