

PART II - CODE
Chapter 34 - WATER AND SEWERS
ARTICLE V. - SEWAGE TRANSPORTATION, TREATMENT AND DISPOSAL

DIVISION 3. INDUSTRIAL WASTE

Sec. 34-471 General Provisions.

- (6) ***Definitions.*** Unless a provision explicitly states otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated.

Best Management Practices (BMPs): A schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements listed in Sec. 34-472(1) and (2). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw materials storage.

Control authority: The term "control authority or CA" shall refer to SAWS or the POTW defined hereinafter, the resource compliance division, or the designated representative or agent, in accordance with the provisions of 40 CFR 403.12 insofar as the pretreatment program was originally approved and effective as of February 15, 1985.

Daily Discharge: The wastewater discharge from a facility during a normal 24 hour period to the sanitary sewer.

Daily Maximum Limit: The maximum allowable discharge limit of a pollutant during a calendar day. Where a daily maximum limit is expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where a Daily Maximum Limits is expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Industrial user or user (IU): Any user who contributes, causes, or allows an indirect discharge (as defined in subparagraph 34-471(6) of this section) of non-domestic pollutants or other wastewater which does not constitute a "direct discharge" to a receiving stream under regulations issued pursuant to Section 402, of the Act, (33 U.S.C. 1342).

Monthly Average Limit: The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

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NAICS: North American Industrial Classification System, an industrial classification system that groups establishments into industries based on the similarity in the processes used to produce the principal goods or services and the economic activities in which they are primarily engaged.

Narrative Standard: Narrative criteria are statements that describe the desired water quality goal that is used when pollutants cannot be precisely measured to express the limit on a parameter in a quantitative form. This criteria is used for pollutants for which numeric criteria are difficult to specify, such as those that offend the senses (e.g., color and odor) or for requirements as might be specified in a compliance agreement (e.g., employee training or visual postings).

New source:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that action, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or product equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of ~~an~~ existing sources at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

Pollution Prevention Plan: A plan designed for the reduction of generation of hazardous waste and toxic chemicals as outlined in the Waste Reduction Policy Act of 1991 (under 30 Texas Administrative Code (TAC) 335 Subchapter Q) by avoiding the disposal or release of harmful substances into the environment by means of source reduction, waste minimization, reuse, recycling, and detoxifying treatments.

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Process Wastewater: Any water which, during manufacturing or processing, comes into contact with or results from the production of use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works (POTW): A "treatment works," as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the control authority. This definition includes any devices or systems used in the recycling or reclamation, collection and treatment of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a water recycling center.

Sharps: Sharps means any object contaminated with a pathogen or that may become contaminated with a pathogen through handling or during transportation and also capable of cutting or penetrating skin or a packaging material. Sharps includes needles, syringes, scalpels, broken glass, culture slides, culture dishes, broken capillary tubes, broken rigid plastic, and exposed ends of dental wires.

Significant noncompliance: For the purpose of this provision, an industrial user is significantly noncompliant (SNC), if its violation meets one or more of the following criteria:

- (a) Chronic violations of numeric wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter, including Instantaneous maximum allowable discharge limits as defined in Sec. 34-471; or
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the numeric measurements for each the same pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, FOG, and 1.2 for all other pollutants except pH.); or
- (c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average, instantaneous maximum allowable discharge limit, or Narrative Standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through

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- (including endangering the health of POTW personnel or the general public); or
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the control authority's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge; or
 - (e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance; or
 - (f) Failure to provide, within ~~thirty (30)~~ forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules; or,
 - (g) Failure to accurately report noncompliance; or
 - (h) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug discharge/slug load: Any single discharge episode at a flow rate or strength which could cause a violation of the prohibited discharge standards in section 34-472(1) of this division, and any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The discharge episode is not required to cause or have the potential to cause pass-through or interference with the POTW processes to be considered a slug load. In addition a slug discharge shall not violate the POTW's regulations, local limits, or individual permit conditions.

Standard industrial classification (SIC): A four (4) digit code created by the U.S. Office of Management & Budget (1987) for statistical classification purposes that describes an industrial activity that takes place at a facility or site. It is possible for a facility or site to have multiple SIC codes depending on the varying activities that take place. classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget, 1987 as amended or as may be amended.

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Storm water: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt runoff, rainfall runoff and surface runoff and drainage.

Waters of the United States: All navigable waters of the United States as defined at 33 USC 1362(7) and at 40 CFR §122.2.

Zero Discharger: An Industrial User subject to categorical pretreatment standards that does not discharge any categorical waste to the sanitary sewer collection system. This IU may not discharge waste that has categorical standards to the sanitary sewer collection system as outlined under their SIU permit requirements or local limits whichever is more stringent.

Sec. 34-472 Regulations.

- (2) *Specific discharge prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (c) Solid or viscous substances in such quantities and/or qualities which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, solids or solids accumulation greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, asbestos, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, paint or chemical residues, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, fatty acids or esters of fatty acids, or food and vegetable wastes, sharps, regulated medical waste or used health care product (as defined in 49 CFR 173.134 class 6, Division 6.2 cleaning wipes, articles of clothing, or bedding), or any material which can be disposed of as trash;
- (4) *Technically based local limits.*
- (b) All samples shall be collected and analyzed in a manner consistent with the requirements of 40 CFR 136. No user as prescribed above shall discharge or allow the discharge of wastewater to the regional system having a pH less than 5.5 or greater than 10.5 standard units, and all concentrations and/or quality criteria shall apply where the effluent is

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discharged to the POTW. Wastewater entering the regional collection system shall not exceed 65.5 degrees Centigrade (150 degrees Fahrenheit). The following pollutant limits are established to protect against Pass through and Interference at the POTW. No person shall discharge wastewater containing in excess of the following:

- c) **Best Management Practices (BMPs) / Pollution Prevention (P2).** Users not regulated under local limits shall be regulated under the following guidelines relating to Best Management Practices and pollution prevention. Narrative BMPs may also be incorporated into individual permits.

The methodology involved in the application of Best Management Practices / Pollution Prevention may include but not be limited to the following:

- (i) Source reduction
 - Operating practices
 - Inventory control
 - Employee training
 - Spill control
 - Input Material Substitutions
 - Product Changes
 - Technology Changes
 - Process changes
 - Equipment changes
- (ii) Recycling
 - Reuse
 - Closed loop recycling
 - Other recycling
 - Reclamation

There are existing non-permitted and/or unregistered industrial dischargers who typically have reasonable potential for violating a pretreatment standard or requirement. Therefore, the implementation of Best Management Practices, as stipulated by the city San Antonio Wwater Ssystem, is required to control and reduce specific pollutants. The

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reduction of these specific pollutants at many facilities may have a significant impact on the total contribution based on the number of facilities involved. Upon determination by the control authority that it is necessary to regulate an individual user or group of industrial users based on potential for pollutants of concern, the following minimum requirements will be established to accomplish this goal:

- Industrial users within the identified grouping must either be regulated by the BMP guidelines and/or pretreatment standards (local limits).
- Users may be required to submit letters of authorization indicating the facility's intent to comply with the BMP guidelines.
- The control authority may require periodic reporting by these users demonstrating compliance with the BMP guidelines such as copies of equipment maintenance records or manifest records for waste disposal, or records demonstrating employee training.
- The control authority may conduct random inspections to determine compliance independent of the information supplied by an industrial user.

(8) Reserved

Sec. 34-473 Wastewater Pretreatment.

- 3) *Slug control plan.* ~~At least once every two (2) years,~~ Within one (1) year of the effective date of the IU permit issuance date the control authority shall evaluate whether each significant industrial user needs a plan to control slug discharges. The control authority may require any user to develop, submit for review, and implement such a plan. In the event of a slug discharge by the IU, the facility will be required to revise, update the slug control plan and perform necessary upgrades to prevent reoccurrence. A plan shall address, at a minimum, the following:
- (4) *Reporting of slug/accidental discharges.* In the case of a slug discharge, including any accidental spill or noncustomary batch discharges, the user shall notify the department and the appropriate water recycling center immediately by telephone and provide the following information:
- (a) Time of discharge.
 - (b) Location of the discharge.

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- (c) Type of waste.
- (d) Concentration and volume discharged.
- (e) Corrective actions taken.
- (f) Water recycling center receiving the waste.

Within five (5) calendar days following an accidental or slug discharge, the user shall submit to the director, or to the designated representative, a written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. The results of the report will be documented and available to the CA upon request. Such notification shall not relieve the user of any responsibility for, expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, the environment or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed by this division or other applicable law. Failure to notify the director of a slug or accidental discharge may result in legal action or discontinuation of service; and may be deemed a separate violation of this division.

- (5) *Toxic organic management plan.* All industrial users in the electroplating, metal finishing, copper forming, aluminum forming, coil coating and electrical and electronic components categories may submit a toxic organic management plan (TOMP) in lieu of monitoring for total toxic organics (TTO) as referenced in 40 CFR 413.03(b), 40 CFR 433.12(b) and 40 CFR 469.13(b) respectively. Specifically after initial monitoring the TTO monitoring in years two, three, four and five of the permit cycle may be waived by the CA upon approval and proper implementation of the TOMP. The plan must specify at a minimum the following:

Sec. 34-474 - Wastewater discharge permit application.

- (2) *Wastewater discharge permit application.*
 - (a) Significant industrial users shall, pursuant to the control authority's approved pretreatment program, obtain an industrial wastewater discharge permit, and shall complete and file an application on a form prepared by the control authority. (Refer to section 34-480 concerning confidential or proprietary information). The information requested shall at a minimum include the following items:

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(19) NAICS number(s) according to the current edition of the North American Industrial Classification System Manual, 1997, Office of Management and Budget (OMB), as amended;

- (4) *Certification:* data accuracy, truthfulness and completeness. All wastewater discharge permit applications, required documents, and other specified documents submitted to the control authority must contain the following certification statement, and must be signed by ~~an~~ the authorized representative of the industrial user:

Sec. 34-475 - Wastewater discharge permit issuance process.

Within sixty (60) calendar days from the date the permit application is approved (section 34-474(4)), the control authority shall issue the wastewater discharge permit to the user.

- (2) *Permit contents.* A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the control authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Permits shall, at a minimum, address the following:
(q) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards,

Sec. 34-477 – Compliance monitoring.

- (1) *Monitoring facilities.*
- (d) There shall be adequate lighting of and ample room in or near such sampling manhole or facility to safely allow inspection personnel to position sampling, monitoring or surveillance equipment and prepare field samples for analysis. Whether construction on public or private property, the sampling and monitoring facilities shall be provided in accordance with the regional system requirements and all applicable local construction standards and specifications,

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including applicable requirements contained in the plumbing code, chapter 24 10 of the City Code, as amended or as may be amended.

(3) Inspection and sampling

- (a) The Control Authority and EPA and/or TCEQ representatives shall have the right to inspect the facilities of any industrial user to ascertain whether the purposes of this division are being met and all applicable requirements are being fulfilled. Industrial users and their employees shall allow authorized regulatory representatives displaying proper identification ready access to the premises at all reasonable times for the purpose of: inspecting wastewater generating operations and processes; wastewater flow monitoring and sampling; examination and reproduction of business records pertinent to water and wastewater volume and quality; including hazardous and non-hazardous waste manifests; inspection of potential slug-related discharges; and where applicable, making photographic documentation and obtaining other information necessary to ascertain and ensure currentness of data and information submitted in the facility's permit application, and assure and assess compliance by users with pretreatment standards and requirements. Inspection frequency is at a minimum conducted once per year, and the frequency will depend on the nature and type of industrial processes as is specified in the control authority's pretreatment program. Failure to allow access, to permit photographic documentation, or to allow copying of pertinent records will be considered a direct violation of this division.

Sec. 34-478 – Reporting requirements.

(1) Baseline monitoring reports.

- c) Users described above shall submit the information set forth below:
- (5) *Measurement of pollutants.* Information regarding pretreatment standards sampling include the following:
- (iv) The submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(5) Periodic compliance reports.

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- (a) All significant industrial users shall, at a frequency determined by the control authority, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 34-474(3) of this division. In cases where the Pretreatment Standard requires compliance with a BMP or P2 alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.
- 8) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis, and submit the results of the repeat analysis to the Control Authority within ~~thirty (30)~~ forty-five (45) days after becoming aware of the violation. The user is not required to resample if the Control Authority monitors at the user's facility at least once a month, or if the Control Authority samples between the user's initial sampling and when the user receives the results of this sampling. All sampling and notification performed by the user under this section shall comply with the requirements of 40 CFR 403.12 (g).
- (13) *Record keeping.* Users subject to the reporting requirements of this division shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this division and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under 34-472(4)(c). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Documentation shall include all necessary data and reports necessary to show compliance with the narrative BMP as described in the IU Permit. These records shall remain available for a period of at least three (3) years by both the IU and CA. This period shall be automatically extended for the duration of any litigation concerning the user or the control authority, or where the user has been specifically notified of a longer retention period by the control authority.

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Sec. 34-480. - Publication of users in significant noncompliance.

The control authority shall publish annually, in any paper of general circulation within the jurisdiction served by the POTW that provides meaningful public notice ~~the largest daily newspaper published in the municipality where the POTW is located,~~ a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements as defined in section 34-471.

Sec. 34-481. - Enforcement.

Users who violate any term or condition of this division or of their permit shall be subject to enforcement action by the control authority. Such enforcement action will be applied in accordance with the enforcement response plan and may include legal action or other appropriate enforcement remedies as provided for below:

- (3) *Notice of violation (NOV).* When the control authority determines that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the control authority may serve (either personally or by registered or certified mail, return receipt requested) upon that user a written notice of violation. Within fifteen (15) working days of the mailing date or personal delivery date of such notice, an explanation for the violation and measures taken and/or to be taken for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority. Submission of this response in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. ~~The first notice issued shall be called an advisory notice.~~