

**CITY OF SAN ANTONIO  
PUBLIC WORKS DEPARTMENT  
CITY COUNCIL AGENDA MEMORANDUM**

**CONSENT AGENDA**

**ITEM NO. 32**

**TO:** Mayor and City Council

**FROM:** Thomas G. Wendorf, P.E., Director of Public Works

**SUBJECT:** Ordinance Approving Amendments to Modify the San Antonio Water System's Industrial Wastewater Pretreatment Program

**DATE:** November 18, 2004

**SUMMARY AND RECOMMENDATIONS**

This Ordinance further amends Chapter 34 of the City Code, modifying local regulations to implement the San Antonio Water System's (SAWS) Pretreatment Program.

By resolution, the SAWS Board of Trustees has reviewed and approved these modifications and recommends amendment of the City Code, Chapter 34, Water and Sewers, accordingly. The City Council acted on July 22, 2004, to enact Ordinance No. 99480, extensively updating the local regulations to comply with state and federal requirements. The proposed ordinance corrects two numerical errors relating to local pollutant limitations and one text change from the original ordinance as passed.

**BACKGROUND INFORMATION**

The Industrial Wastewater Pretreatment Program is a federally mandated system of protocols, pollutant limits, and regulations intended to control the types and concentrations of pollutants discharged by commercial and industrial sources into the SAWS sanitary sewer system. The controls are intended to protect the operational integrity of the wastewater treatment plants. Without such controls, excessive concentrations of pollutants, corrosives, toxins, etc., could interfere with SAWS' sewage treatment and possibly result in damage to the system and /or wastewater treatment plants as well as create a hazardous working environment for SAWS personnel working in or around the collection system.

The Pretreatment amendments proposed here are mainly adjustments to the limits (concentrations) of various pollutants received by the treatment plants. Under state and federal regulations, such concentrations must be periodically reviewed and adjusted as necessary. The Ordinance at hand is a response to the periodic review schedule, updating pollutant-loading limits for SAWS' sanitary sewer collection and treatment facilities.

The Resource Compliance Division of SAWS has received Texas Commission on Environmental Quality (TCEQ) approval of certain modifications to the Pretreatment Program.

A statement of endorsement or approval of the Pretreatment Program from the SAWS Board of Trustees and San Antonio City Council must be included in the Program documents on file with TCEQ pursuant to 40 CFR §403.9 (b) (2).

TCEQ and the United States Environmental Protection Agency (EPA) require local limits reevaluation and program modification as necessary or at least every five years.

SAWS Board of Trustees is responsible for funding the Pretreatment Program, as modified and approved by TCEQ and that said funding of the operations of the required Pretreatment Program is supported by the general fund of the SAWS as part of the Resource Protection and Compliance Department annual operating budget with no additional funding required.

### **POLICY ANALYSIS**

The requested action is in accordance with the City of San Antonio's and SAWS policy of environmental responsibility and the development and implementation of the appropriate regulations to maintain wastewater pretreatment and treatment effectiveness. The requested action is also required by and in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permits. The SAWS Board approved Resolution No. 03-300 on September 16, 2003.

### **FISCAL IMPACT**

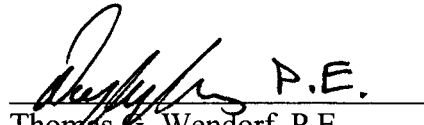
There will be no financial impact to either the San Antonio Water System or the City of San Antonio. All expenses related to the operation of the approved established Pretreatment Program are included in the normal operating budget of the Resource Compliance Division of SAWS' Resource Protection and Compliance Department.

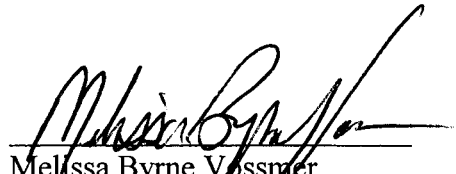
### **COORDINATION**

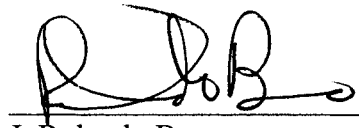
This request for ordinance has been coordinated with SAWS and the City Attorney's Office.

## ATTACHMENTS

1. SAWS Board Resolution No. 03-300
2. Chapter 34, Article V, Division 3 strikeout changes

  
Thomas G. Wendorf, P.E.  
Director of Public Works

  
Melissa Byrne Vossmer  
Assistant City Manager

  
J. Rolando Bono  
Interim City Manager

**SAN ANTONIO WATER SYSTEM  
INTERGOVERNMENTAL MEMORANDUM**

TO: Melissa Byrne Vossmer, Assistant City Manager

FROM: Kelley S. Neumann, P.E., Interim Vice-President, Planning, Programming and Quality Control

THROUGH: Alexander E. Briseño, Interim President/Chief Executive Officer

SUBJECT: Ordinance Approving Amendments to Modify the San Antonio Water System's Industrial Wastewater Pretreatment Program

DATE: November 18, 2004

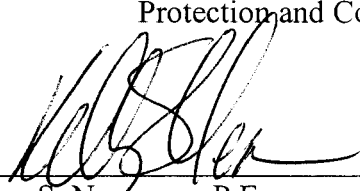
The San Antonio Water System respectfully requests that the above-mentioned item be placed in "A" Session Consent Agenda on the November 18, 2004 City Council Meeting Agenda.

The San Antonio Water System Board of Trustees approved Resolution No. 03-300 on September 16, 2003, approving amendments to modify the San Antonio Water System's Industrial Wastewater Pretreatment Program.

The San Antonio City Council originally acted upon Ordinance No. 99480 on July 22, 2004 approving amendments to modify the San Antonio Water System's Industrial Wastewater Pretreatment Program. The ordinance presented herein corrects three errors contained in the original ordinance as passed.

The urgency of action to be taken upon this item is necessary as we have been contacted within the last week by the Texas Commission on Environmental Quality and have been placed under a final deadline to complete all changes and resubmit the document with two weeks.

For further information, please contact Scott Halty, Director, Resource Protection and Compliance Department, at 704-1121.

  
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Kelley S. Neumann, P.E.  
Interim Vice President, Planning,  
Programming and Quality Control

APPROVED:

  
\_\_\_\_\_  
Alexander E. Briseño  
Interim President/Chief Executive Officer

*for*

regional system, wastewaters containing individually identified specific pollutants in concentrations, in solution or suspension, in excess of the limits below. Compliance with these limits shall be determined based on the analysis of a grab sample or a combination of grab samples, time composite samples, or flow composite samples.

(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 discharged to the POTW. Wastewater entering the Regional Collection System shall not exceed 65.5 degrees Centigrade (150 degrees Fahrenheit).

Industrial User Local Limits:

- (a) 0.7 Arsenic As
- (b) 5.0 Barium Ba
- (c) 0.7 Cadmium Ca
- (d) 5.0 Chromium Cr
- (e) 1.50 Copper Cu
- (f) 0.107 Total Cyanide CN-T
- (g) 0.7 Lead Pb
- (h) 0.05 Mercury Hg
- (i) 0.12 Molybdenum
- (j) 5.5 Nickel Ni
- (k) 0.02 Selenium Se
- (l) 0.50 Silver Ag
- (m) 2.250 Zinc Zn
- (n) 200 Fats Oil & Grease
- (o) 10,000 BOD
- (p) 10,000 TSS
- (q) 5.5--10.5 pH
- (r) 150 degrees Fahrenheit

Note that the above mentioned limits are reflected in units of mg/L, with the exception of pH and temperature. All limits with the exception of TSS represent the total concentration of the substance, both suspended and dissolved.

(c) Best Management Practices / Pollution Prevention.

Users not regulated under local limits shall be regulated under the following guidelines relating to Best Management Practices and pollution prevention.

so that it will not create a public safety hazard nor be obstructed by structures, landscaping, or parked vehicles. To establish water consumption of users on water wells, metering devices shall be installed, operated and maintained by the user.

- (b) Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- (c) For multiple use buildings (i.e. shopping centers, medical service buildings, office buildings, etc.) having only one master water meter, or multiple meters paid by one person or company, and/or where the building is served by a common sewer lateral, one permit may be issued to the water bill addressee. In this case, the addressee shall be responsible for:
  - (1) The installation, operation, and maintenance of any required pretreatment device or monitoring station;
  - (2) Compliance with all provisions of this division and/or applicable pretreatment standards or requirements; and
  - (3) The payment of all sampling and analysis fees, surcharges, and any fines or penalties imposed. If in the judgement of the director, the quality of wastewaters from the separate users is such that separate pretreatment or monitoring facilities is appropriate, the director may require separate facilities. In this case, all of the aforementioned requirements shall apply to the individual users.
- (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, including applicable requirements contained in the Plumbing Code, Chapter 24 of the City of San Antonio Code, as amended or as may be amended.

(2) *Inspection and sampling.*

- (a) The SAWS 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 SAWS 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; 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 ~~twice~~ once per year, and the frequency will depend on the nature and type of industrial processes as is specified in the SAWS Control Authority's pretreatment program. Failure to allow access will be considered a direct violation of this division.
- (b) ~~SAWS~~The Control Authority shall have the right to install, or require the installation of monitoring, testing, and surveillance equipment (including adequate lighting) and to take

## Sec. 34-472. Regulations.

(1) *General discharge prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(2) *Specific discharge prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (a) There shall be no discharge of pollutants in amounts which would cause the discharge from a facility to have a closed cup flashpoint of less than 60° centigrade or 140° Fahrenheit using the test methods specified in 40 CFR 261.21;
- (b) Any wastewater having a pH less than 5.5 or greater than 10.5 standard units, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW. (Any wastewater having a pH ~~below~~ less than or equal to 2.50 and or above greater than or equal to 12.5 standard units is considered hazardous under 40 CFR 261.22);
- (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, or any material which can be disposed of as trash;
- (d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which contributes, either singly or by interaction with other pollutants, to interference to the POTW. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed, for any time period longer than fifteen (15) minutes, more than five (5) times the average daily concentration, quantities, or flow produced during normal operations;
- (e) Any wastewater having a temperature which will inhibit biological activity in the POTW plant contributing to interference, but in no case wastewater with a temperature at the introduction into the POTW treatment plant which exceeds 40° centigrade (104° Fahrenheit) unless the POTW treatment plant is designed to accommodate such temperature. Wastewater entering the regional collection system cannot exceed 65.5° centigrade (150° Fahrenheit) unless the quantity of heated discharge is of such volume that the total wastewater temperature at the nearest downstream manhole does not exceed 40° centigrade (104° Fahrenheit);
- (f) There shall be no discharge of any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may contribute, either singly or by interaction with other products, to interference or pass through;
- (g) In accordance with 40 CFR 403.5(b)(7) there shall be no discharge of any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, asbestos, and any other substances which ~~SAWS~~the Control Authority, the State or EPA has notified the user is a fire or explosion hazard to the system, or presents an imminent threat to the health and safety of persons operating the system;
- (h) Any trucked or hauled pollutants, except at discharge points designated by the ~~SAWS~~the Control

TO: San Antonio Water System Board of Trustees

FROM: Eugene E. Habiger, Gen. USAF (Ret.), President/Chief Executive Officer

SUBJECT: ENDORSMENT AND FUNDING OF PROPOSED MODIFICATIONS TO THE  
SAN ANTONIO WATER SYSTEM PRETREATMENT PROGRAM

Board Action Date: September 16, 2003

**SUMMARY AND RECOMMENDATION:**

The attached resolution provides for the approval of proposed modifications to the San Antonio Water System Pretreatment Program and requests San Antonio City Council adopt ordinance(s) and administrative changes incorporating the proposed modifications. The resolution also states that funding is approved for the proposed modifications. This is a statement of support required by the TCEQ in all Pretreatment program modification submittals. These modifications are performed on a required frequency and have no additional financial impact to the System as the Pretreatment Program is supported by the general fund of the SAWS as part of the Resource Protection and Compliance Department annual budget. The changes to the Program require no additional funding outside that provided as the annual operating budget for the Department.

The Resource Compliance Division is responsible for the implementation and administration of the Pretreatment Program required by the United States Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ). The Program contains provisions for regulating industrial and commercial discharges to the sanitary sewer system as well as regulations governing the collection, transport, and disposal of liquid waste.

TCEQ requires the responsible local agency, (SAWS), to review and update local ordinances and Program procedures to remain consistent with Federal and State regulations and to recalculate local pollutant limitations every five years and submit the documents for review. The following changes were made to the Program:

- Organizational charts and job descriptions updated
- Annual budget figures and expenditures updated
- New WRC discharge flows calculated
- New local discharge limits for industrial / commercial users calculated
- Various definitions added and changed to track Federal and State regulation changes since October 2000
- Industrial user inventory updated
- "True" interlocal agreements added



The work was completed and submitted on schedule in October of 2000. TCEQ recently completed their review and judged the document to be complete and approvable.

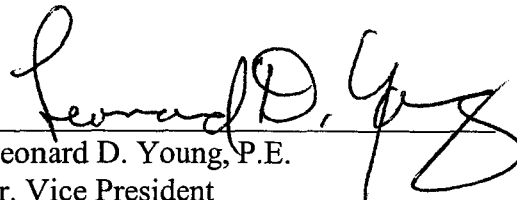
TCEQ further requires that the Program be officially adopted and incorporated into the City Code upon City Council approval and a 45-day comment period provided for in the Federal Register.

The proposed modifications were presented to the Environmental Health and Safety Committee on July 14, 2003 and to the Water Resources Committee on August 12, 2003. There were no outstanding questions or issues. A copy of these new modifications is located in the offices of the SAWS Board Administrator and the Director of the Resource Protection and Compliance Department.

**FINANCIAL IMPACT:**


Funding of the operations of the required Pretreatment Program is supported by the general fund of the SAWS as part of the Resource Protection and Compliance Department annual budget. The changes to the Program are required updates to existing regulations and requirements and require no additional funding outside that provided as the annual operating budget for the Department.

Staff recommends approval of the resolution.



Leonard D. Young, P.E.  
Sr. Vice President  
Planning, Programming &  
Quality Control

APPROVED:



Eugene E. Habiger  
Gen. USAF (Ret.)  
President/Chief Executive Officer

RESOLUTION NO. 03-300

**OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES ENDORSING AND FUNDING PROPOSED MODIFICATIONS TO THE SAN ANTONIO WATER SYSTEM PRETREATMENT PROGRAM FOR THE PURPOSE OF UPDATING AND CLARIFYING THE REGULATIONS, POLICIES, AND PROCEDURES CONTAINED THEREIN; AUTHORIZING AND DIRECTING THE PRESIDENT AND CEO TO TAKE ALL ACTIONS NECESSARY TO HAVE THE SAME PLACED ON THE AGENDA OF THE SAN ANTONIO CITY COUNCIL FOR CONSIDERATION; AND PETITIONING SAID COUNCIL TO CONSIDER, PASS, AND APPROVE THE SAME; 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 Resource Compliance Division of the San Antonio Water System (SAWS) has received Texas Commission on Environmental Quality (TCEQ) approval of certain modifications to the Wastewater Pretreatment Program; and

**WHEREAS**, a statement of endorsement or approval of the Pretreatment Program from the SAWS Board of Trustees must be included in the Program documents on file with TCEQ pursuant to 40 CFR §403.9 (b) (2); and

**WHEREAS**, TCEQ and the United States Environmental Protection Agency (EPA) require local limits reevaluation and program modification (as necessary) every five years; and

**WHEREAS**, SAWS Board of Trustees is responsible for funding the Pretreatment Program, as modified and approved by TCEQ and that said funding of the operations of the required Pretreatment Program is supported by the general fund of the SAWS as part of the Resource Protection and Compliance Department annual operating budget with no additional funding required; and

**WHEREAS**, the SAWS Board of Trustees was briefed on the proposed modifications to the current Pretreatment Program in a briefing by staff conducted in an open meeting of this Board on September 16, 2003; and

**WHEREAS**, the SAWS Board of Trustees desires (i) to endorse and fund the modifications to the San Antonio Water System's Pretreatment Program, and (ii) direct the President and CEO to take all actions necessary to have the same placed on the agenda of the San

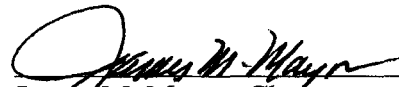
Antonio City Council for consideration, and (iii) to request the San Antonio City Council adopt such modifications to the SAWS Pretreatment Program; now therefore:

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

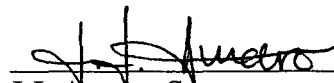
1. That the San Antonio Water System Pretreatment Program, as modified by the draft ordinance(s) and modifications, is hereby endorsed by the Board of Trustees of the San Antonio Water System as the proposed Pretreatment Program subject to consideration and adoption of the changes by the San Antonio City Council, and contingent upon all final approvals of the proposed Pretreatment Program by the United States Environmental Protection Agency and the TCEQ.
2. That a copy of the new modified regulations is located in the offices of the SAWS Board Administrator and Director of the Resource Protection and Compliance Department.
3. That the funding of the operations of the required Pretreatment Program is supported by the general fund of the SAWS as part of the Resource Protection and Compliance Department regular annual budget.
4. That the San Antonio City Council is hereby requested to adopt the complete Program with ordinance and administrative changes incorporating the proposed modifications as fully set forth herein.
5. That the President/Chief Executive Officer is directed to take all actions necessary to have the modifications to the Pretreatment Program placed on the agenda of the San Antonio City Council for consideration.
6. That upon passage and approval of the ordinance by the San Antonio City Council, the President/Chief Executive Officer is hereby authorized and directed to execute all documents and take all actions necessary to secure TCEQ approval of the proposed Pretreatment Program as modified.
7. It is officially found, determined and declared that the meeting at which this resolution is adopted was open to the public, and the 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.

8. 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. This resolution becomes effective immediately upon its passage.

PASSED AND APPROVED this 16th day of September, 2003.

  
James M. Mayor, Chairman

ATTEST:

  
J.J. Amaro, Secretary