

SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet

To: Zoning Commission Members

From: Scott R. Halty, Director, Resource Protection & Compliance Department,
San Antonio Water System

Copies To: Andrew Wiatrek, Manager, Edwards Aquifer and Watershed Protection Division,
Michael Barr, Supervisor, Aquifer Protection and Evaluation Section, Michael A.
Escalante, Environmental Protection Specialist III

Subject: Zoning Case Z2019-10700310 (Food Safety Net Services)

Date: January 21, 2020

SUMMARY

A request for a change in zoning has been made for an approximate 2.990-acre tract located on the city's northeast side. A change in zoning from “C-2 CD S ERZD, C-2 CD S ERZD, and C-2 ERZD” to “C-2 CD S ERZD” is being requested by the applicant Doug Shepard, JABLVB LLC, and represented by Ken Brown, Brown & Ortiz, P.C. The change in zoning has been requested to allow the development of a food testing laboratory. The property is currently classified as a Category 2.

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the City Council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 10, approximately 640' north of the intersection of Redland Road and Jones Maltsberger Road. The entire 2.990-acres of the property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from “C-2 CD S ERZD, C-2 CD S ERZD, and C-2 ERZD” to “C-2 CD S ERZD” and will allow for the development of a food testing lab. Currently, the site is primarily undeveloped with an existing concrete slab on-site.

2. Surrounding Land Uses:

Brock Person Guerra Reyna, P.C. law office borders to the north of the subject property. Mud Creek Park bounds to the west and Redland Road to the east with undeveloped property located beyond the subject property. To the south lies the Redland Oaks Community Church.

3. Water Pollution Abatement Plan:

A WPAP filed under the name Just Pots had been previously submitted and approved by the Texas Commission on Environmental Quality (TCEQ), on January 24, 2019, however a modification to the original WPAP may be required to be submitted for review and approval.

4. Geologic Conditions:

The Aquifer Protection and Evaluation Section of the San Antonio Water System conducted a site evaluation on March 30, 2018, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS Environmental Geologist, Mr. Bruce Keels, P.G., was present during the site evaluation.

The subject site was observed to be a lot, generally undeveloped, approximately 2.990-acres in area. The site was observed to be covered with fill material. An existing concrete foundation slab was observed on-site. Storm water occurring on the property would drain to the south and west into Mud Creek.

Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site is underlain by the Leached and Collapsed Member of the Person Formation of the Edwards Aquifer.

The Leached and Collapsed Member of the Person Formation is characterized by the presence of crystalline limestone, grainstone, and mudstone, with chert nodules and breccia conglomerations. The full section thickness of this member is approximately 70 to 90 feet thick.

No sensitive geologic features such as sinkholes, caves, creeks, or faults were not observed on the subject site.

FACILITY SITE INVESTIGATION

SAWS Aquifer Protection and Evaluation staff visited the applicant's existing lab facility located on 199 W. Rhapsody Drive on March 29, 2018. SAWS staff observed the current food testing operations and spoke with lab representatives concerning their Standard Operating Procedures (SOPs) for storing and handling chemicals.

Food Safety Net Services network of laboratories provides analytical and testing capabilities for the food industry. The new lab will take over the microbiology and chemistry testing that currently reside at the existing lab facility.

The microbiology testing analyzes and detects for the following: qualitative pathogen detection, quantitative enumeration of indicator & spoilage organisms, microbiological toxins, and special microbiological services. Chemistry testing is conducted on the following: fat & water-soluble vitamins, contaminants, allergen food testing, meat speciation, proximate testing, additives, carbohydrates & sweeteners, minerals, metals, heavy metals, fat & oils, rancidity, and amino acids.

The lab facility is a small quantity waste generator. Food samples not used for testing are disposed as normal household waste such as a trash receptacle. Tested food samples are contained in 28-gallon plastic containers and stored in a ventilated bulk storage room. Food samples tested for bacterial growth such as salmonella, e coli, etc. are treated as biohazardous waste and thus disposed by a licensed waste hauler. The tested food refuse is collected and disposed every 4-5 days by a licensed waste hauler.

The current lab facility stores a volume of 150 gallons of chemical media and approximately 100 lbs. of dry chemical materials used in the testing of food products. Chemicals are properly labeled, contained, and stored in fire resistant storage cabinets. The daily amounts of chemicals being used for testing purposes at any given time are approximately 5-7 gallons. Chemicals are not allowed to be disposed into the drainage system through sink drains and there are no floor drains. Spill containment kits are located in each testing lab and the chemical storage room.

Chemical waste is contained in nine individually labeled 50-gallon drums and stored on spill containment pallets designed to capture leaks or spills. The chemical drums are stored in a ventilated bulk storage room and disposed once a month by a licensed waste hauler. SAWS staff received and reviewed the manifests for the weekly disposal of biohazard waste and monthly disposal of chemical waste.

The lab office retains records of manifest in accordance to regulations. The lab made available for our review the Safety Data Sheets (SDSs) for each chemical product on site. Based on a previous meeting with the applicant and on-site observations of the expansion operations, the new lab will be in compliance with current regulations. Safety lab training is provided annually for all their employees, newly hired and existing.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

General Concerns

1. The storage and use of chemicals onsite.
2. The proper disposal of biohazard and chemical waste.
3. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.
4. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific Recommendations

1. The impervious cover shall not exceed 60% on the 2.990-acre site, therefore, no proration of adjoining properties shall increase the 60% impervious cover.
2. There shall be no outside storage of any chemicals or containers.
3. All chemicals used for testing shall be labeled and stored in fire resistant spill containment cabinets.
4. Chemical waste containers and drums shall be stored on spill containment pallets or another spill containment method approved by the SAWS Aquifer Protection & Evaluation section.
5. Total volume of chemical waste contained on-site shall not exceed 450 gallons at any given time.
6. Proper disposal of chemicals shall be conducted monthly and manifests shall be retained accordingly to Federal, State and local regulations.

7. Proper disposal of biohazard waste shall be conducted weekly and manifests shall be retained according to Federal, State, and local regulations.
8. A spill response plan shall be developed and reviewed with employees annually to ensure proper spill remediation practices.
9. A chemical spill containment kit shall be kept onsite and/or within the lab areas at all times in case of accidental spills.
10. SAWS shall be notified at (210) 233-3557 in the event of a chemical spill that occurs within the property boundary that leads to the direct discharge to the sanitary sewer or storm water drain/channel.
11. SAWS shall be able to inspect the lab facility and any documentation related to proper storage and disposal of chemical & biological waste at any time.
12. Wells that are no longer in use or abandoned shall be properly plugged in accordance with SAWS water well plugging procedures. The Ground Water Resource Protection Section should be notified at (210) 233-3546 upon discovery and plugging of such wells.
13. The land uses within the project site shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at the project site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as not allowed, that land use will not be permitted on the project site.
14. The owner of all water pollution abatement structures shall ensure these structures are properly maintained and kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Aquifer Protection & Evaluation Section of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Aquifer Protection & Evaluation Section of SAWS.
15. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210) 222-2204, or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, shall be used.

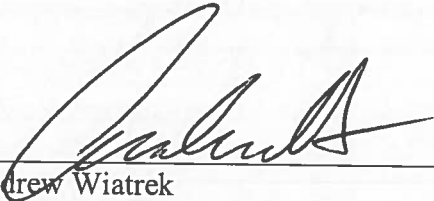
16. The applicant shall notify the Construction Monitoring of SAWS at (210) 233-3565 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality and the Aquifer Protection & Evaluation Section of SAWS at (210) 233-3522.

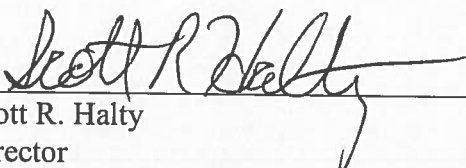
General Recommendations

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Aquifer Protection & Evaluation Section of the San Antonio Water System.
2. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
3. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division a WPAP Modification is required:
 - A. A copy of the Water Pollution Abatement Plan Modification shall be submitted for the development within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
 - C. A WPAP modification approval letter from the Texas Commission on Environmental Quality,
 - D. A copy of the approved modified Water Pollution Abatement Plan.
4. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
5. The Resource Protection & Compliance Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.

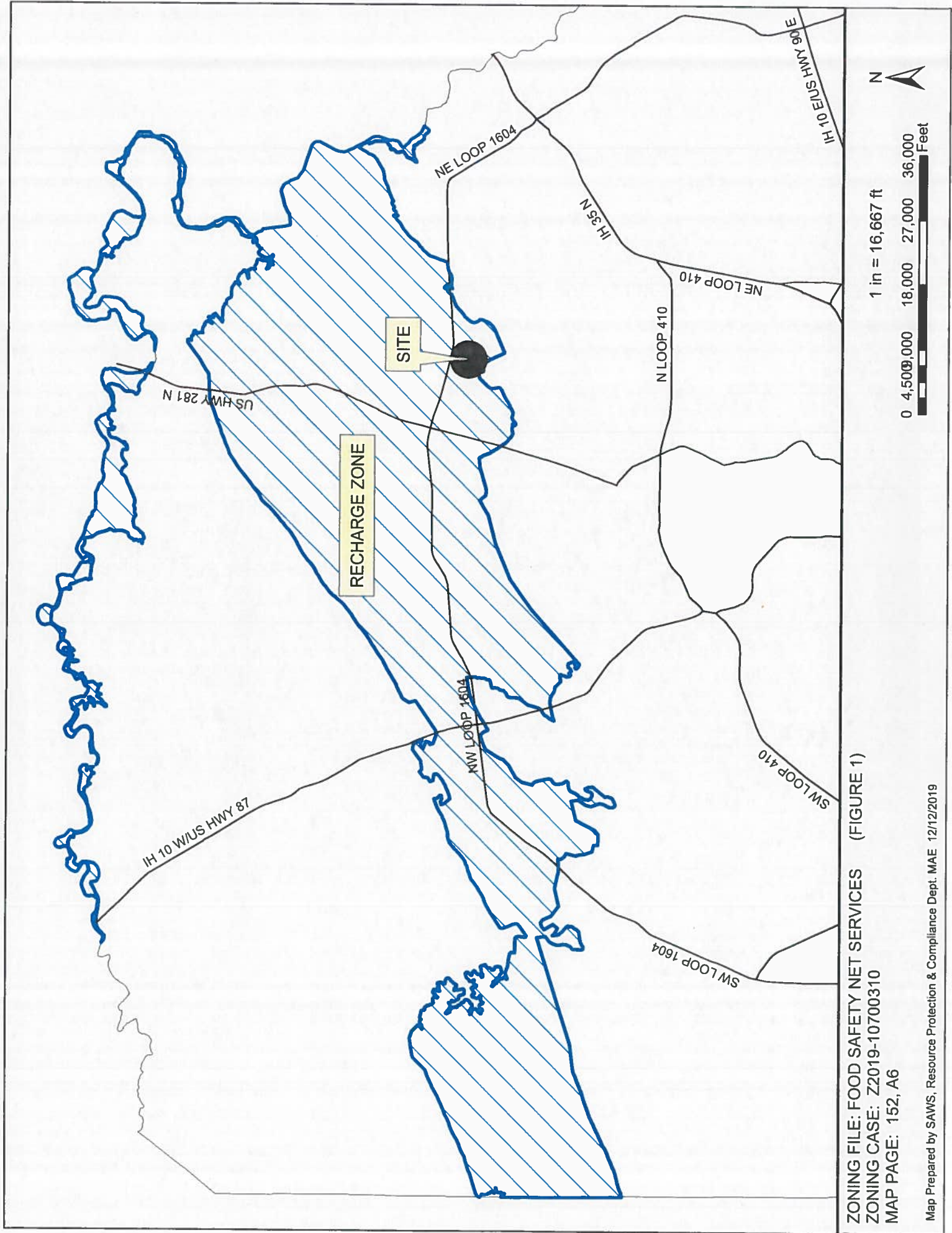
APPROVED:



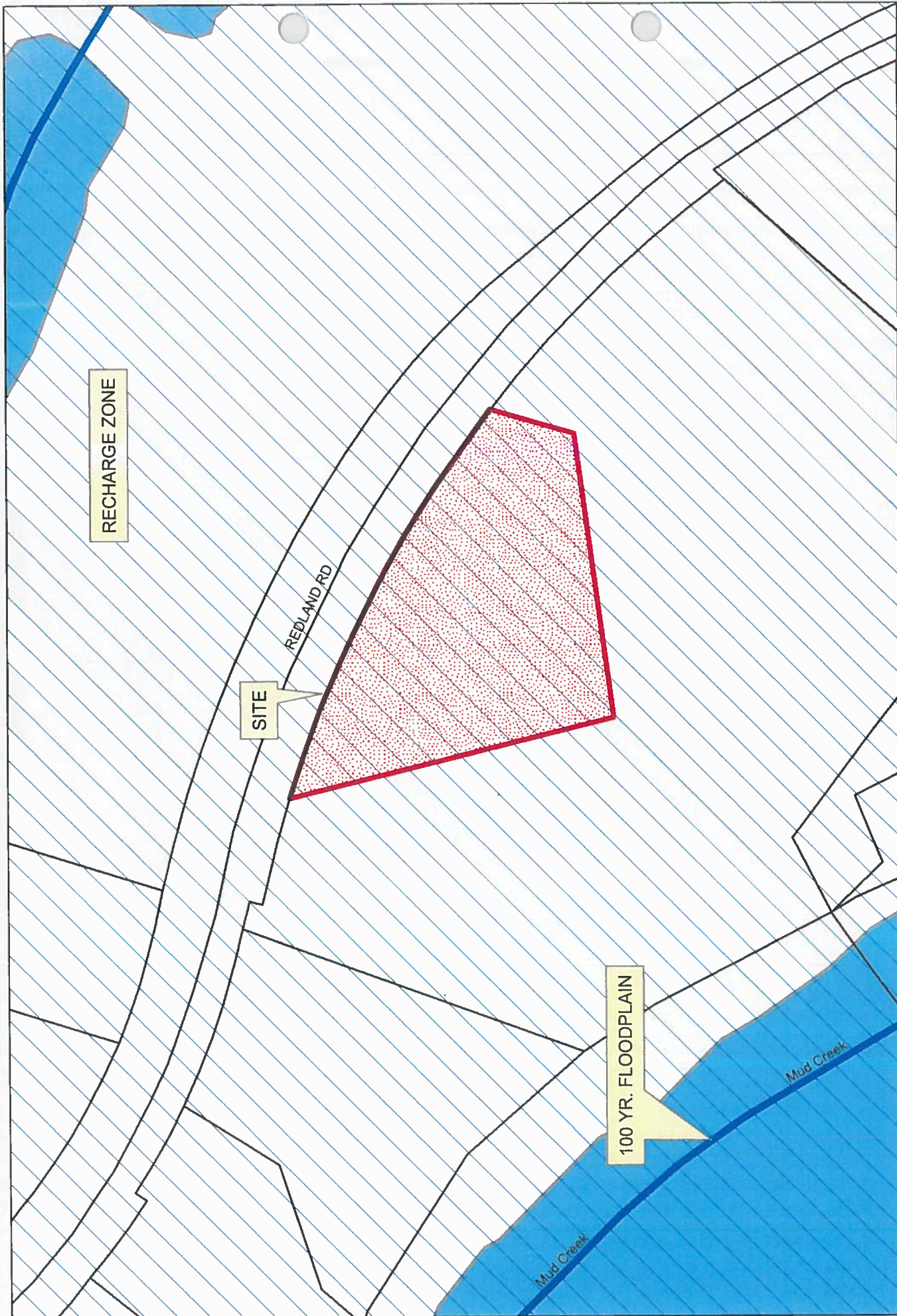
Andrew Wiatrek
Manager
Edwards Aquifer and Watershed Protection Division

Scott R. Halty
Director
Resource Protection & Compliance Department

MJB:MAE



ZONING FILE: FOOD SAFETY NET SERVICES (FIGURE 1)
ZONING CASE: Z2019-10700310
MAP PAGE: 152, A6



ZONING FILE: FOOD SAFETY NET SERVICES (FIGURE 2)
ZONING CASE: Z2019-10700310
MAP PAGE: 152, A6