



## Recommendation for Action

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**File #:** 20-2393, **Agenda Item #:** 2.

7/29/2020

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### **Posting Language**

Approve an ordinance amending City Code Chapter 15-10 Wastewater Pretreatment Regulations to maintain compliance with federal and state regulations.

### **Lead Department**

Austin Water.

### **Fiscal Note**

There is no anticipated fiscal impact.

### **Prior Council Action:**

July 31, 2003 - City Council approved on a 5-0 vote.

### **For More Information:**

Inquiries should be directed to the City Manager's Office, at 512-974-2991 or [AgendaOffice@austintexas.gov](mailto:AgendaOffice@austintexas.gov).

### **Council Committee, Boards and Commission Action:**

July 15, 2020 - Recommended by the Water and Wastewater Commission on a 9-0 vote on Commissioner Ho's Motion and Commissioner Castleberry's Second with Commissioner Parton absent.

### **Additional Backup Information:**

Under federal EPA regulations [Title 40, Code of Federal Regulations, Part 403 (40 CFR 403)] and state Texas Commission on Environmental Quality (TCEQ) regulations (Title 30, Texas Administrative Code, Part 1, Chapter 315), Austin Water's wastewater collection system and treatment plants are designated as a Publicly Owned Treatment Works (POTW). These regulations mandate that a POTW must modify its pretreatment program periodically and submit the program modification to TCEQ for approval. These required periodic updates are intended to make sure that regular studies of pollutant loadings to POTWs are conducted to assure that appropriate Technically Based Local Limits (TBLL) are in place to prevent upsets, interference or pass through at the POTW's treatment plants or within its collection systems.

These mandated local updates are also intended to make sure that POTWs continue to have legal authority to enforce pretreatment regulations in a manner consistent with updates to federal and state regulations. In response to numerous changes made to the federal regulations in 40 CFR 403 as a part of EPA's Pretreatment Streamlining Rules, Austin Water submitted proposed changes to TCEQ for its approved pretreatment program. These proposed changes included numerous updates to Chapter 15-10 of the Austin City Code and a highly detailed TBLL evaluation report.

The review and approval process for the program re-authorization by TCEQ has been unprecedentedly long and this has been a state-wide issue for TCEQ. Earlier this year, Austin Water received TCEQ's approval to adopt the attached proposed changes to Chapter 15-10 of the Austin City Code.

The proposed changes fall into one of four categories as described below (a much more detailed stakeholders'

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meeting presentation of all of the proposed changes has been posted on Austin Water's Pretreatment Program's website since 2011):

1. **Federally Required Revisions:** This group of changes includes all of the updates required (not optional) as a part of the federal Pretreatment Streamlining Rules. These changes relate to Slug Control Plan requirements, Best Management Practices expectations, and revised compliance sampling and reporting requirements applicable to non-categorical Significant Industrial Users.
2. **Optional Streamlining Revisions:** This group of changes includes optional provisions the federal rules allow to provide POTWs increased flexibility in applying certain pretreatment program regulations. The optional changes Austin Water has chosen to adopt include: ones related to Significant Non-Compliant user publication requirements, several changes related to increased flexibility in applying limits as either mass loading based limits versus only pollutant concentration based limits, and changes that allow very low volume industrial dischargers to be subject to reduced reporting and self-monitoring requirements.
3. **Other Needed Updates and Revisions:** This group of changes covers all of the other updates and changes to Chapter 15-10. These include: increased flexibility in applying local limits as either mass based or concentration based limits (follows expectations described in the federal streamlining rules), simplification of the permit transfer process, self-monitoring report streamlining, swimming pool discharge approval clarification, wastewater discharge permit requirements and exceptions clarification, slight modification of grease trap cleaning requirements, clarification of liquid waste expectations for discharges to Austin's POTW, and numerous other changes intended to eliminate conflicting language within this chapter and other parts of the City Code.
4. **Change to an Existing Local Limit:** Based on feedback from TCEQ regarding the calculations used in the TBLL evaluation and report, the TCEQ has indicated that the existing local limit for cadmium (0.4 mg/L) should be adjusted to 0.35 mg/L. Austin Water discharge monitoring records indicate that no current industrial users should have difficulty meeting this slightly lower proposed limit. This is the only proposed change to Austin's local limits.

**Strategic Outcome(s):**

Government That Works For All.