



AGENDA MEMORANDUM

First Reading for the City Council Meeting of August 13, 2024
Second Reading for the City Council Meeting of August 20, 2024

DATE: July 16, 2024

TO: Peter Zaroni, City Manager

FROM: Drew Molly, Chief Operating Officer, CCW
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Ordinance to correct the omission of cyanide in Ordinance 033281, Section 55-141(d)(3), as a pollutant limited in permits issued to significant industrial users discharging to Oso Water Reclamation Plant and Broadway Wastewater Treatment Facility, as required by Texas Commission on Environmental Quality.

CAPTION:

Ordinance to amend Ordinance 033281 as required by Texas Commission on Environmental Quality regulations by amending Section 55-141(d)(3) of the City Code to update the list of pollutants for which limits may be established in an industrial discharge wastewater permit utilizing the Broadway Wastewater Treatment Facility and the Oso Water Reclamation Plant, providing for a penalty not to exceed \$2,000 and publication.

SUMMARY:

The amendment to the Ordinance Section 55-141 General Sewer Use Requirements will update the ordinance to more accurately reflect the pollutants regulated by the Technically Based Local Limits (TBLLs) of the City's wastewater treatment program to include total cyanide. The TBLLs are required by the TCEQ as part of the City's Texas Pollutant Discharge Elimination System (TPDES) permits. Total cyanide was unintentionally excluded from the list of pollutants in Ordinance 032381 and must be corrected.

BACKGROUND AND FINDINGS:

Ordinance 033281 was passed and approved on January 30, 2024. This ordinance approved updates to the TBLLs, which are pollutant limitations placed on significant industrial users that discharge to the City's wastewater collection system. These restrictions ensure industrial facilities do not discharge wastewater that contains levels of pollutants that may cause damage to the City's collection system, wastewater treatment plants, or the environment.

Due to a typographical error, ordinance 033281 inadvertently omitted total cyanide as a listed pollutant that may be limited for significant industrial facilities requesting to discharge to the Oso Water Reclamation Plant and Broadway Wastewater Treatment Facility. The Texas Commission on Environmental Quality requires the City to update the ordinance to include this pollutant.

These limits are identified in Section 55-141 and referenced in Section 55-163 of the City Code, which applies to pollutant generators and transporters. Pollutants of concern are determined during TBLL development based on historical influent wastewater data, receiving water bodies, and other regulatory requirements. Cyanide is a pollutant identified by the U.S. Environmental Protection Agency as a potential pollutant of concern and is required to be evaluated. Following data collection, data review, and evaluation of potential criteria, it was determined that cyanide should be a pollutant of concern in the City's TBLL development. During the subsequent TBLL development, allowable limits for all pollutants of concern, including cyanide, were developed and approved by the Texas Commission on Environmental Quality.

Technically Based Local Limits are applied to the wastewater of all industrial users. Industrial users are also required to self-monitor their wastewater and report the results to CCW in addition to independent wastewater monitoring conducted by CCW. The omission of cyanide occurs in Section 55-141(d)(3) of the City Code, which only applies to the Oso Water Reclamation Plant and Broadway Wastewater Treatment Facility and discusses industrial users that may want to connect to those facilities in the future. There are currently no significant industrial users discharging to the Oso Water Reclamation Plant and Broadway Wastewater Treatment Facility, and therefore this update will not affect any current industrial facilities that discharge to the City's wastewater collection system.

TCEQ has requested that the Ordinance approval be completed by September 16, 2024. This process will be complete once proof of the approved Ordinance amendment is submitted to TCEQ.

ALTERNATIVES:

The alternative is to not approve the proposed Ordinance amendment. However, this would violate TCEQ requirements, putting the TCEQ-approved pretreatment program and the City's Wastewater Discharge permits at risk of enforcement proceedings.

FISCAL IMPACT:

N/A

Funding Detail:

N/A

RECOMMENDATION:

Staff recommends amending the Ordinance, as presented.

LIST OF SUPPORTING DOCUMENTS:

Ordinance