



City of San Antonio

Agenda Memorandum

File Number: 14-1465

Agenda Item Number: 37.

Agenda Date: 6/19/2014

In Control: City Council A Session

DEPARTMENT: Transportation and Capital Improvements

DEPARTMENT HEAD: Mike Frisbie

COUNCIL DISTRICTS IMPACTED: All

SUBJECT:

Amending Chapter 34 City Code with Updated Sanitary Sewer and Storm Water System Program Requirements

SUMMARY:

An ordinance amending Chapter 34 of the City Code to comply with the Federal Clean Water Act and the City of San Antonio's Texas Pollutant Discharge Elimination System permit requirements.

The purpose of updating these program requirements is to reduce or eliminate the discharge of harmful pollutants into the SAWS sanitary sewer system and the City's storm water system to comply with current state and federal regulations. Should the City not comply, SAWS and City will be subject to fines for noncompliance. SAWS Board of Trustees approved the proposed Chapter 34 amendments during its regular meeting on February 10, 2014 through Resolution 14-044.

BACKGROUND INFORMATION:

The Federal Clean Water Act and regulations administered by the United States Environmental Protection Agency (the "EPA") require 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 storm drainage system by permitted discharges. In San Antonio, the San Antonio Water System (SAWS) is responsible for operation of the sanitary sewer system and the City (through the Transportation and Capital Improvements Department) is responsible for the operation of a separate storm water drainage system.

Under an agreement between the City and SAWS, SAWS serves as the agent for the City in meeting regulatory

compliance requirements associated with the storm water drainage and sanitary sewer system. The authority and procedures for complying with the regulations associated with both the sanitary sewer system and storm water drainage system are found in Chapter 34 of the City Code.

In April 2006, a Pretreatment Audit of SAWS/City practices was performed by Texas Commission on Environmental Quality (TCEQ). The audit found that the Pretreatment Final Rules adopted by TCEQ in 2005 had not been codified in the City Code. In March 2012, a Notice of Violation was issued by TCEQ as a result of a Pretreatment Audit. An alleged violation noted that SAWS/City had failed to incorporate the changes into City Code that were needed to comply with regulations adopted by TCEQ on September 14, 2011.

The proposed ordinance would update Chapter 34 of the City Code in order to bring San Antonio into compliance with current state and federal Clean Water Act regulations concerning the reduction or elimination of harmful pollutants discharged into the City's sanitary sewer system and storm water drainage system. SAWS Board of Trustees approved the proposed Chapter 34 amendments during its regular meeting on February 10, 2014 through Resolution 14-044.

On June 12, 2014, City Council voted to continue this Agenda Item to the June 19, 2014 Council "A" Session to allow Councilmembers to receive, if desired, a briefing from staff. The individual briefings will allow Councilmembers the opportunity to obtain more information on the Chapter 34 revisions by SAWS.

The updated version of the Chapter 34 revisions, incorporating a grammar correction to section 34-226.3 (Millions of Gallons per Day to Millions of Gallons per Month) noted at the June 12, 2014 Council "A" Session, has been incorporated into the material for the June 19 Council meeting item.

ISSUE:

This ordinance amends Chapter 34, of the City Code to comply with the Federal Clean Water Act and the City of San Antonio's Texas Pollutant Discharge Elimination System permit.

The San Antonio Water System (SAWS) is responsible for operation of the sanitary sewer system and the City (through the Transportation and Capital Improvements Department) is responsible for the operation of a separate storm water drainage system. SAWS serves as the agent for the City in meeting regulatory compliance requirements associated with the storm water drainage and sanitary sewer system.

To comply with current state and federal Clean Water Act regulations, SAWS and TCI staff recommend the following updates to Chapter 34 of the San Antonio City Code as follows:

1. Article III, Division 4 - Rates and Charges
 - o Add clarification of wording to the SAWS Industrial Waste Surcharge Formula
 - o Grammar change from Millions of Gallons per Day to Millions per Gallons per Month
2. Article V, Division 3 - Industrial Waste
 - o Incorporate current TCEQ pretreatment regulations and update the Industrial Waste permitting program to incorporate the appropriate changes including updated definitions and requirements to reflect the current TCEQ regulations
3. Article V, Division 5 - Fats, Oils and Grease
 - o Correct current Plumbing Code reference from Chapter 24 and change to reference to Chapter 10

- o Update to allow for small operators (grease traps less than 100 gallons) to dispose of grease and re-introduce wastewater to grease trap instead of requiring operator to haul wastewater off-site
- 4. Article VI, Division 5 Subdivision B - Storm Water Compliance for Construction Activity
 - o Incorporate changes to the TCEQ Construction General Permit to include:
 - Updating language to cover construction projects 1 acre and larger (instead of current 5 acres and larger) or part of a planned development and to include fill sites under the definition “construction activity” requiring incorporation of Best Management Practices to control erosion at fill sites
 - Updating requirements for preparation of Storm Water Pollution Prevention Plans to require a Licensed Professional Engineer in the State of Texas or Certified Professional in Erosion and Sedimentation Control, or other Certified or Professional with competence in this area
 - Updating requirements for inspection of projects to require a “qualified inspector” such as a Certified or Professional with competence in this area
 - Incorporating efficiencies to allow concurrent inspections of sites that have both Storm Water Pollution Prevention Plan and Water Pollution Abatement Plan requirements if site is located over the Edwards Aquifer Recharge Zone
- 5. Article VI, Division 5 subdivision C - Storm Water Compliance for Industrial & Commercial activities
 - o Incorporate additional provisions to add regulation of Industrial facilities to reflect current TCEQ regulations and requirements of the Cities Storm Water permit.
- 6. Article VI, Division 2 -Wells
 - o Correct water well drilling permit fees to reflect current fees previously approved by City Council in on December 8, 2011 as reflected in Ordinance 2011-12-08-1004. Add definitions to provide clarification of terms currently used within Division 2
 - o Add an expiration date for water well drilling permits to expire six months from date of issuance

Attached are the denoted changes by Article and Division.

ALTERNATIVES:

If the City Council chooses not to approve these updates to Chapter 34 of the City Code, the City and SAWS will be in violation of current state and federal Clear Water Act regulations and subject to fines for noncompliance.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION:

Staff recommends the acceptance of these changes to the Chapter 34 Codes.

