

TO: San Antonio Water System Board of Trustees

FROM: Scott R. Halty, Director, Resource Protection and Compliance, and Charles E. Ahrens, Vice President, Water Resources and Conservation

THROUGH: Robert R. Puente, President/Chief Executive Officer

SUBJECT: APPROVAL OF A RESOLUTION RECOMMENDING THE AMENDMENT OF CHAPTER 34, ARTICLE III, DIVISION 4 AND THE AMENDMENT OF THE PRETREATMENT ORDINANCE FOUND IN CHAPTER 34, ARTICLE V, DIVISIONS 3 AND 5 OF THE CITY CODE; AND ARTICLE VI, DIVISION 5 OF THE CITY CODE TO COMPLY WITH AMENDMENTS TO 40 C.F.R. PART 403 AND TPDES PERMIT NUMBER WQ0004284000, AND RECOMMENDING THE AMENDMENT OF CHAPTER 34, ARTICLE VI, DIVISION 2

Board Action Date: February 10, 2014

SUMMARY AND RECOMMENDATION:

The attached resolution approves proposed amendments to Chapter 34, Article III, Division 4; Chapter 34, Article V, Divisions 3 and 5; and Chapter 34 Article VI, Divisions 2 and 5 of the City Code. It also authorizes the President/Chief Executive Officer or his duly appointed designee to recommend that the San Antonio City Council pass an ordinance adopting the recommended amendments.


- Chapter 34, Article III, Division 4 of the City Code must be amended to adopt the clarifications to the surcharge formula in the pretreatment program that are used to calculate surcharge fees.
- San Antonio Water System (System) is required by the Federal Clean Water Act (33 U.S.C.A §1251, et seq.) and regulations administered by the United States Environmental Protection Agency (EPA) (40 C.F.R. Part 403) to implement a pretreatment program to reduce or eliminate the discharge of harmful pollutants into the sanitary sewer system by industrial dischargers. The Texas Commission on Environmental Quality (TCEQ) is the approval authority for the pretreatment program pursuant to a delegation of authority from the EPA.
- The System has implemented a pretreatment program that is described in and authorized by Chapter 34, Article V, Division 3 of the City Code.
- The federal regulations that govern the pretreatment program have been amended.

- The System is required to amend its pretreatment program to comply with these regulatory amendments and as a requirement for renewal of the permits that govern the operation of the System's wastewater treatment plants.
- Chapter 34, Article V, Division 3 of the City Code must be amended to adopt updates to the Industrial Waste Surcharge provisions to reflect modifications to the pretreatment program that are required by the amended federal regulations.
- Chapter 34, Article V, Division 5 of the City Code must be amended to correct the reference to chapter 10 of the plumbing code concerning Interceptor requirements for Fats, Oils and Grease and to allow for the correct disposal of waste from interceptors of a capacity less than 100 gallons.
- The System has implemented a storm water program that is described in and authorized by Chapter 34, Article VI, Division 5 of the City Code.
- Chapter 34, Article VI, Division 5 of the City Code must be amended to adopt the modifications incorporated in the TCEQ general permits TXRO40000 and TXRO50000 governing Construction and Industrial Storm Water Programs.
- Chapter 34, Article VI, Division 2 of the City Code must be amended to adopt the updates to previously approved permit fees in the water well permitting program that are used to calculate permit application charges.
- Chapter 34, Article VI, Division 2 of the City Code must be amended to adopt new and updated definitions in the water well permitting program.


Staff recommends that the Board approve this resolution.

FINANCIAL IMPACT:

There is no financial impact on the System that will be caused by approving this resolution or by City Council approval of the ordinance amendments that are requested in the resolution. The changes to fees and formulas are to bring existing ordinance provisions up to date with current fee structures and formulas.



Scott R. Halty, Director
Resource Protection and Compliance

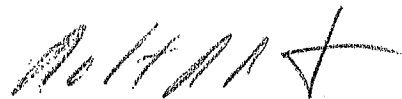


Charles E. Ahrens, Vice President
Water Resources and Conservation

Approval of a Resolution Recommending
Amendments to Chapter 34 of the City Code

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APPROVED:

A handwritten signature in black ink, appearing to read 'R. Puente', written over a horizontal line.

Robert R. Puente
President/Chief Executive Officer

RESOLUTION NO. 14-044

OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES APPROVING A PROPOSED ORDINANCE AMENDING CHAPTER 34, ARTICLE III, DIVISION 4; ARTICLE V, DIVISIONS 3 AND 5; ARTICLE VI, DIVISIONS 2 AND 5 OF THE CITY CODE TO COMPLY WITH AMENDMENTS TO 40 C.F.R. PART 403 AND TPDES PERMIT NUMBER WQ0004284000; AUTHORIZING THE PRESIDENT/CHIEF EXECUTIVE OFFICER OR HIS DULY APPOINTED DESIGNEE TO RECOMMEND THE ORDINANCE AMENDMENTS TO THE SAN ANTONIO CITY COUNCIL AND REQUESTING THAT THE CITY COUNCIL PASS AN ORDINANCE AMENDING CHAPTER 34, ARTICLE III, DIVISION 4; ARTICLE V, DIVISIONS 3 AND 5; AND ARTICLE VI, DIVISIONS 2 AND 5 OF THE CITY CODE; FINDING THE RESOLUTION TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the San Antonio Water System (the "System") is required by the Federal Clean Water Act (33 U.S.C.A §1251, et seq.) and regulations administered by the United States Environmental Protection Agency (the "EPA") (40 C.F.R. Part 403 and 122) to implement both a pretreatment and a storm water program to reduce or eliminate the discharge of harmful pollutants into both the sanitary sewer system and the municipal separate storm sewer system by permitted dischargers; and

WHEREAS, the Texas Commission on Environmental Quality (the "TCEQ") is the approval authority for the pretreatment and storm water programs pursuant to a delegation of authority from the EPA; and

WHEREAS, the System has implemented a pretreatment program that is described in and authorized by Chapter 34, Article V, Division 3 of the City Code; and

WHEREAS, Chapter 34, Article V, Division 3 of the City Code must be amended to adopt the modifications to the pretreatment program that are required by the amended federal regulations; and

WHEREAS, the System has implemented a storm water program that is described in and authorized by Chapter 34, Article VI, Division 5 of the City Code; and

WHEREAS, the federal regulations found at 40 C.F.R. Part 403 that govern the pretreatment program have been amended and the System is required to amend its pretreatment

program to comply with these regulatory amendments and as a requirement for renewal by the TCEQ of the permits that govern the operation of the System's wastewater treatment plants; and

WHEREAS, Chapter 34, Article V, Division 5 of the City Code must be amended to correct the reference to chapter 10 of the plumbing code concerning Interceptor requirements for Fats, Oils, and Grease and to allow for the correct disposal of waste from interceptors of a capacity of less than 100 gallons; and

WHEREAS, the conditions of state general permits TXR150000 and TXRO50000 that govern the discharge of storm water have been amended and the System is required to amend its storm water program to comply with these permit amendments and as a program requirement under TPDES Permit number WQ0004284000; and

WHEREAS, Chapter 34, Article III, Division 4 of the City Code must be amended to adopt clarifications to the surcharge formula in the pretreatment program that are used to calculate surcharge fees; and

WHEREAS, Chapter 34, Article VI, Division 2 of the City Code must be amended to adopt the updates to previously approved permit fees in the water well permitting program that are used to calculate permit application charges; and

WHEREAS, Chapter 34, Article VI, Division 2 of the City Code must be amended to adopt new and updated definitions in the water well permitting program; and

WHEREAS, Chapter 34, Article VI, Division 5 of the City Code must be amended to adopt modifications to the storm water program that are required by amended state regulations and permit conditions; and

WHEREAS, the San Antonio Water System Board of Trustees desires (i) to approve a proposed ordinance amending Chapter 34, Article III, Division 4, Article V, Divisions 3 and 5, and Article VI, Divisions 2 and 5 of the City Code, (ii) to recommend that the San Antonio City Council pass and approve an ordinance amending Chapter 34, Article III, Division 4, Article V, Divisions 3 and 5, and Article VI, Divisions 2 and 5 of the City Code, and (iii) to authorize the President/Chief Executive Officer or his duly appointed designee to request that the City Council pass and approve such ordinance amendments; now, therefore:

BE IT RESOLVED BY THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES:

1. That an ordinance amending Chapter 34, Article III, Division 4, and Article V, Divisions 3 and 5 and Article VI, Divisions 2 and 5 of the City Code in form similar to the proposed ordinance that is attached hereto and incorporated by reference as Attachment 1 is hereby approved.
2. That the System Board of Trustees recommends that the San Antonio City Council pass and approve an ordinance that amends Chapter 34, Article III, Division 4, Article V, Divisions 3

and 5, and Article VI, Divisions 2 and 5 of the City Code in form similar to the proposed ordinance that is attached hereto and incorporated herein by reference as Attachment 1.

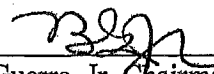
3. That the President/Chief Executive Officer or his duly appointed designee is hereby authorized to recommend that the City Council pass and approve an ordinance that amends Chapter 34, Article III, Division 4, Article V, Divisions 3 and 5, and Article VI, Divisions 2 and 5 of the City Code in form similar to the proposed ordinance that is attached hereto and incorporated herein by reference as Attachment 1.

4. It is officially found, determined and declared that the meeting at which this resolution is adopted was open to the public, and that public notice of the time, place, and subject matter of the public business to be conducted at such meeting, including this resolution, was given to all as required by the Texas Codes Annotated, as amended, Title 5, Chapter 551, Government Code.

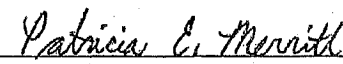
5. If any part, section, paragraph, sentence, phrase, or word of this resolution is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this resolution shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid, or ineffective.

6. This resolution becomes effective immediately upon its passage.

PASSED AND APPROVED this 10th day of February, 2014.


Berto Guerra, Jr. Chairman

ATTEST:


Patricia E. Merritt, Secretary