

**ORDINANCE                      2019-02-14-0123**

**AMENDING CHAPTER 34 OF THE CITY CODE "WATER AND SEWERS" AT ARTICLE II, DIVISION 6; ARTICLE V, DIVISIONS 3 AND 4; AND ARTICLE VI, DIVISIONS 5 AND 8 OF THE CITY CODE TO COMPLY WITH RECENT AMENDMENTS TO FEDERAL REGULATIONS, ON BEHALF OF SAN ANTONIO WATER SYSTEM (SAWS), AND PROVIDING FOR PUBLICATION.**

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**WHEREAS**, SAWS is required by the Federal Clean Water Act (33 U.S.C.A 1251, et seq.) and regulations administered by the United States Environmental Protection Agency (the "EPA") (40 C.F.R. Part 403 and 122) to implement both a pretreatment and a storm water program to reduce or eliminate the discharge of harmful pollutants into both the sanitary sewer system and the Municipal Separate Storm Sewer System (the "MS4") by permitted dischargers; and

**WHEREAS**, the City Code must be amended to adopt a program for Dental Industrial Users (the "DIUs") including a registration process for DIUs, implementation of a Best Management Plan and to meet state and federal regulations in regards to pretreatment and amalgam separators; and

**WHEREAS**, the federal regulations governing the programs implemented by SAWS for pretreatment, fats, oils and grease, storm water, and backflow prevention, have been amended; and

**WHEREAS**, SAWS has requirements for fire hydrant meter periodic calibration and meter readings for customers authorized by SAWS to use a fire hydrant, and the City Code must be amended to adopt the updated requirement for the hydrant meter to be returned SAWS for inspection and re-calibration every twelve (12) months; and

**WHEREAS**, SAWS has identified other clerical/ministerial changes requiring an update to the listed sections of Chapter 34; and

**WHEREAS**, by Resolution dated September 11, 2018, the SAWS Board of Trustees approved and recommended the requested changes be forwarded to City Council for adoption and approval; **NOW THEREFORE**,

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

**SECTION 1.** Chapter 34 of the City Code of San Antonio, Texas, is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in **ATTACHMENT I**.

**SECTION 2.** All other provisions of Chapter 34 of the City Code of San Antonio, Texas shall remain unchanged and in full force and effect unless expressly amended by this Ordinance.

**SECTION 3.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 4.** The City Clerk is directed to publish notice of this ordinance amending City Code, Chapter 34. Publication shall be in a newspaper in the City in accordance with Section 17 of the City Charter.

**SECTION 5.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing Code.

**SECTION 6.** This Ordinance shall become effective immediately on passage with eight (8) affirmative votes of the City Council, and if passed by upon by fewer than eight votes, then on the tenth (10<sup>th</sup>) day after passage.

**PASSED AND APPROVED this 14<sup>th</sup> day of February, 2019.**

**M     A     Y     O     R**  
**Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Andrew Segovia, City Attorney

# ATTACHMENT I

## ATTACHMENT I

### AMENDMENTS TO CHAPTER 34 OF THE SAN ANTONIO CITY CODE

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#### ARTICLE II. WATER SERVICE AND RATES

##### DIVISION 6. RATES AND CHARGES

###### **Sec. 34-131. Fire hydrant water usage regulations, rates, and meter fees.**

(c) Requirements for fire hydrant meter periodic calibration and meter readings. A customer authorized by SAWS to use a fire hydrant meter must meet the following requirements:

(1) Return the meter to SAWS for inspection and re-calibration every ~~six~~twelve (12) months from the original date of the customer's fire hydrant meter contract; if the customer fails to meet this requirement, the customer will:

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#### ARTICLE V. SEWAGE TRANSPORTATION, TREATMENT AND DISPOSAL

##### DIVISION 3. INDUSTRIAL WASTE

###### **Sec. 34-471. - General provisions.**

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

BOD — Biochemical Oxygen Demand (five day).

BMP – Best Management Practices

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.

DIU – Dental Industrial User

EPA — Environmental Protection Agency.

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TCEQ — Texas Commission on Environmental Quality

TPDES – Texas Pollutant Discharge Elimination System

TOMP — Toxic Organic Management Plan.

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- (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.

*Amalgam process wastewater:* Wastewater discharged from a DIU containing dental amalgam.

*Amalgam Separator:* A collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility with a removal efficiency of at least 95% and meeting the ANSI/ADA criteria as outlined in 40 CFR §441.

*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 the [Ce](#)ontrol [A](#)uthority.

*Best management practices (BMPs):* A schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the requirements listed in subsections 34-472(1) and (2). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw materials storage.

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*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 or CA" shall refer to SAWS or the POTW defined hereinafter, the resource compliance division, or the designated representative or agent, in accordance with the provisions of 40 CFR 403.12 insofar as the pretreatment program was originally approved and effective as of February 15, 1985.

*Daily discharge:* The wastewater discharge from a facility during a normal 24-hour period to the sanitary sewer.

*Daily maximum limit:* The maximum allowable discharge limit of a pollutant during a calendar day. Where a daily maximum limit is expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where a daily maximum limit is expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

*Dental amalgam:* An alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

*Dental Industrial User:* A general dentistry practice or large dental facility described under the NAICS as 621210 that either uses or removes dental amalgam as part of the practice including but not limited to institutions, permanent or temporary offices, clinics, home offices, and facilities operated by Federal, state or local governments that discharge wastewater to the Control Authority. This does not include mobile dental units, dental dischargers that do not place dental amalgam and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances and that certify as such to the Control Authority. Offices that exclusively practice one or more of the following specialties are also not included: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics.

*Department:* The San Antonio Water System Resource Protection and Compliance Department.

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

*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 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.

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*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 plumbing code. Plans for such structures or devices shall be submitted to the ~~director~~ Control Authority 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.

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*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 Control Authority's 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 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 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.

*Mobile Dental Unit:* A specialized mobile self-contained van, trailer, or equipment used in providing dentistry services at multiple locations. The discharge from a mobile dental unit to the Control Authority must include provisions to remove dental amalgam prior to discharge to the collection system.

*Monthly average limit:* The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

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*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 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.



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*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 [C](#)ontrol [A](#)uthority 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.

*Process wastewater:* Any water which, during manufacturing or processing, comes into contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

*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 the [C](#)ontrol [A](#)uthority. This definition includes any devices or systems used in the recycling or reclamation, collection and treatment of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a water recycling center.

*San Antonio [W](#)ater [S](#)ystem (the [C](#)ontrol [A](#)uthority):* 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.

*Sharps:* Sharps means any object contaminated with a pathogen or that may become contaminated with a pathogen through handling or during transportation and also capable of cutting or penetrating skin or a packaging material. Sharps includes needles, syringes, scalpels,

broken glass, culture slides, culture dishes, broken capillary tubes, broken rigid plastic, and exposed ends of dental wires.

*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 numeric 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, including instantaneous maximum allowable discharge limits as defined in subsection 34-471; or
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the numeric measurements for the same 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, instantaneous maximum allowable discharge limit, or narrative standard) that the [C](#)ontrol [A](#)uthority 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 [C](#)ontrol [A](#)uthority'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 forty-five (45) days after the due date, required reports such as baseline monitoring reports, 90-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 or violations which the [Control Authority](#) 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 subsection 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. In addition a slug discharge shall not violate the POTW's regulations, local limits, or individual permit conditions.

*Standard industrial classification (SIC):* A four-digit code created by the U.S. Office of Management & Budget (1987) for statistical classification purposes that describes an industrial activity that takes place at a facility or site. It is possible for a facility or site to have multiple SIC codes depending on the varying activities that take place.

*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 runoff, rainfall runoff and surface runoff and drainage.

*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.

*Treatment, Storage and Disposal Facility:* A facility that treats, stores and disposes of materials (including hazardous materials) and may provide transportation as defined in 40 CFR Parts 264/265, subpart A- E.

*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.

*Waste Amalgam:* Is dental amalgam that is no longer suitable for use in making dental repairs such as excess mix leftover at the end of a dental procedure and amalgam removed as part of a dental repair or replacement. Removed teeth with fillings can contain amalgam and is included as waste in the definition.

*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) and at 40 CFR § 122.2.

*Zero discharger:* An industrial user subject to categorical pretreatment standards that does not discharge any categorical waste to the sanitary sewer collection system. This IU may not discharge waste that has categorical standards to the sanitary sewer collection system as outlined under their SIU permit requirements or local limits whichever is more stringent.

## 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:

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- (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 the [Ce](#)ontrol [A](#)uthority, 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 [Ce](#)ontrol [A](#)uthority, 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 storm\_waters, surface water, groundwater, or subsurface drainage, except as specifically authorized by the [Ce](#)ontrol [A](#)uthority;
- (l) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (m) Any substance which will cause the [Ce](#)ontrol [A](#)uthority 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 [Control Authority](#);
- (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;

\* \* \*

- (y) Discharge of slugs or flows which exceed the carrying capacity of the part of the collection system through which it is discharged.

(z) Waste amalgam including, but not limited to, dental amalgam from chair-side traps, screens, vacuum pump filter, dental tools, cuspidors, or other collection devices, must not discharge to the POTW except as described in 40 CFR §441.

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~~ [Control Authority](#) 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~~ [Control Authority](#) 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 Ceontrol 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 Ceontrol Aauthority shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

(4) *Technically based local limits.*

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(c) Best Management Practices (BMPs)/Pollution Prevention (P2). Users not regulated under local limits shall be regulated under the following guidelines relating to Best Management Practices and pollution prevention. Narrative BMPs may also be incorporated into individual permits.

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~~ [Control Authority](#), 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 [Ceontrol Aa](#)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 and/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.
- [Users may register with the Control Authority using an online format when provided.](#)
- The [Ceontrol Aa](#)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, or records demonstrating employee training.
- The [Ceontrol Aa](#)authority may conduct random inspections to determine compliance independent of the information supplied by an industrial user.

[\(d\) Best Management Practices for DIU. Implementation of BMP for DIU are required by 40 CFR §441. These include, but are not limited to the following controls for waste amalgam.](#)

- [Waste amalgam must be discharged to a separator with 95% efficiency.](#)
- [Dental unit water lines, chair side traps, and vacuum lines must not be cleaned with oxidizing or acidic cleaners, including but not limited to, bleach, chlorine, iodine and peroxide that have a pH lower than 6.0 or greater than 8.0.](#)

- (5) *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 the [Ceontrol Aa](#)authority's standards or requirements.
- (6) *[Ceontrol Aa](#)authority's right of revision.* The [Ceontrol Aa](#)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. The [Ceontrol Aa](#)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.



- (7) *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 the Control Authority and/or state and incorporated in this division. The Control 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.
- (8) *Reserved.*
- (9) *Bypass.*
- (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 (b) and (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.~~
- ~~(c)~~ (1) If a user knows in advance of the need for a bypass it shall submit prior notice to the Control Authority, at least ten (10) calendar days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the Control Authority 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) 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 Control Authority may waive the written report on a case by case basis if the oral report has been received within twenty-four (24) hours.
- ~~(c)~~ (1) Bypass is prohibited, and the Control Authority 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 judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required in this section.

(2) The [Ce](#)ontrol [A](#)uthority may approve an anticipated bypass, after considering its adverse effects, if the [Ce](#)ontrol [A](#)uthority determines that it will meet the conditions listed in this section.

(10) *Act of God.*

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.

**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 [the Ce](#)ontrol [A](#)uthority, 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 [Ce](#)ontrol [A](#)uthority under the provisions of this division.

(2) *Additional pretreatment measures.*

(a) Whenever deemed necessary, the [Ce](#)ontrol [A](#)uthority 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 [Ce](#)ontrol [A](#)uthority 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, [lint](#), grease, oil, grit and sand shall be provided by the user when, in the opinion of the [Ce](#)ontrol [A](#)uthority, 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 [Ce](#)ontrol [A](#)uthority 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.

- (e) Dental Industrial Users must install, operate, and maintain an amalgam separator that meets the following requirements:

- (i) Compliant with either the American National Standards Institute (ANSI) American National Standard/American Dental Association (ADA) Specification 108 for Amalgam Separators (2009) including Technical Addendum (2011), or the International Organization for Standardization (ISO) 11143 Standard (2008), or subsequent versions so long as that version requires amalgam separators to achieve at least a 95% removal efficiency. Compliance must be assessed by an accredited testing laboratory under ANSI's accreditation program for product certification or a testing laboratory that is a signatory to the International Laboratory Accreditation Cooperation's Mutual Recognition Arrangement. The testing laboratory's scope of accreditation must include ANSI/ADA 108-2009 or ISO 11143.

- (ii) The amalgam separator(s) must be sized to accommodate the maximum discharge rate of amalgam process wastewater.

- (iii) A DIU subject to this ordinance that operates an amalgam separator that was installed at a dental facility prior to June 14, 2017, satisfies the requirements of paragraphs (e)(i) and (ii) of this section until the existing separator is replaced as described in paragraph (e)(v) of this section or until the effective date of this ordinance, whichever date is sooner.

- (iv) The amalgam separator(s) must be inspected in accordance with the manufacturer's operating manual to ensure proper operation and maintenance of the separator(s) and to confirm that all amalgam process wastewater is flowing through the amalgam retaining portion of the amalgam separator(s).

- (v) In the event that an amalgam separator is not functioning properly, the amalgam separator must be repaired consistent with manufacturer instructions or replaced with a unit that meets the requirements of paragraphs (e)(i) and (ii) of this section as soon as possible, but no later than 10 business days after the malfunction is

discovered by the dental discharger, or an agent or representative of the dental discharger.

(vi) The amalgam retaining units must be replaced in accordance with the manufacturer's schedule as specified in the manufacturer's operating manual or when the amalgam retaining unit has reached the maximum level, as specified by the manufacturer in the operating manual, at which the amalgam separator can perform to the specified efficiency, whichever comes first.

(vii) For multiple offices located in a single building or complex sharing plumbing and vacuum systems (such as a school or dental complex) the DIUs may be able to install a larger separator rather than each office individually. Individual compliance reports are still required.

(3) *Slug control plan.* Within one (1) year of the effective date of the IU permit issuance date the **C**ontrol **A**uthority shall evaluate whether each significant industrial user needs a plan to control slug discharges. The **C**ontrol **A**uthority may require any user to develop, submit for review, and implement such a plan. In the event of a slug discharge by the IU, the facility will be required to revise, update the slug control plan and perform necessary upgrades to prevent reoccurrence. 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 **C**ontrol **A**uthority 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 follow-up 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~~ [Control Authority](#), 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. The results of the report will be documented and available to the ~~CA~~ [Control Authority](#) upon request. 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, copper forming, aluminum forming, coil coating and electrical and electronic components categories may submit a toxic organic management plan (TOMP) in lieu of [annual](#) 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. Specifically after initial monitoring [in year one \(1\)](#) the TTO monitoring in years two (2), three (3), four (4) and five (5) of the permit cycle may be waived by the ~~CA~~ [Control Authority](#) upon approval and proper implementation of the TOMP. [After approval the TOMP will be incorporated by reference as a Narrative BMP into the discharge permit.](#) 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. 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.

## **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 Ceontrol Authority. Those potential SIUs already discharging may continue to do so provided a permit application is submitted to the ~~division~~ Control Authority in a timely manner for review and final determination.
- (b) The Ceontrol Authority 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 Ceontrol Authority's approved pretreatment program, obtain an industrial wastewater discharge permit, and shall complete and file an application on a form prepared by the Ceontrol Authority. (Refer to section 34-480 concerning confidential or proprietary information). The information requested shall at a minimum include the following items:

\* \* \*

- (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 Ceontrol Authority identification numbers).
  - (17) A list and description of the pollution prevention activities in the past 5 to 10 years.
  - (18) 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.
  - (19) NAICS number(s) according to the current edition of the North American Industrial Classification System Manual, 1997, Office of Management and Budget (OMB), as amended.
- (b) It shall be the permittee's continued duty to provide, when requested by the Ceontrol Authority, information necessary to ensure current information and data required as part of the permit application. Such requests by the Ceontrol Authority may be presented to the permittee in writing, or by a representative of the Ceontrol 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:

\* \* \*

- (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.

(b) Dental Industrial User Registration

As required by 40 CFR §441 the DIU is required to submit a One-time Compliance Report to the Control Authority. The deadline for existing facilities is to submit the report no later than October 12, 2020, or 90 days after a transfer of ownership. For new sources, the report must be submitted no later than 90 days following the introduction of wastewater into the POTW. The report may be submitted in writing or by an online registration. The report shall include the following information:

- (1) Signed and certified by a responsible corporate officer, a general partner or proprietor, or a duly authorized representative in accordance with the requirements of 40 CFR §403.12(l).
- (2) Facility name, physical address, mailing address, contact information, name of the operator(s) and owner(s);
- (3) A description of the operation of the dental facility including: The total number of chairs, the total number of chairs at which dental amalgam may be present in the resulting wastewater, and a description of any existing amalgam separator(s) or equivalent device(s) currently operated to include, at a minimum, the make, the model and year of installation.
- (4) Certification that the amalgam separator or equivalent device is designed and will be operated and maintained to meet the requirements specified in 40 CFR § 441.30 or 40 CFR § 441.40.
- (5) Certification that the dental discharge is implementing BMPs specified in 40 CFR § 441.30(b) or 40 CFR § 441.40(b) and will continue to do so.



- (6) The name of the third-party service provider that maintains the amalgam separator or equivalent devices operated at the dental office, if applicable. Otherwise a brief description of the practices employed by the facility to ensure proper operation and maintenance in accordance with 40 CFR § 441.30 or 40 CFR § 441.40.

The **C**ontrol **A**uthority 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 **C**ontrol **A**uthority 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 **C**ontrol **A**uthority 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.

- (4) *Certification: data accuracy, truthfulness and completeness.* All wastewater discharge permit applications, required documents, and other specified documents submitted to the **C**ontrol **A**uthority must contain the following certification statement, and must be signed by the 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."

- (5) *Wastewater discharge permit decisions.* The **C**ontrol **A**uthority 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 **C**ontrol **A**uthority will determine whether or not to issue a wastewater discharge permit. The **C**ontrol **A**uthority may deny any application for a wastewater discharge permit.

#### **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 **C**ontrol **A**uthority 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 five (5) years or for a period of less than (5) years if established by the **C**ontrol **A**uthority. 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 ~~C~~ontrol ~~A~~uthority 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:

\* \* \*

- (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 the Control Authority and affording the ~~C~~ontrol ~~A~~uthority 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~~ Control Authority 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;
  - (q) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.
- (3) *Wastewater discharge permit modification.* The ~~C~~ontrol ~~A~~uthority 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, the [Ceontrol](#) [Aauthority](#) personnel, the receiving waters, its sludge or recycled water 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 [Ceontrol](#) [Aauthority](#) may require all unsettled violations be resolved through the [Ceontrol](#) [Aauthority](#) 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 [Ceontrol](#) [Aauthority](#) and the [Ceontrol](#) [Aauthority](#) approves the wastewater discharge permit transfer. The notice to the [Ceontrol](#) [Aauthority](#) 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 [Ceontrol](#) [Aauthority](#) may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (a) Failure to notify the [Ceontrol](#) [Aauthority](#) of significant changes to the wastewater prior to the changed discharge;
  - (b) Failure to provide prior notification to the [Ceontrol](#) [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 Control Authority timely access to the facility premises and records;

\* \* \*

#### **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~~ Control Authority. 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 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.

\* \* \*

##### *(2) Inspection and sampling.*

- (a) The 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 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; inspection of potential slug-related discharges; and where applicable, making photographic documentation and obtaining other information necessary to ascertain and ensure ~~currentness of~~ that the correct 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 once per year, and the frequency will depend on the nature and type of

industrial processes as is specified in the [Ceontrol Authority's](#) pretreatment program. Failure to allow access, to permit photographic documentation, or to allow copying of pertinent records will be considered a direct violation of this division.

- (b) The [Ceontrol 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 the [Ceontrol 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 the [Ceontrol Authority](#) or its authorized agent, the approval authority, a professional engineer contracted by the discharger, or by any other qualified party approved by the [Ceontrol 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 [Ceontrol Authority](#) 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 the [Ceontrol 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 [Ceontrol 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 [Ceontrol Authority](#) may seek issuance of a search warrant from the municipal magistrate of the city or the County Judge of Bexar, or any judge of appropriate jurisdiction.

#### **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 ~~C~~ontrol ~~A~~uthority 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 ~~C~~ontrol ~~A~~uthority 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 ~~C~~ontrol ~~A~~uthority 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.
    - (iv) The submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

\* \* \*

- (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 [C](#)eontrol [A](#)uthority 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 [C](#)eontrol [A](#)uthority 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 [C](#)eontrol [A](#)uthority;
  - (d) The user shall submit a progress report to the [C](#)eontrol [A](#)uthority 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 [C](#)eontrol [A](#)uthority.
- (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 [C](#)eontrol [A](#)uthority a report containing the information described in 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 this division.

(5) *Periodic compliance reports.*

(a) All significant industrial users shall, at a frequency determined by the [Control 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. In cases where the Pretreatment Standard requires compliance with a BMP or P2 alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

(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 [Control 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 [Control 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 [Control 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 [Control 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~~ [Control Authority](#) 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 Control Authority 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 Control Authority within forty-five (45) days after becoming aware of the violation. The user is not required to resample if the Control Authority monitors at the user's facility at least once a month, or if the Control Authority 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 Control Authority, the POTW, the EPA regional waste management division director, and the 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 Control Authority, the EPA regional waste management division director, and the 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~~ Control Authority 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 ~~C~~eontrol ~~A~~uthority 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, and documentation associated with Best Management Practices established under subsection 34-472(4)(c). 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. Documentation shall include all necessary data and reports necessary to show compliance with the narrative BMP as described in the IU Permit.

For DIUs the maintenance records shall include the following documentation:

- the date;
- person conducting the inspection;
- results of the inspection of each amalgam separator;
- a summary of any action or repairs needed;
- the type of amalgam retaining container or equivalent;
- the dates that amalgam is collected or shipped for proper disposal in accordance with 40 CFR §261.5(g)(3);
- the name of the Treatment, Storage and Disposal Facility receiving the containers;
- repair or replacement of the device including the date, person making the repair or replacement and a description of the repair or replacement to include the make and model.

A copy of the manufactures operating manual shall be available onsite for the current device. These records shall remain available for a period of at least three (3) years by both the IU and ~~the~~ ~~CA~~ ~~C~~eontrol ~~A~~uthority. This period shall be automatically

extended for the duration of any litigation concerning the user or the [Control Authority](#), or where the user has been specifically notified of a longer retention period by the [Control Authority](#).

(14) *DIU One-time Compliance Reporting.* Existing DIU established prior to July 14, 2017 must install compliant amalgam separators by July 14, 2020 and complete a One-time Compliance Report as described in 40 CFR §411 by October 12, 2020 or 90 days after transfer of ownership. New DIU established on or after July 14, 2017 must install complaint amalgam separators prior to any discharge to the POTW and complete a One-time Compliance Report as outlined in 40 CFR §411 no later than 90 days following the introduction of wastewater into the POTW. The DIU shall submit a copy of the One-time Compliance Report either online or by mail to the Control Authority as required.

#### **Sec. 34-484. - Fees.**

It is the purpose of this section to provide for the recovery of costs from users of 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) [A permit registration fee](#);
- ~~(g)~~ Other fees as 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 the [Control Authority](#) or any other agency.

The special services charges outlined in Schedule E, industrial waste fee schedule, relating to industrial waste permits and services shall be lawful rates charged by the system effective January 1, 2017. The Schedule E charges shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero) between the Consumer Price Index for All Urban Consumers (CPI-U) as it is calculated by the United States Bureau of Labor Statistics at the end of the month of July prior to the next year and as it was calculated at the end of the month of July one year earlier. SAWS will periodically perform a cost of service analysis to ensure that the fees charged do not exceed the cost of providing the services.

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#### **DIVISION 4. LIQUID WASTE TRANSPORTATION AND DISPOSAL REGULATIONS**

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

### *(1) Generators.*

(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~~ensure 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~~Control Authority in accordance with all other provisions of this division.

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## **ARTICLE VI. WATER QUALITY CONTROL AND POLLUTION PREVENTION**

### **DIVISION 5. PROHIBITED DISCHARGES INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM**

#### **Sec. 34-702. - Prohibited discharges into the MS4.**

(a) It shall be a violation of this division for any person to deposit, throw, drain, discharge, cause or allow to be deposited, thrown, drained or discharged, or otherwise cause to be injected into the MS4, or any storm sewer manhole, catch basin, private drain, ditch, street, gutter, creek, stream, tributary, or any other drainage device which connects with or drains into the MS4, any of the following described materials or substances within the corporate limits of the City of San Antonio:

(7) Any soil, soil material, sediment, rock, gravel or other similar materials in such quantities that reduce the capacity or cause an obstruction of the MS4.

(8) Any paint, paint rinse water, waste from vacuum and carpet cleaning, sharps, needles or medical waste, automotive fluids (such as motor oil, antifreeze or gear oil), wastewater from food trucks, grease trap waste or grit trap wastes from carwashes.

(b) It shall be a defense to prosecution under this section that such person was authorized to commit any act under a valid permit from the ~~Texas Natural Resource Conservation Commission~~Texas Commission on Environmental Quality or the United States Environmental Protection Agency, which would otherwise constitute a violation at the time of commission.

#### **Sec. 34-801. Statement of purpose.**

The intent of the ordinance from which this subdivision derives, creating subdivision B, is to satisfy conditions imposed by the City's Texas Pollutant Discharge Elimination System (TPDES) Permit issued by the Texas Commission on Environmental Quality (TCEQ).

All construction addressed by the ordinance from which this subdivision derives is intended to conform to best management practices. Applicable best management practices (BMP) are presently outlined in the Texas Commission on Environmental Quality (TCEQ) Technical Guidance ~~On~~ Best Management Practices, June 1999, Document No. RG-348 (Revised July 2005). The TCEQ guidance may be updated by the agency or revised by the city for integration into the city's technical guidance manual for local construction activity. ~~All these sources are merely recommended guidance and examples for responsible parties.~~ Choice of techniques is at the option of the responsible party.

## **Sec. 34-802. Definitions.**

*NPDES*: National ~~p~~Pollutant ~~d~~Discharge ~~e~~Elimination ~~s~~System.

~~*Qualified Inspector*: Person with credible certification or training or skills as Certified Erosion, Sedimentation and Storm-water Inspector (CESSWI) or certified inspector of Sediment and Erosion Control (CISEC) or equal certification program or as may be required by the State of Texas that demonstrates proficiency in evaluating, interpreting and implementing Best Management Practices and elements of a Storm Water Pollution Prevention Plan (SWPPP). Additionally, a Qualified Inspector must receive a certificate of completion to the SAWS TPDES Inspector Training Workshop.~~

**Sec. 34-805. Additional federal and state requirements generally applicable to responsible parties associated with TPDES Regulated Projects: proper custody of federal or state storm water pollution prevention plans (SWPPP); applicable to parties required to provide TPDES notice of intent (NOI) or Small Construction Site Notice (CSN) to EPA or TCEQ and San Antonio Water System (SAWS); requirement to post TPDES Notices at site; requirement to make SWPPP available to city inspector; copy of Notice of Termination (NOT) or small construction site or large construction site secondary operator completed site notices required by TCEQ or SAWS.**

- (f) The responsible party shall provide SAWS a true and correct copy of any notice of termination (NOT), small construction site completed site notice or large construction site secondary operator completed site notice necessary to close out a project regulated by EPA or TCEQ. This copy shall be sent to SAWS, to the attention of SAWS ~~r~~Resource ~~p~~Protection and ~~e~~Compliance ~~d~~Department, at the time it is sent to EPA or TCEQ.
- (p) All SWPPP documents shall be designed and signed by a licensed professional engineer (Texas) with competence in this area as required by Texas Engineering Practice Act, Section

137, or a ~~e~~Certified ~~p~~Professional in ~~e~~Erosion and ~~s~~Sedimentation ~~e~~Control (CPESC), ~~or other registered/certified professional with competence in this area (such as a landscape architect) or as required by the State of Texas TCEQ.~~

- (q) To assure continued effective compliance with best management practice methodology on the construction/development site, ~~the owner and/or~~ an engineer or ~~certified inspector such as~~ CPESC, ~~e~~Certified ~~e~~Erosion, ~~s~~Sediment and ~~s~~Storm ~~w~~Water ~~i~~Inspector (CESSWI) or ~~e~~Certified ~~i~~Inspector of ~~s~~Sediment and ~~e~~Erosion ~~e~~Control (CISEC) ~~or other equal certification as may be required by the State of Texas (hereinafter referred to as owner's representative)~~, shall conduct ongoing inspections of all erosion/sedimentation controls and direct the person or firm responsible for maintenance to make any repairs or modifications necessary within 48 hours of the initial notification.

**Sec. 34-806. - Best management practices (BMP) guidelines; compliance with this subdivision should not be relied upon by the regulated community to automatically effect compliance with what may be more stringent federal or state regulations pertaining to EPA/~~TNRCC~~-TCEQ permitted construction sites; explanation of federal jurisdiction.**

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## **DIVISION 8. BACKFLOW PREVENTION**

### **Sec. 34-1075. General provisions.**

- (a) *Purpose.* The purpose of this division is to prevent the contamination of water delivered by public water systems by requiring the maintenance, repair, inspection and testing of backflow prevention ~~devices~~ assemblies.

### **Sec. 34-1076. Backflow prevention ~~devices~~ assemblies.**

- (a) Backflow is prohibited. A person shall not maintain a backflow prevention ~~device~~ assembly, plumbing fixture, equipment, or any other ~~device~~ assembly that permits backflow, or fail to install a backflow prevention ~~device~~ assembly that is required by the City Code.
- (b) Each property owner shall cause backflow prevention ~~devices~~ assemblies to be installed in compliance with the provisions of chapter 2410 of the City Code, and the International Plumbing Code and appendices as amended that are adopted by the city in that chapter.

### **Sec. 34-1077. Inspection and testing.**

- (a) Each property owner is responsible for the maintenance and repair of each backflow prevention ~~device~~assembly that is located on the property owner's property.
- (b) Each property owner shall have each backflow prevention ~~device~~assembly located on a property owner's property inspected and tested annually by a state licensed backflow assembly tester. The licensed tester performing the inspection and testing shall complete a report of each inspection and testing on a form approved by the public water system that provides water to the property where the backflow prevention ~~device~~assembly is located.
- (c) Each property owner shall repair or replace a backflow prevention ~~device~~assembly that fails a test before returning the backflow prevention ~~device~~assembly to service.
- (d) Each property owner or the property owner's representative shall deliver the annual report of testing and inspection that is required to be performed by this section to the public water system that provides water to the property where the backflow prevention ~~device~~assembly is located ~~not later than the 30<sup>th</sup> day of June every year~~than thirty (30) days after the date of the inspection and testing.
- (f) A Backflow Prevention Assembly Test and Maintenance form must be completed by a certified backflow prevention assembly tester for each assembly tested. The signed and dated form must be submitted to the public water system that provides water to the property where the backflow prevention assembly is located within ten (10) days after the completed test. Only San Antonio Water System or an approved TCEQ Backflow Prevention Assembly Test and Maintenance forms will be accepted. All test and maintenance reports shall be retained by the owner of the property where the backflow prevention assembly is located for at least three (3) years after the date of any such test.

#### **Sec. 34-1078. - Fees.**

To recover the costs for the implementation of this division, each property owner shall pay the applicable fee for existing backflow and maintenance report that is provided in section 10-83 of the City Code, for each backflow prevention ~~device~~assembly for which an annual inspection is required by this division to the public water system providing water to the location of each backflow prevention ~~device~~assembly. The fee shall be delivered to the public water system with the report of annual inspection and testing that is required by this division. Subject to city council approval, the governing body of each public water system is authorized to amend the amount of the fee charged to recover the costs reasonably related to the performance of the functions for which the fee is charged. The fee may be waived if the report prepared by the state licensed backflow assembly tester that is required by this division is submitted online through the San Antonio Water System electronic submission program.

#### **Sec. 34-1080. - Access to property.**

A public water system, through its employees or authorized agents, may enter property that receives water service from the public water system to inspect backflow prevention ~~devices~~assemblies.