

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

AN ORDINANCE

**AMENDING CHAPTER 34, ARTICLE III, DIVISION 4; ARTICLE V,
DIVISIONS 3 AND 5; AND ARTICLE VI, DIVISIONS 2 AND 3 OF THE
SAN ANTONIO CITY CODE FOR THE PURPOSE OF UPDATING
PROGRAM REQUIREMENTS TO REDUCE OR ELIMINATE THE
DISCHARGE OF HARMFUL POLLUTANTS INTO THE SAWS
SANITARY SEWER SYSTEM AND THE CITY'S STORM WATER
SYSTEM IN COMPLIANCE WITH CURRENT STATE AND FEDERAL
REGULATIONS.**

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WHEREAS, the federal Clean Water Act (33 U.S.C §§1251, et. seq.) includes regulations applicable to publicly owned treatment works (POTWs) which are administered by the United States Environmental Protection Agency (EPA) (40 C.F.R. Pts. 403 and 122) implementing the National Pollutants Discharge Elimination System (NPDES); and

WHEREAS, POTWs collect domestic sources of wastewater from homes, commercial buildings, and industrial facilities and transport it via collection pipes to treatment plants in order to remove harmful organisms and other contaminants from the sewer sludge so it can be discharged safely into receiving streams and rivers; and

WHEREAS, POTWs also receive nondomestic wastewater from industrial users (IUs) which may pass through or interfere with the treatment process and contaminate sewer sludge; and

WHEREAS, the EPA has established the National Pretreatment Program as part of the NPDES regulations outlining responsibilities of federal, state, and local governments to implement Pretreatment Standards applicable to IUs to control nondomestic industrial pollutants that may contaminate sewer effluent discharged into streams and rivers; and

WHEREAS, the objectives of the National Pretreatment Program are achieved by applying and enforcing three types of discharge standards:

- Prohibited Discharge Standards – prohibit the discharge of any industrial pollutants to a POTW that cause pass through or interfere with the sewer treatment process.
- Categorical Pretreatment Standards – limit industrial pollutants discharged in wastewater to the POTW from specific industrial categories.
- Local Limits – prohibit the discharge of specific industrial pollutants based on the specific needs and capabilities of the POTW.

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) is charged with administration of the Texas Pollutant Discharge Elimination System (TPDES) pursuant to Texas Water Code – Chapter 26 (TCEQ general regulatory authority), 30 T.A.C. Chapter 315

(implementation of EPA Pretreatment Program), and Texas Health & Safety Code – Chapter 361 and 30 T.A.C. Chapter 312 (Implementation of EPA Sewer Sludge Program).

WHEREAS the San Antonio Water System (SAWS) sanitary sewer system and the City of San Antonio (City) storm water system are separate qualifying POTWs subject to the National Pretreatment Program as implemented by the EPA and TCEQ; and

WHEREAS, the City's storm water system is managed by the Transportation and Capital Improvements Department (TCI) which is assisted by SAWS in meeting regulatory compliance requirements associated with its Municipal Separate Storm System (MS4) Program; and

WHEREAS, there is a need and desire to update local storm water and sewer environmental protection regulations found in Chapter 34 of the City Code in order to bring them into compliance with the National Pretreatment Program based on current state and federal standards; and

WHEREAS, SAWS and TCI staff recommend updates to Chapter 34 of the San Antonio City Code as follows:

1. Article III, Division 4 – Rates and Charges
 - o Clarification to Industrial Waste Surcharge Formula
2. Article V, Division 3 – Industrial Waste
 - o Incorporating TCEQ pretreatment regulations and updating the Industrial Waste permitting program to incorporate the changes
3. Article V, Division 5 – Fats, Oils and Grease
 - o Correct reference to Chapter 10 of the Plumbing Code
 - o Allows for correct disposal of Grease trap waste from self-cleaning for interceptors with a capacity of less than 100 gallons
4. Article VI, Division 5 Subdivision B – Storm Water Compliance for Construction Activity
 - o Incorporates changes to the TCEQ Construction General Permit
 - Updates language to cover construction projects 1 acre and larger or part of a planned development and includes fill sites under the definition requiring incorporation of Best Management Practices to control erosion
 - Updates requirements for development of Storm Water Pollution Prevention Plans
 - Updates requirements for inspection of projects
 - Incorporates efficiencies to streamline inspections of sites that have both storm water requirements and are located over the EARZ and subject to Water Pollution Abatement Plans
5. Article VI, Division 5 subdivision C – Storm Water Compliance for Industrial & Commercial activities
 - o Incorporates an addition Subdivision to regulate Industrial facilities under TCEQ Multi-sector Industrial Storm Water permit
6. Article VI, Division 2 –Wells

- o Corrects water well permit fees to reflect the current charges
- o Adds definitions to provide clarifications
- o Adds an expiration date for water well drilling permits

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The amendments to Chapter 34, Article III, Division 4; Article V, Divisions 3 and 5; and Article IV, Divisions 2 and 5 of the San Antonio Municipal Code attached as Exhibit A, are hereby approved, adopted, and incorporated into this Ordinance for all purposes.

SECTION 2. The City Council directs the City Clerk to amend the City Code as authorized in this Ordinance by submitting the revised Chapter 34 provisions to the Municipal Code Corporation as attached in **Exhibit A**.

SECTION 3. The recitals set out above are fully incorporated into this Ordinance.

SECTION 4. This Ordinance shall become effective immediately upon the passage by eight (8) votes of the City Council and if passed upon fewer than eight (8) votes after the tenth (10th) day after passage. The revisions to Chapter 34 of the San Antonio Municipal Code, as found in Exhibit A, will become effective upon passage of this Ordinance.

PASSED AND APPROVED, this 29 day of May 2014.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Robbie F. Greenblum, City Attorney