

AN ORDINANCE **99480**

AMENDING CHAPTER 34 OF THE CITY CODE BY MODIFYING LOCAL REGULATIONS TO IMPLEMENT THE SAN ANTONIO WATER SYSTEM'S PRETREATMENT PROGRAM AND FURTHER AMENDING PROVISIONS OF CHAPTER 34, MAKING APPROPRIATE ADMINISTRATIVE CHANGES TO THE LIQUID WASTE TRANSPORTATION AND DISPOSAL REGULATIONS; AND DIRECTING PUBLICATION.

* * * * *

WHEREAS, the Industrial Waste Water Pretreatment Program is mandated by state and federal agencies to protect the integrity of publicly owned treatment works (POTWs), commonly known as the public sanitary sewer collection and treatments systems that collect, process, and discharge waste water, which systems are managed by the San Antonio Water System; and

WHEREAS, the Program's parameters (regulated constituents) must be periodically updated to ensure that commercial and industrial wastes do not introduce excessive concentrations of pollutants, corrosives, and toxins into the sanitary sewer system; and

WHEREAS, the San Antonio Water System Board of Trustees acted under separate Resolution to review and approve such Industrial Pretreatment Program changes and liquid waste transportation rules adjustments; **NOW, THEREFORE;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Code of the City of San Antonio, Chapter 34, WATER AND SEWERS, Article V, Division 3, INDUSTRIAL WASTE, and Division 4, LIQUID WASTE TRANSPORTATION AND DISPOSAL REGULATIONS, §§ 34-471 through 34-550, are hereby amended by adding underlined language and omitting ~~stricken~~ language, as exactly set forth in EXHIBIT I, attached and fully incorporated herein verbatim for all purposes.

SECTION 2. The City Clerk of the City of San Antonio is directed to publish this

Ordinance as may be required by law.

SECTION 3. This ordinance shall take effect August 1, 2004.

PASSED AND APPROVED this 22nd day of July, 2004

ATTEST: *Lucia N. Vaca*
CITY CLERK

[Signature]
M A Y O R

EDWARD D. GARZA

APPROVED AS TO FORM: *[Signature]*
CITY ATTORNEY

04-25



MEETING OF THE CITY COUNCIL

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - PUBLIC UTILITIES SUPERVISOR
FINANCE- TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT -NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: 36

DATE: JUL 22 2004

MOTION: Williams/Segovia

ORDINANCE NUMBER: 99480

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: _____

TRAVEL AUTHORIZATION: _____

NAME	ROLL	AYE	NAY
ROGER O. FLORES JR. District 1		✓	
JOEL WILLIAMS District 2		/	/
RON SEGOVIA District 3		/	
RICHARD PEREZ District 4		/	
PATTI RADLE District 5		/	
ENRIQUE M. BARRERA District 6			
JULIAN CASTRO District 7		absent	
ART A. HALL District 8		absent	
CARROLL SCHUBERT District 9		/	
CHRISTOPHER "CHIP" HAASS District 10		/	
EDWARD D. GARZA Mayor		/	

Amado Chapter 34

City Code Amendment

04-25

Chapter 34
WATER AND SEWERS*

ARTICLE V.

DIVISION 3.

INDUSTRIAL WASTE*

Sec. 34-471. General provisions.

(1) *Purpose.* This division sets forth uniform requirements to be met by all industrial waste dischargers utilizing the San Antonio Regional Wastewater Transportation and Treatment System (hereinafter termed "regional system"). This division is written to enable the regional system to comply with and enforce all applicable local, state, and federal laws pertaining to water quality control, including the Clean Water Act (33 U.S.C. 1251 et. seq.), and the general pretreatment regulations (40 CFR 403). Any word, phrase, clause, paragraph, section, part or provision of this division which, upon the promulgation of more stringent local, state or federal law or duly implemented regulatory requirement, is in conflict with or less stringent than such local, state and federal law or regulation promulgated after enactment of this division, shall be invalidated and repealed to the extent of such conflict or ~~super session~~ super cession upon the effective date of such local, state and federal law or regulation, and the language and provisions of such local, state and federal law or regulation shall be incorporated herein by reference and shall become a part of those sections, parts, paragraphs, clauses, or phrases affected to the extent that the existing division language is invalidated and repealed.

(2) *Administration.*

- (a) Pursuant to the grant of authority to the San Antonio Water System in City Ordinance No. 75686, dated April 30, 1992 and in the Ordinance No. 80574 dated August 4, 1994, the SAWS Board of Trustees shall have full responsibility for the administration and implementation of the pretreatment program established by this division.
- (b) Except as otherwise provided herein, the director shall administer, implement and enforce the provisions of this division. The pretreatment program shall be modified as needed to meet local, state and federal requirements. Any powers granted to or duties imposed upon the director may be delegated by the director to other SAWS personnel.

(3) *Objectives.* The objectives of this division are:

- (a) To prevent the introduction of pollutants into the regional system in such quantities or qualities

EXHIBIT I

that would interfere with the operation of the regional system;

- (b) To prevent the introduction of pollutants or substances into the regional system that may typically pass through either unaffected by the treatment process or may be inadequately compatible with such treatment, that could result in potential violations of POTW effluent standards, air quality standards, NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws, or otherwise considered incompatible with the POTW;
- (c) To preserve and improve the opportunity for reusing, reclaiming and recycling wastewater and sludge generated by the regional system, and to ensure quality of sludge to allow its use and disposal in compliance with statutes and regulations;
- (d) To ensure that there is an equitable distribution of the operation, maintenance and capital-related costs of the regional system across user classes;
- (e) To create a permit system to regulate industrial users of the regional system;
- (f) To enforce the provisions of this division by requiring self-monitoring and self-reporting from industrial users to supplement periodic investigations made by regional system inspection personnel;
- (g) To provide penalties for violations of the regulations established herein;
- (h) To protect the health and welfare of the public and of employees who maintain and operate the regional system;
- (i) To establish a regulatory environment that encourages identification and utilization of pretreatment opportunities to reduce or eliminate the volume and toxicity of any industrial waste discharged to the regional system, in fulfillment of the intent of objectives (a), (b), (c), and (h) above.

(4) *Service area.* This division shall be given full force and effect inside the corporate limits of San Antonio and within those unincorporated areas located outside the corporate limits of San Antonio, but within the regional system's sewer service area. Additionally, this division shall apply to those entities (as defined hereinafter) served by the Regional System ~~which~~ System that have entered into sewer service contracts with the City of San Antonio or the San Antonio Water System. By operation of law, permit conditions, contract, or intermunicipal agreement, industrial users within the sewer service area are obligated to abide by the provisions of this division and/or similarly stringent regulations adopted by an entity other than SAWS, which govern the discharge of industrial wastewater into any sewage collection system which ultimately connects to the regional system. Industrial users within the sewer service area are obligated to financially support the regional system by paying all applicable sewer user charges and fees to the appropriate collection agent for costs associated with the transportation, treatment, operation, maintenance, monitoring, administration, and enforcement services provided to the user of the regional system.

- (5) *Abbreviations.* The following abbreviations shall have the designated meanings:

BOD -- Biochemical Oxygen Demand (five day).

C -- Centigrade.

CERCLA -- Comprehensive Environmental Response, Compensation, and Liability Act.

CFR -- Code of Federal Regulations.

CAA -- Clean Air Act.

CWA -- Clean Water Act, 33 U.S.C. 1251 et seq.

COD -- Chemical Oxygen Demand.

EPA -- Environmental Protection Agency.

F -- Fahrenheit.

FOG -- Fats, Oils and Grease.

GPD -- Gallons per day.

L -- Liter.

LEL -- Lower Explosive Limit.

mg -- Milligrams.

MGD -- Million gallons per day.

mg/L -- Milligrams per Liter (weight to volume).

NPDES -- National Pollutant Discharge Elimination System.

POTW -- Publicly Owned Treatment Works.

RCRA -- Resource Conservation and Recovery Act.

PL -- Public Law.

SARA -- Superfund Amendments and Reauthorization Act.

SAWS -- San Antonio Water System.

SDWA -- Safe Drinking Water Act.

SIC -- Standard Industrial Classification.

SWDA -- Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.

TBLL -- Technically Based Local Limits.

~~TNRCC -- Texas Natural Resource Conservation Commission.~~ TCEQ -- Texas Commission on Environmental Quality

TOMP -- Toxic Organic Management Plan.

TSCA -- Toxic Substances Control Act.

TSS -- Total Suspended Solids.

TTO -- Total Toxic Organics.

USC -- United States Code.

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

Act or the Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

Administrator: The Administrator of the U.S. Environmental Protection Agency.

Approval authority: The administrator of the EPA or the Director in a National Pollutant Discharge Elimination System (NPDES) delegated state with an approved State pretreatment program or his designated representative.

Authorized representative of industrial user: An authorized representative of an industrial user may be:

- (1) An executive officer of at least the level of vice president if the industrial user is a corporation;
- (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (3) A duly authorized representative of a user that is a political subdivision or other entity as defined at section 34-471(6) of this division;
- (4) The individuals described in paragraphs (1) through (3) above, may designate an alternate authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to ~~SAWS~~the Control Authority.

Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in five (5) days at twenty (20) degrees centigrade for biochemical oxidation of the organic matter present in wastewater, expressed in mg/l and measured by the method set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, or such other method as approved by EPA and published in 40 CFR 136.

Categorical standards: National categorical pretreatment standards or pretreatment standards as set forth in any regulation containing pollutant discharge limits promulgated by the EPA in accordance with the Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users, and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chemical oxygen demand (COD): A measure of the oxygen required in mg/l for the oxidation of organic matter to CO² and water while under acidic conditions using a strong chemical oxidizing agent. See Standard Methods for the Examination of Water and Wastewater, current edition.

City: The City of San Antonio in Bexar County, Texas, being a home rule municipality duly authorized and existing, pursuant to its charter, the Texas Constitution, and the laws of the State of Texas. Texas as represented by the official acts of the city council and council-designated representative public officials.

Compatible pollutant: A pollutant such as biochemical oxygen demand, total suspended solids, or any additional pollutants identified in the publicly-owned treatment works NPDES permit, where the POTW is designed to treat such pollutants to the degree required by the POTW's NPDES or state wastewater discharge permit.

Composite sample: A representative sample (flow or time proportional) resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time. Normally these samples are based on a twenty-four-hour period and should be representative of daily operations, as is further defined in Appendix E of 40 CFR 403.

Control authority: The term "control authority" shall refer to SAWS or the POTW defined hereinafter, ~~or the director of the department of quality control~~ Resource Compliance Division, or the designated representative or agent, in accordance with the provisions of 40 CFR 403.12 insofar as ~~SAWS~~ the pretreatment program was originally approved by the ~~San Antonio Water System Quality Control Department~~ and effective as of February 15, 1985.

Department: The San Antonio Water System ~~Quality Control~~ Resource Protection and Department Compliance Department.

Direct discharge: The discharge of treated or untreated wastewater directly to the waters of the United States or the State of Texas.

Division: The San Antonio Water System Resource Compliance Division.

Entity: Shall refer to those cities, towns, political or commercial subdivisions, municipal utility districts, industrial districts, public utility districts, water improvement districts, military installations or state government facilities that establish, operate, and maintain a sanitary sewer collection system within their jurisdictional

boundary and contract with SAWS the Control Authority to provide for the transportation and treatment of sewage generated by the entity.

Environmental Protection Agency, or EPA: The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Existing source: Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Explosion hazard meter: An explosion-proof electromechanical device designed to collect and analyze ambient air samples to determine the presence and measure the concentration of volatile, flammable, organic vapors capable of causing a fire or explosion in the presence of a source of ignition.

Flow-proportional composite sample: Shall mean the composite of two (2) or more discharge samples taken on a flow-proportional basis, to be representative of daily operations.

Fats, oils and grease (FOG): Shall mean any animal, vegetable or mineral fats, oils and/or greases, including but not limited to the following types: floatable grease of any origin; and free or emulsified grease of petroleum or mineral origin, or both, such as, cooling or quenching oil, lubricating oil, nonbiodegradable cutting oil and non-saponifiable oil.

Grab sample: A sample taken over a short period of time, not usually exceeding fifteen (15) minutes, and representative of a wastewater flow on a one-time basis. This sample is taken without regard to the flow volume or consideration of the time at which the sample is taken, as is further defined in Appendix E of 40 CFR 403.

Grease trap: Any structure or mechanical device intended to cause or facilitate the interception and separation of free and emulsified oils and grease from wastewater prior to its discharge to the regional system. All structure or devices installed for the purpose of pretreatment shall conform to the design requirements contained in the City of San Antonio Plumbing Code. Plans for such structures or devices shall be submitted to the director for review prior to construction or installation.

Grit trap: A receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of petroleum-based oil and grease wastes and inorganic or other solids into both private and public sanitary sewers to which the receptacle is directly or indirectly connected.

Ground water: The supply of fresh water found beneath the Earth's surface, usually in aquifers, which supply wells and springs.

Holding tank waste: Any wastes from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks, or any other waste hold/hauling mechanisms.

Incompatible pollutant: All pollutants other than compatible pollutants as defined in section 34-471(6), such as, but not limited to, metals, volatile organics, and hazardous substances, etc.

Indirect discharge: The discharge or the introduction into the POTW of any pollutant from any non-domestic source, including but not limited to those sources regulated under Section 307 (b) and (c) or (d) of the Act (33 U.S.C. 1317) (including holding tank waste discharged into the regional system).

Industrial user or user: 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).

Industrial wastewater: The liquid and waterborne pollutants resulting from processes or operations employed in business, commerce or industry as defined in the "Standard Industrial Classification Manual, 1987" Office of Management and Budget of the Federal Government, as amended and supplemented from time to time, inclusive of the mixtures of any industrial wastewater pollutants with water or domestic sewage as distinct from normal domestic sewage.

Industrial wastewater advisory board: An advisory board consisting of eleven (11) members whose function is to provide information and recommendations to the ~~SAWS~~the Control Authority board of trustees, president/CEO, and the director regarding Industrial Wastewater. The general provisions of the Federal Register, Volume 44, No. 34, Friday, February 16, 1979, Sec. 25.7 "Advisory Groups," shall serve as a guideline for the activities and structure of the board.

Industrial wastewater discharge permit: A control mechanism providing for the regulation of discharge by certain users pursuant to 40 CFR 403.8 (f)(1)(iii), the Act, the ~~SAWS~~the Control Authority pretreatment program, and this division.

Inhibition: A discharge which has a negative impact upon the biological activity of the POTW either alone or in conjunction with other discharges.

Instantaneous maximum allowable discharge limit: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference: A discharge which alone or in conjunction with a discharge from other sources tends to:

- (1) Inhibit or disrupt the treatment processes, operations, sludge processes, sludge use or disposal of the POTW, and
- (2) Therefore is a cause of violation of POTW's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued ~~thereunder~~hereunder (or any more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and Marine Protection, Research, and Sanctuaries Act.

National pollution discharge elimination system (NPDES) permit: A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

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.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (a) Begun, or caused to begin, as part of a continuous onsite construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal or existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which ~~are~~is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact cooling water: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Normal domestic wastewater: The water-borne wastes normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free from storm water, ground water and industrial waste, with a BOD normally less than two hundred fifty (250) mg/L and total suspended solids normally less than two hundred fifty (250) mg/L.

Pass through: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of SAWS the Control Authority's NPDES permit, including an increase in the magnitude or duration of a violation.

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH: A measure of the acidity or alkalinity of an aqueous solution, defined as the logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution, expressed in standard units.

Pollutant: A substance that alters the physical, thermal, chemical, radiological, or biological quality or properties of water; or that contaminates water to the extent that the water is rendered harmful to humans, animal life, vegetation, property, or to public health, safety, or welfare; or that impairs the usefulness of public enjoyment of the water for any lawful purpose. Pollutants include, but are not limited to, dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment or treatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except by diluting the concentration of the pollutants, and as prohibited by 40 CFR 403.6(d).

Pretreatment requirements: Any substantive or procedural requirement of the eControl aAuthority related to industrial wastewater pretreatment that may supplement national pretreatment standard requirements imposed upon an industrial user.

Pretreatment standards: Any regulation containing prohibitive discharge standards and/or categorical pretreatment standards promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347). This term also includes local limits.

Prohibitive discharge standards: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 34-472(1) of this division.

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 SAWS the Control Authority. This definition includes any devices or systems used in the collection and treatment of sewage or industrial wastes of a liquid nature and any conveyances which conveyances, which convey wastewater to a water recycling center.

San Antonio Water System (SAWS The Control Authority): Regional Water, Wastewater and Reuse Utility System created by Ordinance No. 75686 of the City of San Antonio, passed on April 30, 1992.

Septic tank waste: Any sewage or wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage: Wastewater containing human excrement and gray water (household showers, dishwashing operations, etc.).

Shall: "Shall" is mandatory; "May" is permissive.

Significant industrial user (SIU): Any user meeting the following criteria:

- (1) Industrial users subject to categorical pretreatment standards; and/or
- (2) Any other industrial user that:
 - (a) Discharges an average of 25,000 gpd or more of process wastewater;
 - (b) Contributes a process wastestream which makes up five (5) percent or more the average dry weather hydraulic or organic capacity of the treatment plant or;
 - (c) Is designated as significant by the director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

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 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; or
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each 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) that

the eControl aAuthority determines has caused, alone or in combination with other discharges, interference or pass through (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 eControl aAuthority'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) 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 eControl aAuthority 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.

Standard Industrial Classification (SIC): A 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.

Standard Methods: The examination and analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Environment Federation. "Standard Methods" shall also mean any approved analytical procedures published by the U.S. EPA in 40 CFR Part 136.

State: State of Texas.

State waters: Water of the ordinary flow, underflow, and tides of every flowing river, natural stream or lake, and of every bay of the Gulf of Mexico, of every river, natural stream, canyon, ravine, depression, and other watershed in the state which are the property of the state.

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

Technically based local limits (TBLL): Those enforceable technically based local pollutant discharge

standards developed by POTWs to address federal standards as well as state and local regulations.

Texas Commission on Environmental Quality (TCEQ): The TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, or an agent thereof.

Texas Pollutant Discharge Elimination System (TPDES): A discharge permit issued pursuant to the authority of the Texas Commission on Environmental Quality.

Time-proportional composite sample: The composite of two (2) or more wastewater samples of equal volume taken at regular time intervals during any period of operational discharge.

Total suspended solids (TSS): The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtration.

Total toxic organic (TTO): The summation of all quantifiable values greater than 0.01 milligrams per liter for the toxic pollutants located in 40 CFR 122, Appendix D, Table II.

Toxic organic management plan (TOMP): A plan which specifies the toxic organic compounds used, the method of disposal used, and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

Toxic pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Act.

Upset: An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

~~*User:* Any person who contributes, or who causes or allows the contribution or discharge of wastewater into the regional system.~~

Wastewater: The liquid and water-borne industrial or domestic wastes from commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are discharged into the POTW.

Water pollution: The manmade or man induced alteration of the chemical, physical, biological, or radiological characteristics of water below certain minimum desirable quality standards.

Water recycling center: That portion of the POTW which is designed to provide treatment of municipal sewage (formerly referred to as a wastewater treatment plant).

Waters of the United States: All navigable waters of the United States as defined at 33 USC 1362(7). (Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

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 2.5 and above 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 marbie 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 ~~SAW~~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 ~~SAW~~the Control Authority, and in accordance with the Liquid Waste Transportation and Disposal Regulations (Article V, Division 4 of this chapter), as amended or replaced, and section 34-476 of this division;
- (i) Any noxious or malodorous liquids, gases, solids, or other wastewater which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to physically prevent reasonably safe entry of humans and/or equipment into the sewers for inspection, maintenance and repair purposes;
- (j) Any wastewater with any objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, ink or printer waste, and vegetable tanning solutions;
- (k) Any stormwaters, surface water, groundwater, or subsurface drainage, except as specifically authorized by the ~~e~~Control Authority;
- (l) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (m) Any substance which will cause the ~~POTW~~Control Authority to violate its NPDES / TPDES and/or state disposal system permit or the receiving water effluent quality standards, or fail a toxicity test;
- (n) Any agent, including but not limited to emulsifiers, surface active agents, detergents, etc. added to sand traps, grease traps, or the like, capable of passing the solid or semi-solid contents of the trap to the sewer system or any substance that may cause excessive foaming in the POTW;
- (o) Fats, oils, or greases of animal, mineral or vegetable origin in concentrations greater than two hundred (200) mg/L;
- (p) Any liquids, solids or gases, which by reason of their nature or quantity are, or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system, or at any other point in the system, be more than five (5) percent, nor any single reading be over ten (10) percent of the lower explosive limit (LEL) of the meter. In accordance with 40 CFR 403.5(b)(1);

- (q) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, which may injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters at the effluent end of the POTW, or which exceeds the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to spent antifreeze or any pollutant identified pursuant to Section 307(a) of the Act;
- (r) Wastewaters or leachates generated from the remediation of hazardous or non-hazardous waste sites, except as specifically authorized by the eControl aAuthority;
- (s) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for normal landfill disposal, land application, reclamation or reuse, or which may interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 or 503 of the Clean Water Act, or with any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, or state criteria applicable to sludge management and/or disposal methods being used;
- (t) Hazardous waste other than that allowed under the Domestic Sewage Exemption, as provided for under 40 CFR 261.4(a)(1)(ii). Notwithstanding that exemption, there shall be no discharge of what would otherwise be considered hazardous waste unless a user can certify the following:
 - (i) The volume and toxicity of such waste has been minimized to the fullest extent possible by utilizing the best available technology and pretreatment practices.
 - (ii) The discharge of such waste is not a substitute for disposal and reporting thereof otherwise necessary under RCRA, CERCLA, SARA, TSCA, CAA, EPA, or ~~TNRCC~~ TCEQ regulations.
- (u) ~~(u)~~ Any wastewater containing antibiotics or any organism including viruses, considered pathogenic and/or detrimental to process organisms.
- (v) Wastewater containing any radioactive waste or isotopes except in compliance with applicable state or federal regulations. Greater than or in allowable concentrations by TDH regulations or other agencies.
- (w) Pesticides
- (x) Bulk food processing wastes
- (y) Discharge of slugs or flows which exceed the carrying capacity of the part of the collection system through which it is discharged

The above pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. This division may be amended to regulate specific types and sources of such discharges in order to minimize or eliminate hazardous waste loadings into the POTW. When the director determines that a user is indirectly discharging to the POTW any of the above mentioned substances in such quantities or concentrations which may interfere with the operation or performance of the POTW, the director shall advise the user of the impact of the indirect discharge on the POTW and impose upon the user a schedule for termination of the discharge causing the interference.

(3) *National categorical pretreatment standards.* The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby fully incorporated into this division.

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the eControl aAuthority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(e). The more stringent national categorical pretreatment standards shall supersede the limitations imposed under section 34-472(5) of this division for that particular category.
- (b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the eControl aAuthority shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- ~~(c) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.~~

~~(4) *Modification of national categorical pretreatment standards.* Where the SAWS wastewater treatment system achieves consistent removal of pollutants limited by national pretreatment standards, SAWS may apply to the approval authority for modification of specific limits in the national pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic, or harmless, state in the effluent which is achieved by the system in ninety five (95) percent of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(c)(2), "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. SAWS may modify pollutant discharge limits in the National Pretreatment Standards if the requirements contained in 40 CFR 403.7, are fulfilled and prior approval from the approval authority is obtained.~~

~~(5) *Technically based local limits.*~~

~~No user shall discharge or allow the discharge to the regional system, wastewater containing pollutant concentrations, in solution or suspension, in excess of the pollutant 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. All samples shall be collected and analyzed in a manner consistent with the requirements of 40 CFR 136. No user 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). See Section 34-472(2)(b)(c).~~

(a) Significant Industrial Users regulated by permit for identified specific pollutants and non-permitted users not regulated under BMPs yet identified as potential contributors of certain pollutants shall not discharge or allow the discharge to the 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) 2.20 Zinc Zn
- (n) 200 Fats Oil & Grease
- ~~(n)~~ 10,000 BOD
- ~~(o)~~ 10,000 TSS

(p) 5.5--10.5 pH

(q) 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.

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 San Antonio Water System, is required to control and reduce specific pollutants. The 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 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

The Control Authority may conduct random inspections to determine compliance independent of the information supplied by an industrial user.

(65) *State requirements.* Specific pollutant requirements and limitations which have or may be enacted by the state on indirect discharges shall immediately supersede and replace the requirements and limitations imposed by this division when the state requirements are more stringent than either the federal or ~~SAWS~~the Control Authority's standards or requirements.

(76) *San Antonio Water System's Control Authority's Right of Revision.* ~~SAWS~~The Control Authority reserves the right to amend this division at any time to establish more stringent specific pollutant limitations or requirements on indirect discharges to the regional system if deemed necessary to protect the POTW processes or to correct or prevent an effluent quality problem in treated wastewater and/or resulting sludges. ~~SAWS~~The Control Authority also reserves the right to amend this division to comply with the general objectives and purposes presented in section 34-471 of this division.

(87) *Prohibition of dilution.* No user shall ever increase the use of process water, unpolluted water, surface water or storm water or in any other way attempt to dilute either a direct or indirect discharge as a partial or complete substitute for adequate treatment to achieve compliance with the specific pollutant limitations contained in the national categorical pretreatment standards, or in any other specific pollutant limitations promulgated by ~~SAWS~~The Control Authority and/or state and incorporated in this division. The ~~e~~Control ~~a~~Authority may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(9) *Bypass.*

(A) For the purposes of this section:

~~(1) Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.~~

~~(2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.~~

(B~~a~~) A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C~~b~~) and (D~~c~~) of this section.

(b) A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (b) and (c) of this section.

(Cc) (1) ___ If a user knows in advance of the need for a bypass it shall submit prior notice to the eControl aAuthority, at least ten (10) working calendar days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the eControl aAuthority of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) working calendar days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The eControl aAuthority may waive the written report on a case by case basis if the oral report has been received within twenty-four (24) hours.

(Dd) (1) Bypass is prohibited, and the eControl aAuthority may take an enforcement action against a user for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required ~~under paragraph 34-472(9)(C) of in~~ this section.

(2) The eControl aAuthority may approve an anticipated bypass, after considering its adverse effects, if the eControl aAuthority determines that it will meet the ~~three~~ conditions listed in ~~paragraph 34-472(9)(D) of~~ this section.

(10) ~~Upset. Act of God~~

(A) ~~An upset, as defined in section 34-471(6), shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (B) are met.~~

~~(B) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate,~~

through properly signed, contemporaneous operating logs, or other relevant evidence that:

- ~~(1) An upset occurred and the industrial user can identify the cause(s) of the upset;~~
- ~~(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;~~
- ~~(3) The industrial user has submitted the following information to the POTW and control authority within twenty-four (24) hours of becoming aware of the upset (if this information is provided verbally, a written submission must be provided within five (5) days):~~
 - ~~(a) A description of the indirect discharge and cause of noncompliance;~~
 - ~~(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;~~
 - ~~(c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.~~
- ~~(C) In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof;~~
- ~~(D) The affirmative defense of upset shall be available only in an enforcement action brought for noncompliance with categorical pretreatment standards and shall not apply in any other context;~~
- ~~(E) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.~~

If a person can establish that an event that would otherwise be a violation of a statute within the commission's jurisdiction or a rule adopted or an order or a permit issued under such a statute was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of that statute, rule, order, or permit.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

Sec. 34-473. Wastewater pretreatment.

(1) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this division and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 34-472(1) of this division within the time limitations specified by EPA, the state, or control authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating

procedures shall be submitted to the department for review, and shall be acceptable to the division before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the SAWS the Control Authority under the provisions of this division.

(2) *Additional pretreatment measures.*

- (a) Whenever deemed necessary, the eControl aAuthority may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this division.
- (b) The eControl aAuthority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Types of traps, sumps, interceptors and/or filters such as, but not limited to, grease, oil, grit and sand shall be provided by the user when, in the opinion of the eControl aAuthority, they are necessary for the proper handling of wastewater containing grease and oil, or grit; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the eControl aAuthority and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be installed, inspected, cleaned, and repaired regularly, as needed, by the user at their expense. Refer to the liquid waste transportation regulations, section 34-518(1)(c) for specific guidelines pertaining to the maintenance of such interceptors and/or sumps.
- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

As specified in the user's permit or this division, the industrial user shall effectively monitor the operation and efficiency of all pretreatment facilities, and the quantity and quality of the treated discharge emanating from the user's facility. Samples and measurements taken shall be representative of the monitored activity. Monitoring for the parameters indicated in an industrial user's permit or in this division must be conducted according to test procedures approved under 40 CFR 136 and 40 CFR 403.

(3) *Slug control plan.* At least once every two (2) years, the eControl aAuthority shall evaluate whether each significant industrial user needs a plan to control slug discharges. The eControl aAuthority may require any user to develop, submit for review, and implement such a plan. A plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;

- (c) Procedures for immediately notifying the eControl aAuthority of any accidental or slug discharge, as required by sections 34-473(4) and 34-473(5) of this division, including any discharge that would result in a violation under 40 CFR 403.5(b) with procedures for followup written notification within five (5) calendar days; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(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.
- (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. 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, 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. The plan must specify at a minimum the following:

- (a) A complete inventory of all toxic organic chemicals, defined in this division as TTO, with corresponding MSDS sheets in use or identified through sampling and analysis of the wastewater from regulated process operations detected above 0.01 mg/l (Organic constituents of trade-name products should be obtained from the appropriate suppliers as necessary). All analyses must conform with 40 CFR Part 136 Methods.

- (b) Descriptions of the methods of disposal other than dumping used for the inventoried compounds, such as reclamation, contract hauling, or incineration;
- (c) The procedures for ensuring that the regulated toxic organic pollutants do not spill or routinely leak into process wastewaters, floor drains, non-contact cooling water, groundwater, surface waters; i.e., spill prevention, control and countermeasures (SPCC) plan; or any other location which allows discharge of the compounds; and
- (d) Determinations or best estimates of the identities and approximate quantities of toxic organic pollutants used in as well as discharged from the regulated manufacturing processes. Compounds present in wastestreams that are discharged to sanitary sewers may be a result of regulated processes or disposal, spills, leaks, rinse water carryover, air pollution control, and other sources. SAWS The Control Authority reserves the right to verify compliance with the TTO requirement through its own sampling program.

(6) *Notice to employees.* All industrial users shall take necessary and reasonable measures to insure that all appropriate employees are advised of the notification procedure to be used in the event of an accidental or slug discharge.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

Sec. 34-474. Wastewater discharge permit application.

- (1) *Wastewater discharges.*
 - (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the eControl aAuthority. Those potential SIUs already discharging may continue to do so provided a permit application is submitted to the division in a timely manner for review and final determination.
 - (b) The eControl aAuthority may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this division.
 - (c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions set out in sections 34-481, 34-482, and 34-483 of this division. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.
- (2) *Wastewater discharge permit application.*
 - (a) Significant industrial users shall, pursuant to the SAWS 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 SAWS Control Authority. (Refer to section 34-480 concerning confidential or proprietary information). The information requested shall at a minimum include the following items:

- (1) Name(s), address(es) including the legal description, location(s);
- (2) Name(s), official title(s), and address(es) of the owners and/or operators;
- (3) The identity of the authorized representative including his or her name, official title, address, and date of birth;
- (4) SIC number(s) according to the current edition of the Standard Industrial Classification Manual, 1987, Bureau of the Budget, as amended;
- (5) A list of all environmental control permits held by or for the facility;
- (6) The nature and concentration of any pollutants in the discharge which are limited by a city, state or federal pretreatment standard (sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended);
- (7) Time and duration of contribution;
- (8) Average daily and peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (9) Site plans, floor plans, mechanical and plumbing plans, and details showing all sewers, sewer connections, and appurtenances by size, location and elevation;
- (10) Number of employees, hours of operation of plant and, if required in accordance with other provisions herein, the proposed or actual hours of operation of pretreatment system;
- (11) Description of activities, facilities and plant processes on the premises, including all materials which are, or could be, discharged;
- (12) Each product by type, amount, process(es), and rate of production, if applicable;
- (13) Type and amount of raw materials processed (average and maximum per day), if applicable;
- (14) Current Slug/Spill Plan as identified in 40 CFR 403.8(f)(2)(v);
- (15) Description of on-site storage and off/on-site disposal of waste not disposed of to the sanitary sewer.
- (16) A list and description of the waste transporters and disposal facilities (with their EPA/TCEQ/ the Control Authority identification numbers).
- (17) A list and description of the pollution prevention activities in the past 5 to 10 years.

(158) Any other relevant information as may be deemed by the director to be necessary to evaluate the permit application, or as required under Section 34-476(5) of this division.

- (b) It shall be the permittee's continued duty to provide, when requested by SAWS the Control Authority, information necessary to ensure current information and data required as part of the permit application. Such requests by SAWS the Control Authority may be presented to the permittee in writing, or by a representative of the SAWS THE the Control Authority at the time of an inspection. Failure to provide such information will be considered a violation of this division.
- (c) Incomplete or inaccurate permit applications will not be processed and will be returned to the user for revision.

(3) Wastewater Discharge Registration

(a) (Non-Significant Industrial Users)

The Control Authority may require other users to obtain a wastewater discharge registration application as necessary to carry out the purposes of this division.

When the Control Authority requires a user to register its wastewater discharge, that user shall obtain a Wastewater Discharge Registration application, 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 may include the following items:

- (1) Name(s), address(es) including the legal description, location(s);
- (2) Name(s), official title(s), and address(es) of the owners and/or operators;
- (3) The identity of the authorized representative including his or her name, official title, address, and date of birth;
- (4) NAICS number(s) according to the current edition of the North American Industrial Classification System, 1997 Office of Management & Budget, as amended;
- (5) A list of all environmental control permits held by or for the facility;
- (6) The nature and concentration of any pollutants in the discharge which are limited by a city, state or federal pretreatment standard (sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended);

- (7) Site plans, floor plans, mechanical and plumbing plans, and details showing all sewers, sewer connections, and appurtenances by size, location and elevation;
- (8) Number of employees, hours of operation of facility
- (9) Description of activities, facilities and plant processes on the premises, including all materials (Material Safety Data Sheets) which are, or could be, discharged;
- (10) Pretreatment device details;
- (11) Daily discharge / flow information
- (12) Any other relevant information as may be deemed by the Control Authority to be necessary to evaluate the registration application, or as required under Sections 34-474(2b) and 34-475 of this division.

The Control Authority will evaluate the data furnished by the user and may require additional information. A wastewater discharge registration 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. The Control Authority may require periodic self-monitoring analysis of the user's wastestream for compliance and / or surcharge assessment. The Control Authority may require periodic cleaning and maintenance of any pretreatment device in accordance with section 34-518 of this Article.

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

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(45) *Wastewater discharge permit decisions.* The eControl aAuthority will evaluate the data furnished by the user and may require additional information. Within sixty (60) calendar days of receipt of a complete wastewater discharge permit application, the eControl aAuthority will determine whether or not to issue a wastewater discharge permit. The eControl aAuthority may deny any application for a wastewater discharge

permit.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

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 eControl aAuthority shall issue the wastewater discharge permit to the user.

- (1) *Permit duration.* Permits issued to significant industrial users shall be issued for a period of three (3) years, and not to exceed five (5) years. ~~Permits may be issued, under special conditions determined by the director, for a period of less than three (3) years and may expire on a specific date, or for a period of less than (5) years if established by the Control Authority.~~ The terms and conditions of the permit are subject to modification by the department during the term of the permit as limitations or requirements as identified in this division are modified, or other just cause exists that warrants modification.
- (2) *Permit contents.* A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the eControl aAuthority 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:
 - (a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 - (b) A statement that the wastewater discharge permit is non-transferrable without prior notification to and authorization from the department in accordance with section 34-475(4) of this division;
 - (c) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a regional system sewer, and/or for the monitoring, sampling, testing, and analysis thereof;
 - (d) Limits on the average and maximum wastewater constituents and characteristics;
 - (e) Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - (f) Requirements for installation and maintenance of inspection and sampling facilities, including technical data relative to location, slope, and capacity of piping used in the sampling facility or discharge point;
 - (g) Specifications for monitoring programs which may include the number of sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

- (h) Compliance schedules for the installation of technology needed to meet applicable pretreatment standards and requirements, including specific dates and increments of progress. Compliance schedules shall be filed according to sections 34-478(1)(c)(7) and 34-478(2) of this division;
 - (i) Requirements for submission of technical reports or discharge reports;
 - (j) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by SAWSthe Control Authority and affording SAWSthe Control Authority access thereto as specified in 40 CFR 403.12(o);
 - (k) Requirements for reporting the introduction of any new wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the regional system;
 - (l) Requirements for reporting accidental and/or slug discharges as per the provisions of this division;
 - (m) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (n) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
 - (o) A statement of applicable civil and criminal penalties for violation of the permit and/or this division;
 - (p) Other conditions as deemed appropriate by the department to ensure compliance with this division, including but not limited to, self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type.
- (3) *Wastewater discharge permit modification.* The eControl aAuthority may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - (b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

- (d) Information indicating that the permitted discharge poses a threat to the POTW, ~~SAWS~~the Control Authority personnel, the receiving waters, its sludge quality, and/or upset to the wastewater treatment plant;
 - (e) Violation of any terms or conditions of the wastewater discharge permit;
 - (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (g) Revision of a categorical pretreatment standard pursuant to 40 CFR 403.13;
 - (h) To correct typographical or other errors in the wastewater discharge permit; or
 - (i) To reflect a transfer of the facility ownership or operation to a new owner or operator, or to reflect a change in the authorized representative including date of birth;
 - (j) The director reserves the right and shall have the authority to deny any increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit.
 - (k) To change from a discharge to zero discharge permittee, or vice versa, the ~~e~~Control ~~a~~Authority may require all unsettled violations be resolved through the ~~SAWS~~the Control Authority legal department.
- (4) *Wastewater discharge permit transfer.* Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the ~~e~~Control ~~a~~Authority and the ~~e~~Control ~~a~~Authority approves the wastewater discharge permit transfer. The notice to the ~~e~~Control ~~a~~Authority must include a written certification by the new owner or operator which:
- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - (b) Identifies the specific date on which the transfer is to occur;
 - (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit; and
 - (d) States whether liabilities for past or present permit violations will become the responsibility of the new owner/operator.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer, and shall constitute a violation of this division.

- (5) *Wastewater discharge permit revocation.* The eControl aAuthority may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (a) Failure to notify the eControl aAuthority of significant changes to the wastewater prior to the changed discharge;
 - (b) Failure to provide prior notification to the eControl aAuthority of changed conditions pursuant to section 34-478(5) of this division;
 - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (d) Falsifying self-monitoring reports;
 - (e) Tampering with monitoring or surveillance equipment;
 - (f) Refusing to allow the eControl aAuthority timely access to the facility premises and records;
 - (g) Failure to meet effluent limitations;
 - (h) Failure to pay fines;
 - (i) Failure to pay sewer charges;
 - (j) Failure to meet compliance schedules;
 - (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
 - (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this division; or
 - (n) Failure to provide, operate and maintain, at all times, wastewater pretreatment equipment as is necessary to comply with this division.

Wastewater discharge permits shall be voidable upon cessation of operations. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user, however, liability for violations of previous permits will not be extinguished by the issuance of a new permit.

- (6) *Wastewater discharge permit renewal.* A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit renewal by submitting a complete permit application, in accordance with section 34-474(2) of this division, a minimum of ninety (90) days

prior to the expiration of the user's existing wastewater discharge permit. Failure to reapply for a permit may result in an enforcement action.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

Sec. 34-476. Liquid waste transportation regulations.

Liquid waste transporter permits will be issued in accordance with the provisions of Article V, Division 4 of this chapter, the liquid waste transportation and disposal regulations, as amended.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

Sec. 34-477. Compliance monitoring.

(1) *Monitoring facilities.*

- (a) Industrial users shall install and maintain monitoring facilities that allow inspection, surveillance and sampling at the discharge point and/or internal drainage systems located on private property. Permanent flow measurement, metering and/or totalizing devices for surcharge calculations and/or determination of the mass of pollutants discharged shall be required when deemed appropriate by the director. These facilities shall be provided by the industrial user and operated at the user's expense. All devices installed by an industrial user used to measure water and/or wastewater flow and quality shall be calibrated at a minimum of one time per calendar year to ensure accuracy. The monitoring facility should normally be situated on the user's premises, but ~~SAWS~~the Control Authority may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed on the sidewalk area and located 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 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 samples (including independent samples) of any indirect discharge at any reasonable time in accordance with the applicable provisions of this division. Where an industrial user has safety and/or security measures in force which require user issuance of special safety equipment and/or proper identification and clearance before allowing entry into their premises, the user shall make the necessary arrangements with their security guards or similar personnel, so that upon presentation of suitable identification, personnel from SAWS the Control Authority, the state, or EPA will be permitted to enter any or all areas of the user's facility, without delay, for the purpose of performing responsibilities reasonably associated with those stated above and reasonably required to accomplish the purposes and objectives of this division.
 - (c) Results of concentration and constituent analysis of wastewater from samples collected from any industrial user may be determined by SAWS the Control Authority or its authorized agent, the approval authority, a professional engineer contracted by the discharger, or by any other qualified party approved by SAWS the Control Authority.

- (d) If the industrial user elects to contract with a professional engineer or other qualified party for sampling and analysis of wastewater, all results of such sampling and analysis shall be submitted to the director, and all reports submitted shall contain a statement certifying that the samples collected and values reported are developed in accordance with the collection and analytical procedures contained in section 34-474 of this division, 40 CFR 403.12, and the appropriate federal categorical pretreatment standards, as applicable. Each significant industrial user will be sampled at least twice each year, or more frequently if required by the local pretreatment program.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the eControl aAuthority and shall not be replaced. The costs of clearing such access shall be borne by the user.

(3) *Search warrants.* Failure to allow access to a building, structure, or property, or any part thereof, when SAWS the Control Authority personnel is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the SAWS the Control Authority-designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the eControl aAuthority may seek issuance of a search warrant from the Municipal Magistrate of the City of San Antonio or the County Judge of Bexar, or any judge of appropriate jurisdiction.
(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

Sec. 34-478. Reporting requirements.

- (1) *Baseline monitoring reports.*
 - (a) Within either six (6) months after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the eControl aAuthority a report which contains the information listed in paragraph (c) below.
 - (b) At least ninety (90) days prior to the commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the eControl aAuthority a report which contains the information listed in paragraph (c) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
 - (c) Users described above shall submit the information set forth below:
 - (1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.
 - (2) *Environmental permits.* A list of any environmental control permits held by or for the

facility.

- (3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- (5) *Measurement of pollutants.* Information regarding pretreatment standards sampling include the following:
 - (i) The categorical pretreatment standards applicable to each regulated process.
 - (ii) The results of sampling and analysis identifying the nature and concentration or mass, where required by the standard or by the eControl aAuthority of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and average concentrations, (or mass where required), shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 34-478(9) of this division.
 - (iii) Sampling must be performed in accordance with procedures set out in section 34-478(10) of this division.
- (6) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) *Compliance schedule.* If additional pretreatment and/or additional operation and maintenance is necessary to meet the pretreatment standards, then the shortest schedule by which the user will provide such additional pretreatment and/or operation and maintenance will be utilized. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 34-478(2) of this division.
- (8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 34-474(3) of this division.

(2) *Initial database monitoring.* The permittee shall initially document six (6) consecutive months of discharge monitoring to determine compliance with effluent standards established in the permit. If any

discharge is found to be in violation of the permit limits, the permittee shall develop corrective measures to achieve and maintain consistent compliance. Techniques specified in 40 CFR 403 and 40 CFR 136 shall be used to collect and analyze any wastewater samples in connection with this database monitoring requirement.

(3) *Compliance schedules and progress reports.* The following conditions shall apply to the compliance schedule required by section 34-478(1)(c)(7) of this division.

- (a) The compliance schedule shall allow the user to voluntarily establish goals and time frames for meeting those goals for installing, modifying, and/or maintaining pretreatment equipment and/or practices to identify and resolve conditions in their operation which have resulted in noncompliance. The user shall notify the eControl Authority within five (5) working days from the initial compliance schedule meeting, stating whether or not they will enter into a compliance schedule. Within fifteen (15) working days of the initial compliance schedule meeting, the user shall submit a proposed compliance schedule to the eControl Authority for review. No enforcement action will be taken against the user for instances of noncompliance which occur during an approved compliance schedule. Such instances of noncompliance may be the subject of enforcement at a later date should the user commit violations after the expiration of the applicable compliance schedule. Users must remain compliant for a minimum of one calendar year from the expiration date of the schedule. The director may issue one extension to the user, if the user can document progress toward meeting the compliance schedule and the request for additional time is valid and reasonable;
- (b) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (c) No increment referred to above shall exceed nine (9) months; however, the duration of the compliance schedule and any individual increment shall be determined at the discretion of the eControl Authority;
- (d) The user shall submit a progress report to the eControl Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (e) In no event shall more than nine (9) months elapse between such progress reports to the eControl Authority.

(4) *Reports on compliance with categorical pretreatment standard deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the eControl Authority a report containing the information described in ~~section 34-478(1)(c)(4)–(6)~~ of this division. For users subject to equivalent mass or

concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with ~~section 34-474(3)~~ of this division.

(5) *Periodic compliance reports.*

(a) All significant industrial users shall, at a frequency determined by the eControl 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.

(b) All wastewater samples must be representative of the user's discharge.

(c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the eControl Authority, using the procedures prescribed in section 34-478(10) of this division, the results of this monitoring shall be included in the report.

(6) *Notification of changed conditions.* Each user must notify the eControl Authority promptly, in writing, of any planned substantial or significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater, including a change in the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12 (p).

(a) The eControl Authority may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 34-474(2) of this division.

(b) The eControl Authority may issue a wastewater discharge permit under section 34-475 of this division or modify an existing wastewater discharge permit under section 34-475(3) of this division in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the discharge of any previously unreported pollutants.

(7) *Notification of potential problems.* In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, the user shall immediately telephone and notify the department and the appropriate wastewater treatment plant of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. Within five (5) days following such discharge, the user shall submit a detailed written report describing the items as referenced in sections 34-473(4) and 34-473(5) of this division.

(8) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the eControl aAuthority 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 eControl aAuthority within thirty (30) days after becoming aware of the violation. The user is not required to resample if the eControl aAuthority monitors at the user's facility at least once a month, or if the eControl aAuthority 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).

(9) *Notification of the discharge of hazardous waste.* Unless otherwise permitted by this division, the discharge of hazardous waste into the POTW is strictly prohibited and constitutes a violation of this division. Should a user discharge hazardous waste, said user must comply with the following provisions:

- (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and the ~~TNRCC~~ TCEQ, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). All SIU's who commence discharging after the effective date of this rule shall provide notification no later than one hundred and eighty (180) days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 34-478(1), 34-478(3) and 34-478(4) of this division.
- (b) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the eControl aAuthority, the EPA Regional Waste Management Division Director, and the ~~TNRCC~~ TCEQ of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (c) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (d) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this division, a permit issued thereunder, or any applicable federal or state law.

(10) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. All analytical results submitted to the division shall include supporting quality assurance/quality control documentation.

(11) *Sample collection.* All sample collection should be performed pursuant to the applicable requirements of 40 CFR 403.12.

- (a) Except as indicated in subparagraph (b), the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not infeasible, the eControl aAuthority may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (b) Samples for compliance monitoring for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(12) *Timing.* Written reports will be deemed to have been submitted on the date postmarked. For reports which are not transmitted through or by a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(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. 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. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the SAWS Control Authority, or where the user has been specifically notified of a longer retention period by the eControl authority. (Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

Sec. 34-479. Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the eControl aAuthority's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests in writing, and is able to demonstrate to the satisfaction of the eControl aAuthority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law or federal law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall be stamped "confidential business information" on each page containing such information and shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES / TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

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

The control authority shall publish annually, in 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. The term significant noncompliance shall mean as is defined in section 34-471(6).

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97):

- ~~(a) — Chronic violations of 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; or~~
- ~~(b) — Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements for each 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) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (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 40 CFR 403.8(f)(1)(vi)(B) 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) 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.~~

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

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:

- (1) *Enforcement response plan.* In accordance with 40 CFR 403.8(f)(5)(ii), SAWS the Control Authority has in use an enforcement response plan (ERP), including an enforcement response guide (ERG) which shall be used by SAWS the Control Authority in initiating and, if necessary, in escalating, enforcement responses with regard to any instance of user noncompliance. The ERP is subject to change as required, and is consistent with approval authority procedures and guidelines.
- (2) *Legal action.* In addition to any other remedies provided by this division, SAWS the Control Authority may, at any time, seek legal and/or equitable remedies, or prosecute criminal charges against any person, corporation or other entity believed to be in violation of this division, the provisions of an industrial wastewater discharge permit and/or any federal or state law or regulations governing water quality or industrial wastewater pretreatment over which SAWS the Control Authority has been given enforcement powers. The SAWS the Control Authority legal staff is hereby authorized and instructed to commence such actions for appropriate legal and/or equitable relief in courts having proper jurisdiction and may seek civil penalties and any other legal or equitable relief available under common law, Chapter 54 of the Texas Local Government Code, or any other applicable local, state, or federal code or statute. The control authority may require that an enforcement meeting be held prior to implementing legal action; however, such a meeting shall not be a bar against or prerequisite for taking any enforcement action against the user.
- (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.
- (4) *Response by the industrial user to the notice of violation.* The industrial user responding to receipt of a notice of violation shall file a written response in the following form:
 - (a) The industrial user shall submit a written report within the fifteen (15) working days designated in section 34-481(3) to the director. If the violation involves a discharge that is prohibited, or exceeds quantity, quality, or concentration limitations, the report shall contain information regarding the time, date, location, cause, source, quantity, quality and concentration of the discharge and the corrective measures actually taken, or to be taken, by the industrial user to correct and prevent any similar recurring discharges. If the

violation is an administrative or procedural violation, the report shall contain information regarding corrective measures and time schedules the industrial user has adopted to assure expeditious compliance.

- (b) Should the recipient of a notice of violation fail to respond in writing to the director within the initial fifteen (15) working day response period as required in section 34-481(3), above, the user shall be considered in violation of this division with each day resulting in a separate violation. Such failure to respond may be cited by the director in any legal proceeding in the appropriate municipal, county, district, or federal court.
- (5) *Injunctive relief.* When the control authority finds 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 petition the court through SAWS the Control Authority legal staff for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this division on activities of the user. The control authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (6) *Consent orders.* The director or his designated representative is hereby empowered to enter into consent orders, assurances of voluntary compliance, establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have legal force and effect and shall be judicially enforceable. The director may require that a compliance schedule pursuant to sections 34-478(1)(c)(7) and 34-478(3) of this division be included and followed as a condition of the order. No order shall in any way waive a national categorical pretreatment standard.
- (7) *Compliance schedule.* The compliance schedule is discussed in sections 34-478(1)(c)(7) and 34-478(3) of this division.
- (8) *Compliance orders.* When the director or his designated representative finds that a user has violated or continues to violate the division, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within fifteen (15) calendar days. If the user does not come into compliance within fifteen (15) calendar days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and/or management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

- (9) *Emergency suspension.* The director may unilaterally order the suspension of water and/or wastewater service(s) to any user in order to prevent or eliminate an indirect discharge which may cause imminent, serious endangerment to the health or safety of any person, significant damage to the environment, significant interference with the POTW, or violations of SAWS the Control Authority, ~~TNRCTCEQ~~ or NPDES permit conditions. Concurrent with ordering such a suspension, the director shall issue a written report containing information and investigative data and the notice of violation and suspension order upon which the director relies in ordering the suspension of service(s). A copy of this report will be expeditiously forwarded to the affected industrial user.
- (a) The director shall order reinstatement of any discontinued water and/or wastewater service(s) upon presentation to him by the industrial user of a registered professional engineer's report or other written proof acceptable to SAWS the Control Authority-that the dangerous discharge has been eliminated and that recurrence is not likely.
 - (b) Costs incurred by SAWS the Control Authority-or its agents in detecting, investigating, monitoring, measuring and eliminating the dangerous discharge, along with any disconnect and reconnect fees, shall be reimbursed to SAWS the Control Authority-by the user(s) responsible for the dangerous discharge within sixty (60) days of billing. Any property damage to the POTW or its appurtenant structures resulting from the dangerous discharge shall also be borne by the user(s) responsible for the discharge.
 - (c) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the control authority prior to the date of any show cause or termination hearing under sections 34-481(10) and 34-481(11) of this division.
- (10) *Cease and desist orders.* When the control authority finds 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, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:
- (a) Immediately comply with all requirements; and
 - (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (11) *Termination of discharge.* In addition to other provisions of this division, any user who violates the following conditions of this division, wastewater discharge permits, or orders issued

hereunder, is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;
- (e) Violation of the pretreatment standards in section 34-472 of this division.
- (f) Failure to provide, operate and maintain, at all times, wastewater pretreatment equipment, as is necessary to comply with this division.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

Sec. 34-482. Penalties.

- (1) *Penalties for violations.*
 - (a) *Criminal.* A conviction for violation of this division shall constitute a Class C misdemeanor. A person convicted of a violation of this division shall be fined a minimum amount of not less than two hundred dollars (\$200.00) per violation and a maximum amount of not more than two thousand dollars (\$2,000.00) per violation. Each violation of a particular section of this division shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division. A culpable mental state is not required to prove an offense under this division.
 - (b) *Civil.* A civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation of this division may be imposed. Each violation of a particular section of this division shall constitute a separate offense, and each day such offense continues shall be considered a new violation for purposes of enforcing this division, and calculating the amount of civil penalties.
- (2) *Falsifying information.* Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this division or pursuant to any condition or provision of an industrial wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inoperable monitoring, sampling or surveillance devices or improperly impedes an inspection procedure required or authorized under this division and/or any industrial wastewater discharge permit, shall upon conviction, be punished by a criminal fine of not less than two hundred dollars (\$200.00) or more than two thousand dollars (\$2,000.00) or a civil penalty not to exceed five thousand dollars (\$5,000.00) per violation per day. A person found guilty of damaging equipment used or necessary for monitoring compliance with an industrial wastewater discharge

permit and/or this division, shall also be liable for the cost associated with replacing or repairing such equipment. Reports and other documents required to be submitted or maintained in accordance with 40 CFR 403.12 shall further be subject to Provisions Governing Fraud and False Statements as provided for at 40 CFR 403.12(n).

(3) *Damage, Theft and Vandalism.* A person found responsible of damaging, stealing, or vandalizing Control Authority equipment, used or necessary for monitoring compliance with an industrial wastewater discharge permit and/or this division, shall also be liable for the cost associated with replacement or repair of such equipment.

(34) *Remedies nonexclusive.* The remedies provided for in this division are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the SAWS the Control Authority enforcement response plan. However, the control authority may take other action against any user when the circumstances warrant. Further, the control authority is empowered to take more than one enforcement action against any noncompliant user.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

Sec. 34-483. Supplemental enforcement action.

(1) *Performance bonds.* The control authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this division, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to SAWS the Control Authority, in a sum not to exceed a value determined by the control authority to be necessary to achieve consistent compliance.

(2) *Liability insurance.* The control authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this division, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(3) *Water supply severance.* Whenever 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, water service to the user may be terminated. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(4) *Public nuisances.* A violation of any provision of this division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the control authority. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing SAWS the Control Authority for any costs incurred in removing, abating, or remedying said nuisance, which shall include, but is not limited to, industrial waste solids accumulation wastewater odors, vapors, and/or objectionable color(s) of the sanitary and/or storm sewer.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

Sec. 34-484. Industrial wastewater advisory board.

~~(1) An advisory board is hereby created which shall be known as the "Industrial Wastewater Advisory Board." The board shall provide information and recommendations to the board of trustees, president/CEO, and the director. The board shall consist of eleven (11) members appointed by the San Antonio Water System Board of Trustees, upon the recommendation of the president/CEO of SAWS.~~

~~(2) Membership of the board shall consist of substantially equivalent proportions of the following five (5) categories:~~

~~(a) Private citizens;~~

~~(b) Representatives of public interest groups;~~

~~(c) Public officials;~~

~~(d) Representatives of organizations with substantial economic interests in industrial wastewater regulations;~~

~~(e) Representatives of educational institutions with a background in environmental studies.~~

~~(3) The function of this board shall be:~~

~~(a) To make written recommendations to the board of trustees, president/CEO, and the director regarding the regulations of industrial wastewater;~~

~~(b) To foster constructive interchange among the various interests represented by the board;~~

~~(c) To enhance the prospect of community acceptance of industrial wastewater regulations;~~

~~(d) To provide a forum for public comment on current and proposed regulations and other important issues pertaining to industrial wastewater.~~

~~(4) Board members shall serve for a two-year term, and shall receive no compensation for their services from the SAWS.~~

~~(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)~~

Sec. 34-4854. Fees.

It is the purpose of this section to provide for the recovery of costs from users of the SAWS the Control Authority wastewater disposal system for the implementation and continued operation of the pretreatment program established herein. All industrial users shall pay the following fees, as appropriate, and in accordance with the current fee schedule, within thirty (30) days of billing:

(a) A permit application fee;

- (b) A permit fee;
- (c) Sampling fee;
- (d) Analysis fee;
- (e) Environmental assessment;
- (f) Other fees as ~~SAWS~~ the Control Authority may deem necessary to carry out the requirements contained herein, such as, but not limited to emergency response fees, special sampling fees, monitoring equipment reset fees, etc. These fees relate solely to the matters covered by this division and are separate from all other fees, fines, and penalties chargeable by ~~SAWS~~ the Control Authority or any other agency.

The San Antonio Water System Board of Trustees is hereby authorized to amend the fee schedule, from time to time, by resolution, when a change in the amount of fees is required to adequately recover the costs reasonably related to the performance of the functions for which the fee is charged.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97)

Secs. 34-4865--34-510. Reserved.

DIVISION 4.

LIQUID WASTE TRANSPORTATION AND DISPOSAL REGULATIONS*

* **Note:** See the editor's note to Art. IV of this chapter.

Sec. 34-511. Definitions.

For the purpose of this division, the following words and phrases shall have the meanings respectively described to them by this section unless the context requires otherwise.

CEO. The chief executive officer of the San Antonio Water System.

City. The City of San Antonio, Texas as represented by the official acts of the city council and council designated representatives.

Commercial vehicle wash. A business enterprise in a fixed location at which vehicle washing (conveyorized, self service, or roll-over/automatic) is offered to the public for a fee, and which utilizes wastewater pretreatment (i.e. grit trap(s)) to process wastewater prior to discharge into the public sanitary sewer collection system.

Department. The San Antonio Water System, ~~Quality Control~~ Resource Protection and Compliance Department.

Director. The director of the department of quality control Resource Protection and Compliance Department or his or her designated representative or agent.

Discharge. The unpermitted disposal, deposit, injection, dumping, spilling, leaking or placing of any liquid waste including but not limited to solid or semi-solid grease trap waste, grit trap waste, and/or septic tank waste into or on any land, water, sanitary or storm sewer facilities so as to cause such waste or any constituent thereof to adversely enter the environment, or be adversely emitted into the air or into any water including ground waters.

Disposal site. A permitted facility or part of a permitted facility, including collection sewers and sludge handling facilities at which liquid wastes is approved to be collected, transported, treated, and intentionally disposed of by conveyance to receiving waters and/or lands. These types of facilities must be classified as either a publicly owned treatment work (POTW), or as a Type I (landfill) or Type V (other, i.e. liquid processing), Type VI (experimental facilities) or Type VII (land application for beneficial use) Municipal Solid Waste Facility as defined under 40 CFR part 257 and TAC, Part IX, Chapter 330, Subchapter D, Section 330.41.

Disposal site operator. A person, firm, corporation, municipal corporation, or utility permitted or registered by the appropriate state and/or federal regulatory agencies to engage in receiving, storing, transferring, processing and/or ultimately disposing of liquid waste, including but not limited to, grease trap waste, grit trap waste, and septage.

Division: The San Antonio Water System Resource Compliance Division.

Generator. A person who causes, creates, generates, stores or otherwise produces liquid waste, including but not limited to grease trap waste, grit trap waste and septage as a byproduct of some domestic or non-domestic activity.

Grease trap. A receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of organic, inorganic, greasy or fatty liquid, semiliquid, and/or solid wastes into both public and private sanitary sewers to which the receptacle is directly or indirectly connected.

Grease trap waste. Any organic, inorganic, greasy or fatty liquid, semi-liquid, and/or solid wastes collected by and ultimately removed from a grease trap for proper disposal.

Grit trap. A receptacle utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of petroleum-based oil and grease wastes and inorganic or other solids into both private and public sanitary sewers to which the receptacle is directly or indirectly connected. This definition shall include waste oil recovery traps and sumps that are designed to recover waste oils and intercept the passage of oils and solids generated from a commercial operation into the sanitary sewer system.

Grit trap waste. Oil and grease wastes, and inorganic solids generated by commercial, industrial, automotive or heavy machinery repair and/or washing facilities that are collected by and ultimately removed from a grit trap for disposal. This definition shall include wastes removed from a waste oil recovery trap, excluding oils recovered for recycling.

Hazardous waste. A solid waste, or combination of solid wastes, which, because of its quantity,

concentration, or physical, chemical, or infectious characteristic may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed or (c) is identified, classified or listed as a hazardous waste as defined by 40 CFR Part 261.3.

Liquid waste. Water-borne solids and liquids containing dissolved or suspended waste materials, including but not limited to, septage and wastes from grease traps and grit traps.

Manager. The person responsible for conducting, supervising, managing or representing the business activities of a generator or transporter.

Manifest. The written, multi-part documentation required to be in the possession of the transporter enabling disposal of hauled grit trap waste, grease trap waste, and septage at a permitted or registered disposal site as provided for in section 34-516 of this division.

Manifest system. A record keeping and accounting system consisting of a multi-paged manifest booklet and other forms used to document specific data regarding the point of generation, transportation, volume and disposal of grit trap waste, grease trap waste, and septage.

Mobile processing vehicle. A liquid waste transportation vehicle which is designed to separate water from the liquid waste while the vehicle is in transit.

Mobile waste generator. The owner or operator of a vehicle on which liquid waste is generated and stored in a holding tank. Examples include recreational vehicles and tour buses.

Permit. The formal written control document issued by the San Antonio Water System to a transporter which entitles such transporter to collect, transport and dispose of grease trap waste, grit trap waste and septage at a permitted or registered treatment storage, or disposal site or facility, and regulates said activities.

Permittee. A person issued a permit under this division.

Person. An individual, corporation (including a government corporation), organization, state or federal governmental subdivision or agency, political subdivision of a state, interstate agency or body, business, trust, partnership, association, firm, company, joint stock company, commission, or any other legal entity.

Regional agent boundary. The geographic area within which the San Antonio Water System is the designated responsible governmental agency to construct, operate, and maintain regional sanitary sewerage systems pursuant to the authority of Texas Water Quality Board Order No. 72-0120-11 passed and approved on January 20, 1972, as may be amended.

Sanitary sewer. A system of pipes, conduit, and treatment facilities owned and/or operated by the San Antonio Water System which collect, transport, and treat sanitary sewage, and to which storm, surface, and ground waters are not intentionally or normally admitted.

SAWS. The City of San Antonio, acting by and through the San Antonio Water System permit,

Ordinance No. 77784 as amended.

Septage. Liquid wastes and sludges containing sufficient liquid content, normally more than eighty-five (85) percent, to permit flow by gravity or minimal pumping, which is removed from a portable toilet, chemical toilet, septic tank (as used herein), or cesspool. Septage does not include non-domestic wastes from commercial or industrial establishments.

Shall. The word "shall" whenever used in this article, will be interpreted in its mandatory sense; "may" is permissive.

Tank. A receptacle device or structure designed to contain an accumulation of liquid waste including but not limited to grease trap waste, grit trap waste, and septage which is constructed of materials (e.g., concrete, steel, alloy, fiberglass, plastic, etc.) manufactured to provide appropriate structural support for the containment.

~~TNRCC TCEQ.~~ Texas Natural Resource Conservation Commission on Environmental Quality.

Transporter. A person who utilizes a vehicle to transport liquid waste which is:

- (a) Disposed of within the regional agent boundary; or
- (b) Transferred within the regional agent boundary for the purpose of disposal; or
- (c) Collected from a generator or waste hauler within the regional agent boundary.

Transfer station. A fixed facility used for transferring liquid waste from collection vehicles to long haul vehicles (one transportation unit to another transportation unit), which must be registered or permitted through ~~TNRCC TCEQ.~~

Trip ticket. A coupon purchased from SAWS ~~the Control Authority~~ for the disposal of septic or portable/chemical toilet waste at the authorized SAWS ~~the Control Authority~~-disposal facility.

Vehicle. A mobile receptacle or device in which or by which liquid waste may be transported upon a public street or highway.

Vehicle wash grit drying facility. A facility constructed and maintained at a commercial vehicle wash that is designed to dry grit trap wastes from commercial vehicle wash facilities and which has registered with the San Antonio Water System's ~~Quality Control Department~~ Resource Compliance Division to perform such activity.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Sec. 34-512. Liquid waste transportation.

(1) *General.* Any person using the streets and/or rights-of-way of the City of San Antonio to transport liquid waste must exercise reasonable, prudent and sufficient care when undertaking such activity in order to preserve the health, safety and general welfare of the community. In order to engage in such activity the transporter must obtain all necessary documents, and comply with all procedures required by local, state and

federal regulations.

(2) *Spills.* In the event of a spill during collection or transport, the transporter shall immediately telephone the San Antonio Water System, ~~Quality Control Department~~ Resource Compliance Division, at the telephone number listed in their permit. Notifications made pursuant to this section shall, at a minimum, provide the following:

- (a) The time the discharge occurred;
- (b) The location of the discharge;
- (c) The type of waste discharged (including its concentration, volume, known dangerous characteristics, etc.);
- (d) Any corrective actions including diking, if any, taken by the transporter;
- (e) Any other conditions, factors or circumstances that would indicate any need for expeditious, specialized or unique response to the discharge.

The transporter shall take any and all action as may be required by local, state, or federal officials having jurisdiction so that the discharge will not present a public health or environmental hazard. Such action may include diking, vacuuming, flushing, applying chemical agents or otherwise neutralizing the discharge.

(3) *Responsibilities.* Failure to promptly and properly notify the appropriate jurisdictional authorities of a spill and take such action as required by said authorities shall constitute a violation of this division. (Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Sec. 34-513. Permit requirements.

(1) *General.* A person shall be in violation of this division if he operates or causes the operation of a vehicle on the city streets or public rights-of-way for the purpose of collecting, transporting, or disposing of grease trap waste, grit trap waste, septage, or other liquid wastes without first obtaining a liquid waste transportation permit from the director or his or her designated representative. For the purposes of this section, each instance of transporting, collecting, or disposal of such wastes without a permit shall be considered a separate violation.

(2) *Permit application.* In addition to complying with the proper registration procedures established by the state, a person intending to engage in the activity of transporting grit trap waste, grease trap waste or septage must first submit a permit application to the San Antonio Water System, ~~Quality Control Department~~ Resource Compliance Division and therein supply the department with the following information and documentation:

- (a) Name, business and mailing address(es), and telephone number of the applicant transporter.
- (b) The trade name under which the applicant transports or intends to transport liquid waste.

- (c) The number and type of vehicles and their tank volumes the applicant shall operate together with a general physical description or manufacturer's trade description of each vehicle; the registration number assigned to the company by the state; and a photocopy of the driver's license of all vehicle operators under the employ of the applicant.
- (d) The period of time the applicant has been engaged in the activity of transporting grit trap waste, grease trap waste, and septage, and the daily hours of operation of his intended transportation activity.
- (e) A statement setting out any record of criminal convictions against the applicant, or anyone under his employ, resulting from the unlawful operation of a vehicle used to transport liquid waste, including grease trap waste, grit trap waste, and septage.
- (f) Documentation evidencing that the applicant has obtained the necessary insurance required under this division.
- (g) Any other requested relevant information which bears a reasonable relationship to the regulation of permittees under this division and is necessary to evaluate the permit application.

(3) *Investigation of information set out in application.* The staff of the ~~SAWS~~ the Control Authority may conduct an investigation to determine the accuracy of information supplied by the applicant prior to the issuance of a permit. Supplying false information to the department shall be grounds for refusal to grant a permit or revocation of a permit if already issued. The transporter shall update information contained in the application, in writing, to reflect any changes in the information required by the initial application prior to making these operational changes.

(4) *Insurance requirements.*

- (a) Prior to the issuance of a permit, the applicant must file with the San Antonio Water System, evidence (certificate of insurance) of a policy of automobile liability insurance and thereafter keep same in full force and effect with an insurance company authorized to do business in the State of Texas. The policy shall insure the public against any loss or damage that may result to any person or property from the operation of a defective vehicle or negligence of the owner or any person driving or otherwise operating such vehicle, and the vehicle insurance provisions of such policy shall provide a minimum amount of coverage in the policy as to each and every transporter vehicle to be not less than one million dollars (\$1,000,000.00) for bodily injury or death of any one person, for bodily injury or death in any one accident, for the damage to, or destruction of, property in any one accident. Coverage is to include the pollution liability endorsement with limits not less than one million dollars (\$1,000,000.00). Such coverage shall be endorsed to cover the upset, overturn, and remediation of the load in transport.
- (b) The certificate of insurance required by this subsection shall contain a provision requiring that the San Antonio Water System be provided with thirty (30) days advance notice, in writing, of cancellation or material change in the policy. In the event of cancellation or material change in the transporter's policy, the permit shall be suspended until such time as the transporter can again secure appropriate coverage.

(5) *Vehicle inspection.* Prior to the issuance of a permit, the department shall require the applicant to submit, for inspection by the department, each vehicle which will be utilized to transport grit trap waste, grease trap waste, and/or septage. The department or its agents shall determine if the transport vehicle is constructed and equipped in accordance with section 34-514 of this division and the tanks, valves, and hoses on the vehicle are in good repair, prior to permit issuance. In addition to the initial department inspection prior to the issuance of a permit, designated employees of the department are hereby authorized to re-inspect the vehicles periodically in order to observe that the vehicles are generally maintained in good repair so as not to constitute a public health hazard under the provisions of this division. These inspections may take place at any reasonable and safe location during normal business operation hours and are in no way meant to satisfy the otherwise legally mandated inspection of motor vehicle requirements of any department or agency of the State of Texas. All transport vehicles shall have a valid DPS inspection sticker properly displayed, as well as the transportation registration stickers issued by ~~TNRCC~~ TCEQ and ~~SAWS~~ the Control Authority.

(6) *Issuance of permit.* Upon satisfying the requirements set out in section 34-513 herein, the department shall issue a permit to the applicant. The permit shall be valid for a one year period with such period terminating on December 31st of the year of issuance or reissuance. The requirements set out in sections 34-513 herein must be satisfied prior to the reissuance of a permit. Any violations of this division by a permit holder during a permit period shall constitute sufficient grounds for refusal, by the director, to reissue a permit. All permits issued hereunder shall be subject to the following terms and conditions:

- (a) The San Antonio Water System specifically excludes and prohibits the transporting, discharge, or disposal of hazardous wastes in vehicles permitted hereunder to carry liquid waste. Transporters carrying hazardous waste from, within or through, the Regional Agent Boundary must first obtain the special applicable ~~TNRCC~~ TCEQ or EPA permit(s) and use the appropriate hazardous waste transportation and disposal manifest system.
- (b) Prior to the operation of any vehicle regulated by this division, each permitted transporter shall permanently mark such vehicle with specific information. All marking shall be in a color clearly contrasting with the background, in two-inch letters or larger, so as to be clearly visible at a distance of fifty (50) feet. The following information shall be placed on both sides of each permitted vehicle, unless otherwise noted:
 - 1. Company name;
 - 2. Telephone number;
 - 3. ~~TNRCC~~ TCEQ authorization sticker (motorized units only);
 - 4. ~~TNRCC~~ TCEQ assigned registration number;
 - 5. SAWS the Control Authority-assigned permit number on both sides and on the rear of the vehicle.

SAWS# _____

The blank space shall contain the San Antonio Water System's assigned permit number, unique to a particular vehicle;

6. SAWS authorization sticker.

The permitted transporter shall keep the TCEQ registration (including any amendments) and the SAWS permit in the vehicle at all times. Failure to do so will constitute a violation of this division.

(c) A permit issued under this division is non-transferable, and may be revoked by SAWS the Control Authority for violations by the permittee of the term(s) of the permit or of this division. (Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Sec. 34-514. Liquid waste vehicle specifications and maintenance requirements.

All liquid waste transportation vehicles utilizing the city streets and public rights-of-way to transport grit trap waste, grease trap waste and septage must at all operational times conform to the following vehicle specifications and maintenance requirements. Each instance of failure to do so shall constitute a separate violation of this division.

(1) *Vehicle specifications.*

- (a) The vehicle must be equipped with tank(s) that is (are) firmly, securely and permanently attached to the primary structure of the vehicle in such a manner as to assure that the tank(s) will not loosen or dislodge during the transport of liquid wastes. Vehicles with portable or removable tank(s) or other containers temporarily attached or affixed to vehicles are prohibited, unless otherwise approved by the director.
- (b) All piping, valves, and connectors shall be permanently attached to the tank(s) and/or vehicle.
- (c) The tank(s) must be liquid tight.
- (d) The tank(s) must be constructed so that every interior and exterior portion can be thoroughly cleaned.
- (e) All piping, valves, and connections shall be accessible and easy to clean.
- (f) The inlet, or the opening of the tank(s) shall be constructed and located so that collected waste shall not spill during filling, transfer or transport.
- (g) Outlet connections shall be constructed so that no liquid waste shall discharge, leak, run or spill out from the tank(s).
- (h) Outlets are to be of a design and type suitable for the liquid waste to be safely removed and be capable of controlling outflow without discharge, spillage, spray, or flooding of

immediate surroundings while in use.

- (i) Pumps, valves, cylinders, diaphragms and other appurtenances shall be of a design and type suitable for the liquid waste to be safely loaded, transported and removed, be capable of operation without discharge, spillage, spray or leakage, and be easily disassembled for cleaning.
 - (j) All vehicles used to transport liquid waste shall have sight gauges maintained in a manner which can be used to determine whether or not a vehicle is loaded and the approximate capacity. Gauges are not required to read in gallons or liters, but shall show what percentage of the tank capacity is filled.
 - (k) All vehicles used to transport liquid wastes shall prominently mark all discharge valves and ports. All discharge ports shall be visible and readily accessible. The position of the vacuum pump, i.e. pulling a vacuum into the tank or pumping air into the tank, must also be clearly labeled.
- (2) *Maintenance requirements.* A liquid waste transporter shall:
- (a) Maintain hoses, tanks, valves, pumps, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good operation and repair and free from leaks.
 - (b) Provide a safety plug or cap for each inlet and outlet tank valve.
 - (c) Cause the vehicle exterior to be clean, vector free and relatively odor free at the beginning of each working day and provide for intermittent wash downs of vehicle exterior and wash outs of tank interiors as necessary to maintain the above conditions at all times.
 - (d) The permittee shall remove the ~~SAWS~~ the Control Authority-authorization sticker, and ~~SAWS~~ the Control Authority permit number from the vehicle when it is no longer permitted to collect, transport or dispose of liquid waste or when the vehicle ownership changes.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Sec. 34-515. Responsibilities of liquid waste transporters.

All liquid waste transporters shall conform to the following terms and conditions in collecting, transporting, and disposing of liquid waste. Any liquid waste transporter failing to comply with the responsibilities and requirements set forth below shall be in violation of this division. Each instance of non-compliance shall constitute a separate violation.

- (1) *Determine nature of material.* Prior to accepting a load of liquid waste for transportation, a liquid waste transporter shall, to the best of his ability, determine the volume, nature and classification of the material to be transported and that his/her permit, vehicle and equipment are sufficient to legally and properly accept, transport, and dispose of the load without discharge, spillage,

leakage of the material, or release of malodorous fumes. Upon delivery of the waste to the disposal site, the transporter shall inform the disposal site operator of the content of the waste. At the discretion of the department or the disposal site operator, the liquid waste presented for disposal may be sampled and tested prior to disposal to verify the classification, quality, concentration, character or volume of the liquid waste. The ~~SAWS~~ the Control Authority-cost for conducting any positive, confirming test resulting in verification of unpermitted transport or prohibited discharge shall be paid by the permittee.

- (2) *Interceptor evacuation.* A liquid waste hauler shall completely evacuate all grease or grit traps and other interceptors during servicing. Further, the discharge of liquid, semi-solids, or solids back into an interceptor after servicing is strictly prohibited. Mobile processing vehicles shall not discharge separated water back into the interceptor or into the wastewater collection system.
- (3) *Mixing of different types of waste.* A liquid waste transporter shall not mix incompatible wastes in the same tank load. Incompatible wastes are wastes which have different processing, storage or disposal requirements. Transporters may mix wastes with different characteristics provided the facility to which the waste is being transported is authorized to store, process or dispose of such mixed wastes.
- (4) *Storage of liquid wastes.* The storage of liquid wastes in unpermitted temporary storage tanks by liquid waste transporters is prohibited. Transporters may store liquid waste in a permitted vehicle for up to four (4) days.
- (5) *Utilize appropriate disposal sites.* All liquid waste transporters shall deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the disposal facility agrees to receive the wastes and the facility has written authorization by permit or registration issued by ~~TNRCC~~ TCEQ to receive the wastes.
- (6) *Utilization of manifest system by transporters of grease trap waste, grit trap waste, and septage.* All liquid waste transporters holding a ~~SAWS~~ the Control Authority-permit for transporting grease trap waste, grit trap waste, or septage shall utilize the manifest system set out in section 34-516 herein. It is the responsibility of the permittee to assure that all manifests are completely and accurately filled out in a timely manner, except that liquid waste transporters will not be held accountable for the waste generator signature portion of the manifest. Generators who fail to sign a liquid waste manifest will be considered in violation of this division.
- (7) Person who engage in the secondary transportation of waste (meaning receiving waste from other vehicles and transporting the waste to a disposal site) or any person choosing to transfer waste from one transport vehicle into another transport vehicle shall transfer the waste only at a registered or permitted type V transfer station. Emergency transfers may occur with prior approval from the director or his designee.
- (8) Liquid waste transporters may accept commercial vehicle grit trap waste for transportation to a registered vehicle wash grit drying facility. This facility may either be located onsite or it may be located within fifty (50) miles of the interceptor if the offsite facility is owned by the same generator. The transporter shall follow the manifest procedures found in section 34-516 anytime

the liquid waste is shipped from a commercial vehicle wash interceptor location to an offsite vehicle wash drying facility. The registered vehicle wash grit drying facility should be indicated on the manifest as the disposal site. A liquid waste transporter shall verify that the vehicle wash grit drying facility is registered prior to accepting or discharging commercial vehicle wash grit trap waste. Verification shall be accomplished by reviewing a copy of the registration issued by SAWS the Control Authority. Disposal of commercial vehicle wash grit trap wastes within the regional agent boundary at a drying facility that is not registered by SAWS the Control Authority will be a violation of this division.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Sec. 34-516. Manifest system.

A manifest system consisting of manifest booklets shall be used by all transporters holding SAWS the Control Authority permits to transport grease trap waste, grit trap waste, and septage. Each manifest shall thoroughly document the following information:

- (a) The interceptor capacity, time and date of service, the quantity and type of liquid waste being transported;
- (b) The generator's name, address, telephone number and signature at the time of receipt of liquid wastes by the transporter;
- (c) The transporter's corporate, business or trade name, address and telephone number;
- (d) The transport vehicle operator's name with signature;
- (e) The transporter's permit number issued by the San Antonio Water System;
- (f) The registration number assigned to the transporter's vehicle by the state;
- (g) The disposal site name, address, permit or registration number assigned by the state, the time and date of disposal; and
- (h) The signature of the disposal site operator.
- (1) *Manifest booklets.*
 - (a) Manifest booklets shall be purchased from the San Antonio Water System in accordance with the fee schedules currently in effect. Manifest booklets shall be marked as appropriate for use with a specific liquid waste transportation vehicle. A transporter must complete one manifest for each generator interceptor serviced, with the exception of chemical/portable toilet companies servicing their own units. Chemical/portable toilet companies servicing their own units which may be located at various locations shall be required to complete one manifest for each vehicle load transported. Each individual carbonless, print-trace manifest shall consist of five parts:

1. The white original of the manifest shall be signed by the transporter and generator at the time of the liquid waste collection.
2. The yellow copy shall be given to the generator once signed by both the transporter and generator.
3. The white original of the manifest shall be signed by the disposal site operator at the time of disposal and the pink copy maintained by the disposal site operator.
4. The green copy of the manifest shall be maintained by the transporter.
5. The goldenrod copy shall be returned to the generator within fifteen (15) days upon completion of the above steps.

It shall be the responsibility of the liquid waste transporter to return the goldenrod copy to the generator within fifteen (15) days of disposal.

Any transfer, processing or other disposal facility which ships liquid waste from their site to another disposal facility, must also follow this manifesting procedure. The waste to be shipped must be remanifested onto a new manifest, with the transfer, processing or disposal facility's location listed as the generator in the waste producer section of the manifest.

- (b) The director may make administrative modifications to the manifest form used. Each manifest booklet shall contain twenty-five (25) manifests serially numbered. The department shall keep a record of the manifest serial numbers purchased by the liquid waste transporter. The department may issue more than one manifest booklet to any transporter, at the department's discretion, based on volume of business, number of trucks, etc. Additional manifest booklets may be purchased only after previously issued and completed manifest booklets have been properly returned to the department.
 - (c) In the event that a manifest booklet is lost or stolen, the permittee shall submit a sworn and notarized affidavit stating the circumstances surrounding the loss of the booklet, the probable contents of the wastes transported and disposed of, and efforts made to locate the booklet. After reasonable investigation by the department indicates no fraudulent or wrongful acts by the permittee, the department shall not unreasonably deny continued purchase of manifest booklets. Excessive instances of lost manifest books will be a violation of this division. More than three (3) lost books in one (1) permit year will be considered excessive.
- (2) *Unlawful use of manifests.* Falsification of any information required in a manifest shall be grounds for immediate suspension or revocation of a ~~SAWS~~ the Control Authority-liquid waste transportation permit and each instance of falsification shall be considered a separate violation of this division. The physical transfer of manifests by a permit holder to anyone other than the permittee's transportation vehicle operators or the department is prohibited. Purchase and/or resale of manifests from any source other than the department is prohibited. Each instance of

purchase, transfer, or resale of manifests shall constitute a separate violation of this division.

- (3) *Maintenance of manifest records.* All permittees shall maintain all transporter manifest copies for a period of five (5) years. All generators shall maintain generator manifest copies for a period of five (5) years. All disposal site operators shall maintain all disposal site manifest copies for a period of five (5) years. The department shall maintain all department manifest copies for a period of five (5) years. Should any pending administrative law proceeding or litigation mandate that such records be preserved for more than five (5) years, affected persons shall adhere to the dictates of those proceedings.
- (4) *Manifest discrepancies.* A facility which receives waste must note any significant discrepancies on each copy of the manifest ticket. Manifest discrepancies are differences between the quantity or type of waste designated on the manifest, and the quantity or type of waste a facility actually received. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis. Significant discrepancies in quantity are:
 - (a) For bulk weight, variations greater than ten (10) percent in weight; and
 - (b) For liquids, any variation greater than fifteen (15) percent in gallons.

Upon discovering a significant discrepancy, the transporter must attempt to reconcile the discrepancy with the waste generator or owner or operator of the receiving facility (e.g., with telephone conversations). If the discrepancy is not resolved within fifteen (15) days after discovery, the transporter must immediately submit to SAWS the Control Authority a letter describing the discrepancy and attempts to reconcile it, and a copy of the trip ticket(s).

- (5) *Notification of unpermitted transporter.* A disposal facility located within the regional agent boundary which receives liquid waste from a transporter who cannot produce a SAWS the Control Authority issued-liquid waste transportation permit and a SAWS Control Authority authorization sticker shall notify SAWS ~~Quality Control Department~~ the Control Authority within three (3) days of receiving the waste.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Sec. 34-517. Disposal site procedures.

All liquid waste transporters permitted hereunder shall follow the procedures required by the appropriate city, state, or federal authority when disposing of liquid waste in a registered or permitted disposal site under the jurisdiction of such authority. Additionally, the following procedures must be followed by liquid waste haulers holding SAWS Control Authority-permits when disposing of septage at one of the SAWS Control Authority approved liquid waste disposal sites. SAWS The Control Authority 's' disposal facilities do not accept grease trap or grit trap wastes.

- (1) *Disposal site entry/exit.* SAWS Control Authority permit holders shall exercise caution when entering and exiting disposal sites and shall obey all traffic control regulations and especially speed limit signs and direction signs.

(2) *Disposal procedures.* A SAWS Control Authority permit holder shall not dispose of waste at the disposal site until authorized disposal personnel have done the following:

- (a) Inspected the permit holder's permit and SAWS the Control Authority authorization sticker to see if they are still valid;
- (b) Verified that the manifest being presented by the permittee's employee is appropriate for both the classification of waste being transported and the vehicle tank capacity being used;
- (c) Signed the manifest and received the disposal site operator's copy of same; and
- (d) Verified and collected the appropriate volume of trip tickets required for disposal.

A liquid waste transporter who fails to follow these procedures shall be in violation of this division.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Sec. 34-518. Responsibilities of generator and disposal site operator.

The liquid waste generators and disposal site operators shall have the following responsibilities, and failure to perform such responsibilities shall constitute a violation of this division:

(1) *Generators.*

- (a) It shall be the responsibility of every generator of liquid waste to:
 - 1. Know or ascertain the contents, characteristics and classifications of wastes generated.
 - 2. Have liquid waste removed from his premises by a transporter holding the proper SAWS Control Authority, city, state, and/or federal permits or registrations required to collect and transport such waste.
 - 3. Make a determination that the waste to be hauled under this division is non-hazardous, as required.
- (b) A generator of hazardous waste, or liquid waste in combination with hazardous waste, shall only have such waste removed from his premises by a transporter holding the applicable state or federal permit or registration to transport said wastes.
- (c) A generator of grease trap waste or grit trap waste shall have traps serviced as frequently as necessary to prevent bypass or overflow, and to insure proper operation of the trap. Such generators shall, at a minimum, have grease traps and grit traps serviced quarterly or as approved by the director in accordance with all other provisions of this division.

- (d) A generator of grit trap waste, grease trap waste or septage shall sign the manifest presented by the liquid waste transporter holding a SAWS Control Authority permit at the time of service and shall keep the generator manifest copies for a period of five (5) years. The records, both the generator copy (yellow) and the generator - final copy (goldenrod) shall be maintained at the location where the interceptor is located, unless a written request to store the records at a different location is submitted to ~~SAWS Quality Control Department~~ the Control Authority for approval and ~~SAWS~~ the Control Authority approval is granted. Appropriate department personnel may inspect such receipts during normal business hours.
- (e) A generator shall, in addition to the requirements above, be responsible for performing the following:
1. Install or provide a collection point for grit trap waste, grease trap waste, or septage of a size and type specified by the appropriate city, state, or federal authority, if any such specification exists. This facility may be the same (with possible modifications or adaptations) required by the SAWS the Control Authority pursuant to the San Antonio City Code, chapter 34, article V, division 3, as may be amended.
 2. Continuously maintain the collection point in an accessible, clean, safe and proper operational condition.
 3. Monitor the transporter's evacuation and cleaning of the waste interceptors.
 4. Report discharges, spills or accidents involving the collection point which pose a threat to the public health or potential damage to the environment involving the collection point to the department immediately.
 5. Recover all accidental spills and discharges immediately and have such waste disposed of by a transporter holding a valid permit, license or registration from the appropriate city, state, or federal authority.
- (f) Generators are prohibited from placing any agent, including but not limited to emulsifiers, surface active agents, enzymes, degreasers or any type of product that will liquify grease trap wastes, directly into a grease trap or into any drain that leads to the grease trap.
- (2) *Mobile waste generators.* Liquid waste generated by bus companies, recreational vehicles or other mobile sources must be disposed into the sanitary sewer system via a cleanout designed for this purpose or at an appropriate disposal facility. It shall be considered a violation of chapter 34, article VI, division 5, section 34-702(a)(6) to allow liquid waste to discharge into a street, storm drainage system, water course or stream or other unapproved location.
- (3) *Disposal site operators.* Liquid waste disposal site operators which accept liquid waste from a transporter permitted by the SAWS Control Authority shall comply with the terms of this

division and receive waste from a transporter holding a SAWS Control Authority permit issued hereunder according to the requirements of the permit and this division. Every disposal site operator shall maintain the operator's copy of a manifest from a SAWS Control Authority liquid waste transporter permit for a period of five (5) years. The disposal site operator shall submit copies of all liquid waste manifests to SAWS the Control Authority on a monthly basis, by the 15th day of each month.

- (4) *Commercial vehicle wash facilities.* A commercial vehicle wash facility which uses a registered vehicle wash grit drying facility shall comply with the following requirements:
- (a) The commercial vehicle wash owner/operator must use a permitted liquid waste transporter to collect and dispose of commercial vehicle wash grit trap waste if public right-of-way will be used for the transportation and/or disposal of such waste while in liquid form (prior to drying).
 - (b) The commercial vehicle wash owner/operator must clean out each grit trap quarterly, at a minimum, or more often as needed to prevent illegal discharge of pollutants into the sanitary sewer collection system and to ensure proper operation of the grit trap(s) as a pretreatment device. Owners of facilities performing onsite self-servicing of grit traps must document the date the trap was cleaned, the approximate quantity of waste removed for drying, the date the dried grit was sent offsite for final disposal, and the final disposal location. A SAWS Control Authority liquid waste transportation manifest is not required for onsite transfers, as long as the self-servicing record are maintained. The commercial vehicle wash owner shall submit this information to SAWS ~~Quality Control Department~~ the Control Authority annually by December 31 of each year.
 - (c) If the vehicle wash grit drying facility is located onsite and public right-of-way is not used for transferring the waste from the interceptor to the drying facility, the waste must be transferred in a manner that prevents spillage. In the event grit is spilled during the transfer, the spill must be cleaned up immediately. Grit may not be placed into a stormwater collection system.
- (5) *Vehicle wash grit drying facilities.* Vehicle wash grit drying facilities shall comply with the following requirements:
- (a) The submittal of a letter requesting a registration number and describing the vehicle wash grit drying facility, signed by the owner of the facility, shall be submitted to SAWS ~~Quality Control Department~~ the Control Authority. This letter should individually list the addresses of each commercial vehicle facility that will dry its wastes at the drying facility. SAWS The Control Authority will issue a registration number to each drying facility.
 - (b) The vehicle wash grit drying facility, at a minimum, shall be constructed in a manner that is liquid tight and which ensures that all drainage from the facility, if any, is returned to the onsite sanitary sewer collection system at a point upstream from the grit trap. The drying facility must be enclosed or protected in a manner to prevent intrusion or

infiltration of stormwater. Public access to the drying facility must be restricted.

- (c) When commercial vehicle wash grit trap wastes are received from an offsite commercial vehicle wash facility, the drying facility must complete the disposal plant operator section of the manifest. The drying facility shall maintain the pink copy of the manifest in accordance with sections 34-516.3 and 34-518.3 and shall submit copies of all liquid waste manifests to SAWS the Control Authority on a monthly basis, by the 15th of each month. The drying facility may only accept wastes from commercial vehicle wash facilities owned by the same company.
- (d) Commercial vehicle wash grit trap waste is considered appropriately dried when it passes ~~TNRCC's~~ TCEQ's paint filter test. Once the waste is appropriately dried, it is no longer considered liquid waste for the purpose of this division.
- (e) ~~SAWS~~ The Control Authority may revoke a drying facility's registration for failure to comply with the applicable provisions of this division. In the event that ~~SAWS~~ the Control Authority revokes a facility's drying registration, the facility must maintain any onsite grit traps in accordance with this division.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Sec. 34-519. Suspension of permit.

The director may suspend or revoke permit upon a finding by the department that a permittee, or an agent or employee of the permittee has violated any of the terms or conditions of the permit or of this division and that the number or severity of the violations justify the suspension of the permit.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Sec. 34-520. Enforcement.

(1) *Notice of alleged violations.* Whenever the director believes that any person or permittee has violated or is violating this division and/or the liquid waste transportation permit, the director or his designated representative may serve (either personally or by registered or certified mail) upon such person or permittee a written notice stating the nature of the alleged violation. The recipient of an alleged violation notice must respond in writing to the director or his designated representative within fifteen (15) working days from the receipt of such notice.

Should the recipient of an alleged violation notice fail to respond in writing to the director within the initial fifteen (15) working day response period, as outlined in section 34-520, the recipient person or permittee shall be deemed to have admitted to responsibility for the violation.

(2) *Response by person or permittee to notice of alleged violation.* The person or permittee responding to receipt of an alleged violation notice shall file written response, as required by section 34-520, in the most applicable of the following forms:

- (a) Should the person or permittee admit his or her responsibility for the alleged violation, the person or permittee must submit a letter report to the director which:

1. If the nature of the violation of either the permit or this division involves a discharge or disposal of liquid waste that is prohibited herein, contain information regarding the time, date, location, cause, source, quantity, quality and concentration of the discharge or disposal and the corrective measures actually taken by the person or permittee to recover or neutralize the discharge, self-reporting notices submitted to any state, federal or other agencies having jurisdiction, and actions to be taken by the person or permittee to prevent any similar recurrent discharges or disposal.
2. If the nature of the violation of either the permit or this division involves an administrative or procedural non-compliance, the letter report shall contain information regarding corrective measures and time schedules the person or permittee has adopted to assure expeditious and continued compliance.

(b) Should the person or permittee deny his or her responsibility for the alleged violation, the person or permittee must submit a letter report to the director explaining why responsibility is being contested.

(3) *Legal action.* Despite any other provisions contained in this division, the environmental counsel for SAWS the Control Authority is hereby authorized to seek legal and/or equitable remedies against any person or corporation believed by the department to be violating or have violated this division, the provisions of a liquid waste transportation permit, and/or federal or state laws governing water quality, industrial wastewater pretreatment, and hazardous or non-hazardous liquid waste transportation over which SAWS the Control Authority has enforcement authority. A legal proceeding prosecuted under this division does not constitute a waiver by the San Antonio Water System of any right the city may have to join in a legal action originating from an alternative source of law.

The San Antonio Water System may commence such actions for appropriate legal and/or equitable relief in courts having proper jurisdiction and may seek civil penalties and any other legal or equitable relief available under common law, Chapter 54 of the Texas Local Government Code, or any other applicable local, state, or federal code or statute.

(4) *Penalties.*

(a) *Criminal.* A conviction for violation of this division shall constitute a class C misdemeanor. A person convicted of a violation of this division shall be fined a minimum amount of not less than two hundred dollars (\$200.00) per violation and a maximum amount of not more than two thousand dollars (\$2,000.00) per violation. Each violation of a particular section of this division shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division. A culpable mental state is not required to prove an offense under this division. The president/CEO of the San Antonio Water System is hereby authorized to designate qualified San Antonio Water System personnel to serve notices of violations of this section and take all necessary action to file a complaint with the municipal prosecutor's office.

(b) *Civil.* A civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation

of this division may be imposed. Each violation of a particular section of this division shall constitute a separate offense, and each day such an offense continues shall be considered a new violation for purposes of enforcing this division. A culpable mental state is not required to prove an offense under this ordinance.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Sec. 34-521. Fees.

All liquid waste transporters shall pay the following fees, as appropriate, and in accordance with the current fee schedule:

- (1) A permit fee for each vehicle to be permitted;
- (2) A sampling fee;
- (3) An analysis fee;
- (4) A disposal site fee for disposing of septic or chemical toilet wastes at a SAWS Control Authority disposal facility;
- (5) A manifest booklet fee;
- (6) Other fees as SAWS the Control Authority may deem necessary to carry out the requirements contained herein, such as, but not limited to emergency response fees or special sampling fees. These fees relate solely to the matters covered by this division and are separate from all other fees, fines and penalties chargeable by SAWS the Control Authority or any other agency.

The San Antonio Water System Board of Trustees is hereby authorized to periodically amend the fee schedule, by resolution, when a fee increase (or decrease) is required to adequately and appropriately recover the costs reasonably related to the implementation and operation of the liquid waste transportation program.

(Ord. No. 85765, § 2, 3-20-97)

Sec. 34-522. Severability.

If any word, phrase, clause, paragraph, part or provision of this division or its subsections or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of that subsection and of this division shall nevertheless be valid, and the city council hereby declares that the subsection would have been enacted without such invalid, or unconstitutional word, phrase, clause, paragraph, part or provision.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Sec. 34-523. Right of revision.

The city reserves the right to amend this division at any time to establish more stringent specific limitations or requirements on disposal to the regional wastewater transportation and treatment system if deemed necessary by the city to protect the collection, treatment operations and processes or to cure or prevent

an effluent quality problem in potential landfill leachates, treated wastewater and/or resulting sludges. The city reserves the right to amend this division to comply with the general objectives and purposes presented in Article V, Division 3, Industrial Waste and Pretreatment.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Sec. 34-524. Conflict.

All other divisions and parts of other divisions directly conflicting with any part of this division are hereby repealed only to the extent of such direct conflict.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97)

Secs. 34-525--34-550. Reserved.

Affidavit of Publisher

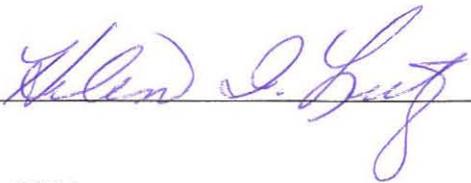
STATE OF TEXAS

COUNTY OF BEXAR

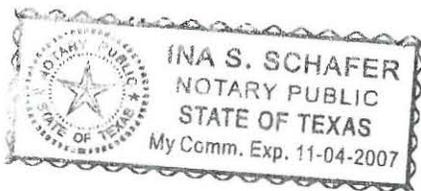
CITY OF SAN ANTONIO

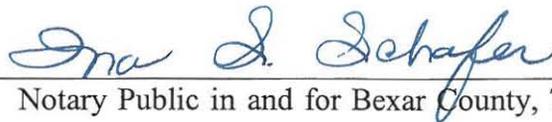
PUBLIC NOTICE
AN ORDINANCE 99480
AMENDING CHAPTER 34 OF THE CITY CODE BY MODIFYING LOCAL REGULATIONS TO IMPLEMENT THE SAN ANTONIO WATER SYSTEM'S PRETREATMENT PROGRAM AND FURTHER AMENDING PROVISIONS OF CHAPTER 34. MAKING APPROPRIATE ADMINISTRATIVE CHANGES TO THE LIQUID WASTE TRANSPORTATION AND DISPOSAL REGULATIONS; AND DIRECTING PUBLICATION.
• • •
PASSED AND APPROVED
this 22ND day of JULY, 2004.
/s/EDWARD D. GARZA
Mayor
ATTEST:
/s/ LETICIA M. VACEK
City Clerk
8/2

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the City of San Antonio-City Clerk-Ordinance 99480 hereto attached has been published in every issue of said newspaper on the following day, to-wit: August 2, 2004.

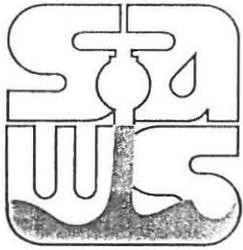


Sworn to and subscribed before me this 2nd day of August, 2004.

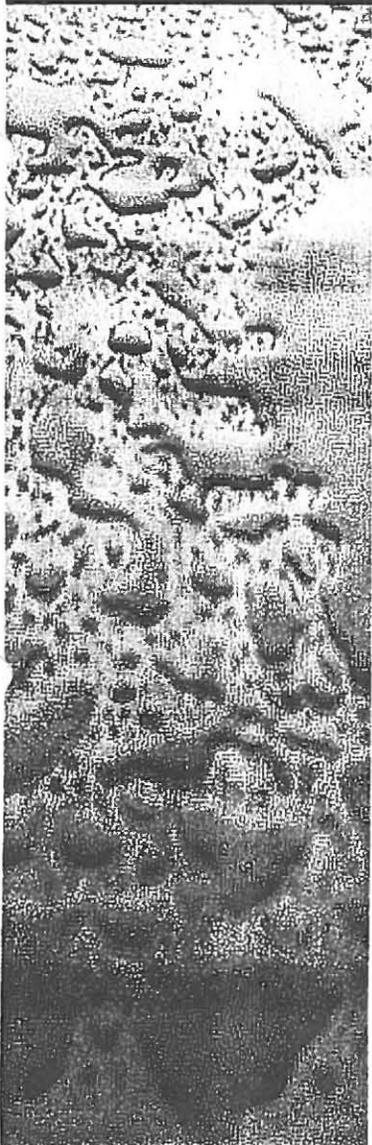




Notary Public in and for Bexar County, Texas



**San
Antonio
Water
System**



Pretreatment Program Modifications and Local Limits Study

Scott R. Halty
Resource Protection &
Compliance Dept.
July 22, 2004

Becoming the Best by 2006

Pretreatment Program and Local Limits

Pretreatment Program

- Program required by law to establish limits on commercial and industrial waste discharges to the sanitary sewer system.

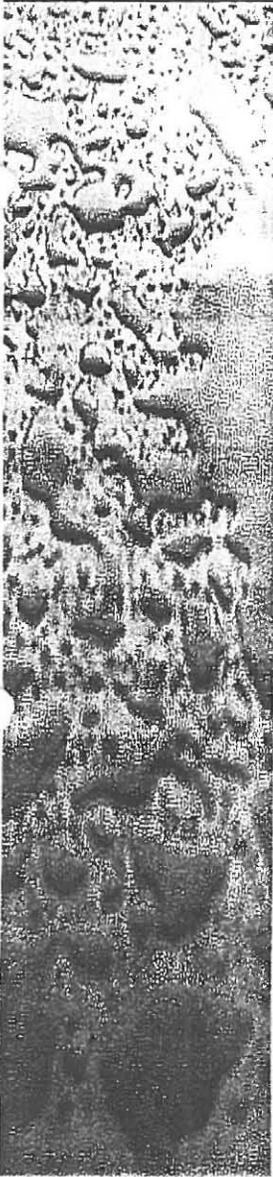
Local Limits

- Local numerical standards set for discharge to the sanitary sewer.

Purpose

- Present required changes to approved pretreatment program
 - Sets administrative, procedural, and technical standards and incorporates Federal, State, and Local regulations governing the discharge of wastes to the sanitary sewer by industrial and commercial sources
- Present results of revised local pollutant limitation study
 - Sets numerical standards for industrial and commercial discharges to the sanitary sewer
- Obtain approval and adoption by City Council

Objectives

- 
- Intended to prevent industrial discharges to the water recycling centers (WRC) that could
 - Adversely impact the collection system or the center's operations
 - Endanger the center's employees
 - Violate sludge disposal requirements
 - Violate WRC effluent discharge limitations

Background

- TCEQ and EPA require local limits reevaluation and program modification as necessary or every five years
 - Directly linked to water recycling center permits
 - The last study was completed in 1994 and adopted in 1995
 - The current study was completed and submitted to TCEQ in October of 2000



Water Recycling Centers

- San Antonio Water System operates eight water recycling centers
 - Four are subject to the requirements of a pretreatment program
 - Dos Rios Water Recycling Center
 - Leon Creek Water Recycling Center
 - Medio Creek Water Recycling Center
 - Salado Creek Water Recycling Center



Approved Pretreatment Program

- The pretreatment program
 - Overseen by the TCEQ and the U.S. Environmental Protection Agency Region 6
 - Requires the development and enforcement of technically based local limits
 - Outlines regulations and requirements for
 - Commercial and industrial users discharging to the sanitary sewer
 - Liquid waste transporters
 - Current and legally defensible set of technically based local limits

General Requirements

- SAWS creates and issues permits to industrial users
 - Industrial requirements
 - Requires self monitoring and inspections
 - Requires discharge sampling

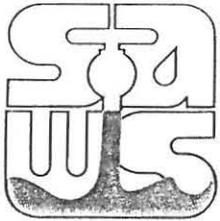
- SAWS performs on-site inspections
 - Monitoring and sampling
 - Validation of recordkeeping requirements

- TCEQ performs audits of the SAWS Pretreatment Program



Pretreatment Program Changes

- Updated organizational charts and job descriptions
- Updated annual budget figures and expenditures
- New WRC discharge flows
- New local discharge limits for industrial / commercial users
- Various definitions added and changed to track Federal and State regulation changes since October 2000
- Updated industrial user inventory
- Addition of “true” interlocal agreements



Local Limits

Pollutant	Proposed Limit	Existing limit
Arsenic	0.7	0.7
Cadmium	0.7	0.7
Chromium (total)	5.0	5.0
Copper	1.5	1.5
Cyanide	0.17	0.1
Lead	0.7	0.7
Mercury	0.05	0.05
Molybdenum	0.12	none
Nickel	5.5	5.5
Selenium	0.02	0.02
Silver	0.5	0.5
Zinc	2.5	2.2

* Proposed limits are Consultant and TCEQ derived values.

Next Steps

- After SAWS Board and Council approval, SAWS must request, from TCEQ, formal incorporation of new program and limits
- Public notice period extends for 45 days to allow EPA comments
- After period expires, changes are incorporated automatically into permits and officially adopted

Recommendation

- Staff recommends approval

The Pretreatment Program was nominated by EPA Region 6 and TCEQ and received second place in the Outstanding Pretreatment Program category for the 2002 National Clean Water Act Recognition Award