

The changes enclosed in this draft of Chapter 34 of the San Antonio City Code are proposed only. They are not final and are still subject to change.

Updates to this draft may be made in light of customer and community feedback to this draft. You can provide feedback directly to SAWS by completing a survey on [WateringRules.com](https://www.wateringrules.com).

Any changes to City Code must be approved by the San Antonio City Council before becoming effective.

Highlighted Areas indicate changes.

Rate Schedule D

Schedule 1. Predetermination Administrative Notice and Hearing Procedures

Schedule 2. Flat Rate Sewer Program Procedure

Schedule 3. Customer Service Appeals Committee

Schedule "A" Chilled Water Service Rate Schedule for Downtown Area

Schedule "B" Chilled Water Service Rate Schedule for Port San Antonio

Rate Schedule A (2018)

Rate Schedule A (2023)

Rate Schedule B (2018)

Rate Schedule B (2023)

Rate Schedule C (2018)

Rate Schedule C (2023)

Rate Schedule D (2018)

Rate Schedule D (2023)

Rate Schedule E (2018)

Rate Schedule E (2023)

Rate Schedule F (2018)

Rate Schedule F (2023)

Rate Schedule G (2023)

Rate Schedule H (2023)

Drought Surcharge Schedules

Footnotes:

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Charter reference— *Authority of city to acquire and maintain property for water and sewer systems, § 3, par. 13(1), (23); powers with respect to sanitary sewer system, § 3, par. 10; public works department, § 60 et seq.*

Cross reference— Buildings generally, § 6-1 et seq.; fire prevention, § 11-1 et seq.; flood plains, § 12-1 et seq.; swimming pools, § 15-186 et seq.; standards and specifications for mobile home parks, § 18-61 et seq.; swimming in city parks, § 22- 86; fishing in city parks, § 22-101; streets and sidewalks, § 29-1 et seq.; subdivisions, § 30-1 et seq.; zoning, § 35-1 et seq. **State Law reference**— Authority of home rule cities to enact ordinances more stringent than minimum state standards with respect to water and sewage, Vernon's Ann. Civ. St. art. 4477-1, § 23.

ARTICLE I. - IN GENERAL

DIVISION 1. - GENERALLY

Sec. 34-1.01. - Title.

This chapter shall be known as the Water and Sewer Chapter of the City of San Antonio City Code.

(Ord. No. 80330, § 1, 6-16-94)

Sec. 34-1.02. - Severability of chapter.

If for any reason any one or more sections, sentences, clauses or parts of this chapter are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this chapter but shall be confined in its operation to the specific sections, sentences, clauses or parts of this chapter held invalid. The invalidity of any section, sentence, clause or part of this chapter in any one or more instances shall not affect or prejudice in any way the validity of this chapter in any other instance.

(Ord. No. 80330, § 1, 6-16-94)

Sec. 34-1.03. - Rules of construction.

- (a) Words, phrases and terms defined in this chapter shall be given the defined meaning.
- (b) Words, phrases and terms not defined in this chapter shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
- (c) The text of this chapter shall control any captions, or titles.
- (d) The word "shall" is mandatory and not permissive; the word "may" is permissive and not mandatory.
- (e) Words used in the singular include the plural and words used in the plural include the singular.
- (f) Words used in the present tense include the future tense and words used in the future tense include the present tense.
- (g) In their interpretation and application, the provisions of this Chapter shall be deemed to be minimal in nature and whenever the provisions, standards or requirements of any other applicable chapter of this Code are higher or more restrictive, the latter shall control.

(Ord. No. 80330, § 1, 6-16-94)

Sec. 34-1.04. - Tunnel rental fees.

The increase of the Storm Water Utility Fund by the establishment of a tunnel inlet rental fee of twenty-five dollars (\$25.00) per tour and one hundred dollars (\$100.00) per rental of the tunnel inlet or outlet structure for special events is hereby approved.

(Ord. No. 96415, § 1, 9-19-02)

Sec. 34-1.05. - Floodplain verification letter fee.

The increase of the Storm Water Utility Fund by the establishment of a floodplain verification letter fee of thirty dollars (\$30.00) per request letter processed is hereby approved.

(Ord. No. 96416, § 1, 9-19-02)

Sec. 34-1.06. - Cost of service reviews of miscellaneous and special services fees.

All SAWS miscellaneous and special services fees authorized in chapter 34 that are not rates as set forth in articles II, III, VIII, and IX shall be subject to a comprehensive cost of service review every three years. Each cost of service review shall be evaluated by the supervisor of public utilities and the review's recommendations on fee amounts must be approved by ordinance by the city council in order for the fees to be adjusted. The first required comprehensive cost of service review shall be conducted on all such fees prior to any proposed updates for 2021.

(Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17)

DIVISION 2. - DEFINITIONS

Sec. 34-2.01. - Definitions.

For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given in this section. In the event a definition listed in Article I, Division 2, herein is given a more specific meaning within another article/division of this chapter, such more specific definition shall control.

Athletic field. A sports playing field, the essential feature of which is turf grass, used primarily for organized sports for public or private schools, professional sports, or sanctioned league play.

Base use amount for general and wholesale water service customers. For general class water customers the base is defined as one hundred (100) percent of the average monthly water consumption with such amount being calculated by adding the monthly consumption, deducting irrigation use either calculated or metered, for the previous calendar year, and dividing the sum by twelve (12). For a new general class water customer who does not have a record of prior-year consumption history in order to establish a base use, a default base amount shall be assigned using the average monthly consumption for the prior calendar year for the average apartment, general or industrial account (as applicable) having the same meter size and sub-classification as the customer. A table of average monthly consumptions by general class sub-classification and meter size shall be updated annually by SAWS with actual prior calendar year consumption history information to serve as the source of default base amount assignments. For wholesale water service customers the base is defined as one hundred (100) percent of average monthly water consumption for the previous calendar year or as agreed to by the wholesale customer and approved by the SAWS board of trustees.

Board. The Board of Trustees of the San Antonio Water System, a water, wastewater and wastewater reuse agency of the City of San Antonio, established and created pursuant to the provisions of Ordinance No. 75686 and the Texas Revised Civil Statutes Annotated Article 1115.

Certificate of convenience and necessity (CCN). The area designated by the Texas Natural Resource Conservation Commission (TNRCC) within which the system operates and maintains water production and distribution facilities.

Customer service. The organizational unit of the San Antonio Water System charged with the duties of billing, collection and responding to customer inquiries.

Drip irrigation. Irrigation system (drip, porous pipe, etc.) that applies water at low-flow levels directly to the roots of the plant.

Economic development customer. Any customer that agrees in a contract to which SAWS is a party:

- (1) To construct new or additional manufacturing or assembly facilities located within SAWS' service area that require a minimum capital investment of three hundred fifty million dollars (\$350,000,000.00);
- (2) To employ in such facilities a minimum of one thousand five hundred (1,500) persons in new or additional full time employment positions with an average salary, including benefits, of a minimum of nineteen dollars (\$19.00) per hour, adjusted as of January 1 of each year for inflation and cost of living based on the Texas Consumer Price Index, as published by the comptroller of public accounts, using January 1, 2003, as the base comparative date; and
- (3) To purchase potable water and wastewater treatment and service exclusively from SAWS for a period of at least ten (10) consecutive years.

End use. The use of water, typically by a customer, before it is discharged either back to the environment, an organized wastewater collection system, or an on-site wastewater system. Examples of end use include, landscape, domestic, cooling towers, manufacturing. These uses may be further defined. For example within the broad category of "domestic" end use is laundry, shower, dishwasher use.

Flow study. For the purposes of Chapter 34, Articles I and II, a study to estimate how much water from a single meter service is used for irrigation and other on-site uses. To conduct the flow study all irrigation from a meter is discontinued for a 14-day period and daily incoming meter readings are recorded. The resulting consumptions are to be averaged, then annualized and compared to the previous twelve (12) months of water consumption.

This information will be used to determine the volume to be attributed to irrigation and charged the irrigation water service rate.

Full time employment. Employment for a minimum of thirty-five (35) hours per week.

General customer. Any customer not meeting the definition of a residential or wholesale customer as set forth herein.

Golf course. An irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for the playing of golf.

Hand-held hose. A hose attended by one (1) person, fitted with a manual or automatic shutoff nozzle.

Hose-end sprinkler. A sprinkler that applies water that is piped through a flexible movable hose to landscape plants.

I.C.L. Inside the corporate limits of the city.

Irrigation system. A system of fixed pipes and emitters, drip, or heads that apply water to landscape plants or turfgrass, including, but not limited to, in-ground and permanent irrigation systems. Also referred to as an in-ground or permanent irrigation system, a system with fixed pipes and emitters or heads that apply water to landscape plants, including drip systems.

Irrigation water. The application of water to grow or maintain landscaping plants, such as flowers, ground covers, turf or grasses, shrubs, and trees. For purposes of Water Service and Rates, Article I and Article II does not include:

- (1) Essential use without waste of water by a commercial nursery to the extent the water is used for production rather than decorative landscaping;
- (2) Treated wastewater referred to as recycled water or on-site reuse water such as cooling tower blow-down or other process water used at least once on-site and then reused for landscape irrigation;

(3) Application of irrigation water by means of a bucket [not to exceed five (5) gallons in capacity], hand-held hose, hose-end sprinkler or soaker hose;

(4) Water used without waste by a golf course, athletic field, public school, or public park.

Landscape irrigation plan. The plan will include the type of irrigation system installed, zones, and square footage irrigated. It may also include a description of performance standards such as a calculated distribution uniformity, rain sensors, moisture meters, and other systems that increase the efficiency of the overall system, identification, location and dimensions of plant materials, description of plant materials shown on the plan, including names (common and botanical) or other information the customer would like to submit supporting their claim.

O.C.L. Outside the corporate limits of the city.

Outdoor landscaping. Any member of the Kingdom Plantae, including any tree, shrub, vine, herb, flower, succulent, groundcover or grass species, that grows or has been planted out-of-doors.

Public park. Municipal, county, state or federal owned or operated facility or tract of land, other than a golf course, maintained as a place of beauty or of public recreation.

Public school. A free tax-supported school controlled by a local governmental authority.

Quality control. The organizational unit of the San Antonio Water System charged with monitoring, testing, and preserving both the potable water quality and wastewater quality of the service area, as well as administering the San Antonio Pretreatment Program.

Regional agent boundary (RAB). The geographic region within which the system operates and maintains sanitary sewer facilities.

Residential customer. A single or multi-family dwelling unit containing two (2) or less family units.

SAWS. The San Antonio Water System, a water, wastewater and wastewater reuse agency of the city, established and created pursuant to the provisions of Ordinance No. 75686 and Texas Revised Civil Statutes Annotated Article 1115.

Service area. The geographic region within which the system operates and maintains water and/or sanitary sewer facilities.

System. All properties, facilities, and plants currently owned, operated, and maintained by the city and/or board for the supply, treatment, and transmission and distribution of treated potable water, chilled water, and steam, for the collection and treatment of wastewater, and for water reuse, together with all future extensions, improvements, purchases, repairs, replacements and additions thereto, whether situated within or without the limits of the city, all water (in any form) owned by the city, and any other projects and programs of the system, provided, however, that the city expressly retains the right to incorporate (1) a stormwater system as provided by the provisions of Section 402.041 through 402.054, as amended, local

government Code, or other similar law, and (2) any other related system as provided by the laws of the State of Texas as a part of the system. The system shall not include any special project of any water or water-related properties and facilities owned by the city as part of its electric and gas systems.

Turf. A surface layer of earth containing mowed grass with roots.

Wholesale customer. A customer which has entered into a contract for wholesale water and/or sewer service with the System.

(Ord. No. 80330, § 1, 6-16-94; Ord. No. 92752, § 1, 10-19-00; Ord. No. 97264, § 1(Att. 1), 2-27-03; Ord. No. 2017-12-07-0928, § 3(Att. II), 12-7-17)

DIVISION 3. - BILLING AND COLLECTION OF CHARGES FOR SERVICES PROVIDED BY THE SYSTEM

Sec. 34-3.01. - Deposits.

An advance deposit of an amount reasonably adequate to secure payment of the customer's final bill shall be required of all new customers. For a new residential water/wastewater account, the amount of the deposit shall be one hundred dollars (\$100.00). For a new residential water-only account, the amount of the deposit shall be sixty dollars (\$60.00). For a new residential water/wastewater customer who qualifies for participation in the SAWS Uplift Assistance Program, the amount of the deposit shall be fifty dollars (\$50.00). For a new residential water-only customer who qualifies for participation in the SAWS Uplift Assistance Program, the amount of the deposit shall be thirty dollars (\$30.00). For a new residential wastewater-only customer who qualifies for participation in the SAWS Uplift Assistance Program, the amount of the deposit shall be twenty dollars (\$20.00). For a new residential wastewater-only account, the amount of the deposit shall be forty dollars (\$40.00). For a new general class water/wastewater account, the amount of the deposit shall vary by meter size:

Meter Size	General Class
5/8"	\$100
3/4"	\$150
1"	\$250
1.5"	\$500
2"	\$800

3"	\$1,600
4"	\$2,500
6"	\$5,000
8"	\$8,000
10"	\$10,000
12"	\$14,000

Such amounts for other types of accounts shall be determined in accordance with system Resolution No. 93-107, and as amended which establishes a policy for customer deposits. The deposit amounts listed in section 34-3.01 are effective for new accounts established on or after January 1, 2023. These deposit amounts shall be adjusted on January 1 of each year thereafter by the percentage of any approved monthly charge change (greater than zero (0)) for the next year in the monthly water and sewer charges for the average SAWS residential customer, and subsequently rounded to the nearest dollar.

(Ord. No. 80330, § 1, 6-16-94; Ord. No. 2007-12-13-1345, § 2(Att. B), 12-13-07; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Sec. 34-3.02. - Payment of current monthly charges.

The monthly charges for all applicable services provided by the system are payable on or before fifteen (15) days from the date of mailing of the bill.

(Ord. No. 80330, § 1, 6-16-94)

Sec. 34-3.03. - Penalty for late payment.

A penalty for late payment in the amount of five (5) percent of the net charges shall be added to the current charges owing if full payment for such charges is not made to the system on or before fifteen (15) days from date of mailing of the bill. The late payment penalty shall not be assessed for a residential customer who qualifies for participation in the SAWS Uplift Assistance Program.

(Ord. No. 80330, § 1, 6-16-94; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Sec. 34-3.04. - Extension to penalty for late payment.

- (a) Any applicable statute, rule, or regulation pertaining to customers classified as state agencies and political subdivisions shall prevail over any provision of this section in conflict therewith. In the event of such conflict, the system shall promulgate regulations applicable to customers classified as state agencies and political subdivisions which conform to the applicable statute, rule, or regulation.
- (b) The penalty provision of this section may not apply to residential customers classified as senior citizens, i.e., customers sixty (60) years or older, or as "senior citizen" is otherwise defined by applicable federal, state or local law. Penalty provisions for customers classified as senior citizens shall be in accordance with such regulations and under such terms as the system may prescribe.
- (c) Section 34-3.03 shall not apply to a customer who meets the following criteria:
 - (1) The customer can satisfactorily prove to the system that he/she is disabled through the submittal of a current receipt of supplemental security income (SSI) benefits.
 - (2) The customer requests that the system delay without penalty the payment date for his/her most recent utility bill or the most recent utility bill and each subsequent utility bill until the twenty-fifth (25th) day after the date the bill is issued.
 - (3) The customer is a residential customer occupying the premises for which the delay is requested.
 - (4) The customer is not currently enrolled in the SAWS preauthorized electronic payment plan.
 - (5) The customer acknowledges that a late penalty in the amount of five (5) percent of the net charges will be added to the current charges owed if full payment for such charges is not made to the system on or before twenty-five (25) days after the date the bill is issued.
 - (6) Customer further acknowledges that annual recertification is required.

The system is both delegated the authority to and is required to update this subsection to reflect any additional requirements or changes to such requirements resulting from any amendments to applicable federal, state or local rules.

(Ord. No. 80330, § 1, 6-16-94; Ord. No. 99892, § 1(Att. I), 10-14-04)

Sec. 34-3.05. - Reserved.

Editor's note— Ord. No. 2022-11-10-0867 , § 2(Att. II), adopted Nov. 10, 2022, repealed § 34-3.05, which pertained to transfer of service; fee and derived from Ord. No. 80330, adopted June 16, 1994.

Sec. 34-3.06. - Termination of system service for non-payment of applicable charge.

In the event payment of applicable charges for system services is not made on or before thirty (30) days after the date of the mailing of the system bill, system services shall be subject to termination in accordance with the procedures set out herein.

(Ord. No. 80330, § 1, 6-16-94)

Sec. 34-3.07. - Encroachment or easement release application processing fee.

A request to allow an encroachment on, over and/or across an existing SAWS easement or to release (in whole or in part) an existing SAWS easement must be submitted to SAWS development engineering services in accordance with procedures and requirements established by SAWS. The non-refundable application processing fee for the encroachment or release request is eight hundred thirty dollars (\$830.00). SAWS may require applicant to verify ownership, and if property owner is a legal entity, documentation will be required demonstrating applicant's authority to make an application on behalf of the entity. If the encroachment is approved by SAWS, an agreement, prepared by SAWS corporate real estate, will be entered into between the property owner and SAWS granting the encroachment. If the easement release request is approved, SAWS corporate real estate will either (i) if SAWS paid consideration for the easement, enter into negotiations for consideration for the full or partial release of the easement, or (ii) if the easement was dedicated to SAWS, prepare the release for SAWS execution. This fee amount is effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fee charged does not exceed the cost of providing the service.

(Ord. No. 2007-12-13-1345, § 2(Att. B), 12-13-07; Ord. No. 2015-11-19-0956 , § 4(Att. III), 11-19-15; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Sec. 34-3.08. - Meter locate multiple trip fee.

If a customer's request for onsite water and/or wastewater utility location services requires more than one trip to a specific address, the customer shall be assessed a fee of fifty-five dollars (\$55.00) for each additional trip. This fee amount is effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fee charged does not exceed the cost of providing the service.

(Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

DIVISION 4. - NOTICE AND HEARING REQUIREMENTS PRIOR TO TERMINATION OF SERVICE

Sec. 34-4.01. - Issuance of final notice.

Prior to any action being taken to terminate a customer's service for non-payment of applicable charges, the system shall formally notify such customer of their right to a hearing on the matter through the issuance of a final notice.

(Ord. No. 80330, § 1, 6-16-94)

Sec. 34-4.02. - Hearing procedure.

The system shall follow the pretermination administrative hearing procedure set out in Schedule 1 which is attached hereto for customer notification and convenience. In the event the system duly amends such procedure from time to time, an updated version of such procedure shall be supplied to the City of San Antonio City Clerk. Copies of the system's most current Pretermination Administrative Hearing Procedures shall be available to all system customers upon request, at the system's customer service locations.

(Ord. No. 80330, § 1, 6-16-94)

Editor's note— Schedule 1 referenced above is set out at length at the end of this chapter.

DIVISION 5. - REINSTATEMENT OF SYSTEM SERVICE

Sec. 34-5.01. - Sewer service-only reinstatement charges.

For SAWS sewer service customers who receive water service from a different utility, the system shall reinstate sewer service terminated for non-payment of charges upon payment by the customer of all outstanding and owing service charges as shown on the bill, plus reimbursement to SAWS of any additional fees paid by SAWS to the serving water utility for the shut-off and turn-on of the customer's account.

(Ord. No. 80330, § 1, 6-16-94; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17)

Sec. 34-5.02. - Other reinstatement charges.

Additionally, under certain special conditions or events, the procedures and charges relative to

reinstatement of water service are as follows:

- (a) If a customer, whose service has been discontinued in accordance with division 4 is found to have reinstated his water service at the curb stop without approval of the system, the customer's meter shall be removed to preclude illegal reinstatement of service by the customer, and a fee shall be added to the customer's account in the amount of one hundred twenty-five dollars (\$125.00) to recover the cost of removal of the illegal service connection.

Additionally, a fee shall be added to the customer's account in the amount of four hundred and thirty dollars (\$430.00) to recover the cost of capping the customer's service line.

As a condition for service reinstatement, after removal of an illegal service connection or after a meter has been found to be damaged or illegally removed, one of the following fees shall also be assessed a customer's account to replace the damaged or illegally removed meter depending on the size and type of meter as listed below:

Meter Size	Mechanical Meter	Connect H2O Meter
5/8"	\$92.00	\$146.00
3/4"	\$111.00	\$150.00
1"	\$140.00	\$200.00
1.5"	\$285.00	\$462.00
2"	\$435.00	\$587.00

If the customer is found to have tampered or damaged an associated Connect H2O Meter, the associated valve, the associated lock, or the plug installed to cap the associated service line, one or more of the following charges shall be added to the customer's account depending on the piece of equipment damaged:

Connect H2O Meter tampering fee:..... \$54.00

Valve tampering fee:..... \$72.00

Lock tampering fee:\$57.00

Plug tampering fee:..... \$70.00

- (b) In addition, the customer shall be charged the cost of the estimated amount of water used between the time the customer's service was disconnected for non-payment and the time the customer's illegal straight connection was discovered. For a residential customer, the charge for the water used will be calculated using the winter average (see section 34-226.1) for all SAWS residential customers. For a general class customer, the charge for water used will be calculated using the appropriate average monthly consumption amount by meter size listed in the table of average monthly consumptions by general class sub-classification a meter size established by SAWS and updated on an annual basis as defined in section 34-2.01.
- (c) Full payment of all charges incurred under the terms of section 34-3.01, paragraphs (a) and (b) above must be made prior to the reinstatement of service.
- (d) If a customer presents a check or other negotiable instrument in payment of service fees that is not honored by the bank or other financial institution upon which the check or other negotiable instrument is drawn, a service charge of thirty dollars (\$30.00) shall be added to the amount due the system by the customer; provided, however, that if the instrument is returned by the financial institution because of error on its part, the service charge will not be added.
- (e) All fee amounts listed in section 34-3.01, paragraphs (a) and (b) above are effective January 1, 2023. The fee amounts shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fees charged do not exceed the cost of providing the services.

(Ord. No. 80330, § 1, 6-16-94; Ord. No. 101685, § 3(Att. I), 11-17-05; Ord. No. 2011-12-08-1004 , § 2(Exh. L), 12-8-11; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

DIVISION 6. - CUSTOMER BILL INQUIRIES

Sec. 34-6.01. - Response to customer inquiries.

Customers may direct questions concerning their bills to any of the system's customer service locations during regular working hours. The system shall respond to such inquiries in a timely, consistent and comprehensive fashion.

(Ord. No. 80330, § 1, 6-16-94)

Sec. 34-6.02. - Procedures and guidelines for routine customer inquiries.

The system has established procedures and guidelines to be followed for certain types of routine inquiries such as high bills and adjustments due to leakage. Such procedures are available to any customer upon request at any of the system's customer service locations.

(Ord. No. 80330, § 1, 6-16-94)

Sec. 34-6.03. - Procedures and guidelines for non-routine customer inquiries.

The system has established procedures and guidelines to be followed for certain types of nonroutine inquiries. A compilation of such procedures, including methods for determining consumption during the winter sewer averaging period, is available to any customer upon request at any of the system's customer service locations.

(Ord. No. 80330, § 1, 6-16-94)

Sec. 34-6.04. - Itemized statement.

When a customer requests preparation by SAWS of an itemized statement of the customer's account history for a specified period of time, a fee of thirteen dollars (\$13.00) per hour of required preparation time shall be assessed the customer.

(Ord. No. 2007-12-13-1345, § 2(Att. B), 12-13-07)

DIVISION 7. - APPEAL PROCEDURE

Sec. 34-7.01. - Appeal committee.

The board is hereby authorized to appoint a committee of three (3) members, to be known as the customer service appeals committee, to hear appeals from a decision to terminate service rendered by the customer review officer, as well as customer disputes concerning high bills, adjustments due to leakage, or other matters covered in sections 34-6.01 through 34-6.03 herein.

(Ord. No. 80330, § 1, 6-16-94)

Sec. 34-7.02. - Procedures for appeal.

The procedures for appeal before the customer service appeals committee are set out in Schedule 3— Customer Service Appeals Committee, which is attached hereto for customer notice and convenience. In the event the system duly amends such procedure, an updated version of such procedure shall be supplied to the City of San Antonio City Clerk. Copies of the system's most current customer service appeals committee procedure shall also be available upon request at the system's customer service locations.

(Ord. No. 80330, § 1, 6-16-94)

Editor's note— Schedule 3 referenced above is set out at length at the end of this chapter.

Sec. 34-7.03. - Relief granted from decision to terminate.

In the event the customer service appeals committee determines that the decision of the customer review officer to terminate service was erroneous, the committee shall direct system staff to reconnect the customer's service immediately, without payment of reinstatement charges.

(Ord. No. 80330, § 1, 6-16-94)

DIVISION 8. - WATER QUALITY AND ENVIRONMENTAL EDUCATION AND ENFORCEMENT ACCOUNT

Sec. 34-8.1. - Establishment of account.

SAWS is hereby directed to establish an account to be entitled the water quality and environmental education and enforcement account (hereinafter "the account"). The establishment of the account shall in no way conflict with the terms and conditions set out in Ordinance 75686 of April 30, 1992.

(Ord. No. 80574, § 1, 8-4-94)

Sec. 34-8.2. - Funding source.

(a) *Civil penalties.* Certain Divisions of Chapter 34, specifically Article V, Division 2, Industrial Waste and Pretreatment, and Division 3, Liquid Waste Transportation and Disposal Regulations, and Article VI, Division 2, Wells, Division 4, Prohibited Discharges Into the Municipal Separate Storm Sewer System, Division 6, Aquifer Recharge Zone and Watershed Protection, and Division 7. Underground Storage Tank Management Program include sections imposing civil penalties in addition to criminal penalties. Civil penalties collected by the actions of SAWS and its attorneys pursuant to such sections shall be recorded in the Account created pursuant to Section 34-8.1 herein, unless expressly prohibited by law. Should any such civil penalties collected fail to be recorded in the account, the SAWS personnel and attorneys responsible for the imposition and collection of such civil penalty shall be required to justify in writing to the President/CEO why such funds were not so recorded and shall state the disposition of same.

(b) *Permit fees.* Certain Divisions of Chapter 34, specifically Article VI, Division 7, Underground Storage Tank Management Program, include sections requiring the payment of fees for the purpose of providing funding for the cost of administering and enforcing the related programs and regulations. Fees collected by the actions of SAWS pursuant to such sections shall be recorded in the account created pursuant to Section 34-8.1 herein, unless expressly prohibited by

law. Should any such fee collected fail to be recorded in the account, the SAWS personnel responsible for the collection of such fees shall be required to justify in writing to the president/CEO why such funds were not so recorded and shall state the disposition of same.

(Ord. No. 80574, § 1, 8-4-94; Ord. No. 81491, § 3, 1-12-95; Ord. No. 83200, § 1, 11-16-95)

Sec. 34-8.3. - Use of funds.

- (a) *Civil penalties.* The funds collected from civil penalties in the account shall be utilized solely to educate the public in the areas of water quality and pollution prevention and to enhance the enforcement of the chapter divisions for which such civil penalties were imposed. Such enhanced enforcement may include increased enforcement personnel as needed, the acquisition of additional material and equipment, and other activities directly related to the enforcement of the divisions for which civil penalties are imposed. A minimum of twenty-five (25) percent of the funds from civil penalties deposited in the account shall be used for funding activities directed towards the educating school age children on topics of water quality, conservation, environmental awareness and pollution prevention
- (b) *Permit fees.* The funds collected from the payment of fees which are required to be recorded in this account shall be utilized solely for the purpose of funding the administration and enforcement of the programs and regulations under which they were collected.

(Ord. No. 80574, § 1, 8-4-94; Ord. No. 83200, § 3, 11-16-95)

Sec. 34-8.4. - Funds to be kept separate.

The funds within the account shall be recorded and accounted for in a manner that distinguishes them from other SAWS funds and shall be disbursed in a manner which is consistent with the purposes for which this account has been established.

(Ord. No. 80574, § 1, 8-4-94)

DIVISION 9. - ENFORCEMENT

Sec. 34-9.1. - Granting of enforcement authority to SAWS.

- (a) The president/CEO of SAWS is hereby granted the authority to designate qualified SAWS personnel to enforce this chapter in the manner and to the extent allowed by law.
- (b) The president/CEO is specifically granted the authority to designate qualified SAWS personnel to file notices of violations of this chapter and to take all necessary actions to file complaints with the municipal prosecutor's office for violations of this chapter.

(Ord. No. 80574, § 2, 8-4-94)

Sec. 34-9.2. - Granting of authority to pursue legal remedies.

The SAWS legal department is hereby granted the authority to seek legal and/or equitable remedies including the filing of criminal charges for violations of this chapter. The SAWS legal department, as well as the office of the city attorney, are hereby granted the additional authority to exercise all powers allowed under the Texas Water Code, Chapter 7, § 7.351 and § 7.352, which enforcement powers are here authorized to address violation or threat of violation of Chapter 26 of the Texas Water Code or a rule adopted or an order or a permit issued under Chapter 26 of the Texas Water Code by instituting a civil suit (under Subchapter D, General Powers and Duties of the Commission, Texas Water Code §§ 5.101, et. Seq.) in the same manner as the Texas Commission on Environmental Quality (TCEQ) in a district court for injunctive relief or civil penalty or both. The authority here authorized shall survive change in the name of the TECQ and the succession of any agency to the TCEQ. The SAWS legal department shall, for purposes of this chapter, represent the city, by ad through the San Antonio Water System.

(Ord. No. 80574, § 2, 8-4-94; Ord. No. 97000, § 2, 1-9-03)

Sec. 34-9.3. - Authority of city attorney to enforce chapter.

The granting of the authority set out in section 34-9.2 herein shall in no way diminish the authority and responsibility of the city attorney to enforce Chapter 34 and diligently prosecute violations of this chapter through the municipal prosecutor's office.

(Ord. No. 80574, § 2, 6-16-94)

Secs. 34-10—34-15. - Reserved.

ARTICLE II. - WATER SERVICE AND RATES

Footnotes:

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State Law reference— *Texas Water Quality Act, V.T.C.A., Water Code, § 26.001 et seq.*

DIVISION 1. - GENERALLY

Sec. 34-16. - Supplying below standard water to another.

It shall be unlawful for any person to supply another any water to drink or for domestic purposes, which does not comply with the public health service drinking water standards and the standards set by the state water development board pursuant to V.T.C.A., Water Code, § 26.023.

(Code 1950, § 62-1; Code 1959, § 41-1)

Sec. 34-17. - Investigation of pollution or potential pollution.

Where an analysis of water samples, as provided by section 34-18, indicates pollution or potential pollution of a water supply, it shall be the duty of the director of public health or his duly authorized representative to make investigation to determine, if possible, the cause and remedy for such condition, and to make suitable recommendations to the official or other person responsible for such water supply to ensure the protection and the purity of the supply, and it shall be the duty of such official or other person responsible for such water supply to ensure the protection and the purity of the supply and to comply with the standards adopted by section 34-16.

(Code 1950, § 62-3; Code 1959, § 41-3)

Sec. 34-18. - Analyses of drinking water required.

Every official or other person responsible for any water supply in the city, who furnishes water for drinking and domestic purposes to fifty (50) or more people, shall have at least one (1) sanitary analysis of a representative sample of water from the distribution system made each week and submit a copy of such analysis to the city public health department or submit at least one (1) sample of such water weekly to the city public health department, as may be directed by the director of public health. Where the population served by a water supply is greater than one thousand (1,000), there shall be made at least one (1) additional analysis each month for each one thousand (1,000) population in excess of the first one thousand (1,000) population, up to one hundred thousand (100,000) population, and for populations in excess of one hundred thousand (100,000), the number of supplies analyzed monthly shall be in accordance with the standards adopted in this section.

(Code 1950, § 62-2; Code 1959, § 41-2)

Sec. 34-19. - Restoring polluted water, procedure where not eradicated.

If such official or other person responsible for a water supply fails or neglects to observe or comply with the standards adopted by section 34-16 or if it shall be found to be impossible to restore and protect the purity of such water supply so that it will not endanger the lives and health of the consumers of that supply, the further use of such supply for drinking and domestic purposes shall either be discontinued and another approved supply shall be secured, or the director of public health shall warn the public of the character of the water supply concerned, together with recommendations for their protection, whichever seems in the opinion of the director of public health best to protect the lives and health of the citizens of the city.

(Code 1950, § 62-4; Code 1959, § 41-4)

Sec. 34-20. - Sources of water prohibited for drinking or domestic use.

It shall be unlawful to draw, pump, dip or otherwise take water from the San Antonio River, the San Pedro Creek, the Alazan Creek, the Apache Creek or the Menger Creek within the city for drinking or other domestic purposes or to drink or use for other domestic purposes any water taken therefrom.

(Code 1950, § 62-6; Code 1959, § 41-5)

Sec. 34-21. - Health certificate and permit required of itinerant water vendors.

It shall be unlawful for an itinerant vendor to sell water for drinking or domestic purposes within the city, without securing a health certificate as provided in section 13-96, requiring certificates for food handlers, and securing the approval of the director of public health of the water sold and the containers from which the water is sold.

(Code 1950, § 62-5; Code 1959, § 41-6)

Sec. 34-22. - Polluting bodies of water.

It shall be unlawful for any person to defile the waters of the San Antonio River, San Pedro Creek, the Alazan Creek, the Zarzamora Creek, or any lake or any stream, or any other body of water, whether running or not.

(Code 1950, § 62-20; Code 1959, § 41-7)

Sec. 34-23. - Pipes, drains or sewer leading into bodies of water.

No pipe, drain or sewer connecting with or leading into the San Antonio River, San Pedro Creek, Alazan Creek, Zarzamora Creek, or any lake, or any stream, or any other body of water whether running or not, or any of the irrigating ditches of the city shall be used for any purpose except as drainage pipe for water.

(Code 1950, § 62-21; Code 1959, § 41-8)

Sec. 34-24. - Discharging oil, grease, soap, etc., into public waters or streams.

(a) It shall be unlawful for any person to discharge any fluid, containing oil, into any of the waters or streams within the city. All establishments engaged in a business wherein water mixed with oil, or oil, is discharged into any public stream, sewer or drain within the city may equip the discharge pipes from such establishment with traps to separate the oil from the water in such a manner as only unpolluted water will flow from such trap into any sewer, drain or public stream within the city.

(b) It shall be unlawful for any person to run or discharge any fluid or water containing either grease,

soap, lye, washing powder, mud or filth into any of the public waters or streams within the city.

(Code 1950, §§ 62-22, 62-23; Code 1959, §§ 41-9, 41-10)

Sec. 34-25. - Reserved.

Editor's note— Ord. No. 80574, § 6, adopted Aug. 4, 1994, repealed former § 34-25, relative to restrictions on landscape watering, which derived from Ord. No. 72834, adopted Dec. 20, 1990 and Ord. No. 73267, adopted March 7, 1991. Said Ord. No. 80574 enacted new provisions regarding similar subject matter which has been included in this chapter as Division 3 of Article IV, § 34-301 et seq.

Secs. 34-26—34-35. - Reserved.

DIVISION 2. - CITY WATER SERVICE

Sec. 34-36. - When connection with water main compulsory.

- (a) The owner of every tract of land in the city, upon which there is a building used for human habitation or used for commercial purposes, which tract abuts on a street in which a public water supply line is located and is within two hundred (200) feet of such water supply line, shall connect to such water supply line and shall use water therefrom for drinking, domestic and commercial purposes.
- (b) This section shall not apply to any person who has a supply of water on his premises from an approved well more than one hundred (100) feet deep, the water from which well complies with the water standards required by section 34-16.

(Code 1950, § 62-8; Code 1959, § 41-17)

Sec. 34-37. - Street improvements, service and posting of notice.

- (a) Whenever the city shall determine that any street of the city shall be paved the director of public works shall cause a written notice to be served on each and every one (1) of the owners, occupants or agents of property along the lines of such street where such improvements are proposed to be made, and also serve a like notice upon the proper authorities of the water suppliers, requiring them, within fifteen (15) days from the date of such notice, to make connections with the water mains that may be laid on such street, unless such connections have already been made.
- (b) If along the line of such street there is any vacant or unoccupied lot and the owner or agents thereof cannot be conveniently found, the director of public works shall cause to be posted such notice, as aforesaid, in some conspicuous place upon such lot.

(Code 1950, §§ 62-9, 62-10; Code 1959, §§ 41-18, 41-19)

Sec. 34-38. - Specifications for service connections.

- (a) All property owners on streets, alleys, plazas and other public places, hereafter to be paved, shall, within fifteen (15) days after written notice from the director of public works, connect their water fixtures with the street water mains. Wrought and galvanized pipe incorporated in the center of concrete at least six (6) inches wide or a double "A" lead pipe inside of a three-inch vitrified pipe, are acceptable types of service connections, and should any type of service connection other than the above be used, it shall first be approved by the director of public works.
- (b) Service pipes shall be connected to mains by either two (2) elbows or an elbow and a tee in such manner as to make a flexible joint that will prevent an excessive strain on the pipes.
- (c) All public water meters are owned, operated, maintained and replaced by the San Antonio Water System. The San Antonio Water System may install an advanced electronic meter and communication endpoint at a customer's water service connection for the purpose of measuring water use and transmitting that information over an electronic communication network. No person shall be allowed to prohibit the installation of such an advanced electronic meter nor shall they inhibit the electronic transmission of water use information.

(Code 1950, § 62-11; Code 1959, § 41-20; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Sec. 34-39. - Connections with bathing pools and water tanks.

It shall be unlawful for any person to make or to maintain any connection with the water supply system of the city discharging into any bathing pool or any water tank except in such a manner that the place of discharge from the water supply system of the city shall be more than one (1) foot above the top of the overflow of the bathing pool or the water tank.

(Code 1950, § 62-13; Code 1959, § 41-21)

Sec. 34-40. - Cross connections with water mains prohibited.

- (a) It shall be unlawful for any person to make or to maintain any cross connection within the city or to allow any cross connection to exist at any place under the control of any person.
- (b) The term cross connection, as used in this section, is defined as any mechanical union or any hydraulic union which, under any condition, might pass water into the water supply system of the city from any other source.

(Code 1950, § 62-14; Code 1959, § 41-22)

Sec. 34-41. - Disconnection for noncompliance.

It shall be the duty of the manager of the water supply system of the city to disconnect the city service from any place where the provisions of this article are violated, whether inside or outside of the city.

(Code 1950, § 62-15; Code 1959, § 41-23)

Sec. 34-42. - Unlawful connection with water main.

It shall be unlawful for anyone without the written consent of the manager or owner of the water supply to bore or drill into any water main or make attachments to or connections with any service pipe or turn on water from street cocks.

(Code 1950, § 62-16; Code 1959, § 41-24)

Sec. 34-43. - Maintenance of service pipes.

All persons using water furnished by the city shall keep their service pipes from the city's service box in good repair, so as to prevent leakage on the streets.

(Code 1950, § 62-12; Code 1959, § 41-25)

Sec. 34-44. - Unlawful taking of water.

It shall be unlawful for any person without the written consent of the owner or manager of the water supply to make an attachment to, or to use water from, any private hydrant for purposes other than those specified in the original application for water.

(Code 1950, § 62-17; Code 1959, § 41-26)

Sec. 34-45. - Unlawful use of city's water.

It shall be unlawful for any person to touch, tamper with or open the city fire hydrants, or to use the water from the same, except under the immediate control of the chief of the fire department, and then only by persons authorized for the extinguishment of fires, practice of the fire department, flushing the gutters, sprinkling the streets and plazas with hose or sprinkling carts, and repairing of the hydrants.

(Code 1950, § 62-18; Code 1959, § 41-27)

Sec. 34-46. - Injuries to water system.

It shall be unlawful for any person, in any way, to intentionally or carelessly break, deface or in any manner injure or destroy any hydrant or standpipe or other property belonging to the city or belonging to others, and used in connection with the waterworks.

(Code 1950, § 62-19; Code 1959, § 41-28)

Sec. 34-47. - Title to water service apparatus.

Title to all water meters, curb-cocks and appurtenances that are attached through service lines or branches thereof to the water mains of the city water system, including the meter and curb-cock boxes enclosing the same, shall be vested in the city for the singular use and benefit of the waterworks board of trustees. No person other than a duly authorized agent or representative of the waterworks board of trustees shall open the meter or curb-cock or appurtenances thereto. The waterworks board of trustees shall maintain, repair and replace all meters, curb-cocks and appurtenances in connection therewith at its cost and expense.

(Ord. No. 19146, 6-4-53; Ord. No. 22374, § 4, 2-23-56; Code 1959, § 41-29)

Sec. 34-48. - Penalties.

A conviction for violation of this division shall constitute a Class C misdemeanor. A person convicted of a violation of this division shall be fined not less than two hundred dollars (\$200.00) nor more than two thousand dollars (\$2,000.00) per violation. Each violation of a particular section of this division shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division.

(Ord. No. 2011-12-08-1004 , § 2(Exh. L), 12-8-11)

Editor's note— Prior to the reenactment of section 34-48 by Ord. No. 2011-12-08-1004 , § 2(Exh. L), adopted December 8, 2011, Ord. No. 80574, § 7, adopted Aug. 4, 1994, relocated the text of former section 34-48, relative to wasting water, to article IV, division 2, section 34-287. Former history notation has been retained at the new section designation.

Secs. 34-49—34-60. - Reserved.

DIVISION 3. - RESERVED

Footnotes:

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Editor's note— Ord. No. 80574, § 15, adopted Aug. 4, 1994, repealed former Div. 3, §§ 34-61—34-71, relative to wells, which derived from Code 1950 §§ 62-24—62-37; Code 1959, §§ 41-37—41-50; and Ord. No. 23407, 8-9-56. Said Ord. No. 80574 enacted new provisions regarding similar subject matter which has been included in this chapter as Division 2 of Article VI, § 34-566 et seq.

Secs. 34-61—34-85. - Reserved.

DIVISION 4. - RESERVED

Footnotes:

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Editor's note— Ord. No. 80574, § 8, adopted Aug. 4, 1994, relocated the text of former Div. 4, §§ 34-86—34-89, relative to watercourses, to Art. VI, Div. 3, § 34-591 et seq. Former history notation has been retained at the new section designation.

Secs. 34-86—34-100. - Reserved.

DIVISION 5. - RESERVED

Footnotes:

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Editor's note— Ord. No. 80574, § 9, adopted Aug. 4, 1994, repealed former Div. 5, § 34-101, relative to the aquifer management plan, which derived from Ord. No. 79702, adopted Feb. 24, 1994. Said Ord. No. 80574 enacted new provisions regarding similar subject matter which has been included in this chapter as Division 4 of Article IV, § 34-316 et seq.

Secs. 34-101—34-120. - Reserved.

DIVISION 6. - RATES AND CHARGES

Footnotes:

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Editor's note— Ord. No. 80330, § 1, adopted June 16, 1994, amended former Div. 6, §§ 34-121—34-130, relative to rates and charges, in its entirety to read as herein set out. The provisions of former Div. 6 derived from Ord. No. 72742, adopted Dec. 6, 1990.

Sec. 34-121. - Establishment of rate schedules.

The schedule of water service rates and charges contained in Schedule A relating to residential water customers, the schedule of water service rates and charges contained in Schedule B relating to general water customers, the schedule of water service rates and charges in Schedule C relating to wholesale water customers, the schedule of water service rates and charges in Schedule D for irrigation water rates, the schedule of water service rates and charges relating to Uplift Assistance Program customers in Schedule G,

and the schedule of conservation fee water rates and charges relating to residential, general and irrigation customers in Schedule H, as amended, attached hereto, shall be effective for all consumption on or about January 1, 2023 as appropriate, and shall be the lawful rates for water service to be charged by the system.

(Ord. No. 80330, § 1, 6-16-94; Ord. No. 90733, § 3, 10-21-99; Ord. No. 92752, § 1, 10-19-00; Ord. No. 99994, § 2(Att. I), 11-18-04; Ord. No. 101681, § 3(Att. I), 11-17-05; Ord. No. 2015-11-19-0956 , § 4(Att. I), 11-19-15, Res. No. 16-302, Att. III; Ord. No. 2017-12-07-0928 , § 1(Att. I), 12-7-17; Ord. No. 2022-11-10-0867 , § 1(Att. I), 11-10-22)

Editor's note— Rate Schedules A and B referenced above are set out at length at the end of this chapter.

Sec. 34-121.1. - Pass-through of EAA permit fee.

The assessment of a pass-through of the Edwards Aquifer Authority ("EAA") permit fee to all water customers is authorized. The initial monthly pass-through of the EAA permit fee shall commence on or after January 1, 1998, and shall apply to all water customers and all types of water usage. Such initial pass-through, while estimated to be \$0.00629 per hundred gallons of consumption, is subject to change, based on the formula set out herein. The San Antonio Water System is delegated the authority to administratively adjust such pass-through on an annual basis, on or about January 1 of each year, in accordance with the following formula:

EDWARDS AQUIFER AUTHORITY ("EAA")
PERMIT FEE ADJUSTMENT

An adjustment will be made to the Edwards Aquifer Authority Permit Fee annually, beginning January 1, 1998, based on the following formula: the annual permit fee billed by the Edwards Aquifer Authority for the twelve-month period beginning in January plus the amount of the over-recovery or under-recovery from the prior twelve-month permit fee collections, divided by the project annual water usage, yields the permit fee on a dollars-per-gallon basis.

Permit fee billed by EAA PLUS	Over-recovery/under-recovery from prior 12-month permit fee collections		Adjusted permit fee on a dollars-per-gallon basis of consumption, for the 12-month period beginning in the month of January
		=	
Project annual water usage			

The San Antonio Water System is directed to show such pass-through as a line item on each customer bill. No pass-through shall be charged if there is not metered use by the customer during the month.

(Ord. No. 87042, § 2, 12-1-97)

Sec. 34-121.2. - Pass-through of Water Uplift Assistance Program fee.

The assessment of a pass-through of the Water Uplift Assistance Program fee (Water UAP fee) to all non-UAP water customers in the residential, general, and irrigation classes is authorized. The initial monthly pass-through of the Water UAP fee shall commence on or after January 1, 2023. Such initial pass-through, while estimated to be \$0.1590 per thousand gallons of billed water consumption, is subject to change, based on the formula set out herein. The San Antonio Water System is delegated the authority to administratively adjust such pass-through on an annual basis, on or about January 1 of each year, in accordance with the following formula:

WATER UPLIFT ASSISTANCE PROGRAM FEE ADJUSTMENT

An adjustment will be made to the Water UAP Fee annually, beginning January 1, 2024, based on the following formula: the annual revenue from the fee collected by SAWS for the prior twelve-month period beginning in January plus the amount of the over-recovery or under-recovery of the prior twelve-month costs of water service to UAP customers, divided by the projected annual water usage, yields the fee on a dollars-per-gallon basis.

Water UAP fee billed revenue by SAWS for prior twelve (12) months.

PLUS

Over-recovery/under-recovery of the prior twelve-month total costs of water service to UAP water customers from the application of UAP water rates.

PLUS

Projected UAP cost increases from program growth and rate changes.

DIVIDED BY

Projected annual water usage subject to UAP Fee for the next twelve (12) months.

EQUALS

Adjusted Water UAP Fee rate on a dollars-per-gallon basis of consumption, for the next twelve (12) months period beginning in the month of January.

The San Antonio Water System is directed to show such pass-through as a line item on each customer bill.

(Ord. No. 2022-11-10-0867 , § 1(Att. I), 11-10-22)

Sec. 34-122. - Rate schedules.

Rate Schedules A, B, C, D, G, and H relating to residential, general, wholesale, irrigation, and Uplift Assistance Program customers are hereby amended and shall hereinafter read as attached hereto and incorporated herein.

(Ord. No. 80330, § 1, 6-16-94; Ord. No. 92752, § 1, 10-19-00; Ord. No. 99994, § 2(Att. I), 11-18-04; Ord. No. 101681, § 3(Att. 1), 11-17-05; Ord. No. 2022-11-10-0867, § 1(Att. I), 11-10-22)

Editor's note— Rate Schedules referenced above are set out at length at the end of this chapter.

Sec. 34-122.1. - Base use amount calculation for general and wholesale customers.

The amendments to Rate Schedule B relating to general and wholesale customers, which is attached hereto and incorporated herein, shall utilize a base use amount calculation, as such term is more thoroughly defined in Section 34-2.01.

(Ord. No. 92752, § 1, 10-19-00)

Sec. 34-122.2. - Affordability reduction in meter charges for residential customers.

Residential customers that qualify to receive assistance from the City of San Antonio Community Initiatives Department, Community Action Division (CAD) based on federal income guidelines established by the CAD may qualify for a reduction in monthly water meter charges. Such qualification must be presented in writing to the San Antonio Water System Customer Service Department.

(Ord. No. 92752, § 1, 10-19-00)

Sec. 34-122.3. - Economic development rate schedule.

Rate schedule D, establishing potable water rates for economic development customers, permitting the waiver of certain fees and costs, and permitting the provision of water and wastewater infrastructure at reduced or no cost to an economic development customer, is hereby adopted and attached hereto and incorporated herein.

(Ord. No. 97264, § 2(Att. 2), 2-27-03)

Sec. 34-122.4. - Water service interconnect rate.

(a) *Definitions.* For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meaning in this section.

Customers. The application of the water service interconnect rate shall apply to customers or entities that request to interconnect into the system to receive water services on a temporary basis that:

- (1) Do not have a current contract for wholesale water service with the system at the point of service that is included in the request; and
- (2) Plan to resell the water provided by the system to its own customers.

The system shall have the discretion to determine whether or not a particular request for temporary water service qualifies as either a wholesale water service request or a request for temporary water service under this temporary interconnection rate. In making such a determination, the system may consider whether or not the requirements for service included in the request are within the system's long-term capabilities and consistent with the system's master plan.

Water rates of the customer. The water rates shall be herein defined as those water rates and charges in effect for residential customers of the customer at the time of the billing of the water service interconnect rate by the system. The water rates shall include but not be limited to all applicable water rates, surcharges, and charges for the procurement of existing or additional water sources.

Water rates of the system. The water rates shall be herein defined as those water rates and charges in effect for residential customers as defined under chapter 34 article II and amended from time to time. The water rates shall include but not be limited to the water supply fee, all applicable water rates, and Edwards Aquifer Authority Fees.

(b) *Application of water service interconnect rate.*

- (1) *Billing of customer.* The system shall bill customer in accordance with the provisions in chapter 34, article II.
- (2) *Systems' right to sell water.* System has an obligation to serve its customers who are not under the water service interconnect rate. System shall have the right not to sell to customer in any event that it deems necessary to preserve the capacity to serve customers who are not under the water service interconnect rate. When possible, system shall notify customer in advance that it will not be able serve customer under the interconnect arrangement for a designated time period.
- (3) *Required documentation.* Customer shall provide to system on a monthly basis its monthly forecast for the next 12-month time period of water usage needs required of the interconnection infrastructure. The forecast documentation is necessary for system to determine its ability to service customer under the water service interconnect rate. Customer shall also provide to system on a monthly basis its current rate schedules then in effect for its residential customers, including all applicable charges and fees that would be charged to its residential customers for that month. If billing to customer is not according to the applicable rate schedules then in effect at time of billing, system reserves the right to bill customer on the applicable rates for all usage that was applied to the incorrect rate schedules.

- (4) *System's ability to provide standby services.* System recognizes that the interconnect services are necessary to provide services that are on a standby basis and the rate should incorporate a provision for the standby service.
 - (5) *Payment for the interconnection infrastructure.* Customer shall pay for all services related to connecting into the infrastructure of the system, to include capital and operations costs. Customer shall pay for the pipeline costs in advance of receiving water services from system. In the event system must incur operations costs to service the interconnect infrastructure, system shall bill customer the current costs of time and materials.
 - (6) *Assignment of water under water service interconnect rate.* Water service provided to customer through the interconnect line is intended for the use of the customer on a temporary or emergency basis. Customer shall not assign the provisions of the water service to other water purveyors.
- (c) *Water service interconnect rate.* The water service interconnect rate is hereby established and is applicable to the use of potable water.

Customer shall be charged on a monthly basis for the preceding monthly metered usage based on the following calculations:

- (1) *Rates.* Customer shall be charged the highest bill calculated based on the metered usage on the interconnect line of the customer applied to the water rates of the system and the water rates of the customer;
- (2) *Standby charge.* Customer shall be charged monthly for the ability of system to provide standby services at the system's meter fee rate on the interconnect meter. If water usage is metered for two (2) consecutive months or for more than three (3) months during a calendar year, then the system shall charge additional standby services of ten (10) times the applicable meter fee rate or monthly service availability charge for each month of metered usage in the calendar year; and
- (3) *Time and material charges.* Customer shall be charged monthly for all time and material charges incurred to service the interconnect infrastructure. Such billing shall detail the reason for the charges in addition to the time and unit costs.

(Ord. No. 101684, § 1(Att. I), 11-17-05)

Sec. 34-123. - Variance procedure for general water service customers.

If a general water service customer seeks an administrative variance from the applicable base use amount set out in Schedule B, the procedures set out herein shall be followed. The general water service customer shall apply in writing to the director of customer service, setting out the basis for his/her request for an administrative variance. Such request must clearly detail the factors upon which the customer is

claiming relief from his/her base use amount. Such factors may include the seasonal nature of the business, health and safety needs and unique business processes. The director of customer service shall review the request, and may ask for additional written information from the customer if needed. Once all information requested by the customer service director has been received, the customer service director will respond to the request in writing within twenty (20) working days from receipt of all required information deemed necessary by the customer service director to render a decision. If the customer does not agree with the determination of the director of customer service, the customer may appeal such determination within ten (10) working days to the President/Chief Executive Officer of the San Antonio Water System. The President/Chief Executive Officer shall make an independent review of the written information submitted by the requesting customer and the written determination and supporting documentation submitted by the director of customer service. The President/Chief Executive Officer shall make a written administrative determination on the variance request within ten (10) working days of receipt of the written appeal. If the customer does not agree with the determination of the President/Chief Executive Officer, the customer may request an appeal to the San Antonio Water System Board of Trustees through a written request to the President/Chief Executive Officer. The President/Chief Executive Officer shall schedule a hearing before the Board as soon as practicable, but in no event less than sixty (60) days after the receipt of the variance request.

(Ord. No. 92752, § 1, 10-19-00)

Sec. 34-124. - Irrigation water service charge.

- (a) *General.* An irrigation water service rate is hereby established and is set out in Schedule C which is attached hereto and incorporated herein. Such rate is applicable to the use of potable water for the growth and maintenance of outdoor landscaping and turf. Such rate is not applicable when recycled water is used for such purposes.
- (b) *New non-residential accounts.* From and after the date of this ordinance, all customers that are installing an in-ground landscape irrigation system and seeking application for water service from the San Antonio Water System for new non-residential accounts shall be required to install a separate irrigation meter. All non-residential accounts receiving new service after 12:01 a.m. December 1, 2000 that install an in-ground irrigation system after initial water service is established will be required to install a dedicated irrigation meter when the new in-ground irrigation system is installed.
- (c) *Existing non-residential accounts.* Existing non-residential customers that have an irrigation system and do not have a separate irrigation meter may choose to install a separate meter for irrigation purposes.
 - (1) If an existing non-residential customer that has an irrigation system chooses not to install an irrigation meter the customer has two options:

Option One:

- a. SAWS will estimate for the non-residential customer through the use of surveys, meter sizes, past use or other methods the amount of water used for irrigation purposes. SAWS will notify in writing the resulting finding and apply the appropriate rate schedule.
- b. SAWS at its own discretion reserves the right to install irrigation meters on existing non-residential accounts SAWS determines would be beneficial for SAWS to install.
- c. SAWS will make all reasonable efforts to have irrigation use defined for all existing non-residential accounts that have irrigation systems by December 31, 2001.

Option Two:

If an existing non-residential customer chooses Option Two they must submit a Potable Water End-Use Report that at a minimum calculates the volume of potable water from a single meter that is used separately for irrigation and non-irrigation purposes. The Potable Water End-Use Report must be prepared by a registered professional engineer, licensed landscape irrigation auditor or licensed master plumber. The Potable Water End-Use Report must include the findings of a flow study, a description of potable water end-use categories found on site, a landscape plan and any other information the customer would like to include as supporting documentation in the report. The completed Potable Water End-Use Report must be submitted to the director of customer service of the San Antonio Water System. If the director of customer service approves the Potable Water End-Use Report, the San Antonio Water System shall mail notice of this action to the customer and shall make adjustments to the customer's bills retroactive to the date the Potable Water End-Use Report was received in the office of the director of customer service. Those non-residential customers existing prior to January 1, 2001 that choose this option must have end-use reports submitted to the director of customer service by April 1, 2001.

- (d) *New and existing residential accounts.* Both new and existing residential customers may choose to install a separate irrigation meter.

(Ord. No. 92752, § 1, 10-19-00)

Sec. 34-124.1. - Variance procedure for irrigation water service customers.

If an irrigation water service customer requests an administrative variance from the rate he/she is being charged pursuant to Schedule C, the procedures set out herein shall be followed. The irrigation water service customer shall apply in writing to the director of customer service setting out the basis for his/her request for an administrative variance. Such request must clearly detail the factors upon which the customer is claiming relief for the amount he/she is currently charged. Such factors may include but are not limited to health and safety needs. The director of customer service shall review the request, and may ask

for additional written information from the customer if needed. Once all information requested by the customer service director has been received, the director of customer service shall render a decision in writing to the customer within twenty (20) working days from receipt of the completed request. If the customer does not agree with the determination of the director of customer service, the customer may appeal such determination within ten (10) working days to the President/Chief Executive Officer of the San Antonio Water System. The President/Chief Executive Officer shall make an independent review of the written information submitted by the requesting customer and the written determination and supporting documentation submitted by the director of customer service. The President/Chief Executive Officer shall make a written administrative determination on the variance request within ten (10) working days of receipt of the written appeal. If the Customer does not agree with the determination of the President/Chief Executive Officer, the customer may request an appeal to the San Antonio Water System Board of Trustees through a written request to the President/Chief Executive Officer. The President/Chief Executive Officer shall schedule a hearing before the Board as soon as practicable, but in no event less than sixty (60) days after the receipt of the variance request.

(Ord. No. 92752, § 1, 10-19-00)

Sec. 34-125. - Multiple meters serving residential and general customers.

- (a) *Residential.* The meter readings of two (2) or more meters with like service addresses shall be combined for billing purposes. However, if any such meter(s) with like service address is classified as a potable water irrigation meter, such meter reading(s) shall not be combined with the remaining meter reading(s). The meter reading amounts from the meters classified as irrigation shall appear on the account as irrigation use and a charge will be assessed in accordance with Rate Schedule C. Any remaining meters with a like service address not designated as irrigation meters will then be combined for billing purposes. Such combined meter billings will be based upon combining the applicable meter charges and the applicable volume charges as provided in the applicable residential rate schedule attached hereto. Such combined meter reading amounts will appear on the account as domestic use (non-irrigation water and sewer).
- (b) *General.* The meter readings of two (2) or more meters even though serving a single general customer and even though serving a single building establishment shall not be combined for billing purposes. A separate billing shall be made for the water metered through each individual meter based upon the applicable meter charge and block-rate scale of volume charges as provided in the applicable general rate schedule attached hereto with the charges computed the same as if that were the only meter serving such customer, building or establishment.

(Ord. No. 80330, § 1, 6-16-94; Ord. No. 92752, § 10-19-00)

Sec. 34-125.1. - Pipeline damage cost recovery fees.

The following fees are established for the purpose of recovering certain costs incurred by SAWS in connection with each instance of damage to a SAWS pipeline from the party which caused the damage:

- (a) Dispatch fee for response to damaged mains: four hundred dollars (\$400.00) per instance reported to the SAWS emergency operations center.
- (b) The amount for the dispatch fee is effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fee charged do not exceed the cost of providing the services.
- (c) Lost water charge: the cost of water lost as a result of each instance of damage to a pipeline shall be recovered through the assessment on the estimated water loss volume of the current highest tier water supply fee rate assessed by SAWS, the current highest tier outside-the-city-limits (OCL) water delivery rate, and the current Water Uplift Assistance Program fee rate assessed by SAWS, and the current Edwards Aquifer Authority (EAA) permit fee rate.

(Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Editor's note— Ord. No. 2017-12-07-0928 , § 3(Att. II), adopted December 7, 2011, enacted provisions intended for use as section 34-106. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as section 34-125.1.

Sec. 34-126. - Fire flow test fee.

Upon request, a fire flow test will be conducted by personnel of the system to provide flow data in support of any fire protection system located within the board's service area. An advance fee of seventy-six dollars (\$76.00) shall be applicable for each fire flow test requested for purposes of obtaining fire flow data for a specific piece of property or building in order for the owner of the property or building to obtain insurance rating or coverage or to assist in the design and construction of an interior fire protection system. This fee amount is effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fee charged does not exceed the cost of providing the service.

(Ord. No. 2007-12-13-1345, § 2(Att. B), 12-13-07; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Editor's note— Ord. No. 2007-12-13-1345, § 2(Att. B), adopted December 13, 2007, amended § 34-126 in its entirety to herein set out. Formerly, § 34-126 pertained to fire hydrant flow test fee, and derived from Ord. No. 80330, § 1, adopted June 16, 1994.

Sec. 34-127. - Private fire protection water service connections; rates; billing; late payment; termination.

- (a) Private fire protection water service line connections permitted may be one of the following three (3) types:

Type 1 — A line utilized exclusively to supply service for closed circuit automatic sprinkler head system.

Type 2 — A line to supply service for systems which have water outlets such as open head sprinkler systems, standpipes, hose connection outlets, external private fire hydrants on the premises, or other outlets used solely for fire protection purposes.

Type 3 — A line to supply service for a combination domestic and private fire protection system where the fire system is composed of automatic sprinkler heads, standpipes, hose connections, external private fire hydrants, and where other outlets shall be classified as a domestic account.

- (b) The private fire protection water service charges for Type Nos. 1, 2, and 3 shall be based on the size of the fire flow line requirement determined in accordance with the system's "Regulations For Water Service." The water service rates which shall be the lawful rates charged on the three types of connections are contained in Rate Schedules A and B, attached hereto and incorporated herein.
- (c) Such charges shall be billed as of January 1 of each year and shall be the net annual charge for private fire protection service to be rendered during the ensuing calendar year. For private fire protection service established subsequent to January 31 of each calendar year, charges shall be prorated based on the number of remaining full months in the year. Charges for private fire protection water service are due and payable on or before thirty (30) days from the date of mailing of the bill.
- (d) For Type 3 (combination meter) accounts, private fire protection water service shall be billed in accordance with (c), above. Domestic service shall be billed monthly in accordance with Rate Schedules A or B for general water service rates inside and outside the city limits, according to the size of meter required for domestic flow purposes.
- (e) A penalty for late payment in the amount of five (5) percent of the net charges shall be added to

the current charges owing if full payment for such charges is not made to the system on or before thirty (30) days from the date of mailing of the bill.

- (f) In the event payment of applicable charges for private fire protection water services is not made on or before sixty (60) days from the date of the mailing of the system bill, service may be subject to termination in accordance with the procedure set out in division 4.
- (g) The system is hereby authorized and directed to promulgate and enforce detailed rules and regulations governing private fire protection water service connections and charges consistent with the provisions hereof.
- (h) The private fire protection water service rates on the three types of connections listed in section 34-127(a) above are effective January 1, 2023. The fee amounts shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fee charged does not exceed the cost of providing the service.

(Ord. No. 80330, § 1, 6-16-94; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Editor's note— Rate Schedules A and B referenced above are set out at length at the end of this chapter.

Sec. 34-128. - Drought surcharge purpose, definitions and billing cycles.

(a) *Purpose.* This surcharge is to discourage discretionary water consumption by customers during advanced stages of drought or emergency conditions any time designated by the city council.

(b) *Definitions.* As used in sections 34-128 and 34-129 and the associated surcharge rate sheets, the following terms are defined as follows:

Non-residential irrigation customer. A non-residential San Antonio Water System customer that is assessed the irrigation rate and/or is billed for a portion of their water at the irrigation rate using methodology established in subsection 34-124(c), commonly referred to as "assumed irrigation customers". A non-residential district special project customer that receives water service under an account designated by the district special project as being solely irrigation in purpose. Using the subsection 34-124(c) methodology, the district special project may determine that a regular non-residential district special project customer uses a portion of their water for irrigation purposes, in which case that portion of consumption shall be designated as "assumed irrigation".

Residential customer means a residential customer that has water service that is assigned a residential rate under the rates of the San Antonio Water System or the district special project.

Residential irrigation customer means a customer that has both residential and irrigation service at a

single service address under the rates of the San Antonio Water System or the district special project.

- (c) *Billing cycles.* All water consumption beginning with the next billing cycle subsequent to the declaration of a surcharge (section 34-320) may be assessed a surcharge. Such surcharge shall remain in effect for a minimum of one entire billing month. The surcharge shall remain in effect for another complete billing month, so that all customers are affected if stage IV is still in effect at the end of the original billing month.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07; Ord. No. 2014-05-29-0376, § 2(Exh. A), 5-29-14)

Editor's note— Ord. No. 2007-02-08-0149, § 1(Exh. A), adopted February 8, 2007, amended § 34-128 in its entirety to read as herein set out. Formerly, § 34-128 pertained to the critical period surcharge, and derived from Ord. No. 80330, § 1, adopted June 16, 1994.

Sec. 34-128.1. - Non-residential irrigation drought surcharge.

The non-residential irrigation drought surcharge rate, set out in section 34-122, shall apply to SAWS non-residential irrigation customers as defined in subsection 34-128(b), whose consumption exceeds five thousand two hundred thirty-six (5,236) gallons per month as set out in the drought surcharge schedule. This surcharge is assessed in addition to regular monthly charges.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07; Ord. No. 2017-12-07-0928 , § 4(Att. III), 12-7-17)

Sec. 34-128.2. - Residential and residential irrigation drought surcharge.

(a) *Stage III Residential customer drought surcharge.* The residential class surcharge rate established in section 34-122 for SAWS residential class customers shall be assessed on all water use in excess of _____~~twelve thousand seven hundred seventeen (12,717)~~ gallons in a single billing period as set out in the drought surcharge schedule. This surcharge is assessed in addition to the regular monthly residential rate.

(b) *Stage IV Residential irrigation customer drought surcharge.* For the purpose of assessing a surcharge, all meters at the same service address will be combined and the surcharge will be assessed on total water use exceeding _____~~twelve thousand seven hundred seventeen (12,717)~~ gallons in any single billing period as set out in the drought surcharge schedule. This surcharge is in addition to the monthly charges assessed based on section 34-122 residential and irrigation rates.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07; Ord. No. 2017-12-07-0928 , § 4(Att. III), 12-7-17)

Sec. 34-128.3. - Reserved.

Sec. 34-128.4. - Uses of fees derived from the drought surcharge

All fees derived from the drought surcharge shall support conservation education and related programs.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Sec. 34-129. - Administrative relief from imposition of drought surcharge; notification.

- (a) SAWS is hereby authorized to grant administrative relief to residential and non-residential customers in certain circumstances to the imposition of the drought surcharge or a portion thereof by granting a variance from applicable surcharge provisions. A customer who is seeking such relief must submit a request via electronic mail or submit a written request to SAWS based upon the health and safety needs of the customer. Such relief may be based upon but not limited to medical conditions requiring the use of water for special equipment or therapy or other compelling health and or safety reasons. Extenuating circumstances for the maintenance of xeric landscape material may also be considered. SAWS will determine, as part of the variance process, which plant material qualifies as xeric in nature. SAWS shall review the request and determine whether the water consumption level for such customer should be raised and to what extent prior to the imposition of the drought surcharge for that customer. A customer shall be notified in writing within a reasonable time whether such relief is granted. A customer seeking drought surcharge relief shall be afforded all administrative remedies available to all SAWS customers. The rules for administrative relief will be approved by the SAWS president/chief executive officer or his or her designee prior to the implementation of any surcharges and in any case the rules should be developed and approved by January 1, 2008.
- (b) SAWS is hereby directed to notify customers that such variance procedure is available and to further notify customers where drought surcharge relief forms may be obtained.

(Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

Editor's note— Ord. No. 2007-02-08-0149, § 1(Exh. A), adopted February 8, 2007, amended § 34-129 in its entirety to read as herein set out. Formerly, § 34-129 pertained to administrative relief from imposition of critical period surcharge; notification, and derived from Ord. No. 84432, §§ 1, 2, adopted July 18, 1996.

Sec. 34-130. - Meter trip fee.

A customer requesting assistance from SAWS to turn-off or turn-on water flow via the meter serving the customer shall be assessed a fee of twelve dollars (\$12.00) for each trip required by a SAWS employee to satisfy the customer's request. This fee shall also be assessed for each trip necessary by a SAWS employee to turn-on water flow via a meter whenever a customer requests new water service from SAWS. For a customer who qualifies for participation in the SAWS Uplift Assistance Program, the meter trip fee amount shall be six dollars (\$6.00). This fee amounts are effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fee charged does not exceed the cost of providing the service.

(Ord. No. 2007-12-13-1345, § 2(Att. B), 12-13-07; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Sec. 34-131. - Fire hydrant water usage regulation, rates, and meter fees.

- (a) *General.* SAWS may authorize a meter to be connected temporarily to a fire hydrant during construction operations in lieu of installing a temporary service line provided the customer:
 - (1) Executes a contract for fire hydrant meter usage,
 - (2) Pays the customer account deposit and all other applicable rates and fees as established in this section,
 - (3) Assumes responsibility for the safekeeping of the meter, fitting and fire hydrant, and
 - (4) Complies with backflow prevention requirements as established in the SAWS Utility Service Regulations.
- (b) *Fire hydrant meter deposit, and daily availability charge.*
 - (1) Prior to obtaining a fire hydrant meter, the customer will be required to pay a fire hydrant meter deposit of one thousand seven hundred eighty-one dollars (\$1,781.00).
 - a. The customer shall indicate on the fire hydrant meter usage contract the location of usage of the meter by street address or by street name with the nearest cross street, and the estimated duration of meter usage at the designated location.
 - b. The customer shall indicate whether the fire hydrant meter will be used for irrigation or non-irrigation purposes for the purpose of being assessed the appropriate water usage rates; a single meter may not be used for both types of usages during a given six-month usage period.
 - (2) The daily availability charge for use of a fire hydrant meter shall be six dollars (\$6.00).
 - (3) The fee amounts for the fire hydrant meter deposit and the daily availability charge are effective January 1, 2023. The fee amounts shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fees charged do not exceed the cost of providing the services.

- (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 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:
 - a. Forfeit the fire hydrant meter deposit, and
 - b. Be charged one hundred forty-four dollars (\$144.00) per month in addition to all other fees and charges until the meter in question is returned for inspection and re-calibration (this monthly fee will not be prorated if the meter is returned in the middle of a billing period), and
 - c. Be unable to obtain any additional fire hydrant meters from SAWS until the meter in question is returned for inspection and re-calibration.
 - (2) Provide meter readings to SAWS on a monthly basis and report the location of the usage by the meter by street address, or by street name with the nearest cross street; if the customer fails to provide a meter reading for a given month on the day designated by SAWS, the customer shall be billed a flat fee equal to the OCL volumetric cost of water usage of seventy-four thousand eight hundred ten (74,810) gallons (one hundred (100) CCF) for the month.
 - (3) The additional one hundred forty-four dollars (\$144.00) per month fee amount indicated in section 34-131(c)(1), above, is effective on January 1, 2023. The fee shall be adjusted on January 1 of each year thereafter by the percentage of any approved monthly change (greater than zero (0)) for the next year in SAWS domestic water delivery rates, and subsequently rounded to the nearest dollar.
- (d) *Fire hydrant water usage rate classes.* Two separate classes of fire hydrant water usage rates are established one or the other to be assessed on monthly water consumption measured by the fire hydrant meter based on the type of usage declared by the customer at the time of entering into a contract with SAWS for use of a fire hydrant meter:
- (1) *Non-irrigation usage.* The customer shall be charged using the second tier general class water delivery outside the city limits (OCL) rates currently assessed by SAWS, the Water Uplift Assistance Program fee rate, the second tier general class water supply fee rates currently assessed by SAWS, and the current Edwards Aquifer Authority (EAA) permit fee rate.
 - (2) *Irrigation usage.* The customer shall be charged using the highest tier irrigation class OCL rates currently assessed by SAWS, the highest irrigation water supply fee rates currently assessed by SAWS, the Water Uplift Assistance Program fee rate, and the current Edwards Aquifer Authority (EAA) permit fee rate.
- (e) *Regulations for fire hydrant meter irrigation meter usage.*
- (1) Fire hydrant meters may not be used for irrigation if regular metered SAWS irrigation service

is available at the desired location of meter usage; if regular SAWS irrigation service becomes available after fire hydrant meter irrigation usage begins, the fire hydrant meter must be returned to SAWS immediately or else the meter is subject to unannounced retrieval by SAWS.

- (2) Customers using fire hydrant meters for irrigation purposes are subject to all drought management restrictions contained in article IV and must not irrigate between 11:00 A.M. and 7:00 P.M.
 - (3) Fire hydrant meters may only be used for irrigation purposes at one location for six-months at a time; if customer desires to use the meter beyond the six-month period at one location, the customer must apply **to the SAWS Director of Conservation for a variance using the procedure defined in section 34-276.**
 - (4) Fire hydrant meter irrigation usage found to be unauthorized by SAWS subjects the meter in question to unannounced retrieval by SAWS.
- (f) *Regulations for unauthorized SAWS fire hydrant water usage.*
- (1) Withdrawal of water directly from a SAWS fire hydrant without the use of a SAWS-issued fire hydrant meter as authorized under the terms of a duly executed fire hydrant meter contract is prohibited.
 - (2) Should SAWS staff encounter and document an instance of such unauthorized usage, the person or entity making the withdrawal shall be assessed and billed a flat fee equal to the volumetric cost of water usage of seventy-four thousand eight hundred ten (74,810) gallons (one hundred (100) CCF) plus the equivalent of thirty (30) days of daily availability charge.
 - (3) The fees and charges listed in section 34-131(f)(2) above shall be assessed in addition to any legal enforcement action undertaken by the City of San Antonio for criminal theft of water.

(Ord. No. 2007-12-13-1345, § 2(Att. B), 12-13-07; Ord. No. 2017-12-07-0928, § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Ord. No. 2019-02-14-0123, § 1(Att. I), 2-14-19; Res. No. 19-280, 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867, § 2(Att. II), 11-10-22)

Sec. 34-132. - Same-day meter turn-on fee.

A customer requesting that the system initiate or reinstate water service on the same day the application for service is made shall be assessed a fee of thirty-three (\$33.00) for this service. A customer who qualifies for participation in the SAWS Uplift Assistance Program requesting that the system initiate or reinstate water service on the same day the application for service is made shall be assessed a fee of sixteen dollars and fifty cents (\$16.50) for this service. The fee amount is effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fee charged does not exceed the cost of providing the services.

(Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Editor's note— Prior to the reenactment of section 34-132 by Ord. No. 2017-12-07-0928 , § 3(Att. II, adopted December 7, 2017, Res. No. 16-302, Att. III, repealed the former section 34-132 in its entirety, which pertained to the establishment of rates and schedules for former district special project customers, and derived from Ord. No. 2015-11-19-0956, § 4(Att. I), adopted November 19, 2015.

Sec. 34-133. - Bench meter test fee.

A customer requesting that the system apply a bench test at the system's meter shop to the meter serving the customer's account shall be assessed a fee of one hundred sixteen dollars (\$116.00) only if the system finds that the meter being tested is accurate:

The fee amount is effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fees charged do not exceed the cost of providing the services.

(Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

~~Sec. 34-134. - Irrigation system inspection compliance fees:~~

~~Failure to comply with the annual inspection requirements contained in subsection 34-273(3) shall result in the assessment of the following additional charges on the account associated with the irrigation system:~~

~~(a) Annual enforcement fee in the amount of one hundred fifty dollars (\$150.00); this fee shall be assessed on an annual basis until the requirements of subsection 34-273(3) have been met; and~~

~~(b) Additional volumetric rate of \$0.8193 per one thousand (1,000) gallons on all irrigation consumption on a monthly basis; this additional rate shall continue to be assessed until the requirements of subsection 34-273(3) have been met.~~

~~(c) The annual enforcement fee amount in section 34-134(a) above is effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage~~

difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fees charged do not exceed the cost of providing the services.

(d) The volumetric rate amount in section 34-134(b) above is effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) 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.

(Ord. No. 2015-11-19-0956 , § 4(Att. III), 11-19-15; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Editor's note— Ord. No. 2017-12-07-0928 , § 3(Att. II), adopted December 7, 2017, redesignated the former section 34-133 as section 34-134. The historical notation has been preserved for reference purposes.

Sec. 34-134 Non-Compliance Charge.

The purpose of this charge is to discourage discretionary water consumption that is in direct violation of Article IV use restrictions. Locations of repeated or continued violations of Article IV may be subject to the Non-Compliance Charge. SAWS will periodically analyze the charge to ensure it fairly reflects the overall dollar cost impact of non-compliance to the community.

Sec. 34-134.1 Definitions.

As used in the associated Non-Compliance Charge sheet, the following terms are defined as follows:

Non-residential irrigation customer. A non-residential San Antonio Water System customer that is assessed the irrigation rate and/or is billed for a portion of their water at the irrigation rate using methodology established in subsection 34-124(c), commonly referred to as "assumed irrigation customers". A non-residential district special project customer that receives water service under an account designated by the district special project as being solely irrigation in purpose. Using the subsection 34-124(c) methodology, the district special project may determine that a regular non-residential district special project customer uses a portion of their water for irrigation purposes, in which case that portion of consumption shall be designated as "assumed irrigation".

Residential customer means a residential customer that has water service that is assigned a residential rate under the rates of the San Antonio Water System or the district special project.

Residential irrigation customer means a customer that has both residential and irrigation service at a single service address under the rates of the San Antonio Water System or the district special project.

Sec. 34-134.2. - Uses of fees derived from the Non-Compliance Charge.

All fees derived from the Non-Compliance Charge shall support conservation education and related programs.

Secs. 34-135 —34-145. - Reserved.

ARTICLE III. - SEWER SERVICE AND RATES

Footnotes:

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Note— *Rate schedules A, B, C, and G relating to wastewater residential, general, wholesale, and Uplift Assistance Program customers are hereby amended and shall hereinafter read as attached hereto and incorporated herein.*

DIVISION 1. - GENERALLY

Secs. 34-146 —34-155. - Reserved.

DIVISION 2. - RESERVED

Footnotes:

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Editor's note— *Ord. No. 80574, § 10, adopted Aug. 4, 1994, relocated the text of former Div. 2, §§ 34-156—34-166, relative to industrial waste, to Art. V, Div. 3, § 34-471 et seq. Former history notation has been retained at the new section designations.*

Secs. 34-156—34-195. - Reserved.

DIVISION 3. - RESERVED

Footnotes:

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Editor's note— *Ord. No. 80574, § 11, adopted Aug. 4, 1994, relocated the text of former Div. 3, §§ 34-196—34-211, relative*

to toilets, septic tanks and privies, to Art. V, Div. 2, § 34-441 et seq. Former history notation has been retained at the new section designations.

Secs. 34-196—34-225. - Reserved.

DIVISION 4. - RATES AND CHARGES

Footnotes:

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Editor's note— Ord. No. 80330, § 1, adopted June 16, 1994, amended the provisions of former §§ 34-226—34-234, relative to sewage disposal rates and charges, in their entirety to read as herein set out. The provisions of these former sections derived from Code 1959, §§ 33A-61—33A-65, 33A-67—33A-69; Ord. No. 56173, 11-24-82; Ord. No. 57792, 10-27-83; Ord. No. 58526, 3-29-84; Ord. No. 60600, 4-25-85; Ord. No. 63544, 8-28-86; Ord. No. 65694, 9-10-87; Ord. No. 65767, 9-24-87; Ord. No. 67918, 9-15-88.

Sec. 34-226. - Establishment of rates and schedules, rates schedules, and affordability discount analysis.

The schedule of sewer service rates and charges contained in Schedule A for residential sewer service customers, the schedule of sewer service rates and charges contained in Schedule B for general sewer service customers, the sewer service rates and charges contained in Schedule C for wholesale sewer service customers, and the schedule of sewer service rates and charges in Schedule G, as amended attached hereto, shall be effective for all consumption on or about January 1, 2023, as appropriate, and shall be the lawful rates for sewer service to be charged by the system except as specified below:

Customers approved by the SAWS for participation in the flat rate sewer program in accordance with section 34-226.2 shall pay sewer charges as required under the flat rate sewer program.

(Ord. No. 80330, § 1, 6-16-94; Ord. No. 99995, § 2(Att. I), 11-18-04; Ord. No. 101682, § 1(Att. I), 11-17-05; Ord. No. 2015-11-19-0956, § 4(Att. I), 11-19-15, Res. No. 16-302, Att. III; Ord. No. 2017-12-07-0928, § 1(Att. I), 12-7-17; Ord. No. 2022-11-10-0867, § 1(Att. I), 11-10-22)

Editor's note— Rate Schedules referenced above are set out at length at the end of this chapter.

Sec. 34-226.1. - Methods for establishing monthly residential charges.

(a) *Definitions.*

- (1) *Entity.* A city, town, political or commercial subdivision, district, association, military installation or facility that establishes, operates and maintains a sewer collection system within its jurisdictional boundaries, and contracts with the San Antonio Water System to connect that sewer collection system to the regional sewage transportation and treatment works in order that the San Antonio Water System can provide for the transportation and

treatment of sewage discharged by the entity.

- (2) *Winter averaging sewer charge period.* The period of water and sewer service during the three (3) complete consecutive billing periods commencing on or after November 15 of each year and terminating on or after the completion of three (30 full billing cycles in March of each year. During the three (3) complete consecutive billing periods the system shall establish monthly sewer service charges for customers based upon their average monthly water consumption during the three (3) complete consecutive billing periods. The customer must receive sewer service at one location during the entire three (3) consecutive billing periods in order to establish a "winter average."
 - (3) *Interim averaging sewer charge period.* The period of water and sewer service during three (3) complete monthly billing periods during which the system establishes monthly sewer service charges for customers based upon their average monthly water consumption during that period. This interim averaging sewer charge period is to be used only in determining monthly sewer service charges when the customer has not yet established a winter average by the method outlined in (2) above.
 - (4) *Winter average charge.* The monthly sewer service charge established by the system during the winter averaging sewer charge period. This charge is the basis for monthly billings until completion of the next entire winter averaging sewer charge period.
 - (5) *Interim average charge.* The monthly sewer service charge established by the system during the interim averaging sewer charge period. This charge is the basis for monthly billings until completion of the next entire winter averaging sewer charge period and becomes the basis for subsequent monthly billings.
- (b) *Final billings.* For all final billings, either the winter average charge, or the interim average charge, or the unaveraged residential charge or the unmetered residential charge, whichever is in effect at the termination of service for residential customers, will be prorated by dividing the applicable sewer service charge by thirty (30), and multiplying by the number of days that sewer service was actually received during the final month. However, final billings shall not be greater than the applicable sewer service charge and shall not be less than the minimum sewer service charge stated in Rate Schedules A and B, attached hereto and incorporated herein.
- (c) *New customers who have not established monthly sewer service charge by previous residency within the service area during the preceding six months.* New customers who move into the service area after the first day of a billing period and before the last day of that billing period will be billed on a proration basis by dividing the applicable I.C.L. or O.C.L. unaveraged residential charge, stated in Rate Schedules A and B, attached hereto and incorporated herein by thirty (30), and multiplying by the number of days that sewer service was actually received. However, the initial bill for service received during the first partial billing period shall not be less than the

minimum I.C.L. or O.C.L. sewer service charge stated in Rate Schedules A and B, attached hereto and incorporated herein.

New customers will pay the I.C.L. or O.C.L. unaveraged residential charge, stated in Rate Schedules A and B, attached hereto and incorporated herein, during the first three (3) complete billing periods while an interim average charge based upon water consumption is established. The interim average charges shall not be greater than the I.C.L. or O.C.L. unaveraged residential charge, stated in Rate Schedules A and B, attached hereto and incorporated herein, nor be less than the minimum monthly I.C.L. or O.C.L. sewer service charge stated in Rate Schedules A and B, attached hereto and incorporated herein.

Once the interim average charge is established, it shall be the monthly sewer service charge through the end of the next complete winter averaging sewer charge period. Once the winter average charge is established, the interim average charge shall no longer be the basis for the monthly service charge.

- (d) *Initial billings for customers relocating within the service area.* Customers who relocate within the service area will receive an initial bill at their new residence based upon either the winter average charge, or the interim average charge, or the unaveraged residential charge or the unmetered residential charge, depending upon which charge has been the basis for monthly billings at the previous residence. The applicable charge will be prorated by dividing it by thirty (30), and multiplying by the number of days that sewer service is actually received during the first month at the new residence. However, initial billings shall not be greater than the applicable monthly sewer service charge and shall not be less than the minimum I.C.L. or O.C.L. sewer service charge stated in Rate Schedules A and B, attached hereto and incorporated herein. After this initial billing, the customers described above will continue to be billed monthly sewer service charges based upon the full monthly charge established at their previous residence. This applicable charge shall serve as the basis for monthly billings until the end of the next complete winter averaging sewer charge period.
- (e) *Alternative methods.* The above definitions and methods (1-5) for established monthly residential sewer service charges shall apply to, and be implemented by, all water purveyors within the service area except those water purveyors that have submitted alternative definitions and methods which have been approved by the system.

(Ord. No. 80330, § 1, 6-16-94)

Editor's note— Rate Schedules A and B referenced above are set out at length at the end of this chapter.

Sec. 34-226.2. - Flat rate sewer program.

- (a) The purpose of this program is to allow an alternate method of establishing a sewer charge for

general accounts.

- (b) Any general user who uses water in their daily activities which is not discharged into the sewer system, may submit a written request to customer service for a reduction in the volume of waste estimated to be discharged from the premise.
- (c) In the event a customer requests to participate in the program, the system shall follow the flat rate sewer program procedure set out in Schedule 2 which is attached hereto for customer notification and convenience. In the event the system duly amends such procedure from time to time, an updated version of such procedure shall be supplied to the City of San Antonio City Clerk. Copies of the system's most current flat rate sewer program procedure shall also be available to all system customers upon request at the system's customer service locations.

(Ord. No. 80330, § 1, 6-16-94)

Editor's note— Schedule 2 referenced above is set out at length at the end of this chapter.

Sec. 34-226.3. - Industrial waste surcharges.

- (a) Persons or owners discharging industrial wastes which exhibit none of the characteristics of wastes prohibited by Ordinance Number 77784, or as may be amended, other than excessive BOD or TSS, but having a concentration in excess of normal domestic sewage, that is, concentrations of BOD in excess of two hundred fifty (250) mg/l and TSS in excess of two hundred fifty (250) mg/l, shall pretreat the industrial waste to meet the concentrations of normal domestic sewage; however, such excessive BOD and TSS waste may be accepted for treatment if all the following requirements are met:
 - (1) The wastes will not cause damage to the collection system.
 - (2) The wastes will not impair the system's treatment process.
 - (3) The wastes will not cause contamination of POTW sludges thus limiting sludge disposal options or practices.
 - (4) The person(s) or owners responsible for the wastes pays an industrial surcharge, in addition to the regular water and sewer charges, in accordance with the following cost factors and formula:

V	=	Volume of water use reported in millions of gallons (MG) per month.
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BOD	=	Biochemical oxygen demand analyzed in accordance with the procedures approved under 40 CFR Part <u>136</u> , or the latest Environmental Protection Agency (EPA) approved method, and reported in units of milligrams per liter (mg/l).
TSS	=	Total suspended solids analyzed in accordance with the procedures approved under 40 CFR Part <u>136</u> , or the latest Environmental Protection Agency (EPA) approved method, and reported in units of milligrams per liter (mg/l).

Cost factor BOD = \$1.32

Cost factor TSS = \$3.05

IWS = Industrial waste surcharge computed in dollars as follows: IWS Volume of discharge (in MG per Month) [$\$1.32 \times (\text{BOD mg/l} - 250 \text{ mg/l}) + \$3.05 \times (\text{TSS mg/l} - 250 \text{ mg/l})$].

(b) *Surcharge review.*

- (1) The San Antonio Water System as the Control Authority (CA) shall review the basis for determining surcharges at least once every two (2) years, or more frequently as needed.
- (2) The discharger may employ an independent registered professional engineer, at the discharger's cost, to perform additional sampling and analysis provided this activity is coordinated with the CA. Upon consideration of all available information, the CA shall determine the final values and/or charges to be assessed.

(c) *Sample point.*

- (1) Each sampling point shall be installed and maintained by the discharger so that any authorized representative of the CA may readily and safely obtain samples of the flow at all times.
- (2) Each sampling point shall be near the outlet of each sewer, drain, pipe, or channel which connects with the sanitary sewer or wastewater facility.
- (3) Each sampling point shall be designed and constructed to prevent infiltration by ground and surface water and maintained so that any authorized representative of the CA may readily and safely obtain samples of the flow at all times.
- (4) Before beginning construction of a sampling point, a person shall submit plans to the CA for review and approval to ensure compliance with these provisions. Plans must include the

sewage metering device if one is to be installed.

(d) *Measurement of waste volumes.*

- (1) The volume of wastes may be determined by the same methods used to calculate the general sewer service rate.
- (2) On premises where all or part of the water is obtained from a source other than the public water supply and no sewage metering device is installed, the owner shall provide and maintain a metering device of a type approved by the CA to measure sources of private water.

(e) *Sampling of wastes.*

- (1) The CA shall take samples of waste discharges from establishments as often as determined necessary to adequately monitor and control the discharges. If an owner desires additional samples, the owner shall pay the cost of the additional service.
- (2) Samples collected by the CA may be either flow-proportional or time proportional composite samples as appropriate to achieve the most representative samples, or via the best available sampling method given the constraints and limitations present at the discharge point source.

(f) *Sampling and analysis fees.* A person discharging concentrations of BOD and/or TSS in excess of normal domestic sewage concentrations shall compensate the CA for the cost of sample collection and analysis when an industrial surcharge is established.

(g) *Industrial surcharges for class groups.*

- (1) The CA shall assess an industrial surcharge rate for each class group based on waste strength determinations established by averaging grab or composite samples or both, taken from a representative number of establishments in each group, and shall apply this rate to the water consumption or metered wastewater of the establishment. If the establishment is within a larger facility for which water usage is determined from a master meter, the San Antonio Water System Customer Service Department (CSD) shall determine an estimated volume for the establishment on which the surcharge rate is applied. CSD shall then add the appropriate industrial surcharge to billings for regular water and sewer service for each establishment classified into a class group.
- (2) If an establishment contains operations from more than one of the class groups, CSD determines that the surcharge rate for a particular class group would not adequately compensate the system for its cost of treatment, CSD shall add an appropriate industrial waste surcharge to adequately compensate the system for its cost of treatment.
- (3) The CA may, from time to time, revise surcharge class groups based on analysis of current samples.

(h) The surcharge amounts shown in section 34-226.3(a) above are effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier. SAWS will periodically perform a cost of service analysis to ensure that the fee charged does not exceed the cost of providing the services.

(Ord. No. 80330, § 1, 6-16-94; Ord. No. 97395, 3-27-03; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2015-11-19-0956 , § 4(Att. I), 11-19-15; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Sec. 34-226.4. - Pass-through of sewer uplift assistance program fee.

The assessment of a pass-through of the Sewer Uplift Assistance Program Fee (Sewer UAP Fee) to all non-UAP sewer customers in the Residential and General classes is authorized. The initial monthly pass-through of the Sewer UAP Fee shall commence on or after January 1, 2023. Such initial pass-through, while estimated to be \$0.1610 per thousand gallons of billed sewer usage, is subject to change, based on the formula set out herein. The San Antonio Water System is delegated the authority to administratively adjust such pass-through on an annual basis, on or about January 1 of each year, in accordance with the following formula:

SEWER UPLIFT ASSISTANCE PROGRAM FEE ADJUSTMENT

An adjustment will be made to the Sewer UAP Fee annually, beginning January 1, 2024, based on the following formula: the annual revenue from the fee collected by SAWS for the prior twelve-month period beginning in January plus the amount of the over-recovery or under-recovery of the prior twelve-month costs of sewer service to UAP customers, divided by the project annual sewer usage, yields the fee on a dollars-per-gallon basis.

Sewer UAP Fee billed revenue by SAWS for prior twelve (12) months.

PLUS

Over-recovery/under-recovery of the prior twelve-month total costs of sewer service to UAP sewer customers from the application of UAP sewer rates.

PLUS

Projected UAP cost increases from program growth and rate changes.

DIVIDED BY

Projected annual sewer usage subject to UAP Fee for the next twelve (12) months.

DIVIDED BY

Projected annual sewer usage for the next twelve (12) months.

EQUALS

Adjusted Sewer UAP Fee rate on a dollars-per-gallon basis of consumption, for the next twelve (12)

months period beginning in the month of January.

The San Antonio Water System is directed to show such pass-through as a line item on each customer bill.

(Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Sec. 34-227. - Determination in extenuating circumstances.

The president/chief executive officer of the system is hereby authorized to designate a committee comprised of representatives from quality control and customer service empowered to establish special monthly commercial rates in cases where extenuating circumstances exist, such as the use of water in a manufactured product, the use of water from a consumer's own supply where there is no meter, excessive irrigation, etc. The committee shall, upon review of the facts, make a determination as to sewer service charges in such instances.

Secs. 34-228—34-230. - Reserved.

Sec. 34-231. - Reserved.

Editor's note— Ord. No. 2015-11-19-0956 , § 4(Att. III), adopted November 19, 2015, repealed the former section 34-231 in its entirety, which pertained to monthly charges to new, vacant, residential or commercial structures, and derived from Ord. No. 80330, § 1, adopted June 16, 1994.

Sec. 34-232. - Reserved.

Sec. 34-233. - Collection of charges.

The president/chief executive officer of the system or his designated representative shall negotiate with other water purveyors in order to make necessary arrangements for the collection of the sewer charges prescribed in this division by such water purveyors.

(Ord. No. 80330, § 1, 6-16-94)

Sec. 34-234. - Reserved.

Sec. 34-235. - Reserved.

Editor's note— Ord. No. 2015-09-10-0761 , § 7(Exh. D), adopted September 10, 2015, repealed the former section 34-235 in its entirety, which pertained to the schedule of rates for stormwater drainage, services and programs; billing and collection, and derived from Ord. No. 77949, §§ 1—6, adopted May 13, 1993; Ord. No. 90499, § 1, adopted September 16, 1999; Ord. No. 96515, § 1, adopted October 3, 2002; Ord. No. 98635, § 1, adopted December 18, 2003; Ord. No. 100066, § 1, adopted December 9, 2004, and Ord. No. 2007-09-20-

0988, § 1, adopted September 20, 2007.

Sec. 34-236. - Lift station maintenance fee.

A customer-developer wishing to install a lift station as an element of an off-site wastewater collection system to serve a specific area must meet all SAWS regulatory requirements as they relate to lift stations and, in addition, pay to SAWS a one-time lift station maintenance fee of two hundred twenty-five thousand four hundred forty-five dollars (\$225,445.00) that will be used to offset annual lift station maintenance expenses over a ten-year period. The fee amount is effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fee charged does not exceed the cost of providing the services.

(Ord. No. 2007-12-13-1345, § 2(Att. B), 12-13-07; Ord. No. 2011-12-08-1004 , § 2(Exh. L), 12-8-11; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 1(Att. I), 11-10-22)

Sec. 34-237. - Dye testing fee.

A person requesting that the system provide a dye test to confirm the presence of a connection of a property to the system's sewer system shall be assessed a fee of eighty-five dollars (\$85.00) for the conduct of the test. The fee amount is effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fee charged does not exceed the cost of providing the services.

(Ord. No. 2011-12-08-1004 , § 2(Exh. L), 12-8-11; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 1(Att. I), 11-10-22)

Sec. 34-238. - Reserved.

Editor's note— Ord. No. 2022-11-10-0867 , § 1(Att. I), adopted Nov. 10, 2022, repealed § 34-238, which pertained to unauthorized sewer connection cap and removal fee and derived from Ord. No. 2011-12-08-1004 , adopted Dec. 8, 2011; Ord. No. 2017-12-07-0928 , adopted Dec. 7, 2017; Res. No. 18-262, adopted Nov. 13, 2018; Res. No. 19-280 , adopted Nov. 5, 2019.

ARTICLE IV. - DROUGHT MANAGEMENT, WATER CONSERVATION AND REUSE

Footnotes:

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Editor's note— Ord. No. 2014-05-29-0376, § 3(Exh. B), adopted May 29, 2014, amended article IV in its entirety to read as herein set out. Formerly, article IV, divisions 1—5, pertained to similar subject matter, and derived from Ord. No. 92179, § 1, adopted July 27, 2000; Ord. No. 92503, § 1, adopted September 14, 2000; Ord. No. 100322, § 1(Att. A), adopted January 20, 2005; Ord. No. 2008-10-02-0885, § 3(Exh. A), adopted October 2, 2008; Ord. No. 2009-02-05-0089, § 1(Exh. A), adopted February 5, 2009, and Ord. No. 2009-03-12-0179, § 8, adopted March 12, 2009.

DIVISION 1. - REGULATED ACTIVITIES

Sec. 34-~~271~~. - Definitions.

As used in this article, the following terms shall have the following meanings:

Advanced plan means:

- (1) As it related to athletic fields, submitted to and approved by SAWS, an irrigation schedule based on precipitation rates for irrigation systems that allows athletic fields to be irrigated more than one day a week.
- (2) As it relates to water features, submitted to and approved by SAWS, owner certification that the water feature is in good working order, to include the Outdoor water feature conservation plan and advanced monitoring methods that allow the operator to receive real time data regarding water use.

Agricultural irrigation means irrigation for the purpose of growing crops commercially for human consumption or to use as feed for livestock or poultry.

Air conditioning system(s) means a mechanical system generally consisting of a compressor, thermostat and duct work permanently installed in a building for the purpose of controlling humidity and temperature. For the purposes of this division, an air conditioning system does not include window units.

Athletic field means a sports playing field, the essential feature of which is turf grass, used primarily for organized sports for schools, professional sports, or sanctioned league play.

Automatic irrigation controller means a device that automatically activates and deactivates an irrigation system at times selected by the operator.

Automatic pool drain/overflow system means the removal of pool/spa surface water through the use of

overflows and surface water collection systems of various design and manufacture.

Automatic pool fill means a water level sensing device that can control a valve to add make-up water to a pool, spa, or water feature.

Automatic pool shut-off means the action of the automatic pool fill system is automatically turned off when desired water level is attained.

Backwash/backwashing means the process of cleansing the filter medium and/or elements by the reverse flow of water through the filter.

Base usage means the average monthly total water usage for the three (3) lowest months of November and December and the following January and February during each of the three (3) consecutive 12-month periods preceding the commencement of the user's use of water.

Basic plan means:

- (1) As it relates to athletic fields, submitted to and approved by SAWS, an irrigation schedule for athletic fields that allows each athletic field at a particular location to be irrigated one day a week.
- (2) As it relates to water features, submitted to and approved by SAWS, owner certification that the water feature is in good working order to including the Outdoor water feature conservation plan.

Beneficial use means the amount of water that is economically necessary for a purpose not otherwise prohibited by the city, state or federal law or regulation, when reasonable intelligence and reasonable diligence is used in applying water for that purpose.

Blowdown meter means a meter that tracks the amount of water discharged from a cooling tower system.

Bucket means a deep, cylindrical container holding five (5) gallons or less, used singly by one person.

Cartridge pool filter means a filter that utilizes a porous element that acts as a filter medium.

Certified vehicle wash facility means a vehicle wash facility that meets the requirements of SAWS certified vehicle wash program.

Commercial dining facility means a business that serves prepared food and beverages to be consumed on the premises.

Computer controlled irrigation system (CCIS) means a system comprised of a computer controller (digital operating system), software, interface modules, satellite field controllers, soil sensors, weather station, or similar devices that is capable of achieving maximum efficiency and conservation in the application of water for irrigation. A CCIS, at a minimum, should be designed to:

- (1) Prevent over watering, flooding, pooling, evaporation and run-off, and
- (2) Prohibit sprinkler system from applying water at an rate exceeding the soil holding capacity of the land under irrigation.

Concentration means re-circulated water that has elevated levels of total dissolved solids as compared to the original make up water.

Conductivity controller means a device used to measure the conductivity of total dissolved solids in the water of a cooling system and control the discharge of water in order to maintain efficiency.

Conforming means a golf course that has a CCIS in place and is utilizing the system to achieve maximum conservation and the goals of this division. Conforming facilities shall have a conservation plan approved and on file with SAWS.

Conservation department means the Conservation Department of the San Antonio Water System.

Customer means Any individual, business, institution, builder, developer, or other end user eligible for utility service in accordance with City Code and SAWS' regulations.

Cooling tower means an open water recirculation device that uses fans or natural draft to draw or force air to contact and cool water through the evaporative process.

Dedictory instrument means a governing instrument for the establishment, maintenance, and operation of a residential subdivision, planned unit development, condominium, townhouse regime, or any similar planned development. Texas Real Property Code, Sec. 202.007(1).

Diatomaceous earth pool filter means a filter that utilizes a coating of diatomaceous earth (DE) or other filter media over a porous fabric as its filter medium.

Director of conservation means the director of the department of conservation of the San Antonio Water System.

Drip irrigation means an irrigation system (drip, porous pipe, etc.) that applies water at a predetermined controlled low-flow levels directly to the roots of the plant.

Drought for this article is not intended to be limited to any meteorological definition of the term. "Drought" is intended to have broad meaning and refers to any condition, whether man-made or natural, where the available water supply or resources are not meeting the water demand, or if the water supply or resources are being depleted at a faster rate than they are being replenished.

Evaporative shields means soft floating pads that have contact with the pool water surface to reduce evaporation, small enough and flexible enough not to present an entrapment or injury hazard to bathers.

Evapotranspiration rate (ET rate) means the rate which the combination of evaporation from soil surface and transpiration from vegetation will occur for specific climatic conditions.

Existing landscaping plant means a landscaping plant existing after such period of time as to accomplish an establishment and maintenance of growth.

Extra-territorial jurisdiction (ETJ) means the area adjacent to the City of San Antonio city limits where the city has regulatory control as provided for by the state the un-incorporated area contiguous to corporate boundaries of the city where the City has regulatory control as determined by State law and the Texas Local Government Code, which may be amended from time to time.

Fountain means an artificially created jet or stream of water, a structure, often decorative, from which a jet or stream of water issues.

Golf course means an irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for the playing of golf.

Hand-held hose means a hose physically held by one person, fitted with a manual or automatic shutoff nozzle.

Health care facility means any hospital, clinic, nursing home or other health care or medical research facility.

Hose-end sprinkler means a sprinkler that applies water to landscape plants that is piped through a flexible, movable hose.

Household use means the use of water, other than uses in the outdoor category, for personal needs or for household purposes, such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

Impervious surface means any structure or any street, driveway, sidewalk, patio or other surface area covered with asphalt, concrete, brick, paving, tile or other material preventing water to penetrate the ground.

Indoor water feature means any water feature located entirely in a conditioned space.

Industrial use means the use of water for or in connection with commercial or industrial activities, including but not limited to, manufacturing, bottling, brewing, food processing, scientific research and technology, recycling, production of concrete, asphalt, and cement, commercial uses of water for tourism, entertainment, and hotel or motel lodging, generation of power other than hydroelectric, and other business activities.

Irrigation system means a system of fixed pipes and emitters, **drip lines**, or heads that apply water to landscape plants or turfgrass, including, but not limited to, in-ground and permanent irrigation systems.

Irrigation system analysis means a zone-by-zone analysis of an irrigation system that, at a minimum, includes a review of the following elements:

- (1) Design appropriateness for current landscape requirements;

- (2) Irrigation spray heads and valves;
- (3) Precipitation rates expressed in ~~gallons per minute~~ **inches per hour**;
- (4) Annual maintenance plan that includes irrigation system maintenance, landscape maintenance, and a basic summer and winter irrigation scheduling plan;
- (5) Location and account numbers of meters supplying the irrigation system should be described or identified on a map;
- (6) Location and verification of functional rain sensor.

Irrigation suspension program (ISP) means a program administered by the Edwards Aquifer Authority pursuant to which agricultural irrigators within the Edwards Aquifer Authority's boundaries voluntarily agree to suspend some irrigation use of the underground water from the Edwards Aquifer in consideration for payments voluntarily funded by ISP participants.

Irrigation system, also referred to as an *in-ground or permanent irrigation system*, means a system with fixed pipes and emitters or heads that apply water to landscape plants.

Lake, lagoon or pond means an artificially created body of fresh or salt water.

Landscaping plant means any member of the Plant kingdom (Plantae), including any tree, shrub, vine, herb, flower, succulent, groundcover or grass species, that grows or has been planted out-of-doors.

Landscape watering means the application of water to any landscaping plant member for growth or maintenance, but for purposes of this article does not include essential use without waste of water by a commercial landscape nursery to the extent the water is used for production rather than decorative landscaping.

Large property means a tract of land or several tracts of land managed as a group such as commonly found in neighborhood common areas or medians and street setbacks commonly found associated with commercial development regardless of the number of meters or individual parcel sizes associated with the property that equals or exceeds five (5) acres in size and has an irrigation system covering all or a portion of the property.

Large use property means any property that uses 1 million gallons of water or more for irrigation purposes in a single calendar year.

Low-flow toilet means a tank toilet that uses one and sixth-tenths (1.6) gallons of water or less per flush.

Livestock means cattle, sheep, goats, hogs, poultry, horses, and game, domestic, exotic and other animals and birds, including zoo animals, used for commercial or personal purposes.

Livestock use means the use of water for drinking by or washing of livestock.

Maintenance level means the level of water in a swimming pool required for proper operation of

circulation and filter equipment for the swimming pool.

Make-up meter means a meter that measures the amount of water entering a cooling tower system.

msl means elevation above mean sea level.

Mulch means any material such as bark, leaves, straw or other materials left loose and applied to the soil surface to reduce evaporation.

Multi-family means residential properties consisting of more than two (2) individual dwellings.

New landscape means any contiguous area where new landscape plant(s) are installed where no other planted plants currently exists. A new plant(s) added to an existing landscape is not considered a new landscape for the purposes of an establishment variance.

New landscaping plant means any plant or seed planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth. Application of grass seed to an existing stand of grass or turf is not considered new landscaping for the purposes of this chapter.

Non-conforming means a golf course that is not conforming. Non-conforming golf courses must follow the reduction measures and guidelines set forth in section 34-332.

Non-potable tank means a tank installed to capture water generated on the property from rainwater, storm water, cooling towers, air condition condensate or other process that generates secondary water use as maybe found through an industrial process with the intent to use that captured water again on site.

Non-residential means a property, facility location, or owner that is not residential.

Non-residential water feature means a water feature associated with a non-residential facilities including but not limited to shopping centers, hotels, apartments, health care facility, schools, home and property owner associations, governmental entities

NPDES/TPDES permit holders means those entities that have valid state or federal permits commonly referred to as NPDES or TPDES (National Pollutant Discharge Elimination System/Texas Pollutant Discharge Elimination System) permits to satisfy requirements of the federal Clean Water Act.

On-site reclaim water means water generated on the property from rainwater, storm water, cooling towers, air condition condensate or other process that generates secondary water use as maybe found through an industrial process with the intent to use that captured water again on site.

Organic material means organic substances in differing Stages of decay.

Other outdoor use means the use of water outdoors for the maintenance, cleaning and washing of structure and mobile equipment, including automobiles and boats, or the washing of streets, driveways, sidewalks, patios and other similar areas.

Outdoor water feature conservation plan means a plan submitted to and approved by the SAWS

Conservation department that includes owner contact information monthly water use, surface area, location, reduced hours of operation through the use of timers, and certified and verified by SAWS to be in good working order.

Park means a non-residential or multi-family tract of land, other than a golf course, maintained by a city, private organization, or individual, as a place of beauty or public recreation and available for use to the general public.

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

Pervious hardscape means patios, pathways and other areas where firm footing is desired, constructed in such a way that allows for water to penetrate the ground. Examples include flagstone set in sand and wood plank decks, but exclude concrete slab patios and sidewalks or pavers set with mortar and generally defined as impervious.

Pervious surface means any ground surface that can absorb water or other liquids.

Pool skimmer means a device installed in the pool or spa that permits the removal of floating debris and surface water to the filter.

Pool water features means fountains, spray jets, waterfalls, spillways, and similar water aerating devices, systems, or arrangements. Features not used for the sanitizing or filtration of the pool water.

Positive shut-off means a valve that is held in a closed position by system pressure until overridden by an outside force.

Power production use means the use of water for steam generation and the use of water for cooling and for replenishment of cooling reservoirs.

Power washer means a machine that uses water or a water-based product applied at high pressure to clean impervious surfaces.

Precipitation rate means the speed at which a sprinkler or irrigation system applies water. Precipitation rates are measured in inches per hour or inches per minute.

Prescribed hours for sprinkling means the hours of 12:00 a.m. and 11:00 a.m. and 7:00 p.m. and midnight when the Aquifer Management Plan, article IV, division 4 is not in effect, and during the hours specified therein when the Aquifer Management Plan [in] division 4 is in effect.

Private residential swimming pool means any swimming pool located on private property under the control of the homeowner, the use of which is limited to swimming or bathing by the homeowner's family or invited guests.

Property address means the street address of a property, unless multiple street addresses are served by a single meter, in which case the mailing address will be used.

Public swimming pool means any swimming pool, other than a private residential swimming pool, intended to be used collectively by persons for swimming or bathing, operated by any person as defined herein, whether owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for such use. The term includes, but is not limited to, apartment community pools, condominium association pools and community association pools.

Public park means as a place of beauty or public recreation owned by a governmental entity that collects sales or property for the property tax and available for use to the general public.

Rain sensor means a functioning device that detects the presence of precipitation and automatically interrupts an irrigation cycle and inhibits future irrigation cycles by means of an adjustable reset delay.

Recycled water means domestic or municipal wastewater which has been treated to a quality suitable for a beneficial use, pursuant to the provisions of TCEQ Chapter 210 of TAC 30 and other applicable rules and permits. ~~municipal wastewater which has been treated to a quality suitable for a beneficial use in accordance with applicable law.~~

Requestor means a person who requests a variance under this article.

Residential means a single or multi-family dwelling unit containing two (2) or fewer family units.

Residential landscape plan means a plan submitted to SAWS Conservation department for the purposes of seeking a variance to subsection 34-273(2)c. and identifies specific plants, includes irrigation plans meeting all requirements found in this article and TAC Title 30, Part 1, Chapter 344.

Residential water feature means a water feature located at a residential property dwelling.

River, stream or brook means an artificially created flow of water in a channel or bed, as a brook, rivulet or small river.

Sand media filter means a filter using sand or sand and gravel as a filter medium. Also known as "sand filters."

SAWS means the San Antonio Water System.

Soaker hose means a flexible hose that is designed to slowly emit water across the entire length and connect directly to a flexible hose or spigot. Does not include hose that by design or use sends a fine spray in the air. It is not considered drip irrigation.

Soil holding capacity means the amount of moisture in the soil that can occur without becoming saturated.

Soil Organic Matter means the organic component of soil, consisting of three (3) primary parts including small (fresh) plant residues and small living soil organisms, decomposing (active) organic matter, and stable organic matter (humus). Soil organic matter serves as a reservoir of nutrients for crops, trees, shrubs, and vegetation, and provides soil aggregation, increases nutrient exchange, retains moisture, reduces compaction, reduces surface crusting, and increases water infiltration into soil.

Spa means any sub structure associated with a swimming pool often described as a hot tub.

Sprinkler means an emitter that applies water to the landscape plants in a stream or spray that travels through the air. Sprinkler irrigation can be applied by an irrigation system or hose-end sprayer or a perforated hose that sprays water in the air.

Summer dormancy means the ability of turfgrass to survive without water for a period of sixty (60) consecutive days during the months of May through September in Bexar and the adjacent counties. Turfgrass with summer dormancy capabilities approved for use are set forth in the approved plant list. The approved plant list, as may be amended from time to time, shall be available from SAWS and located at www.saws.org/conservation.

Swimming pool means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.

TCEQ means Texas Commission on Environmental Quality.

TDS means total dissolved solids.

Trigger level means the mean sea level of the Edwards Aquifer as indicated by the J-17 index well and/or as defined by the Edwards Aquifer Authority.

Turfgrass or *turf* means perennial ground cover plants and grasses that are adapted to regular mowing and foot traffic through management.

Vacuum system means a system, often consisting of a pump, chamber, and tubes, that is used to create a vacuum for any of a variety of purposes, including but not limited to medical, dental and industrial applications.

Vanishing edge pools means a water-feature detail in which water flows over the edge of at least one of the pool walls and is collected in a catch basin. Also known as negative edge pools.

Variance administrator means staff person in the department of conservation responsible for administering and hearing variance requests under this article.

Violation means any violation of the Drought Management, Water Conservation and Reuse rules in this Article IV.

Vegetable garden means any non-commercial vegetable garden planted primarily for household use; "non-commercial" includes incidental direct selling of produce from such a vegetable garden to the public.

Vehicle wash facility means a permanently-located business that washes vehicles with water or water-based product, including but not limited to self-service car washes, full-service car washes, roll-over/in-bay style car washes, and fleet maintenance wash facilities.

Vehicle wash fundraiser means any special-purpose vehicle wash event for which a fee is charged or donation accepted.

Waste means water used without obtaining maximum beneficial use thereof. "Waste" shall also include, but not be limited to, causing, suffering, or permitting a flow of water used for landscape watering to run into any river, creek or other natural water course or drain, superficial or underground channel, bayou, or unto any sanitary or storm sewer, any street, road or highway or other impervious surface, or upon the lands of another person or upon public lands. "Waste" shall also include, but not be limited to, any discharge of water used for commercial, industrial, municipal or domestic purposes to any storm, sanitary sewer, or septic system without the user first having obtained maximum beneficial use thereof. "Waste" shall also include, but not be limited to, failure to repair any controllable leak on property located within the San Antonio city limits or a water or wastewater customer of SAWS located in the City of San Antonio ETJ.

Water means and includes, but not be limited to, potable water supplied by a water purveyor, potable water withdrawn from any groundwater well, surface water from any river, creek, natural watercourse, pond, lake or reservoir, and recycled water supplied by a water purveyor.

Water conservation plan means a written document that must include proof of irrigation efficiency of sixty (60) percent or greater and demonstrate specific measures to be taken to reduce consumption to meet the reduction goal established for each stage as described in division 4. A plan includes plant material, precipitation rates and irrigation schedules with run times. SAWS Conservation department may, on a case by case basis, waive the requirements for irrigation efficiency and/or submission of a water conservation plan.

Water feature means an artificially created body of water for aesthetic use including but not limited to fountains, waterfalls, ponds, lagoons, rivers, streams, and brooks as further defined herein.

Water flow restrictor means an orifice or other device through which water passes at a restricted rate.

Water holding capacity means the amount of moisture in the soil that can occur without becoming saturated.

Water utility use means water used for withdrawal, treatment, remediation, transmission and distribution by the water utility.

Waterfall means an artificially created steep descent of water from a height, cascade.

Watering day means a day designated for landscape watering limited to the standard 24-hour period of 12:00 a.m. to midnight. Thus, if it is Stage I and Wednesday is a designated watering day, the period of time referenced is Wednesday morning between 12:01 a.m. to 11:00 a.m., and Wednesday evening between 7:00

p.m. and midnight.

Wildlife habitat water feature means an established aquatic wildlife habitat that has actively sustained a variety of wildlife in a deliberative, inclusive ecosystem including plant material in and around the water, and fish in the water.

Xeriscape means a landscape consisting of a maximum of fifty (50) percent turfgrass, with the remaining percentage of landscape incorporating low water use plants and/or pervious hardscape. The approved plant list, as may be amended from time to time, shall be available from SAWS Conservation department and located at www.saws.org/conservation.

Zonal irrigation system means an irrigation system which segregates by station areas of shrubs, ground cover, bedding plants, and turf to accommodate a diversity of watering requirements.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-272. - Activities to be regulated on and after effective dates.

The following activities shall be regulated in the manner set out herein on and after the respective dates indicated in the sections and subsections. A person affected by such regulations may request a variance in the manner set out in section 34-276. A violation of this section and subsections shall be subject to the enforcement provisions set out in section 34-277. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements of this division.

- (1) *Prescribed hours for sprinkling*. Sprinkling with an irrigation system or hose end sprinkler is allowed between the hours of 12:01 a.m. and 11:00 a.m. and 7:00 p.m. and midnight when article IV, division 4 is not in effect.
- (2) *Power washers*.
 - a. Effective January 1, 2006, a person who uses a power washer in any commercial manner or for compensation shall register with **the president/CEO or their designee of the San Antonio Water System the director of conservation**, and obtain a certificate for such use.
 - b. Exempted from this requirement are persons who use power washers for personal use at their own home and homebuilders who are performing a one-time clean up at a newly constructed house.
 - c. Holders of NPDES/TPDES permits are deemed certified.

Comment. This comment does not have force of law, but is offered for clarification only. The intent of this registration protocol is to complement and make effective mandates necessary to critical period conservation rules found elsewhere in this Code. The conservation rules in question are intended to prevent water waste under certain circumstances when critical periods are observed. Examples of persons subject to year round registration are those hired,

employed or contracted to clean sidewalks, parking lots, commercial/public buildings and other impervious areas associated with commercial or domestic properties; professional painters; businesses using their own in-house power washers such as chain stores, grocery stores, and any other entity, public or private.

- (3) *Vehicle wash fundraisers.* Effective March 1, 2005, any vehicle wash fundraiser shall be conducted at a vehicle wash facility using such facility's equipment.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-273. - Activities to be regulated on and after January 1, 2006.

Except as provided by a specific and alternative application date, particularly systems analysis, the following activities shall be regulated in the manner set out herein on and after January 1, 2006. A person affected by such regulations may request a variance in the manner set out in section 34-2776. A violation of this section and subsections shall be subject to the enforcement provisions set out in section 34-2778. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements of this division.

- (1) *Minimum irrigation area and flow direction.* Newly installed irrigation systems using pop-up spray or rotor technology shall not be used in landscaped areas which have both:
 - a. Dimensions less than five (5) feet in length and/or width; and
 - b. Impervious pedestrian or vehicular traffic surfaces along two (2) or more perimeters.
- (2) *Pop-up sprays.* Where pop-up sprays and rotor heads are allowed in newly installed irrigation systems:
 - a. They must direct flow away from any adjacent impervious surface; and
 - b. Shall not be placed within four (4) inches from an impervious surface;
 - c. **Irrigation systems newly installed after January 1, 2010 in residential property dwellings may not cover more than ten thousand (10,000) square feet of landscape with spray or rotor irrigation heads. The use of drip irrigation or micro-sprays may be used to expand the coverage size upon approval of the residential landscape plan by SAWS.**
- (3) *Annual irrigation system analysis for athletic fields, golf courses, large use and large properties.*
 - a. An annual irrigation system analysis shall be required for all athletic fields, golf courses, large use and large properties and shall be submitted in writing to the SAWS Conservation Department on or before May 1st of each year. **Golf courses, athletic fields, homeowner and property owner associations, and large properties or that meet the definition of large use and large use properties regardless of size including residential properties must have a licensed Landscape Irrigator in good standing TCEQ sign-off on the annual irrigation**

system analysis to document that the system does not have ongoing leaks, that any leaks found in the course of the audit have been repaired and that its operation does not result in water waste. Golf courses, other than those utilizing recycled water for irrigation in accordance with an agreement with SAWS, shall comply with residential irrigation requirements on areas other than tee boxes, fairways and greens.

- b. Municipal tenants and lessees of golf courses, sports and athletic playing fields, and any other municipally owned properties, shall be responsible for compliance with this section and subsection. SAWS shall look directly to such tenants and lessees for compliance with §34-273(3)(a) unless the municipality concedes by contractual agreement with the tenant/lessee to assume the tenant/lessee's responsibility for compliance.

(3) (4) *Cooling towers*. Effective January 1, 2006:

- a. Cooling towers, not utilizing recycled water, shall operate a minimum of four (4) cycles of concentration.
- b. Newly constructed cooling towers shall be operated with conductivity controllers, as well as make-up and blowdown meters.
- c. Cooling tower owners of existing cooling towers shall register their cooling tower with the SAWS Conservation department by May 1 2013. New cooling towers shall be registered with the SAWS Conservation Department prior to the start of operation.

(4) (5) *Ice machines*. Newly installed ice machines shall not be single pass water-cooled.

(5) (6) *Commercial dining facilities*. Commercial dining facilities shall:

- a. Serve water only upon request.
- b. Utilize positive shut-offs for hand-held dish-rinsing wands.
- c. Utilize water flow restrictors for all garbage disposals.

(6) (7) *Vehicle wash facilities*.

- a. Vehicle wash facilities, commencing operation on or after January 1, 2006, using conveyORIZED, touchless, and/or rollover in-bay technology shall reuse a minimum of fifty (50) percent of water from previous vehicle rinses in subsequent washes.
- b. Vehicle wash facilities, commencing operation on or after January 1, 2006, using reverse osmosis to produce water rinse with a lower mineral content, shall incorporate the unused concentrate in subsequent vehicle washes.
- c. Regardless of date of operation commencement, self-service spray wands used shall emit no more than three (3) gallons of water per minute.
- d. Vehicle wash facilities shall utilize self-service, rollover in-bay or conveyor washing technology with catchment systems and oil-water separators that are intended to treat wastewater prior to entering the sanitary sewer. Such systems shall be designed and

maintained to prevent runoff into streets, storm drains and/or local creeks and tributaries.

- ~~(7)~~ (8) *Vacuum systems.* Vacuum systems shall not be water-cooled with single-pass potable water when alternative systems are available.
- ~~(8)~~ (9) *Certain plumbing fixtures.* When installing certain plumbing fixtures on or after January 1, 2010; gravity flush toilets, bathroom aerators, showerheads, urinals; in any location, residential, commercial, industrial, or institutional, the fixtures will meet or exceed the following performance standards; and where the Environmental Protection Agency has accepted that specific plumbing fixtures by make and model, meet or exceed the WaterSense standards, such fixtures installed will be from the most current listing available at the time of installation:
- a. Gravity flush toilets shall have a maximum average water use of no more than one and twenty-eight hundredths (1.28) gallons per flush.
 - b. Faucet aerators for bathrooms shall have a maximum water flow of one and one-half (1.5) gallons per minute.
 - c. Showerheads shall have a maximum water flow of two (2.0) gallons per minute. All associated valves must be appropriate to the flows.
 - d. Urinals shall have a maximum water use of one-half (0.5) gallons per flush.
- ~~(9)~~ (10) *Coin operated washing machines.*
- a. All newly installed, leased or released coin/card operated washing machines, including but not limited to those that might be found in laundry-mats, apartment houses, dorms or communal use situations shall be selected from Consortium for Energy Efficiency (CEE) that meet or exceed the most current highest water and energy standards as determined by the CEE.
 - b. In any case all coin/card operated washing machines must meet or exceed the most current highest water and energy standards as determined by the CEE, by January 1, 2020.
- ~~(10)~~ (11) *Hot water lines.* Buildings without dedicated hot-water return lines with runs exceeding twenty (20) feet between the heating element and the end use fixture shall be insulated with R-4 sleeve insulation.
- ~~(11)~~ (12) *Pool construction requirements on or after May 1, 2013.*
- a. Private residential swimming pools shall not be installed with sand media filters.
 - b. Pool water features installed with public swimming pools or private residential swimming pools must be designed so that the water feature can be turned off without affecting the filtering capabilities of the pool.
 - c. Pools with shared water between the pool and a spa shall be designed so that water can be shared without the necessity of an above ground water feature that cannot be turned

off. If a water feature between the spa and the pool exists, the default setting will be for it to be turned off.

- d. Automatic pool fill features must be designed so that they may be turned off in both public swimming pools and private residential swimming pools.
- e. Automatic pool fill features must include an automatic pool shut-off feature.
- f. Vanishing or negative edge pools must be designed with catch basins large enough to prevent splashing that leads to increased water use.
- g. Backwash systems must be designed so they may be turned off.
- h. Pool skimmers should be managed in such a way as to minimize water consumption. The range of allowable water within the skimmer fill range should allow for several inches of evaporative loss prior to filling.
- i. All residential swimming pools shall have a hose end timer installed at the nearest hose bib location. In addition, a hose bib back-flow prevention device will be connected to the hose bib fixture nearest to the pool.
- j. Pool companies that provide installation and/or maintenance services within the jurisdiction of this code must provide in writing to every customer specific information on maintenance requirements that include an emphasis on preventative measures for keeping pool water quality high and alternatives to draining pools to correct water quality problems unless draining is needed for physical repair.

~~(12)~~ (13) *Non-potable tank registration.*

- a. All non-residential non-potable tank owners shall register tanks if combined storage on a single property is over five thousand (5,000) gallons or there is potable water back-up, with the SAWS Conservation department by May 1, 2013 or prior to the start of operation if installed after May 1, 2013. Tanks that are utilized in industrial processing are exempt from this requirement.
- b. All residential non-potable tank owners with potable water back-up, or in excess of one thousand (1,000) gallons in size shall register their tanks with the SAWS Conservation department by May 1, 2013 or prior to the start of operation if installed after May 1, 2013.

~~(13)~~ (14) *Non-residential water features.* Non-residential water features installed after May 1, 2013 are required to be separately metered or sub-metered.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-274. - Other activities to be regulated on and after January 1, 2006.

The following activities shall be regulated in the manner set out herein on and after January 1, 2006. A person affected by such regulations may request a variance in the manner set out in section 34-276. A

violation of this section and subsections shall be subject to enforcement provisions set out in section 34-277. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements of this division.

- (1) *Condensate collection*. Newly constructed commercial buildings installing air conditioning systems on and after January 1, 2006, shall have a single and independent condensate wastewater line to collect condensate wastewater to provide for future utilization as:
 - a. Process water and cooling tower make-up, and/or
 - b. Landscape irrigation water.
 - c. Any other beneficial on-site use.
 - d. Condensate wastewater shall not be allowed to drain into a storm sewer, roof drain overflow piping system, public way, or impervious surface.
- (2) *Rain sensors*. Effective January 1, 2006, rain sensors shall be installed and maintained in good working order on all irrigation systems equipped with automatic irrigation controllers.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-275. - Landscaping regulations generally applicable on and after January 1, 2006.

Except as specifically provided with alternative effective dates, persons affected by the regulations set out herein below shall comply on and after January 1, 2006, and may request a variance to such regulations in the manner set out in section 34-276. A violation of this section and subsections shall be subject to the enforcement provisions set out in section 34-277. It shall be and is hereby declared unlawful for any person to violate, refuse or fail to implement the requirements of this division.

(1) *Xeriscape option*. Effective January 1, 2006, homebuilders and/or developers subdividing lots and/or constructing new single family residential homes shall offer a xeriscape option in any series of landscaping options offered to prospective home buyers.

- (2) *Model*. Effective January 1, 2006, homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home per subdivision landscaped according to a xeriscape design.
- (3) *Zonal system*. In-ground irrigation systems installed on and after January 1, 2006, shall be zonal irrigation systems.
- (4) *Turfgrass soil support*.

a. Turfgrass installed during or associated with new construction on and after January 1, 2006, shall have a minimum of four (4) inches of soil including a minimum 0.25 inches of Soil Organic Matter laid, or equivalent amount blended with the balance of soil, under the turfgrass after sod is installed. A contractors mix, enriched top soil, or other enriched and finely screened landscaping material should be applied to meet the SOM

requirement.

- b. Drainage utility projects, water and power utility projects, public property maintenance or repair, and those governmental activities necessary to NPDES/TPDES compliance with federal or state rules and regulations implementing the federal Clean Water Act; or governmental actions to comply with the Americans with Disabilities Act, shall not be deemed new construction for purposes of this subsection.
- (5) *Turfgrass dormancy qualities.* Turfgrass installed after January 1, 2007, shall have summer dormancy capabilities. A requirement to irrigate turfgrass that has summer dormancy capabilities is not allowed.
 - (6) *Irrigation system use, setting and schedule recommendations.* All irrigators installing irrigation systems permitted by the city or on property subject to this article shall provide to the irrigation system owner in writing a recommended seasonal irrigation schedule and instructions on how to use the irrigation system and set the controller. Seasonal schedules provided will be approved **by the President/CEO's designee in SAWS Conservation director or their designee**. The schedule will be affixed to the irrigation controller or an adjacent wall.
 - (7) *Required city irrigation permits.*
 - a. Where irrigation permits are required by the city, it is the responsibility of the licensed irrigator to ensure permits are secured. Failure to secure and pay for a permit as required for irrigation work is subject to penalties as described in section 34-277 in addition to penalties that may be assessed under the city unified development code.
 - b. If an irrigation system is found to be installed by an unlicensed individual or company, other than a homeowner working on his or her own residence, an additional violation may be issued under section 34-277 in addition to penalties that may be assessed under the city unified development code.
 - c. Failure to properly supervise installation of irrigation work by an on-site licensed irrigator or licensed irrigation technician is subject to penalties as described in section 34-277 in addition to penalties that may be assessed under the city unified development code.
 - (8) *Dedicatory instruments.*
 - a. A dedicatory instrument may not require the installation of an irrigation system.
 - b. A dedicatory instrument may not require turfgrass to be planted or irrigated

Legal comment. This comment does not have force of law, but is provided here for informational purposes only. V.T.C.A., Property Code ch. 202, § 202.001 et. seq., entitled "Certain Restrictive Covenants," reflects a growing public interest in water conservation and its relationship to the public health, safety, and welfare.

V.T.C.A., Property Code ch. 202, § 202.007, provides that a property owners association may

not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from implementing certain efficient irrigation systems, including underground drip or other drip systems. Any dedicatory instrument provision, attempting to restrict a property owner from installing such efficient systems, is void. Therefore, such restrictions, running counter to certain conservation efforts, cannot be enforced. Texas Real Property Code, § 202.007(b). Added by Acts 2003, 78th Legislature, chapter 1024, § 1, Effective, September 1, 2003.

As used within the Texas Property Code, "dedicatory instrument" means a governing instrument for the establishment, maintenance, and operation of a residential subdivision, planned unit development, condominium, townhouse regime, or any similar planned development. Texas Real Property Code, § 202.007(1).

The Texas Property Code also allows that a property owners' association may restrict the type of turf used by a property owner in the planting of new turf (in the future) in order to encourage or require water conserving turf.

According to the Texas Property Code, property owners' associations may regulate, by dedicatory instrument or other legal means, installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes.

The SAWS endorses and advocates the use of dedicatory instruments and other legal obligations among private parties which understandings may support and promote a culture of water conservation.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-276. - Variances.

The authority to grant a variance and an appeal from such variance to the provisions of this division, is hereby delegated to the San Antonio Water System in the manner described herein. A determination by the San Antonio Water System pursuant to this section shall be deemed final for purposes of appeal. Appeal procedures are detailed below.

- (†) *Variance.* A person who is affected by these provisions may seek a variance in the manner set out herein. A person shall request a variance within thirty (30) days of the date a provision becomes apparently applicable to that person's activities and/or properties. ~~For example, a person will have standing to seek a variance within thirty (30) days following receipt of a formal (citation) or informal notice of violation; prior to a notice of violation; or at the discretion of the variance administrator when, in the administrator's judgment, to deny standing to pursue a variance would clearly deny the applicant an opportunity to have justice~~

and equity done for the applicant's case. In the latter situation, for purposes of justice and equity, the standard for allowing a variance application to be heard or considered are the common notions of rightness and fair play.

- (2) *Time, date, place.* A person seeking a variance under these provisions shall make such request in writing to the conservation department. Such request shall be reviewed by the department variance administrator. If the application, on its face, warrants a variance, the department may grant the request without hearing. Otherwise, the administrator shall review such request within thirty (30) days of receipt and shall inform the requestor in writing of the time, date and place for variance hearing, if necessary.
- ~~(3) *Representation and notice of SAWS' response, first hearing.* The requestor may be represented by a duly authorized representative and may introduce such evidence as the requestor believes to be relevant. The administrator and appropriate conservation department personnel shall hear the request. The requestor shall receive written notification by the administrator within thirty (30) days of the date of the hearing whether such variance is granted or denied.~~
- (4) *Appeal.* In the event the variance is granted, the decision of the administrator department shall be final. Should the variance be denied, however, the requestor shall have ten (10) days from receipt of the denial of the variance to seek an appeal in writing. Within thirty (30) days of the written request for an appeal from the denial of a variance, the President/CEO's designee in Conservation director shall hear the appeal. The requestor shall be informed in writing of the time, date and place where such appeal shall be heard. The requestor and/or his their authorized representatives may present evidence to the President/CEO's designee in Conservation director why such appeal should be granted. The director designee shall inform the requestor within thirty (30) days of the date of the hearing of the appeal whether the appeal has been granted or denied. The determination of the director shall be final and shall be in writing. ~~If a judicial appeal is pursued, applicant must take such appeal to district court or other court of competent jurisdiction within thirty (30) days of the director's final determination, which further appeal shall be pursued under appropriate standards of the substantial evidence rule.~~
- (5) *Variance qualifications.* Variances to the regulated activities in this division 1 may be issued through the department of conservation's designee variance administrator provided that the general intent of this division has been met, and compliance with article IV, division 1, is proven to be impracticable to accomplish and to cause unnecessary hardship. The criteria to determine hardship shall include, but not be limited to, a showing of level of capital outlay and technical complexity in relation to conservation benefit to be derived, and time and effort required to accomplish compliance with this division.

- (6) *Specific criteria to be used for the granting of variances.* The president/CEO of the San Antonio Water System or their designee SAWS director of conservation shall also develop specific criteria to be used for the granting of variances from the provisions of this division, which are appropriate to the provision for which a variance is being sought. Such criteria shall be applied equally to each request for variance under a particular provision. A requestor shall be furnished with the criteria to be utilized by the department and/or director prior to his/her variance application and/or appeal being heard.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-277. -- Enforcement.

- ~~(a) The president/CEO or his designee of the San Antonio Water System is hereby authorized to enforce this division in the manner and to the extent allowed by law, including, but not limited to, filing complaints with the city municipal prosecutor's office for such violations, serving notices of violations of this division, and filing civil enforcement actions. Such authorization does not diminish the city attorney's authority in regard to enforcement of chapter 34 provisions.~~
- ~~(b) Responsible party. For purposes of this division, the San Antonio Water System water and/or wastewater customer, property owner, occupant, or resident, of the property where a violation is observed shall be the responsible party for a violation of the provisions of this division unless an alternate person is designated by the named meter holder and accepts responsibility and it is documented in writing by both the alternate individual and the meter holder. If there is no meter, the property owner, occupant, or resident, shall be the responsible party.~~
- ~~(c) The president/CEO or his or her designee is authorized and instructed to commence any action, in law or in equity, including the filing of criminal charges, deemed necessary for the purpose of enforcing this division. The San Antonio Water System president/CEO or the designee may seek civil penalties, as may be allowed by statute, and any other legal or equitable relief available under common law, V.T.C.A., Local Government Code ch. 54 as it may be amended to address the subject matter of this division, or any other applicable city, state or federal code or statute.~~
- ~~(d) Criminal. Any person violating any provision of this division 1 of article IV shall be guilty of a Class C misdemeanor and upon citation and conviction, shall be punished by a fine not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00) for the first offense; a fine not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00) for the second offense; a fine of not less than one thousand dollars (\$1,000.00) and not more than two thousand dollars (\$2,000.00) for the third and additional offenses. Each violation of a particular section of this division shall constitute a~~

separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division.

~~(e) Civil. Civil penalties, imposed by courts of competent jurisdiction in civil actions for violations of this division, may also be assessed as may be allowed by applicable state law in any amount to be authorized by the state. Under V.T.C.A., Local Government Code ch. 54, SAWS and the office of the city attorney may presently pursue civil enforcement for injunctive relief and the imposition of one thousand dollars (\$1,000.00) per day civil penalties appropriately imposed by the Court. This statutory remedy is in addition to the city's common law right to bring civil actions for injunctive relief to stop harmful acts, independent of authority found in the Texas Local Government Code.~~

~~(f) If, for any reason, any section, sentence, clause or part of this division is held legally invalid, such judgment shall not prejudice, affect, impair or invalidate the remaining sections of this division, but shall be confined to the specific section, sentence, clause, or part of this division held legally invalid.~~

~~(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)~~

Secs. 34-278—34-286. - Reserved.

DIVISION 2. - WATER WASTE ENFORCEMENT

~~Sec. 34-287. → Reserved. The president/CEO or his their designee of the San Antonio Water System is hereby authorized to enforce this Article IV in the manner and to the extent allowed by law, including, but not limited to, filing complaints with the city municipal prosecutor's office for such violations, serving notices of violations of this division, filing civil enforcement actions and enforcing the System's Utility Service Regulations. Such authorization does not diminish the city attorney's authority in regard to enforcement of chapter 34 provisions.~~

Sec. 34-288. - Violations.

It shall be a violation punishable by city municipal fine for any San Antonio Water System water and/or wastewater service customer, property owner, occupant, resident, or their designee within the city of San Antonio or its extraterritorial jurisdiction, to intentionally, knowingly, recklessly, or criminally negligently allow or cause water waste, to allow or cause landscape watering outside the prescribed hours for landscape watering, or to allow or cause any violation of any provision of this article.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-289. - Continued violations.

At locations of repeated or continued violations, the president/CEO of the San Antonio Water System shall have the authority to discontinue the supply of potable water to the registered meter holder. **A repeated or continued violation may occur even if a municipal fine was never imposed for a previous violation.**

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-290. - Enforcement personnel.

The president/CEO or the designee of the San Antonio Water System is hereby authorized to enforce this division in the manner and to the extent allowed by law, including, but not limited to, filing complaints with the city municipal prosecutor's office for such violations, serving notices of violations of this division and filing civil enforcement actions.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-291. - Education and enforcement.

As the success of conservation generally, and specifically of this article, depends largely on public cooperation, SAWS policies shall implement customer education programs and shall establish and maintain a water conservation "hot line," so that the public may provide the San Antonio Water System with information relating to violators.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-292. - Defenses to prosecution.

- (a) It shall be a defense to prosecution that landscape watering was performed on any plant or seed planted in or transplanted to an area with a valid new landscape variance from SAWS as described in section 34-332.
- (b) It shall be a defense to prosecution that landscape watering was performed by a commercial enterprise in the business of growing or maintaining plants for sale, such as plant nurseries; provided, however, that such landscape watering shall be performed solely for the establishment, growth, and maintenance of such plants and without waste as defined in section 34-271.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-293. - Responsible party.

For purposes of this article, the San Antonio Water System water and/or wastewater customer, property owner, occupant, or resident of the property where a violation is observed shall be the responsible party for

a violation of the provisions of this article unless an alternate person is designated by the named meter holder and accepts responsibility and it is documented in writing by both the alternate individual and the meter holder. If there is no meter, the property owner, occupant, or resident shall be the responsible party.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-294. - Additional enforcement remedies.

The president/CEO or his or her designee is authorized and instructed to commence any action, in law or in equity, including the filing of criminal charges, deemed necessary for the purpose of enforcing this division. The SAWS president/CEO or the designee may seek civil penalties and any other legal or equitable relief available under common law, V.T.C.A., Local Government Code ch. 54 or any other applicable city, state or federal code or statute.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-295. - Penalties.

- (a) *Criminal.* Any person violating any provision of this article IV, divisions 1—4, shall be guilty of misdemeanor and upon citation therefore and conviction thereof, shall be punished by a fine not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00) for the first offense, a fine not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00) for the second offense, and a fine not less than one thousand dollars (\$1,000.00) and not more than two thousand dollars (\$2,000.00) for the third or any additional offense. Each violation of a particular section of this article, shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division.
- (b) *Civil.* Civil penalties for violations of this division or of the Aquifer Management Plan, article IV, division 4, may also be assessed as allowed by applicable state law in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each violation of a particular section of this division or of the Aquifer Management Plan article IV, division 4, shall constitute a separate violation, and each day a violation continues shall be considered a new violation for purposes of enforcing this division.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-296. - Nuisance.

The violation of any part of this division shall be a nuisance which may be abated and enjoined by SAWS. Any person creating a public nuisance shall be subject to the provision of the Code governing such nuisances, including reimbursing SAWS for any costs incurred in removing, abating or remedying said

nuisance. The owner of any property where said nuisance has occurred shall be liable to the city, acting through and on behalf of SAWS, for the cost of such abatement and shall pay such cost on demand and the city, acting through and on behalf of SAWS, shall have a right to file a lien on the property to secure payment of the cost of such abatement.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-297. – Denial of Access to .

SAWS and all persons or agents employed thereby shall, ~~at all reasonable hours,~~ have free access to premises ~~to perform maintenance, make repairs, and conduct inspections, including inspections to determine~~ ascertain if water is being wasted within the corporate limits of the city or the extraterritorial jurisdiction or the extent of jurisdictional authority and whether provisions of the water conservation and reuse article IV have been, and are being, complied with in all respects. Any person or entity refusing permission or barring or obstructing access will be in violation of this Division and may be subject to consequences in this Division.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-298. - Access to information.

Any water purveyor operating within the corporate limit of the city shall provide enforcement personnel of SAWS, upon request, with the identity, mailing address and telephone number of any person in whose name a water meter is registered or customer account is maintained.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-299. - Severability.

If, for any reason, any section, sentence, clause or part of this division is held legally invalid, such judgment shall not prejudice, affect, impair or invalidate the remaining sections of this division, but shall be confined to the specific section, sentence, clause, or part of this division held legally invalid.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-300. - This article to prevail if conflict.

In the event any section of this article conflicts in effect or application with any other section of the Code or ordinance, the section(s) of this article shall prevail.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

DIVISION 3. - RESERVED

Secs. 34-301—34-315. - Reserved.

DIVISION 4. - **DROUGHT MANAGEMENT STAGES PLAN**

Sec. 34-316. - Adoption of a drought management plan, water use reduction measures, and aquifer stage conditions applicable within the corporate limits of the city and its extraterritorial jurisdiction. The drought management plan, including the water use reduction measures and associated implementation conditions set out therein, is hereby adopted and applicable throughout the corporate limits of the city regardless of water source and its extraterritorial jurisdiction where the San Antonio Water System may provide water and wastewater service.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-317. - Reserved.

Sec. 34-318. - Bases of water use reduction measures and aquifer stage conditions.

The water use reduction measures shall be based on the aquifer stage conditions or other condition considerations specified in section 34-319. The aquifer stage conditions shall be based on the Edwards Aquifer water levels in well AY-68-37-203 in the city (also known as "Dodd Field Test Well" or "J-17") ~~as set out in section 34-322~~, or on aquifer water quality or other aquifer, seasonal or weather conditions not based on water levels in J-17 ~~(set out in section 34-324)~~.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-319. - Implementation and termination of water use reduction measures and stages, generally.

- (a) *Implementation of water use reduction measures.* When the aquifer falls to six hundred sixty-five (665) feet above msl, city and SAWS staff shall begin preparations for public awareness, education and enforcement of the respective stage provisions.
 - (1) *Stage I.* Stage I water use reduction measures shall be declared to be in effect when the aquifer level at J-17 drops to six hundred sixty (660) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority the SAWS.
 - (2) *Stage II implementation.* Stage II water use reduction measures shall be declared to be in effect when the aquifer level in the index well J-17 falls to six hundred fifty (650) feet above msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority.
 - (3) *Stage III implementation.* Stage III water use reduction measures ~~may shall~~ be implemented when well J-17 falls to six hundred forty (640) feet above msl. based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority. ~~Alternatively, Stage~~

III may be implemented before or after the J-17 levels described above based on the following conditions set forth in subsection (b).

- (4) *Stage IV implementation.* After a monitoring period of thirty (30) days, Once Stage III is declared, and due consideration of all of the conditions described below in subsection (b), the city manager, or designee, in consultation with SAWS president/CEO or designee, may declare or delay Stage IV. Specific water use reduction measures are set out in section 34-332 and shall cover the categories of regulated uses, applicable stages and corresponding required water use reduction measures. Stage IV water use reduction measures may be implemented when well J-17 falls to six hundred thirty (630) feet above msl. based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority. Alternatively, Stage IV may be implemented before or after the J-17 levels described above based on the following conditions set forth in subsection (b).

- (b) *Conditions for the implementation of water use reduction measures.* One or more of the following conditions may trigger the implementation of water use reduction measures by the city manager or designee, in consultation with SAWS president/CEO or designee:
- (1) The review of conditions to determine whether SAWS is able to comply with the applicable regulations governing water supply withdrawals based upon consideration of water supplies, pumping trends, seasonal adjustments and current and forecast precipitation.
 - (2) Consideration of water resource water quality or other seasonal or weather conditions not based on water levels in J-17, or other conditions as determined by the city.
 - (3) Whenever Edwards aquifer quality measures thirty (30) percent TDS above historical average and above the maximum TDS value for any public supply water well warrant additional measures to protect the aquifer.
 - (4) City council may determine that other aquifer, water resource, seasonal, or weather conditions not based on water levels in J-17 warrant additional restrictions. The city council may declare the city impose additional restrictions for all water uses including a prohibition of sprinkler irrigation.
- (c) *Termination of mandatory water use reduction measures.*
- (1) *Stage I termination.* When the aquifer level at J-17 rises to six hundred sixty (660) feet msl SAWS shall monitor the consistency and conditions of Edwards aquifer levels for the next fifteen (15) days to determine if termination of water use reductions measures is warranted, unless conditions significantly change to warrant an earlier or later review for stage termination or extension. After this monitoring period, the city manager, or designee, in consultation with SAWS president/CEO, or designee, may declare the measures terminated.
 - (2) *Stage II termination.* When the aquifer level at J-17 rises to six hundred fifty (650) feet msl SAWS shall monitor the consistency and conditions of Edwards aquifer levels for the next

fifteen (15) days to determine if termination of water use reductions measures is warranted, unless conditions significantly change to warrant an earlier or later review for stage termination or extension. After this monitoring period, the city manager, or designee, in consultation with SAWS president/CEO, or designee, may declare the measures terminated.

- (3) *Stage III termination.* When the Edwards aquifer levels remain above six hundred forty (640) msl for fifteen (15) consecutive days conditions will determine if all restrictions are terminated or extended or if a previous less restrictive stage will apply.
- (4) *Stage IV termination.* When Stage III is terminated then termination of Stage IV will occur at the end of the current billing cycle in which the termination takes place.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-320. - Declaration and termination of water use reduction measures; notice by publication required.

- (a) The city manager, in consultation with SAWS, is hereby authorized to declare that each "trigger level" or other condition has been reached as described in section 34-319 and that the water use reduction measures and each respective stage are in effect.
- (b) Notices of the implementation and termination of the water use reduction measures and each of the various stages, as appropriate, shall be publicly announced and published in a daily newspaper and websites for the City of San Antonio and SAWS for a minimum of one day. The implementation or termination of the measures and each of the stages shall become effective immediately upon publication of the respective notice.

~~(c) Notice of the termination of the water use reduction measures and each of its various stages, as appropriate, shall be publicly announced and published in a daily newspaper for a minimum of one day. Termination of the measures and each of its stages shall become effective immediately upon publication of the respective notice.~~

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Secs. 34-321, 34-322. - Reserved.

Sec. 34-323. - Designated landscape irrigation times and days.

During any period when stage restrictions have been declared to be in effect, irrigation with a sprinkler or irrigation system of existing landscape on any property (other than golf courses and athletic fields, the restrictions for which are set out in section 34-332) may occur only on certain designated days and at certain times, as follows:

- (1) *Stage I, II, III, IV landscape irrigation days.* For Stage I, II, III, and IV the landscape irrigation days for residential and commercial properties will be according to the street address and according to the following schedule. If the last digit of the street address ends in:

- 0 or 1 the irrigation day is Monday,
- 2 or 3 the irrigation day is Tuesday,
- 4 or 5 the irrigation day is Wednesday,
- 6 or 7 the irrigation day is Thursday,
- 8 or 9 the irrigation day is Friday.

If there is no street address associated with the property such as a parkway or if there is more than one street address associated with a single contiguous property the irrigation day is Wednesday.

- (2) *Stage I landscape irrigation times and methods.* For Stage I the following times and associated irrigation methods apply: Irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed on the day specified in subsection (1) between the hours of 12:00 a.m. to 11:00 a.m. and 7:00 p.m. to midnight. Landscape irrigation with a handheld hose, ~~drip irrigation system or five-gallon bucket~~ is allowed at any time on any day.
- (3) *Stage II landscape irrigation times and methods.* For Stage II the following times and associated irrigation methods apply: Irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed on the day specified in subsection (1) between the hours of ~~5:00 a.m. to 10:00 a.m. and 9:00 p.m. to midnight~~ ~~7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m.~~ Landscape irrigation with a ~~drip irrigation system or five-gallon bucket is allowed during Stage II hours on any day.~~ Landscape irrigation with a handheld hose is allowed at any time on any day.
- (4) *Stage III landscape irrigation times and methods.* ~~Stage II landscape irrigation restrictions remain in effect. In addition, a drought surcharge is assessed on all water accounts of SAWS, in accordance with section 34-128. For Stage III, the following times and associated irrigation methods apply: Irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed on the day specified in subsection (1) every other week beginning on the second Monday after Stage III has been declared, between the hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. Landscape irrigation with a drip irrigation system or five-gallon bucket is allowed on every Monday, Wednesday and Friday during Stage III hours.~~ Landscape irrigation with a handheld hose is allowed at any time on any day.
- (5) *Stage IV landscape irrigation and methods.* For Stage IV, ~~the following times and associated irrigation methods apply: Irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed on the day specified in subsection (1) every other week beginning on the second Monday after Stage IV has been declared, between the hours of 5:00 a.m. to 10:00 a.m. and 9:00 p.m. to midnight~~ ~~7:00~~

~~a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. Stage III landscape irrigation restrictions remain in effect.~~

In addition, a drought surcharge is assessed on all water accounts of SAWS, in accordance with section 34-128. Additional restrictions on water use may be established at the discretion of the city council.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Secs. 34-324—34-331. - Reserved.

Sec. 34-332. - Specific water use reduction measures.

Specific water use reduction measures, their corresponding stages and scope are set out in Table A Stage I, Table B Stage II, Table C Stage III [and] Stage IV, below.

Table A—Stage I Restrictions

Stage	Measures For	Scope of Restrictions
I	Essential Services	Fire-fighting and medical uses-no restrictions. Reductions in fire hydrant and sewer line flushing encouraged.
I	Water Utility Use	Water utilities are encouraged to implement voluntary measures, such as improving leak detection surveys and repair programs and stabilizing and equalizing system pressure.
I	Power Production	Water used for power production shall be voluntarily reduced.
I	Military	Compliance with mandatory reduction measures for those uses in the outdoor, essential and utility categories.
I	Agriculture	The escape of irrigation tailwater, as that term is commonly used in the agricultural community, is prohibited. Water loss through percolation in transmission canals is prohibited.
I	Livestock Use	Reduction of water use by any means available is encouraged.
I	Industrial, Commercial, and Other	A. Reduction of water use by any means available is encouraged. Compliance with the mandatory demand reduction measures is required for those uses in the outdoor category, including landscape watering, swimming pools, hot tubs and similar facilities, golf courses, aesthetic uses such as water features; such restrictions specifically include industrial users, as well as all others.

		<p>B. Use of gray water, treated wastewater or reuse water, cooling tower blow down, condensate water is a defense to prosecution. Alternate on-site reclaimed sources may be approved through variance on a case-by-case basis.</p> <p>C. If one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down will be used, signs identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p>
I	Hotels, Motels, Bed and Breakfasts	Hotels, motels, and B&B's encouraged to voluntarily offer the option of a "no linen/towel change" program.
I	Households	Reduction of water use by any means available is encouraged. Compliance with the mandatory demand reduction measures shall be achieved for those uses in the outdoor category, such as landscape watering, swimming pools, hot tubs, pressure washing and similar facilities.
t	Swimming Pools, Hot Tubs	<p>A. All swimming pools other than public swimming pools must be covered with an effective evaporation cover or screen or evaporation shields covering at least twenty five (25) percent of the surface of the pool when the pool is not in active use. Active use includes necessary maintenance that requires removal of the cover, screen, or shields. Active use of public, commercial and apartment pools is whenever the pool is not officially closed.</p> <p>B. Auto fill feature turned off.</p>
I	Water Features	<p>A. <i>Residential</i>: All residential water features are allowed without prohibition.</p> <p>B. <i>Non-Residential</i>: SAWS Conservation department may verify the condition of a water feature to determine if it is in good working order.</p> <p>1) All indoor water features in good working order allowed without prohibition.</p> <p>2) All water features that meet the definition of wildlife habitat water features <u>section 34-271</u> in good working order allowed without prohibition with basic variance approved by SAWS Conservation.</p> <p>3) All outdoor water features that have a water surface area of less than one thousand (1,000) square feet prior to Stage I declarations and in good working order with an approved basic variance from SAWS Conservation are allowed without prohibition.</p>

		<p>4) All water features confirmed by SAWS to be using one hundred (100) percent treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down or other on-site reclaim water and in good working order with a basic variance approved by SAWS Conservation are allowed without prohibition. Signs identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p>
		<p>5) All outdoor water features that do not meet the conditions described in B.1)—4) above must have a Basic variance and outdoor water feature conservation plan approved by SAWS Conservation that includes limiting hours of operation to a maximum of eight (8) hours of 24- hour period before they are allowed to operate in Stage I or Stage II.</p>
		<p>6) Outdoor water features that do not meet the conditions described in B.1)—4) and would like to be considered for expanded operated hours from eight (8) hours in a 24-hour period to twelve (12) hours of operation in a 24-hour period during Stage I and II may apply for an advanced variance to the SAWS Conservation department prior to implementation of the extended hours.</p>
I	Pressure or Power Washing	<p><i>Residential:</i> Residential property owners may personally pressure wash their property without a variance for health and safety or in preparation of maintenance such as for house painting if they perform the work themselves. Water is never allowed to run into the street or otherwise off the property.</p> <p><i>Non-Residential:</i> Pressure washing of non-residential property allowed for health and safety by a properly registered employee or a pressure washing company (section 34-272). A variance from the SAWS Conservation department is required prior to work and all conditions of the variance must be followed.</p>
I	Vehicle and Equipment Washing	<p>A. Citizens are encouraged to wash their vehicles no more than twice a month.</p>
		<p>B. Residential: washing of vehicles and mobile equipment (e.g., washing vehicle at a residence) is permitted only on Saturday or Sunday with a pressure washer, hand-held hose equipped with an automatic shut-off nozzle, or bucket of five (5) gallons or less, without waste.</p>
		<p>C. Fleet managers are encouraged to only wash those vehicles as is necessary for health and safety.</p>
		<p>D. Use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down is a defense to prosecution and may be use for vehicle washing any day. Alternate on-site reclaimed sources may be approved through variance for the SAWS Conservation department on a case-by-case basis.</p>

I	Landscape Irrigation for Existing Plants	<p>A. Landscape watering using sprinkler or irrigation systems is permitted only on designated landscape watering days (subsection 34-323(1)). For Stage I the following times and associated irrigation methods apply: Irrigation with a hose-end sprinkler or in-ground irrigation system is allowed on the day specified in subsection 34- 323(1) between the hours of 12:00 a.m. to 11:00 a.m. and 7:00 p.m. to midnight. Landscape irrigation with a soaker hose, or handheld hose, drip irrigation system or five-gallon bucket is allowed at any time on any day.</p> <p>B. A user may file with SAWS a request for a variance an exception to the designated days and times. The request must include: (1) a statement indicating compelling reasons why the user is unable to meet the specific designated watering times and days; (2) a water conservation plan demonstrating a significant overall reduction of water use, and (3) evidence of having filed with SAWS the annual irrigation check up required for properties that are five (5) acres or more and have in-ground irrigation (section 34-273.2). The water conservation plan must also include proof of irrigation efficiency of sixty (60) percent or greater and demonstrate specific measures to be taken to reduce consumption to meet the reduction goal established for Stage I, II, III, and IV. SAWS may, on a case by case basis, waive the requirements for irrigation efficiency and/or submission of a water conservation plan. Upon the approval of the water conservation plan as set forth herein, the user may be granted a variancean exception.</p> <p>C. The one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down is a defense to prosecution and may be used to irrigate any day without waste, that include allowing water to run down the street, parking lot, or adjacent property. Alternate on-site reclaimed sources may be approved through variance from the SAWS Conservation department on a case by case basis.</p> <p>D. If one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down will be used during additional days allowed in subsections 34-323(1)— (7) signs identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p>
I	Landscape Irrigation for New Landscapes	<p>A. Installation of new landscapes is permitted with a variance which shall only be granted if all applicable provisions including section 34-273, 34-274.2 and section 34-275 are verified by SAWS, including zonal irrigation systems if a permanent irrigation system is installed, a minimum of four (4) inches of soil under turf, model home with xeriscape and xeriscape option offered by builder on file with SAWS Conservation department.</p>

		<p>B. Landscape watering permitted to maintain adequate growth until established on newly installed landscapes, generally five (5) weeks. Property owners should submit electronically on-line at www.saws.org to the SAWS Conservation department their name, address where the new landscape is to be installed and the date of installation in order to receive a confirmation electronic email from SAWS. A copy of the confirmation must be posted at a place visible from the street at the property the variance was received at.</p> <p>Thereafter, landscape watering using sprinkler or irrigation systems for landscaping plants is permitted only on the day and times associated with the current stage in effect at the termination of the variance.</p> <p>C. The one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow down may be used to irrigate any day between the hours of 7:00 p.m. and 11:00 a.m. without waste, that include allowing water to run down the street, parking lot, or adjacent property. Alternate on-site reclaimed sources may be approved through variance from the SAWS Conservation department on a case by case basis.</p> <p>D. If one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down will be used during additional days allowed in subsections <u>34-323(1)</u>— (7) signs identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p>
I	Golf Courses	<p>Golf courses shall be required to submit a water conservation plan and shall have on file with SAWS the annual irrigation check Up as described in section 34-273.2 and shall be defined as "conforming" or "non-conforming" and shall reduce water usage under the following terms:</p> <p>A. All landscape out-of—play areas such as may be found around a club house or entryway shall follow general landscape irrigation restrictions (subsections <u>34-323(1)</u>— (3)).</p> <p>B. All in-play areas may be irrigated with a sprinkler or irrigation system between the hours of 12:00 a.m. to 11:00 a.m. and 7:00 p.m. to midnight.</p> <p>C. Conforming golf courses shall implement a ten (10) percent reduction in the replacement of daily evapotranspiration rate ("ET rate") or soils daily water holding capacity, achieved by use of an existing and properly operating CCIS (as defined) capable of achieving such water conservation goals.</p> <p>E. The one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down, gray water, treated wastewater or reuse water, condensate water, cooling tower blow down is a defense to prosecution and may be used to irrigate any day without waste. Alternate on-site reclaimed sources may be approved through variance from the SAWS</p>

		<p>Conservation department on a case by case basis.</p>
		<p>F. If one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down, gray water, treated wastewater or reuse water, condensate water, cooling tower blow will be used during additional days or hours allowed in subsections <u>34-323(1)–(5)</u> signs identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p>
I	Public Parks	<p>A. Public park owner/operators shall be required to submit a water conservation plan and have on file with the SAWS Conservation department an irrigation checkup as required by subsection <u>34-273(2)</u>.</p>
		<p>B. Public parks shall limit irrigation with an irrigation system to those days and times required by subsections <u>34-323(1)-(3)</u>.</p>
		<p>C. The one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down is a defense to prosecution and may be used to irrigate any day between the house of 7:00 p.m. and 11:00 a.m. without waste, that include allowing water to run down the street, parking lot, or adjacent property. Alternate on- site reclaimed sources may be approved through variance from the SAWS Conservation department on a case by case basis.</p>
		<p>D. If one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down will be used during additional days allowed in subsections <u>34-323(1)–(3)</u> signs identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p>
I	Athletic Fields	<p>A. An athletic field shall either irrigate according to a basic plan or an advanced plan. Plans shall be on file and approved by SAWS in advance of use. The advanced plan showing precipitation rates and run times along with a conservation plan shall be submitted and approved by SAWS for the purpose of establishing acceptable irrigation run times and days as approved by SAWS. A basic plan outlines which day of the week (Monday—Friday) which athletic field would be irrigated.</p>
		<p>B. All landscape out-of-play areas such as may be found around a club house or entryway shall follow general landscape irrigation restrictions (subsections <u>34-323(1)–(5)</u>).</p>

Table B—Stage II Restrictions

Stage	Measures For	Scope of Restrictions
II	In General	Stage I restrictions remain the same except as added to or replaced below.
II	Hotels, Motels, Bed and Breakfasts	Hotels, motels and B&B's must offer and clearly notify guests of a "no linen/towel change" program.
II	Swimming Pools, Hot Tubs	<p>A. Draining permitted only onto pervious surface, or onto pool deck where the water is transmitted directly to a previous surface, only if:</p> <ol style="list-style-type: none"> <li data-bbox="618 779 1529 938">1. Draining excess water from pool due to rain in order to lower water to maintenance level; <li data-bbox="618 938 1529 1098">2. Repairing, maintaining or replacing pool component that has become hazardous; or <li data-bbox="618 1098 1529 1257">3. Repairing pool leak <p>Refilling of public swimming pool permitted only if pool has been drained for the repairs, maintenance or replacement set out in items 2 or 3 above.</p>
II	Landscape Irrigation for Existing Landscapes	<p>Landscape watering using sprinkler or irrigation systems is permitted only on designated landscape watering days (subsection 34-323(1)). For Stage II the following times and associated irrigation methods apply: Irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed on the day specified in subsection 34- 323(1) between the hours of 5:00 a.m. to 10:00 a.m. and 9:00 p.m. to midnight- 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. Landscape irrigation with a drip irrigation system or five-gallon bucket is allowed during Stage II hours on any day. Landscape irrigation with a handheld hose is allowed at any time on any day.</p>

II	Landscape Irrigation for New Landscapes	<p>A. Installation of new landscapes is permitted with a variance which shall only be granted if all applicable provisions including <u>section 34-273</u>, 34-274.2 and <u>section 34-275</u> are verified by SAWS, including zonal irrigation systems if a permanent irrigation system is installed, a minimum of four (4) inches of soil under turf, model home with xeriscape and xeriscape option offered by builder on file with SAWS Conservation department.</p> <p>B. <u>Landscape watering may be permitted by variance to maintain adequate growth until established on newly installed landscapes for a period of time to be determined in keeping with seasonal and varying weather conditions.; generally five (5) weeks.</u> Property owners should submit electronically on-line at www.saws.org to the SAWS Conservation department their name, address where the new landscape is to be installed and the date of installation in order to receive a confirmation electronic email from SAWS. A copy of the confirmation must be posted at a place visible from the street at the property the variance was received at. Thereafter, landscape watering using sprinkler or irrigation systems for landscaping plants is permitted only on the day and times associated with the current stage in effect at the termination of the variance.</p> <p>C. The one hundred (100) percent use of gray water, treated wastewater or reuse water, condensate water, cooling tower blow down is a defense to prosecution and may be used to irrigate any day without waste. Alternate on-site reclaimed sources may be approved through variance from the SAWS Conservation department on a case by case basis.</p> <p>D. If one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down will be used during additional days or hours allowed in subsections <u>34- 323(1)—(7)</u> signs identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p>
II	Golf Courses	<p>Golf courses shall be required to submit a water conservation plan and shall have on file with SAWS the annual irrigation checkup as described in section 34-273.2 and shall be defined as "conforming" or "non-conforming" and shall reduce water usage under the following terms:</p> <p>A. All landscape out-of—play areas such as may be found around a club house or entryway shall follow general landscape irrigation restrictions (subsections <u>34-323(1)— (3)</u>).</p> <p>B. All in-play areas may be irrigated with a sprinkler or irrigation system between the hours of <u>12:00 a.m. to 11:00 a.m. and 7:00 p.m. 5:00 a.m. to 10:00 a.m. and 9:00 p.m.</u> to midnight.</p> <p>C. Conforming golf courses shall implement a twenty (20) percent reduction in the replacement of daily</p>

		<p>evapotranspiration rate ("ET rate") or daily soil-holding capacity, achieved by use of an existing and properly operating CCIS (as defined) capable of achieving such water conservation goals.</p> <p>D. A non-conforming golf course shall not use more than one and six-tenths (1.6) times the base usage. If not separately metered an irrigation audit showing precipitation rates and run times along with a conservation plan shall be submitted and approved by SAWS for the purpose of establishing acceptable irrigation run times and days as approved by SAWS.</p> <p>E. The one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down is a defense to prosecution and may be used to irrigate any day between the hours of 7:00 p.m. and 11:00 a.m. and without waste. Alternate on-site reclaimed sources may be approved through variance from the SAWS Conservation department on a case by case basis.</p> <p>F. If one hundred (100) percent use of treated wastewater (recycled water), reuse water, reclaimed water, gray water, condensate, or cooling tower blow down will be used during additional days allowed in subsections <u>34-323(1)–(4)</u> signs identifying this property as using recycled or reclaimed water source must be posted on site at a location where the general public can view it.</p>
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Table C—Stage III Restrictions

Stage	Measures For	Scope of Restrictions
III	In General	Stage I, II restrictions remain the same except as added to or replaced below.
III	Industrial, Commercial, and Other	Additional reductions may be imposed by the city council if conditions warrant.
III	Hotels, Motels, Bed and Breakfasts	Hotels, motels, B&B's must limit linen/towel changes to once every three (3) nights or for the entire stay, whichever is shorter, except for health and safety.
III	Vehicle and Equipment Washing	During Stage III any vehicle wash facility that is not certified as a SAWS certified vehicle wash facility will not be able to operate. Upon receiving certification vehicle wash facilities may resume operating hours.
III	Landscape Irrigation for Existing Landscapes	Landscape watering using sprinkler or irrigation systems is permitted only on designated landscape watering days (subsection 34-323(1)). For Stage III, the same rules as in Stage II apply. In addition, a drought surcharge is assessed on all water accounts of SAWS, in accordance with section 34-128 of the San Antonio City Code. Landscape irrigation with a handheld hose is allowed at any time on any day. the following times and associated irrigation methods apply: Irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed the day specified in subsection 34-323(1) every other week beginning on the first Monday after the Stage III has been declared, between the hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. Landscape irrigation with a drip irrigation system or five-gallon bucket is allowed on every Monday, Wednesday and Friday during Stage III hours. Landscape irrigation with a handheld hose is allowed at any time on any day.
III	Landscape Irrigation for New Landscapes	A. Installation of new landscapes is permitted only if less than fifty (50) percent of the available landscape area is planted with turf, all applicable provisions of <u>section 34- 273</u> , 34-274.2 and <u>section 34-275</u> , including proper horticultural practices such as the use of mulch and zonal irrigation systems if a permanent irrigation system is installed and a minimum of four (4) inches of soil under turf <u>after installation of sod. In addition, drip systems in mulched beds are required.</u> B. A user may file with SAWS a request to install more than fifty

		(50) percent turf. The request must include: (1) a statement or plan describing the landscaping plan; and (2) a statement indicating how the landscaping plan will achieve the goals of this chapter. Upon the approval of the alternate landscaping plan as set forth herein, the user may be granted a variance. an exception.
III	Water Features	<p>1) Water features that are required to have a basic variance and outdoor water feature conservation plan approved by SAWS Conservation must reduce their hours of operation to a maximum of four (4) hours a day in Stage III.</p> <p>2) Outdoor water features that would like to be considered for expanded operated hours from four (4) hours in a 24- hour period to eight (8) hours of operation in a 24-hour period during Stage III may apply for an advanced variance to the SAWS Conservation department prior to implementation of the extended hours.</p>
III	Golf Courses	<p>A. A conforming golf courses shall implement a thirty (30) percent reduction (or twenty (20) percent reduction, if the conforming golf course is an ISP participant) in replacement of daily ET rate or soils daily water holding capacity, achieved by use of an existing and properly operating CCIS (as defined) capable of achieving such water conservation goals.</p> <p>B. A non-conforming golf course shall not use more than one and one-fourth (1.4) times the base usage. If not separately metered an irrigation audit showing precipitation rates and run times along with a conservation plan shall be submitted and approved by SAWS for the purpose of establishing acceptable irrigation run times and days as approved by SAWS.</p>
III	Commercial Surcharge	A surcharge is assessed on all irrigation accounts and assumed irrigation (section 34-124) of the San Antonio Water System as described in section 34-128. Surcharge is to remain in effect for a minimum of one complete billing month. The surcharge shall remain in effect if Stage IV is still in effect at the beginning of the next billing month.
III	Residential Surcharge	A surcharge is assessed on all water accounts of the San Antonio Water System as described in section 34-128. Surcharge is to remain in effect for a minimum of one complete billing month. The surcharge shall remain in effect if Stage IV is still in effect at the beginning of the next billing month.

Table D—Stage IV Restriction

Stage	Measures For	Scope of Restrictions
IV	In General	The most restrictive requirements of either Stage I, II or III restrictions remain the same except as added to or replaced below.
IV	Commercial Surcharge	A surcharge is assessed on all irrigation accounts and assumed irrigation (section <u>34-124</u>) of the San Antonio Water System as described in <u>section 34-128</u> . Surcharge is to remain in effect for a minimum of one complete billing month. The surcharge shall remain in effect if Stage IV is still in effect at the beginning of the next billing month.
IV	Residential Surcharge	A surcharge is assessed on all water accounts of the San Antonio Water System as described in <u>section 34-128</u> . Surcharge is to remain in effect for a minimum of one complete billing month. The surcharge shall remain in effect if Stage IV is still in effect at the beginning of the next billing month.
IV	Additional Restrictions	Additional restrictions including but not limited to a ban on lawn watering with irrigation systems or hose end sprinklers may be established at the discretion of the President/CEO in consultation with the City Manager. the city council.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-333. - Severability.

If, for any reason, any section, sentence, clause or part of this division is held legally invalid, such judgment shall not prejudice, affect, impair or invalidate the remaining sections of this division, but shall be confined to the specific section, sentence, clause, or part of this division held legally invalid.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Sec. 34-334. - This division to prevail if conflict.

In the event any section of this division conflicts in effect or application with any other section of a City Code or ordinance, the section(s) of this division shall prevail.

(Ord. No. 2014-05-29-0376, § 3(Exh. B), 5-29-14)

Secs. 34-335—34-350. - Reserved.

DIVISION 5. - RESERVED

Secs. 34-351—34-425. - Reserved.

ARTICLE V. - SEWAGE TRANSPORTATION, TREATMENT AND DISPOSAL

DIVISION 1. - GENERALLY

Secs. 34-426—34-440. - Reserved.

DIVISION 2. - TOILETS, SEPTIC TANKS, PRIVIES

Footnotes:

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Note— See the editor's note to Art. III, Div. 3 of this chapter.

Sec. 34-441. - Definitions.

The following definitions shall apply in the interpretation and the enforcement of this division:

Baffle shall mean any wall or separation that prevents the fluid from the influent channel of the septic tank from flowing directly through to the effluent channel. This may be accomplished by use of a wall, a weir or a sanitary tee.

Septic tank system shall mean a system for the treatment of sewage or water-borne wastes from a dwelling or business establishment. The septic tank system shall consist of a watertight drain line from the house to a watertight septic tank, a distribution box and an absorption field consisting of trench, gravel and disposal line.

(Code 1950, § 58-6; Ord. No. 21416, § 1, 6-23-55; Code 1959, § 18-65; Ord. No. 80574, § 11, 8-4-94)

Sec. 34-442. - Enforcement.

It shall be the duty of the director of public health to enforce the provisions of this division, and, in the performance of this duty, he or his duly authorized agent is hereby authorized to enter, at any reasonable hour, any premises as may be necessary in the enforcement of this division.

(Code 1950, 58-1; Code 1959, § 18-66; Ord. No. 80574, § 11, 8-4-94)

Sec. 34-443. - Mandatory disposal facilities.

It shall be unlawful to permit, maintain or use any ground, lot, yard, residence, place of business or other place or building within the city where persons reside, congregate or are employed which is not provided with means for the disposal of human excreta, either by a flush toilet connected with a sewerage system approved by the state department of health, a septic tank conforming to the requirements of this division or a privy which meets the requirements of construction and maintenance provided in this division.

(Code 1950, § 58-2; Code 1959, § 18-67; Ord. No. 80574, § 11, 8-4-94)

Sec. 34-444. - Connection to sanitary sewer.

Every residence, place of business or other building or place where persons reside, congregate or are employed, which abuts a street in which there is a public sanitary sewer or which is within two hundred (200) feet of a public sanitary sewer, shall be connected to the sewer by the owner or agent of the premises in the most direct manner possible and with a separate connection for each home, building or place. Each connection and each fixture emptying through the connection shall be installed in the manner prescribed by Chapter 24.

(Code 1950, §§ 17-1, 58-3; Code 1959, § 18-68; Ord. No. 80574, § 11, 8-4-94)

Sec. 34-445. - Alternate facilities where sewer connection not required.

Every residence, place of business or other building or place where persons reside, congregate or are employed and which does not abut a street in which there is a public sanitary sewer or which is not within two hundred (200) feet of a public sanitary sewer shall be provided with a private water flush toilet, or a privy, to be built or rebuilt, constructed and maintained in such a manner as to meet the requirements of

construction and maintenance set out in this division.

(Code 1950, § 58-4; Code 1959, § 18-69; Ord. No. 80574, § 11, 8-4-94)

Sec. 34-446. - Abatement of nonconforming facilities.

Any privy or private sewer existing or being maintained which does not conform to the requirements of this division shall be declared a nuisance, dangerous, and a menace to the public health, and the city shall have the power to abate any such nuisance in accordance with law.

(Code 1950, § 58-5; Code 1959, § 18-70; Ord. No. 80574, § 11, 8-4-94)

Sec. 34-447. - Maintenance and repair of sewer laterals—Generally.

- (a) The improper maintenance and repair of sewer laterals is found to constitute a public health hazard.
- (b) It shall be the responsibility of the owners of real property located within the city limits of San Antonio and within the extraterritorial jurisdiction of San Antonio to own, operate, and maintain that portion of the sewer lateral located on such real property from the structure(s) which such sewer lateral(s) services to the commencement of the public street or public alley right-of-way which is contiguous to the real property.
- (c) It shall be the responsibility of the city acting by and through the city water system ("system"), within those portions of the city limits of San Antonio and its extraterritorial jurisdiction receiving retail sewer service from the system, to own, operate, and maintain that portion of a sewer lateral located in a public street or public alley right-of-way.
 - (1) System maintenance of a sewer lateral located in a public street or public alley right-of-way will constitute a dedication and acceptance of such sewer lateral for ownership by the system.
 - (2) Diagrams depicting the location of sewer laterals for ownership, maintenance, and operation purposes are set out in exhibit(s) A and B which are attached hereto and incorporated herein (on file in the office of the city clerk).
 - (3) The standard right-of-way widths for public streets set out in section 34-4113 of this Code, as amended, shall be applicable to this section. Public right-of-ways widths for alleys set out in subsection 35-4122(i) of this Code, as amended, shall be applicable to this section.

(Code 1959, § 18-68.1; Ord. No. 54344, 9-24-81; Ord. No. 80574, § 11, 8-4-94; Ord. No. 89695, § 1, 4-29-99)

Sec. 34-448. - Same—Notice to abate; applicability.

- (a) This section is applicable when a health hazard is caused by the lack of maintenance and/or repair of that portion of the sewer lateral which is the responsibility of the owner of real property as set out in subsection 34-447(b) above.
- (b) Whenever the director of the city metropolitan health district, building inspections director, or a

respective authorized agent thereof receives information of the existence of a faulty sewer lateral or sewer pipe located within a structure on said real property a sanitary inspector, sanitarian, or plumbing inspector shall serve the owner or his agent with a written notice to abate the condition causing the health hazard within three (3) days.

(Code 1959, § 18-68.2; Ord. No. 54344, 9-24-81; Ord. No. 80574, § 11, 8-4-94; Ord. No. 89695, § 1, 4-29-99)

Sec. 34-449. - Same—Failure of owner to repair; penalty.

- (a) It shall be unlawful for the owner of real property located within the corporate limits of the city to knowingly fail (1) to repair or replace a faulty sewer pipe or connection located within a structure on said real property, or (2) to repair or replace that portion of a sewer lateral which is the responsibility of the owner as defined in subsection 34-447(b) herein.
- (b) Any person, firm, corporation or agent or employee thereof who violates any of the provisions of this division shall be fined an amount not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) provided, however, in the event a defendant has once previously been convicted under this division, the defendant shall be fined an amount no less

than two hundred dollars (\$200.00) and shall be fined no less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter. Each day a violation is permitted to exist shall constitute a separate offense.

- (c) Nothing in this section shall limit the remedies available to the city in seeking to enforce the provisions of this division nor effect the city's authority to initiate other legal or equitable actions to abate any nuisance as herein defined.

(Code 1959, § 18-68.3; Ord. No. 54344, 9-24-81; Ord. No. 64489, § 6, 2-5-87; Ord. No. 80574, § 11, 8-4-94; Ord. No. 89695, § 1, 4-29-99)

Sec. 34-450. - Same—Hearing for termination of water service.

- (a) *Applicability.* This section is applicable in those instances when (i) the owner fails to repair sewer pipe located within a structure located on the real property, or (ii) the owner fails to repair that portion of the sewer lateral set out in subsection 34-447(b) for which the owner is responsible, (the premises).
- (b) *Requested to obtain order.* Where the danger to public health created by a faulty sewer pipe is deemed significant by a sanitary inspector or sanitarian, that person may request a hearing before the director of the city metropolitan health district for the purpose of obtaining an order to terminate water service to the premises.
- (c) *Setting date, time; notice to owner or agent.* Upon receipt of such request, the director of the city metropolitan health district shall immediately set a date and time for a hearing. Notice of the hearing shall be given in writing to the owner and occupant of the affected premises, served either by personal service or by United States certified mail, return receipt requested, at least seven (7) days before the scheduled hearing date. In the case of a business entity, such notice shall be given to the registered agent for service as reflected in the records of the secretary of state.
- (d) *Complaint response.* At the hearing provided for in this section, the complaining sanitary inspector or sanitarian shall set forth the danger created to the public health by the faulty sewer pipe. The owner or occupant, if either appears, or his legal representative shall be granted an opportunity to respond and cross-examine the complainant or his witnesses, and to present witnesses. Testimony shall, upon request, be given under oath.
- (e) *Determination; issuance of order notice of termination; reinstatement.* Thereafter, the director of the city metropolitan health district shall determine if a clear and present danger to the public health has been shown, and if he so finds, he shall issue an order to the city water system ("system") stating his finding and directing the termination of water service to the offending premises; the general manager of the chief executive officer (CEO) shall, upon receipt of the order, give the occupant of the premises written notice of the intention to terminate water

service twenty-four (24) hours prior to the termination thereof. Upon the expiration of the twenty-four-hour notice period the chief executive officer (CEO) of the city water system ("system") shall cause water service to the premises to be terminated. Upon written notice from the director of the city metropolitan health district that the sewer pipe has been repaired, the chief executive officer (CEO) shall reinstate water service to the premises.

(Code 1959, § 18-68.4; Ord. No. 54344, 9-24-81; Ord. No. 80574, § 11, 8-4-94; Ord. No. 89695, § 1, 4-29-99)

Sec. 34-451. - Septic tanks—Permit required; percolation tests.

It shall hereafter be unlawful for any person to construct a septic tank system without first obtaining a written permit from the director of public health. Such permit shall be displayed at the site of construction until approval is obtained from the director of public health. Prior to issuance of such a permit, percolation tests shall be conducted at the site of the proposed installation. These percolation tests shall be conducted by the director of public health or a registered professional engineer and shall serve as a basis for determining the minimum length of disposal line as outlined in section 34-208. All percolation tests shall be conducted in accordance with procedure as outlined by the director of public health. The fee for conducting the percolation tests by the director of public health shall be ten dollars (\$10.00), payable in advance. Results of percolation tests must be submitted at the time of application for permit.

(Code 1950, § 58-6; Ord. No. 21416, § 2, 6-23-55; Code 1959, § 18-71; Ord. No. 80574, § 11, 8-4-94)

Sec. 34-452. - Same—Permit fee.

The fee for a permit to construct a septic tank system shall be five dollars (\$5.00), payable at the time of issuance of such permit.

(Code 1950, § 58-6; Ord. No. 21416, § 3, 6-23-55; Code 1959, § 18-72; Ord. No. 80574, § 11, 8-4-94)

Sec. 34-453. - Same—Requirements for systems.

It shall hereafter be unlawful for any person to construct a septic tank system that does not conform to the following minimum requirements:

(1) *Septic tank.*

- a. *Location.* The tank shall be located not less than ten (10) feet from any property line, not less than five (5) feet from the foundation of any structure and not less than fifty (50) feet from any water well.
- b. *Liquid capacity.* The minimum liquid capacity for single-family dwellings shall be based on the number of bedrooms in the dwelling as follows:
2 bedrooms or less.....500 gallons

3 bedrooms..... 600 gallons

4 bedrooms..... 750 gallons

For capacities other than single-family residences, the director of public health will determine the minimum capacity of the septic tank. The liquid depth of any tank or compartment thereof shall not be less than two and one-half (2½) feet nor more than six and one-half (6½) feet. When multicompartment tanks are used the inlet compartment shall have a liquid capacity of not less than two hundred and fifty (250) gallons. The liquid capacity shall be increased by fifty (50) percent when household garbage grinders discharge into the system.

- c. *Scum storage.* Scum storage volume (space between the liquid surface and the top of the tank) shall be not less than twelve (12) inches.
 - d. *Inlet baffle.* The inlet baffle shall extend not less than six (6) inches below the liquid surface and not less than four (4) inches above the liquid surface.
 - e. *Outlet baffle.* The outlet baffle shall extend not less than twelve (12) inches below the liquid surface and not less than six (6) inches above the liquid surface. The outlet shall not extend above the level of the inlet nor more than three (3) inches below the level of the inlet.
 - f. *Multicompartment tanks.* When multicompartment tanks are used, a connection between compartments with a minimum diameter of four (4) inches shall be provided, and the inlet and outlet baffle submergency shall conform to the specifications for a single-compartment tank.
 - g. *Passage of waste.* All kitchen waste, laundry waste and sewage shall pass through the septic tank before being discharged into the absorption field.
 - h. *Construction.* The tank shall be constructed of reinforced concrete or metal such as to ensure watertightness and prevent the entrance of rainwater, surface drainage or groundwater Metal tanks shall comply with commercial standard 177-51 of the United States Department of Commerce.
 - i. *Manholes.* All septic tanks shall be provided with manholes, removable lids or removable top sections. If a manhole is used, it shall be placed over the inlet and an inspection hole shall be placed over the outlet.
- (2) *Distribution box.* A distribution box of sufficient size to accommodate the necessary disposal lines shall be constructed at the head of each disposal field.
- a. Each disposal line shall be connected separately to the distribution box and shall not be subdivided.
 - b. The invert of all outlets shall be level and the inlet invert shall be at least one (1) inch

above the outlets.

- c. The outlet inverts shall be from four (4) to six (6) inches above the floor in lieu of a baffle for the purpose of securing equal distribution.
 - d. Metal distribution boxes shall comply with commercial standard 177-51 of the United States Department of Commerce.
- (3) *Location of absorption field.* The absorption field shall be not less than one hundred and fifty (150) feet from any water well and not less than ten (10) feet from any dwelling or property line.
- (4) *Minimum length of disposal line.* All septic tank systems shall be provided with a minimum of disposal line based on the results of the percolation tests as follows. (A minimum of one hundred (100) linear feet of four-inch drainpipe shall be provided per installation.):

Percolation rate time required for water to fall one inch in minutes	Linear feet of four-inch drainpipe per bedroom, without garbage grinder or automatic washer
2 or less	34
3	40
4	47
5	50
10	67
15	77
30	100
45	120
60	<u>134</u>

When automatic washers discharge into the system, the minimum length of absorption field shall be increased by thirty-six (36) percent, and when garbage grinders discharge into the system the minimum length of absorption field shall be increased by twenty (20) percent. When both automatic washers and garbage grinders discharge into the system, the minimum length of absorption field shall be increased by sixty-six (66) percent.

- (5) *Construction of disposal line trenches.* All disposal line trenches shall have a minimum bottom width of eighteen (18) inches. The minimum distance of disposal line trenches center to center shall be six (6) feet. The grade of the disposal line trenches shall not exceed four (4) inches per one hundred (100) feet. The disposal field tile shall be laid one-fourth-inch open joints on a grade not to exceed four (4) inches per one hundred (100) feet. All open joints shall be protected on top by asphalt-treated building paper. There shall be a minimum of six (6) inches of gravel underneath disposal tile and two (2) inches over the tile, covering the entire width of the trench. The gravel shall be clean-washed, varying in size from one-half (½) to two and one-half (2½) inches. A layer of straw or absorbent paper shall be placed over the top of

the gravel before the backfill is added. A minimum of twelve (12) inches of backfill shall be placed over the straw or absorbent paper. The maximum length of any disposal line shall not exceed one hundred (100) feet.

(Code 1950, § 58-6; Ord. No. 21416, § 4, 6-23-55; Code 1959, § 18-73; Ord. No. 80574, § 11, 8-4-94)

Sec. 34-454. - Same—Inspection by health officer.

It shall hereafter be unlawful for any person to cover or use any portion of the septic tank system until the director of public health has inspected the septic tank system and given notice of approval stating that the construction conforms to the provisions of sections 34-451 through 34-453. If the construction of the system does not comply with the provisions of sections 34-451 through 34-453 the director of public health shall issue written notice to the holder of the permit specifying corrections that must be made so that the system will comply with such provisions. After such corrections have been completed, the permit holder shall call for another inspection.

(Code 1950, § 58-6; Ord. No. 21416, § 5, 6-23-55; Code 1959, § 18-74; Ord. No. 80574, § 11, 8-4-94)

Sec. 34-455. - Privies—Construction requirements.

- (a) *Minimum standards.* Where at any time there shall be established or installed a pit privy, it shall be so constructed, built or rebuilt that:
- (1) The excreta deposited therein shall not fall upon the surface of the ground, but shall enter into a vault or pit in the ground.
 - (2) The contents of such vault shall be at all times inaccessible to flies, mosquitoes, fowl or small animals.
 - (3) The pit, vault or compartment, together with the floor, riser, seat and other portions of the building shall, as a unit, prevent the entrance of either rain or surface water into the pit below.
- (b) *Construction.* There shall be deemed to be compliance with the requirements of the preceding subsection when the following conditions exist:
- (1) *Minimum pit dimensions.*
 - a. Length and breadth: three (3) feet six (6) inches;
 - b. Depth, from original ground surface, five (5) feet;
 - c. A box cribbing shall extend from the bottom of the pit to a distance of two (2) inches above the original ground surface.
 - (2) *Collar or sill.* Around the pit, and clearing the cribbing by a distance of one (1) inch, shall be placed a reinforced concrete collar or sill not less than four (4) inches thick and five (5) inches wide, such sill to be cast monolithic, or in one (1) piece.

- (3) *Floor and riser.* Upon the sill or collar shall be placed the floor and riser, which shall be a substantial reinforced concrete slab four (4) feet by four (4) feet, with bolts set in the concrete for bolting the house and the seat to such slab.
- (4) *Mound.* From the top edge of the slab, a well-tamped mound shall be constructed tapering from the edge of the slab to the original ground surface at a distance not less than eighteen (18) inches from the slab.
- (5) *Seat and lid.* The seat shall be constructed of a good grade of wood, two (2) inches thick. There shall be an opening at the back of the seat for a four-inch galvanized iron vent pipe, which shall be screened at both ends with sixteen-mesh copper wire screen. The vent pipe shall extend to a height of not less than eight (8) inches above the roof, and shall be provided with a metal cap to prevent the entrance of rain or the light of day. The seat shall be grouted to the riser so that no cracks exist which will permit the entrance or exit of flies or mosquitoes. The seat shall be provided with a self-closing lid. A device shall be used which will maintain the lid in an open position when the toilet is being used, but which will automatically close the lid when the door is opened for exit from the toilet.
- (6) *House.* The house shall be four (4) feet square, five (5) feet five (5) inches high in the back, and six (6) feet six (6) inches high in front, and shall be provided with a shed roof. The building shall be ventilated on each side just under the roof. The roof shall extend five (5) inches in front and fifteen (15) inches behind and nine (9) inches on each side.

(Code 1950, § 58-7; Code 1959, § 18-75; Ord. No. 80574, § 11, 8-4-94)

Sec. 34-456. - Same—Maintenance; repair.

- (a) All privy buildings shall be kept in a clean condition at all times.
- (b) Should any defect occur in a privy which would cause it in any way to fail to meet the requirements provided in sections 34-455 and subsection (a) of this section, the defect shall be immediately corrected by the owner or agent of the premises on which the defect has occurred, unless the defect shall be caused by neglect, destructiveness or carelessness on the part of the occupant of the premises on which the defect has occurred, or through his agent, in which case the defect shall be immediately repaired or corrected by the occupant or the agent of the occupant of the premises on which the defect has occurred.

(Code 1950, §§ 58-8, 58-9; Code 1959, § 18-77; Ord. No. 80574, § 11, 8-4-94)

Secs. 34-457—34-470. - Reserved.

DIVISION 3. - INDUSTRIAL WASTE

Footnotes:

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Editor's note— Ord. No. 81771, § 1, adopted March 2, 1995, repealed former Div. 3, §§ 34-471—34-481, relative to industrial waste, and § 2 of said ordinance enacted a new Div. 3 to read as herein set out in §§ 34-471—34-485. The provisions of former Div. 3 derived from Ord. No. 77784, adopted April 15, 1993; Ord. No. 78153, adopted June 17, 1993; Ord. No. 80574, adopted Aug. 4, 1994.

Sec. 34-471. - General provisions.

- (1) *Purpose.* This division sets forth uniform requirements to be met by all industrial waste dischargers utilizing the San Antonio Regional Wastewater Transportation and Treatment System (hereinafter termed "regional system"). This division is written to enable the regional system to comply with and enforce all applicable local, state, and federal laws pertaining to water quality control, including the Clean Water Act (33 U.S.C. 1251 et. seq.), and the general pretreatment regulations (40 CFR 403). Any word, phrase, clause, paragraph, section, part or provision of this division which, upon the promulgation of more stringent local, state or federal law or duly implemented regulatory requirement, is in conflict with or less stringent than such local, state and federal law or regulation promulgated after enactment of this division, shall be invalidated and repealed to the extent of such conflict or super cession upon the effective date of such local, state and federal law or regulation, and the language and provisions of such local, state and federal law or regulation shall be incorporated herein by reference and shall become a part of those sections, parts, paragraphs, clauses, or phrases affected to the extent that the existing division language is invalidated and repealed.
- (2) *Administration.*
 - (a) Pursuant to the grant of authority to the San Antonio Water System in City Ordinance No. 75686, dated April 30, 1992 and in the Ordinance No. 80574 dated August 4, 1994, the SAWS board of trustees shall have full responsibility for the administration and implementation of the pretreatment program established by this division.
 - (b) Except as otherwise provided herein, the director shall administer, implement and enforce the provisions of this division. The pretreatment program shall be modified as needed to meet local, state and federal requirements. Any powers granted to or duties imposed upon the director may be delegated by the director to other SAWS personnel.
- (3) *Objectives.* The objectives of this division are:
 - (a) To prevent the introduction of pollutants into the regional system in such quantities or qualities that would interfere with the operation of the regional system;
 - (b) To prevent the introduction of pollutants or substances into the regional system that may typically pass through either unaffected by the treatment process or may be inadequately

compatible with such treatment, that could result in potential violations of POTW effluent standards, air quality standards, NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws, or otherwise considered incompatible with the POTW;

- (c) To preserve and improve the opportunity for reusing, reclaiming and recycling wastewater and sludge generated by the regional system, and to ensure quality of sludge to allow its use and disposal in compliance with statutes and regulations;
- (d) To ensure that there is an equitable distribution of the operation, maintenance and capital-related costs of the regional system across user classes;
- (e) To create a permit system to regulate industrial users of the regional system;
- (f) To enforce the provisions of this division by requiring self-monitoring and self-reporting from industrial users to supplement periodic investigations made by regional system inspection personnel;
- (g) To provide penalties for violations of the regulations established herein;
- (h) To protect the health and welfare of the public and of employees who maintain and operate the regional system;
- (i) To establish a regulatory environment that encourages identification and utilization of pretreatment opportunities to reduce or eliminate the volume and toxicity of any industrial waste discharged to the regional system, in fulfillment of the intent of objectives (a), (b), (c), and (h) above.

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

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

BOD — Biochemical Oxygen Demand (five day).

BMP — Best Management Practices.

C — Centigrade.

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

CIU — Categorical Industrial User.

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.

F — Fahrenheit.

FOG — Fats, Oils and Grease.

GPD — Gallons per day.

IU — Industrial User.

L — Liter.

LEL — Lower Explosive Limit.

mg — Milligrams.

MGD — Million gallons per day.

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

NPDES — National Pollutant Discharge Elimination System.

POTW — Publicly Owned Treatment Works.

RCRA — Resource Conservation and Recovery Act.

PL — Public Law.

SARA — Superfund Amendments and Reauthorization Act.

SAWS — San Antonio Water System.

SDWA — Safe Drinking Water Act.

SIC — Standard Industrial Classification.

SNC — Significantly Non-Compliance.

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

TBLL — Technically Based Local Limits.

TCEQ — Texas Commission on Environmental Quality

TOMP — Toxic Organic Management Plan.

TPDES — Texas Pollutant Discharge Elimination System.

TSCA — Toxic Substances Control Act.

TSS — Total Suspended Solids.

TTO — Total Toxic Organics.

USC — United States Code.

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

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

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

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 percent 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 of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;
- (2) The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (3) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- (4) 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;
- (5) 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 control authority.
- (6) If an authorization under subsection (5) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the control authority prior to

or together with any reports to be signed by an authorized representative.

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.

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

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

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

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

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

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

Control authority: The term "control authority 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 (including pollutants) from a facility during a normal twenty-four-hour period that represents the calendar day for the purpose of sampling the discharge 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.

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

Explosion hazard meter: An explosion-proof electromechanical device designed to collect and analyze ambient air samples to determine the presence and measure the concentration of volatile, flammable,

organic vapors capable of causing a fire or explosion in the presence of a source of ignition.

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

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

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

Grease trap: Any structure or mechanical device intended to cause or facilitate the interception and separation of free and emulsified oils and grease from wastewater prior to its discharge to the regional system. All structure or devices installed for the purpose of pretreatment shall conform to the design requirements contained in the city plumbing code. Plans for such structures or devices shall be submitted to the 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.

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

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

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

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

Industrial user or user (IU): Any user who contributes, causes, or allows an indirect discharge (as defined in subparagraph 34-471(6) of this section) of non-domestic pollutants or other wastewater which does not constitute a "direct discharge" to a receiving stream under regulations issued pursuant to Section 402, of the Act, (33 U.S.C. 1342).

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

Industrial wastewater advisory board: An advisory board consisting of eleven (11) members whose function is to provide information and recommendations to the 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.

NAICS: North American Industrial Classification System, an industrial classification system that groups establishments into industries based on the similarity in the processes used to produce the principal goods or services and the economic activities in which they are primarily engaged.

Narrative standard: Narrative criteria are statements that describe the desired water quality goal that is used when pollutants cannot be precisely measured to express the limit on a parameter in a quantitative form. This criteria is used for pollutants for which numeric criteria are difficult to specify, such as those that offend the senses (e.g., color and odor) or for requirements as might be specified in a compliance agreement (e.g., employee training or visual postings).

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

New source:

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that action, provided that:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or product equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of existing sources at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous onsite construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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

Non-significant categorical industrial user: An industrial user subject to categorical pretreatment standards under § 403.6 and 40 CFR chapter I, subchapter N user that never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater).

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.

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

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

Pollution prevention plan: A plan designed for the reduction of generation of hazardous waste and toxic chemicals as outlined in the Waste Reduction Policy Act of 1991 (under 30 Texas Administrative Code (TAC) 335 Subchapter Q) by avoiding the disposal or release of harmful substances into the environment by means of source reduction, waste minimization, reuse, recycling, and detoxifying treatments.

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 control authority 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 control authority. 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 water system (the control authority): Regional water, wastewater and reuse utility system created by Ordinance No. 75686 of the City of San Antonio, passed on April 30, 1992.

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

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

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

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.
 - d. The control authority may determine that an industrial user subject to categorical pretreatment standards under § 403.6 and 40 CFR chapter I, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day

(gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

1. The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 2. The industrial user annually submits the certification statement required in § 403.12(q) together with any additional information necessary to support the certification statement; and
 3. The industrial user never discharges any untreated concentrated wastewater.
- (3) Upon a finding that an industrial user meeting the criteria in paragraph (v)(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

Significant noncompliance: For the purpose of this provision, an industrial user is significantly noncompliant (SNC), if its violation meets one (1) or more of the following criteria:

- (1) 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, a numeric pretreatment standard or requirement, including instantaneous maximum allowable discharge limits as defined in section 34-471; or
- (2) 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 numeric pretreatment standard or 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
- (3) Any other violation of a pretreatment standard, requirement, or effluent limit (daily maximum or longer term average, instantaneous maximum allowable discharge limit, or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public); or
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the control authority's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a

discharge; or

- (5) 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
- (6) 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
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation or group of violations which may include a violation of best management practices that 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: 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.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19; Ord. No. 2021-04-29-0283 , § 1(Att. I), 4-29-21)

Sec. 34-472. - Regulations.

- (1) *General discharge prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- (2) *Specific discharge prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (a) There shall be no discharge of pollutants in amounts which would cause the discharge from a facility to have a closed cup flashpoint of less than 60° centigrade or 140° Fahrenheit using the test methods specified in 40 CFR 261.21;
 - (b) Any wastewater having a pH less than 5.5 or greater than 10.5 standard units, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW. (Any wastewater having a pH less than or equal to 2.0 or greater than or equal to 12.5 standard units is considered hazardous under 40 CFR 261.22);
 - (c) Solid or viscous substances in such quantities and/or qualities which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, solids or solids accumulation greater than one-half (½) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, asbestos, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, paint or chemical residues, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, fatty

acids or esters of fatty acids, or food and vegetable wastes, sharps, regulated medical waste or used health care product (as defined in 49 CFR 173.134 Class 6, Division 6.2 cleaning wipes, articles of clothing, or bedding), or any material which can be disposed of as trash;

- (d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which contributes, either singly or by interaction with other pollutants, to interference to the POTW. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed, for any time period longer than fifteen (15) minutes, more than five (5) times the average daily concentration, quantities, or flow produced during normal operations;
- (e) Any wastewater having a temperature which will inhibit biological activity in the POTW plant contributing to interference, but in no case wastewater with a temperature at the introduction into the POTW treatment plant which exceeds 40° centigrade (104° Fahrenheit) unless the POTW treatment plant is designed to accommodate such temperature. Wastewater entering the regional collection system cannot exceed 65.5° centigrade (150° Fahrenheit) unless the quantity of heated discharge is of such volume that the total wastewater temperature at the nearest downstream manhole does not exceed 40° centigrade (104° Fahrenheit);
- (f) There shall be no discharge of any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may contribute, either singly or by interaction with other products, to interference or pass through;
- (g) In accordance with 40 CFR 403.5(b)(7) there shall be no discharge of any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, asbestos, and any other substances which the control authority, the state or EPA has notified the user is a fire or explosion hazard to the system, or presents an imminent threat to the health and safety of persons operating the system;
- (h) Any trucked or hauled pollutants, except at discharge points designated by the control authority, and in accordance with the Liquid Waste Transportation and Disposal Regulations (article V, division 4 of this chapter), as amended or replaced, and section 34-476 of this division;
- (i) Any noxious or malodorous liquids, gases, solids, or other wastewater which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to physically prevent reasonably safe entry of humans and/or equipment into the sewers for inspection, maintenance and repair purposes;

- (j) Any wastewater with any objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, ink or printer waste, and vegetable tanning solutions;
- (k) Any stormwaters, surface water, groundwater, or subsurface drainage, except as specifically authorized by the control authority;
- (l) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (m) Any substance which will cause the control authority to violate its NPDES/TPDES and/or state disposal system permit or the receiving water effluent quality standards, or fail a toxicity test;
- (n) Any agent, including but not limited to emulsifiers, surface active agents, detergents, etc. added to sand traps, grease traps, or the like, capable of passing the solid or semi-solid contents of the trap to the sewer system or any substance that may cause excessive foaming in the POTW;
- (o) Fats, oils, or greases of animal, mineral or vegetable origin in concentrations greater than two hundred (200) mg/L;
- (p) Any liquids, solids or gases, which by reason of their nature or quantity are, or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system, or at any other point in the system, be more than five (5) percent, nor any single reading be over ten (10) percent of the lower explosive limit (LEL) of the meter. In accordance with 40 CFR 403.5(b)(1);
- (q) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, which may injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters at the effluent end of the POTW, or which exceeds the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to spent antifreeze or any pollutant identified pursuant to Section 307(a) of the Act;
- (r) Wastewaters or leachates generated from the remediation of hazardous or non-hazardous waste sites, except as specifically authorized by the 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;

- (t) Hazardous waste other than that allowed under the domestic sewage exemption, as provided for under 40 CFR 261.4(a)(1)(ii). Notwithstanding that exemption, there shall be no discharge of what would otherwise be considered hazardous waste unless a user can certify the following:
 - (i) The volume and toxicity of such waste has been minimized to the fullest extent possible by utilizing the best available technology and pretreatment practices.
 - (ii) The discharge of such waste is not a substitute for disposal and reporting thereof otherwise necessary under RCRA, CERCLA, SARA, TSCA, CAA, EPA, or TCEQ regulations.
- (u) Any wastewater containing antibiotics or any organism including viruses, considered pathogenic and/or detrimental to process organisms.
- (v) Wastewater containing any radioactive waste or isotopes except in compliance with applicable state or federal regulations. Greater than or in allowable concentrations by TDH regulations or other agencies.
- (w) Pesticides.
- (x) Bulk food processing wastes.
- (y) Discharge of slugs or flows which exceed the carrying capacity of the part of the collection system through which it is discharged.
- (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 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 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 control authority 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 control authority shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

(4) *Technically based local limits.*

(a) Significant industrial users regulated by permit for identified specific pollutants and non-permitted users not regulated under BMPs yet identified as potential contributors of certain pollutants shall not discharge or allow the discharge to the regional system, wastewaters containing individually identified specific pollutants in concentrations, in solution or suspension, in excess of the limits below. Compliance with these limits shall be determined based on the analysis of a grab sample or a combination of grab samples, time composite samples, or flow composite samples.

(b) All samples shall be collected and analyzed in a manner consistent with the requirements of 40 CFR 136. No user as prescribed above shall discharge or allow the discharge of wastewater to the regional system having a pH less than 5.5 or greater than 10.5 standard units, and all concentrations and/or quality criteria shall apply where the effluent is discharged to the POTW. Wastewater entering the regional collection system shall not exceed 65.5 degrees Centigrade (150 degrees Fahrenheit). The following pollutant limits are established to protect against pass through and interference at the POTW. No person shall discharge wastewater containing in excess of the following:

Industrial user local limits:

- (a) 0.7 Arsenic
- (b) 0.7 Cadmium
- (c) 5.0 Chromium
- (d) 1.50 Copper
- (e) 0.17 Total
- (f) Cyanide
- (g) 0.7 Lead
- (h) 0.05 Mercury
- (i) 5.5 Nickel
- (j) 0.02 Selenium
- (k) 0.50 Silver
- (l) 2.50 Zinc
- (m) 200 Fats Oil & Grease
- (n) 5.5–10.5 pH
- (o) 150 degrees Fahrenheit

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

- (c) Best Management Practices (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 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 control authority that it is necessary to regulate an individual user or group of industrial users based on potential for pollutants of concern, the following minimum requirements will be established to accomplish this goal:

- Industrial users within the identified grouping must either be regulated by the BMP guidelines 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 control authority may require periodic reporting by these users demonstrating compliance with the BMP guidelines such as copies of equipment maintenance records or manifest records for waste disposal, or records demonstrating employee training.
- The control 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 ninety-five (95) percent 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 control authority's standards or requirements.

- (6) *Control authority's right of revision.* The control authority reserves the right to amend this division at any time to establish more stringent specific pollutant limitations or requirements on indirect discharges to the regional system if deemed necessary to protect the POTW processes or to correct or prevent an effluent quality problem in treated wastewater and/or resulting sludges. The control authority also reserves the right to amend this division to comply with the general objectives and purposes presented in section 34-471 of this division.
- (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)
 - (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 control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority 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.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 100030, § 1(Att. 1), 11-18-04; Ord. No. 101725, § 1, 11-17-05; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19; Ord. No. 2021-04-29-0283 , § 1(Att. I), 4-29-21)

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 control authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the department for review, and shall be acceptable to the division before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the control authority under the provisions of this division.
- (2) *Additional pretreatment measures.*
 - (a) Whenever deemed necessary, the control authority 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 control authority 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 control authority, 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 control authority 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 ninety-five (95) percent 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 ten (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 control authority shall evaluate whether each significant industrial user needs a plan to control slug discharges. The control authority 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 control authority of any accidental or slug discharge, as required by sections 34-473(4) and 34-473(5) of this division, including any discharge that would result in a violation under 40 CFR 403.5(b) with procedures for followup written notification within five (5) calendar days, and
 - (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for

containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

- (4) *Reporting of slug/accidental discharges.* In the case of a slug discharge, including any accidental spill or noncustomary batch discharges, the user shall notify the department and the appropriate water recycling center immediately by telephone and provide the following information:
- (a) Time of discharge.
 - (b) Location of the discharge.
 - (c) Type of waste.
 - (d) Concentration and volume discharged.
 - (e) Corrective actions taken.
 - (f) Water recycling center receiving the waste.

Within five (5) calendar days following an accidental or slug discharge, the user shall submit to the 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 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 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.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

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

include the following items:

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

(3) *Wastewater discharge registration*

(a) (Non-significant industrial users)

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

When the control authority requires a user to register its wastewater discharge that user shall obtain a wastewater discharge registration application, and shall complete and file an application on a form prepared by the control authority. (Refer to section 34-480 concerning confidential or proprietary information). The information requested may include the following items:

- (1) Name(s), address(es) including the legal description, location(s);
- (2) Name(s), official title(s), and address(es) of the owners and/or operators;
- (3) The identity of the authorized representative including his or her name, official title, address, and date of birth;
- (4) NAICS number(s) according to the current edition of the North American industrial classification system, 1997 office of management & budget, as amended;
- (5) A list of all environmental control permits held by or for the facility;
- (6) The nature and concentration of any pollutants in the discharge which are limited by a city, state or federal pretreatment standard (sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended);
- (7) Site plans, floor plans, mechanical and plumbing plans, and details showing all sewers, sewer connections, and appurtenances by size, location and elevation;
- (8) Number of employees, hours of operation of facility
- (9) Description of activities, facilities and plant processes on the premises, including all materials (material safety data sheets) which are, or could be, discharged;

- (10) Pretreatment device details;
 - (11) Daily discharge/flow information
 - (12) Any other relevant information as may be deemed by the control authority to be necessary to evaluate the registration application, or as required under sections 34-474(2b) and 34-475 of this division.
- (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 ninety (90) days after a transfer of ownership. For new sources, the report must be submitted no later than ninety (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 control authority will evaluate the data furnished by the user and may require additional information. A wastewater discharge registration shall include such conditions as are deemed reasonably necessary by the control authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. The

control authority may require periodic self-monitoring analysis of the user's wastestream for compliance and/or surcharge assessment. The Control Authority may require periodic cleaning and maintenance of any pretreatment device in accordance with section 34-518 of this article.

- (4) *Certification: data accuracy, truthfulness and completeness.* All wastewater discharge permit applications, required documents, and other specified documents submitted to the control authority 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 control authority 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 control authority will determine whether or not to issue a wastewater discharge permit. The control authority may deny any application for a wastewater discharge permit.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

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 control authority 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 control authority. The terms and conditions of the permit are subject to modification by the department during the term of the permit as limitations or requirements as identified in this division are modified, or other just cause exists that warrants modification.
- (2) *Permit contents.* A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the control authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Permits shall, at a minimum, address the following:

- (a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (b) A statement that the wastewater discharge permit is non-transferrable without prior notification to and authorization from the department in accordance with section 34-475(4) of this division;
- (c) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a regional system sewer, and/or for the monitoring, sampling, testing, and analysis thereof;
- (d) Limits on the average and maximum wastewater constituents and characteristics;
- (e) Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (f) Requirements for installation and maintenance of inspection and sampling facilities, including technical data relative to location, slope, and capacity of piping used in the sampling facility or discharge point;
- (g) Specifications for monitoring programs which may include the number of sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (h) Compliance schedules for the installation of technology needed to meet applicable pretreatment standards and requirements, including specific dates and increments of progress. Compliance schedules shall be filed according to sections 34-478(1)(c)(7) and 34-478(2) of this division;
- (i) Requirements for submission of technical reports or discharge reports;
- (j) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Control Authority and affording the control authority access thereto as specified in 40 CFR 403.12(o);
- (k) Requirements for reporting the introduction of any new wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the regional system;
- (l) Requirements for reporting accidental and/or slug discharges as per the provisions of this division;
- (m) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (n) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;

- (o) A statement of applicable civil and criminal penalties for violation of the permit and/or this division;
 - (p) Other conditions as deemed appropriate by the 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 control authority 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 control authority 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 control authority may require all unsettled violations be resolved through the control authority legal department.
- (4) *Wastewater discharge permit transfer.* Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the control authority and the control authority approves the wastewater discharge permit transfer.

The notice to the control authority must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur;
- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit; and
- (d) States whether liabilities for past or present permit violations will become the responsibility of the new owner/operator.

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

- (5) *Wastewater discharge permit revocation.* The control authority may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - (a) Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge;
 - (b) Failure to provide prior notification to the control authority 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;
 - (g) Failure to meet effluent limitations;
 - (h) Failure to pay fines;
 - (i) Failure to pay sewer charges;
 - (j) Failure to meet compliance schedules;
 - (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
 - (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this division; or
 - (n) Failure to provide, operate and maintain, at all times, wastewater pretreatment equipment as is necessary to comply with this division.

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

- (6) *Wastewater discharge permit renewal.* A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit renewal by submitting a complete permit application, in accordance with section 34-474(2) of this division, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. Failure to reapply for a permit may result in an enforcement action.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

Sec. 34-476. - Liquid waste transportation regulations.

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

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

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 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 (1) 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.
- (b) Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its

monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- (c) For multiple use buildings (i.e. shopping centers, medical service buildings, office buildings, etc.) having only one master water meter, or multiple meters paid by one person or company, and/or where the building is served by a common sewer lateral, one permit may be issued to the water bill addressee. In this case, the addressee shall be responsible for:
 - (1) The installation, operation, and maintenance of any required pretreatment device or monitoring station;
 - (2) Compliance with all provisions of this division and/or applicable pretreatment standards or requirements; and
 - (3) The payment of all sampling and analysis fees, surcharges, and any fines or penalties imposed. If in the judgment of the director, the quality of wastewaters from the separate users is such that separate pretreatment or monitoring facilities is appropriate, the director may require separate facilities. In this case, all of the aforementioned requirements shall apply to the individual users.
- (d) There shall be adequate lighting of and ample room in or near such sampling manhole or facility to safely allow inspection personnel to position sampling, monitoring or surveillance equipment and prepare field samples for analysis. Whether construction on public or private property, the sampling and monitoring facilities shall be provided in accordance with the regional system requirements and all applicable local construction standards and specifications, including applicable requirements contained in the plumbing code, chapter 10 of the City Code, as amended or as may be amended.

(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 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 control 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 control authority shall have the right to install, or require the installation of monitoring, testing, and surveillance equipment (including adequate lighting) and to take samples (including independent samples) of any indirect discharge at any reasonable time in accordance with the applicable provisions of this division. Where an industrial user has safety and/or security measures in force which require user issuance of special safety equipment and/or proper identification and clearance before allowing entry into their premises, the user shall make the necessary arrangements with their security guards or similar personnel, so that upon presentation of suitable identification, personnel from the control authority, the state, or EPA will be permitted to enter any or all areas of the user's facility, without delay, for the purpose of performing responsibilities reasonably associated with those stated above and reasonably required to accomplish the purposes and objectives of this division.
 - (c) Results of concentration and constituent analysis of wastewater from samples collected from any industrial user may be determined by the control authority or its authorized agent, the approval authority, a professional engineer contracted by the discharger, or by any other qualified party approved by the control authority.
 - (d) If the industrial user elects to contract with a professional engineer or other qualified party for sampling and analysis of wastewater, all results of such sampling and analysis shall be submitted to the director, and all reports submitted shall contain a statement certifying that the samples collected and values reported are developed in accordance with the collection and analytical procedures contained in section 34-474 of this division, 40 CFR 403.12, and the appropriate federal categorical pretreatment standards, as applicable. Each significant industrial user will be sampled at least twice each year, or more frequently if required by the local pretreatment program.
 - (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the control 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 control authority personnel is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the control authority designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health,

safety and welfare of the community, then the control 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.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 100030, § 1(Att. 1), 11-18-04; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

Sec. 34-478. - Reporting requirements.

(a) *Baseline monitoring reports.*

- (1) 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 control authority a report which contains the information listed in paragraph (3) below.
- (2) 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 control authority a report which contains the information listed in paragraph (3) 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.
- (3) Users described above shall submit the information set forth below:
 - a. *Identifying information.* The name and address of the facility, including the name of the operator and owner.
 - b. *Environmental permits.* A list of any environmental control permits held by or for the facility.
 - c. *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.
 - d. *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).
 - e. *Measurement of pollutants.* Information regarding pretreatment standards sampling include the following:
 1. The categorical pretreatment standards applicable to each regulated process.

2. The results of sampling and analysis identifying the nature and concentration or mass, where required by the standard or by the control authority 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(j) and (k) of this division. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the CA or the applicable standards to determine compliance;
 3. Sampling must be performed in accordance with procedures set out in section 34-478(j) of this division.
 4. 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.
 5. The baseline monitoring report shall indicate the time, date, and place of sampling and the methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharge to the CA.
- f. *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- g. *Compliance schedule.* If additional pretreatment and/or additional operation and maintenance is necessary to meet the pretreatment standards, then the shortest schedule by which the user will provide such additional pretreatment and/or operation and maintenance will be utilized. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 34-478(b) of this division.
- h. *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 34-474(3) of this division.
- (b) *Initial database monitoring.* The permittee shall initially document six (6) consecutive months of discharge monitoring to determine compliance with effluent standards established in the permit. If any discharge is found to be in violation of the permit limits, the permittee shall develop

corrective measures to achieve and maintain consistent compliance. Techniques specified in 40 CFR 403 and 40 CFR 136 shall be used to collect and analyze any wastewater samples in connection with this database monitoring requirement.

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

- (1) 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 control authority within five (5) working days from the initial compliance schedule meeting, stating whether or not they will enter into a compliance schedule. Within fifteen (15) working days of the initial compliance schedule meeting, the user shall submit a proposed compliance schedule to the control authority for review. No enforcement action will be taken against the user for instances of noncompliance which occur during an approved compliance schedule. Such instances of noncompliance may be the subject of enforcement at a later date should the user commit violations after the expiration of the applicable compliance schedule. Users must remain compliant for a minimum of one calendar year from the expiration date of the schedule. The CA may issue an 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;
- (2) 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);
- (3) 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 control authority;
- (4) The user shall submit a progress report to the control authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (5) In no event shall more than nine (9) months elapse between such progress reports to the control authority.

(d) *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 control authority 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.

(e) *Periodic compliance reports.*

(1) All categorical 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.

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

(3) 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(j) of this division, the results of this monitoring shall be included in the report.

(4) All significant industrial users shall submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards that are taken from any permitted sample point and analyzed as outlined in 34-478(j). The SIU must submit documentation required by the CA within forty-five (45) days of the analysis.

(f) *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).

(1) 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.

- (2) 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.
- (3) 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.
- (g) *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 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.
- (h) *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 thirty (30) 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).
- (i) *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:
- (1) 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(a), 34-478(c) and 34-478(d) of this division.

- (2) 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.
 - (3) 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.
 - (4) 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.
- (j) *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 control authority shall include supporting quality assurance/quality control documentation.
- (k) *Sample collection.* All sample collection should be performed pursuant to the applicable requirements of 40 CFR 403.12 and by appropriate EPA guidance, including preservation and compositing techniques.
- (1) 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 control authority 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. IU facilities that discharge batch discharges or have discharge that are less than twenty-four (24) hours in duration must have sampling collection techniques documented in the IU discharge permit. Self-monitoring samples collected must still provide a representative sample of normal daily regulated processes and activities.
 - (2) Samples for compliance monitoring for oil and grease, temperature, pH, cyanide, phenols, sulfides, total residual chlorine and volatile organic compounds must be obtained using grab

collection techniques and follow preservation and compositing techniques as outlined in the 40 CFR § 403.12 and 40 CFR § 136.

- (3) Any change to the permitted sampling locations requires prior notification and approval by the control authority.
- (4) For sampling required in support of BMR and ninety-day reports required in 40 CFR 403.12 a minimum of four (4) grab samples are required for pH, cyanide, total phenols, O&G, sulfide and VOCs for new IUs, existing IUs that make changes or install new treatment, for existing IUs for which historical sampling data does not exist or in cases where the existing data does not represent the current discharge and could not be used to justify a lower number of minimum grab samples.
 - (l) *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.
 - (m) *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. These records shall remain available for a period of at least three (3) years by both the IU and CA. 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.

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 control authority. 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.

- (n) *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 ninety (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 ninety (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.
- (o) Existing or new industrial users having a pretreatment standard or permit requirement implemented with or met by a BMP requirement shall report information as may be necessary to determine compliance with the standard, including, but not limited to, baseline monitoring reports, ninety-day compliance reports, semi-annual reports and compliance milestone reports or other reports as may be required by individual permits or BMP programs.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19; Ord. No. 2021-04-29-0283 , § 1(Att. I), 4-29-21)

Sec. 34-479. - Confidential information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the control authority's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests in writing, and is able to demonstrate to the satisfaction of the Control Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law or federal law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user

furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall be stamped "confidential business information" on each page containing such information and shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES/TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

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

The control authority shall publish annually, in any paper of general circulation within the jurisdiction served by the POTW that provides meaningful public notice, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements as defined in section 34-471.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-481. - Enforcement.

Users who violate any term or condition of this division or of their permit shall be subject to enforcement action by the control authority. Such enforcement action will be applied in accordance with the enforcement response plan and may include legal action or other appropriate enforcement remedies as provided for below:

- (1) *Enforcement response plan.* In accordance with 40 CFR 403.8(f)(5)(ii), the control authority has in use an enforcement response plan (ERP), including an enforcement response guide (ERG) which shall be used by the control authority in initiating and, if necessary, in escalating, enforcement responses with regard to any instance of user noncompliance. The ERP is subject to change as required, and is consistent with approval authority procedures and guidelines.
- (2) *Legal action.* In addition to any other remedies provided by this division, the control authority may, at any time, seek legal and/or equitable remedies, or prosecute criminal charges against any person, corporation or other entity believed to be in violation of this division, the provisions of an industrial wastewater discharge permit and/or any federal or state law or regulations governing water quality or industrial wastewater pretreatment over which the control authority has been given enforcement powers. The control authority legal staff is hereby authorized and instructed to commence such actions for appropriate legal and/or

equitable relief in courts having proper jurisdiction and may seek civil penalties and any other legal or equitable relief available under common law, Chapter 54 of the Texas Local Government Code, or any other applicable local, state, or federal code or statute. The control authority may require that an enforcement meeting be held prior to implementing legal action; however, such a meeting shall not be a bar against or prerequisite for taking any enforcement action against the user.

- (3) *Notice of violation (NOV).* When the control authority determines that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the control authority may serve (either personally or by registered or certified mail, return receipt requested) upon that user a written notice of violation. Within fifteen (15) working days of the mailing date or personal delivery date of such notice, an explanation for the violation and measures taken and/or to be taken for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority. Submission of this response in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (4) *Response by the industrial user to the notice of violation.* The industrial user responding to receipt of a notice of violation shall file a written response in the following form:
 - (a) The industrial user shall submit a written report within the fifteen (15) working days designated in section 34-481(3) to the director. If the violation involves a discharge that is prohibited, or exceeds quantity, quality, or concentration limitations, the report shall contain information regarding the time, date, location, cause, source, quantity, quality and concentration of the discharge and the corrective measures actually taken, or to be taken, by the industrial user to correct and prevent any similar recurring discharges. If the violation is an administrative or procedural violation, the report shall contain information regarding corrective measures and time schedules the industrial user has adopted to assure expeditious compliance.
 - (b) Should the recipient of a notice of violation fail to respond in writing to the director within the initial fifteen (15) working day response period as required in section 34-481(3), above, the user shall be considered in violation of this division with each day resulting in a separate violation. Such failure to respond may be cited by the director in any legal proceeding in the appropriate municipal, county, district, or federal court.
- (5) *Injunctive relief.* When the control authority finds that a user has violated, or continues to

violate, any provision of this division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the control authority may petition the court through the control authority legal staff for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this division on activities of the user. The control authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

- (6) *Consent orders.* The director or his designated representative is hereby empowered to enter into consent orders, assurances of voluntary compliance, establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have legal force and effect and shall be judicially enforceable. The director may require that a compliance schedule pursuant to sections 34-478(1)(c)(7) and 34-478(3) of this division be included and followed as a condition of the order. No order shall in any way waive a national categorical pretreatment standard.
- (7) *Compliance schedule.* The compliance schedule is discussed in sections 34-478(1)(c)(7) and 34-478(3) of this division.
- (8) *Compliance orders.* When the director or his designated representative finds that a user has violated or continues to violate the division, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within fifteen (15) calendar days. If the user does not come into compliance within fifteen (15) calendar days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring and/or management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.
- (9) *Emergency suspension.* The director may unilaterally order the suspension of water and/or wastewater service(s) to any user in order to prevent or eliminate an indirect discharge which may cause imminent, serious endangerment to the health or safety of any person, significant damage to the environment, significant interference with the POTW, or violations of the

Control Authority, TCEQ or NPDES permit conditions. Concurrent with ordering such a suspension, the director shall issue a written report containing information and investigative data and the notice of violation and suspension order upon which the director relies in ordering the suspension of service(s). A copy of this report will be expeditiously forwarded to the affected industrial user.

- (a) The director shall order reinstatement of any discontinued water and/or wastewater service(s) upon presentation to him by the industrial user of a registered professional engineer's report or other written proof acceptable to the control authority that the dangerous discharge has been eliminated and that recurrence is not likely.
- (b) Costs incurred by the control authority or its agents in detecting, investigating, monitoring, measuring and eliminating the dangerous discharge, along with any disconnect and reconnect fees, shall be reimbursed to the control authority by the user(s) responsible for the dangerous discharge within sixty (60) days of billing. Any property damage to the POTW or its appurtenant structures resulting from the dangerous discharge shall also be borne by the user(s) responsible for the discharge.
- (c) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the control authority prior to the date of any show cause or termination hearing under sections 34-481(10) and 34-481(11) of this division.

(10) *Cease and desist orders.* When the control authority finds that a user has violated, or continues to violate, any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(11) *Termination of discharge.* In addition to other provisions of this division, any user who violates the following conditions of this division, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;

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

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-482. - Penalties.

(1) *Penalties for violations.*

- (a) *Criminal.* A conviction for violation of this division shall constitute a class C misdemeanor. A person convicted of a violation of this division shall be fined a minimum amount of not less than two hundred dollars (\$200.00) per violation and a maximum amount of not more than two thousand dollars (\$2,000.00) per violation. Each violation of a particular section of this division shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division. A culpable mental state is not required to prove an offense under this division.
- (b) *Civil.* A civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation of this division may be imposed. Each violation of a particular section of this division shall constitute a separate offense, and each day such offense continues shall be considered a new violation for purposes of enforcing this division, and calculating the amount of civil penalties.

- (2) *Falsifying information.* Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this division or pursuant to any condition or provision of an industrial wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inoperable monitoring, sampling or surveillance devices or improperly impedes an inspection procedure required or authorized under this division and/or any industrial wastewater discharge permit, shall upon conviction, be punished by a criminal fine of not less than two hundred dollars (\$200.00) or more than two thousand dollars (\$2,000.00) or a civil penalty not to exceed five thousand dollars (\$5,000.00) per violation per day. A person found guilty of damaging equipment used or necessary for monitoring compliance with an industrial wastewater discharge permit and/or this division, shall also be liable for the cost associated with replacing or repairing such

equipment. Reports and other documents required to be submitted or maintained in accordance with 40 CFR 403.12 shall further be subject to Provisions Governing Fraud and False Statements as provided for at 40 CFR 403.12(n).

- (3) *Damage, theft and vandalism.* A person found responsible of damaging, stealing, or vandalizing Control Authority equipment, used or necessary for monitoring compliance with an industrial wastewater discharge permit and/or this division, shall also be liable for the cost associated with replacement or repair of such equipment.
- (4) *Remedies nonexclusive.* The remedies provided for in this division are not exclusive. The control authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the control authority enforcement response plan. However, the control authority may take other action against any user when the circumstances warrant. Further, the control authority is empowered to take more than one enforcement action against any noncompliant user.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-483. - Supplemental enforcement action.

- (1) *Performance bonds.* The control authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this division, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the control authority, in a sum not to exceed a value determined by the control authority to be necessary to achieve consistent compliance.
- (2) *Liability insurance.* The control authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this division, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- (3) *Water supply severance.* Whenever a user has violated or continues to violate any provision of this division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be terminated. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- (4) *Public nuisances.* A violation of any provision of this division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the control authority. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing

such nuisances, including reimbursing the control authority for any costs incurred in removing, abating, or remedying said nuisance, which shall include, but is not limited to, industrial waste solids accumulation wastewater odors, vapors, and/or objectionable color(s) of the sanitary and/or storm sewer.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

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) 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, 2023. The Schedule E charges shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fees charged do not exceed the cost of providing the services.

(Ord. No. 81771, § 2(App. I), 3-2-95; Ord. No. 85765, § 1, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2007-12-13-1345, § 2(Att. B), 12-13-07; Ord. No. 2011-12-08-1004 , § 2(Exh. L), 12-8-11; Ord. No. 2015-11-19-0956 , § 4(Att. III), 11-19-15, Res. No. 16-302, Att. IV; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Secs. 34-485—34-510. - Reserved.

DIVISION 4. - LIQUID WASTE TRANSPORTATION AND DISPOSAL REGULATIONS

Sec. 34-511. - Definitions.

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

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

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

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

Department. The San Antonio water system, resource protection and compliance department.

Director. The director of the resource protection and compliance department or his or her designated representative or agent.

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

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

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

Division. The San Antonio Water System Resource Compliance Division.

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

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

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

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

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

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

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

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

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

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

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

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

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

Permittee. A person issued a permit under this division.

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

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

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

SAWS. The City of San Antonio, acting by and through the San Antonio Water System permit, Ordinance No. 77784 as amended.

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

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

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

TCEQ. Texas commission on environmental quality.

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

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

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

Trip ticket. A coupon purchased from the control authority for the disposal of septic or portable/chemical toilet waste at the authorized the control authority disposal facility.

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

Vehicle wash grit drying facility. A facility constructed and maintained at a commercial vehicle wash that is designed to dry grit trap wastes from commercial vehicle wash facilities and which has registered with the city's water system's resource compliance division to perform such activity.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-512. - Liquid waste transportation.

- (1) *General.* Any person using the streets and/or rights-of-way of the city to transport liquid waste must exercise reasonable, prudent and sufficient care when undertaking such activity in order to preserve the health, safety and general welfare of the community. In order to engage in such activity the transporter must obtain all necessary documents, and comply with all procedures required by local, state and federal regulations.
- (2) *Spills.* In the event of a spill during collection or transport, the transporter shall immediately telephone the San Antonio Water System, Resource Compliance Division, at the telephone number listed in their permit. Notifications made pursuant to this section shall, at a minimum, provide the following:
 - (a) The time the discharge occurred;
 - (b) The location of the discharge;
 - (c) The type of waste discharged (including its concentration, volume, known dangerous characteristics, etc.);
 - (d) Any corrective actions including diking, if any, taken by the transporter;
 - (e) Any other conditions, factors or circumstances that would indicate any need for expeditious, specialized or unique response to the discharge.

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

- (3) *Responsibilities.* Failure to promptly and properly notify the appropriate jurisdictional authorities of a spill and take such action as required by said authorities shall constitute a violation of this division.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-513. - Permit requirements.

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

- (2) *Permit application.* In addition to complying with the proper registration procedures established by the state, a person intending to engage in the activity of transporting grit trap waste, grease trap waste or septage must first submit a permit application to the city water system, resource compliance division and therein supply the department with the following information and documentation:

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

application.

- (3) *Investigation of information set out in application.* The staff of the control authority may conduct an investigation to determine the accuracy of information supplied by the applicant prior to the issuance of a permit. Supplying false information to the department shall be grounds for refusal to grant a permit or revocation of a permit if already issued. The transporter shall update information contained in the application, in writing, to reflect any changes in the information required by the initial application prior to making these operational changes.
- (4) *Insurance requirements.*
 - (a) Prior to the issuance of a permit, the applicant must file with the city water system, evidence (certificate of insurance) of a policy of automobile liability insurance and thereafter keep same in full force and effect with an insurance company authorized to do business in the state. The policy shall insure the public against any loss or damage that may result to any person or property from the operation of a defective vehicle or negligence of the owner or any person driving or otherwise operating such vehicle, and the vehicle insurance provisions of such policy shall provide a minimum amount of coverage in the policy as to each and every transporter vehicle to be not less than one million dollars (\$1,000,000.00) for bodily injury or death of any one person, for bodily injury or death in any one accident, for the damage to, or destruction of, property in any one accident. Coverage is to include the pollution liability endorsement with limits not less than one million dollars (\$1,000,000.00). Such coverage shall be endorsed to cover the upset, overturn, and remediation of the load in transport.
 - (b) The certificate of insurance required by this subsection shall contain a provision requiring that the city water system be provided with thirty (30) days advance notice, in writing, of cancellation or material change in the policy. In the event of cancellation or material change in the transporter's policy, the permit shall be suspended until such time as the transporter can again secure appropriate coverage.
- (5) *Vehicle inspection.* Prior to the issuance of a permit, the department shall require the applicant to submit, for inspection by the department, each vehicle which will be utilized to transport grit trap waste, grease trap waste, and/or septage. The department or its agents shall determine if the transport vehicle is constructed and equipped in accordance with section 34-514 of this division and the tanks, valves, and hoses on the vehicle are in good repair, prior to permit issuance. In addition to the initial department inspection prior to the issuance of a permit, designated employees of the department are hereby authorized to re-inspect the vehicles periodically in order to observe that the vehicles are generally maintained in good repair so as not to constitute a public health hazard under the provisions of this division. These inspections may take place at any reasonable and safe location during normal business operation hours and are in no way meant to satisfy the otherwise legally mandated inspection of motor vehicle requirements of any department or agency of the state. All transport vehicles shall have a valid DPS inspection

sticker properly displayed, as well as the transportation registration stickers issued by TCEQ and the control authority.

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

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

SAWS# _____

The blank space shall contain the city water system's assigned permit number, unique to a particular vehicle;

- 6. SAWS authorization sticker.

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

- (c) A permit issued under this division is non-transferable, and may be revoked by the control

authority for violations by the permittee of the term(s) of the permit or of this division.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

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

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

(1) *Vehicle specifications.*

- (a) The vehicle must be equipped with tank(s) that is (are) firmly, securely and permanently attached to the primary structure of the vehicle in such a manner as to assure that the tank(s) will not loosen or dislodge during the transport of liquid wastes. Vehicles with portable or removable tank(s) or other containers temporarily attached or affixed to vehicles are prohibited, unless otherwise approved by the director.
- (b) All piping, valves, and connectors shall be permanently attached to the tank(s) and/or vehicle.
- (c) The tank(s) must be liquid tight.
- (d) The tank(s) must be constructed so that every interior and exterior portion can be thoroughly cleaned.
- (e) All piping, valves, and connections shall be accessible and easy to clean.
- (f) The inlet, or the opening of the tank(s) shall be constructed and located so that collected waste shall not spill during filling, transfer or transport.
- (g) Outlet connections shall be constructed so that no liquid waste shall discharge, leak, run or spill out from the tank(s).
- (h) Outlets are to be of a design and type suitable for the liquid waste to be safely removed and be capable of controlling outflow without discharge, spillage, spray, or flooding of immediate surroundings while in use.
- (i) Pumps, valves, cylinders, diaphragms and other appurtenances shall be of a design and type suitable for the liquid waste to be safely loaded, transported and removed, be capable of operation without discharge, spillage, spray or leakage, and be easily disassembled for cleaning.
- (j) All vehicles used to transport liquid waste shall have sight gauges maintained in a manner which can be used to determine whether or not a vehicle is loaded and the approximate capacity. Gauges are not required to read in gallons or liters, but shall show what percentage of the tank capacity is filled.

(k) All vehicles used to transport liquid wastes shall prominently mark all discharge valves and ports. All discharge ports shall be visible and readily accessible. The position of the vacuum pump, i.e. pulling a vacuum into the tank or pumping air into the tank, must also be clearly labeled.

(2) *Maintenance requirements.* A liquid waste transporter shall:

- (a) Maintain hoses, tanks, valves, pumps, cylinders, diaphragms, pipes, connections, and other appurtenances on a vehicle in good operation and repair and free from leaks.
- (b) Provide a safety plug or cap for each inlet and outlet tank valve.
- (c) Cause the vehicle exterior to be clean, vector free and relatively odor free at the beginning of each working day and provide for intermittent wash downs of vehicle exterior and wash outs of tank interiors as necessary to maintain the above conditions at all times.
- (d) The permittee shall remove the control authority authorization sticker, and the control authority permit number from the vehicle when it is no longer permitted to collect, transport or dispose of liquid waste or when the vehicle ownership changes.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

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

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

- (1) *Determine nature of material.* Prior to accepting a load of liquid waste for transportation, a liquid waste transporter shall, to the best of his ability, determine the volume, nature and classification of the material to be transported and that his/her permit, vehicle and equipment are sufficient to legally and properly accept, transport, and dispose of the load without discharge, spillage, leakage of the material, or release of malodorous fumes. Upon delivery of the waste to the disposal site, the transporter shall inform the disposal site operator of the content of the waste. At the discretion of the department or the disposal site operator, the liquid waste presented for disposal may be sampled and tested prior to disposal to verify the classification, quality, concentration, character or volume of the liquid waste. The control authority cost for conducting any positive, confirming test resulting in verification of unpermitted transport or prohibited discharge shall be paid by the permittee.
- (2) *Interceptor evacuation.* A liquid waste hauler shall completely evacuate all grease or grit traps and other interceptors during servicing. Further, the discharge of liquid, semi-solids, or solids back into an interceptor after servicing is strictly prohibited. Mobile processing vehicles shall

not discharge separated water back into the interceptor or into the wastewater collection system.

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

registration issued by the control authority. Disposal of commercial vehicle wash grit trap wastes within the regional agent boundary at a drying facility that is not registered by the control authority will be a violation of this division.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-516. - Manifest system.

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

- (a) The interceptor capacity, time and date of service, the quantity and type of liquid waste being transported;
- (b) The generator's name, address, telephone number and signature at the time of receipt of liquid wastes by the transporter;
- (c) The transporter's corporate, business or trade name, address and telephone number;
- (d) The transport vehicle operator's name with signature;
- (e) The transporter's permit number issued by the city water system;
- (f) The registration number assigned to the transporter's vehicle by the state;
- (g) The disposal site name, address, permit or registration number assigned by the state, the time and date of disposal; and
- (h) The signature of the disposal site operator.

(1) *Manifest booklets.*

- (a) Manifest booklets shall be purchased from the city water system in accordance with the fee schedules currently in effect. Manifest booklets shall be marked as appropriate for use with a specific liquid waste transportation vehicle. A transporter must complete one manifest for each generator interceptor serviced, with the exception of chemical/portable toilet companies servicing their own units. Chemical/portable toilet companies servicing their own units which may be located at various locations shall be required to complete one manifest for each vehicle load transported. Each individual carbonless, print-trace manifest shall consist of five parts:
 - 1. The white original of the manifest shall be signed by the transporter and generator at the time of the liquid waste collection.
 - 2. The yellow copy shall be given to the generator once signed by both the transporter and generator.
 - 3. The white original of the manifest shall be signed by the disposal site operator at the time of disposal and the pink copy maintained by the disposal site operator.

4. The green copy of the manifest shall be maintained by the transporter.
5. The goldenrod copy shall be returned to the generator within fifteen (15) days upon completion of the above steps.

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

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

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

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

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

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

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-517. - Disposal site procedures.

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

(1)

Disposal site entry/exit. Control authority permit holders shall exercise caution when entering and exiting disposal sites and shall obey all traffic control regulations and especially speed limit signs and direction signs.

- (2) *Disposal procedures.* A control authority permit holder shall not dispose of waste at the disposal site until authorized disposal personnel have done the following:
- (a) Inspected the permit holder's permit and the control authority authorization sticker to see if they are still valid;
 - (b) Verified that the manifest being presented by the permittee's employee is appropriate for both the classification of waste being transported and the vehicle tank capacity being used;
 - (c) Signed the manifest and received the disposal site operator's copy of same; and
 - (d) Verified and collected the appropriate volume of trip tickets required for disposal.

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

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

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

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

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

division.

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

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

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

drying facility must be enclosed or protected in a manner to prevent intrusion or infiltration of stormwater. Public access to the drying facility must be restricted.

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

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

Sec. 34-519. - Suspension of permit.

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

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-520. - Enforcement.

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

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

- (2) *Response by person or permittee to notice of alleged violation.* The person or permittee responding to receipt of an alleged violation notice shall file written response, as required by section 34-520, in the most applicable of the following forms:
- (a) Should the person or permittee admit his or her responsibility for the alleged violation, the person or permittee must submit a letter report to the director which:
 - 1. If the nature of the violation of either the permit or this division involves a discharge or disposal of liquid waste that is prohibited herein, contain information regarding the time, date, location, cause, source, quantity, quality and concentration of the discharge or disposal and the corrective measures actually taken by the person or permittee to recover or neutralize the discharge, self-reporting notices submitted to any state, federal or other agencies having jurisdiction, and actions to be taken by the person or permittee to prevent any similar recurrent discharges or disposal.
 - 2. If the nature of the violation of either the permit or this division involves an administrative or procedural non-compliance, the letter report shall contain information regarding corrective measures and time schedules the person or permittee has adopted to assure expeditious and continued compliance.
 - (b) Should the person or permittee deny his or her responsibility for the alleged violation, the person or permittee must submit a letter report to the director explaining why responsibility is being contested.
- (3) *Legal action.* Despite any other provisions contained in this division, the environmental counsel for the control authority is hereby authorized to seek legal and/or equitable remedies against any person or corporation believed by the department to be violating or have violated this division, the provisions of a liquid waste transportation permit, and/or federal or state laws governing water quality, industrial wastewater pretreatment, and hazardous or non-hazardous liquid waste transportation over which the control authority has enforcement authority. A legal proceeding prosecuted under this division does not constitute a waiver by the city water system of any right the city may have to join in a legal action originating from an alternative source of law.

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

(4) *Penalties.*

- (a) *Criminal.* A conviction for violation of this division shall constitute a class C misdemeanor. A person convicted of a violation of this division shall be fined a minimum amount of not less than two hundred dollars (\$200.00) per violation and a maximum amount of not more than two thousand dollars (\$2,000.00) per violation. Each violation of a particular section of this

division shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division. A culpable mental state is not required to prove an offense under this division. The president/CEO of the city water system is hereby authorized to designate qualified city water system personnel to serve notices of violations of this section and take all necessary action to file a complaint with the municipal prosecutor's office.

- (b) *Civil.* A civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation of this division may be imposed. Each violation of a particular section of this division shall constitute a separate offense, and each day such an offense continues shall be considered a new violation for purposes of enforcing this division. A culpable mental state is not required to prove an offense under this ordinance.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-521. - Fees.

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

- (1) A permit fee for each vehicle to be permitted;
- (2) A fee for each reinspection required for a vehicle to qualify for an annual liquid waste hauling permit;
- (3) A sampling fee;
- (4) An analysis fee;
- (5) A disposal site fee for disposing of septic or chemical toilet wastes at a control authority disposal facility;
- (6) A manifest booklet fee;
- (7) A disposal site holiday access fee (transporters must give two (2) weeks' notice to SAWS to schedule access when fee is paid);
- (8) A disposal site weekend access fee (transporters must give two (2) weeks' notice to SAWS to schedule access when fee is paid);
- (9) 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 or special sampling fees. These fees relate solely to the matters covered by this division and are separate from all other fees, fines and penalties chargeable by the control authority or any other agency.

The special service charges outlined in Schedule F, liquid waste hauler fee schedule, relating to liquid waste hauler permits shall be lawful rates charged by the system effective January 1, 2023. The Schedule F charges shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than

zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fees charged do not exceed the cost of providing the services.

(Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04; Ord. No. 2007-12-13-1345, § 2(Att. B), 12-13-07; Ord. No. 2011-12-08-1004 , § 2(Exh. L), 12-8-11; Ord. No. 2015-11-19-0956 , § 4(Att. III), 11-19-15, Res. No. 16-302, Att. IV; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Sec. 34-522. - Severability.

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

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-523. - Right of revision.

The city reserves the right to amend this division at any time to establish more stringent specific limitations or requirements on disposal to the regional wastewater transportation and treatment system if deemed necessary by the city to protect the collection, treatment operations and processes or to cure or prevent an effluent quality problem in potential landfill leachates, treated wastewater and/or resulting sludges. The city reserves the right to amend this division to comply with the general objectives and purposes presented in Article V, Division 3, Industrial Waste and Pretreatment.

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

Sec. 34-524. - Conflict.

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

(Ord. No. 80574, § 14, 8-4-94; Ord. No. 85765, § 2, 3-20-97; Ord. No. 99480, § 1(Exh. 1), 7-22-04)

DIVISION 5. - FATS, OILS AND GREASE

Sec. 34-525. - General provisions.

- (a) *Purpose.* The purpose of this division is to aid in the prevention of sanitary sewer blockages and obstructions caused by the accumulation of fats, oils and grease that are discharged into the sanitary sewer system.
- (b) *Application.* This division shall apply to all food service establishments (FSEs) and food processing establishments (FPEs) that are located within the corporate limits of the city, or that are within the extraterritorial jurisdiction of the city and to all FSEs and FPEs that receive sanitary sewer service from the San Antonio Water System (SAWS) or that discharge any liquids or solids into the publicly owned treatment works (POTW).
- (c) *Definitions.* As used anywhere in this division, the following terms are defined to mean:

City: The City of San Antonio, a Texas home rule municipality.

City Code: The City of San Antonio, Texas Code of Ordinances.

Commercial establishment: Any location where a person manufactures, packages, prepares, provides, serves, or makes available any meals, or food for sale, for monetary compensation, or for non-monetary consideration.

Fats, oils, or grease: Any animal, vegetable, or mineral fats, oils, or greases and any organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules.

FPE or FPEs: A food processing establishment or establishments, which are any commercial establishments in which food for human consumption is manufactured or packaged.

FSE or FSEs: A food service establishment or establishments, which are any commercial establishments that prepare, provide, serve, or make available for human consumption meals, or any food.

Interceptor: A device for collecting, containing, or removing food wastes or fats, oils, or grease from a waste stream before entering the POTW.

Person: An individual, partnership, joint venture, firm, company, corporation, association, joint stock company, governmental entity, trust, estate, sole proprietorship, or legal entity of any kind or character.

POTW: The publicly owned treatment works that is comprised of the sanitary sewer system, including treatment plant and collection infrastructure, operated by SAWS.

SAWS: The San Antonio Water System, an agency of the city, created by City Ordinance No. 75686, passed April 30, 1992.

(Ord. No. 2011-05-12-0378, § 1(Exh. A), 5-12-11; Ord. No. 2011-12-08-1004 , § 2(Exh. L), 12-8-11; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2015-11-19-0956 , § 4(Att. III), 11-19-15)

Sec. 34-526. - Interceptors.

- (a) *Pretreatment required.* Waste pretreatment that complies with this section is required before an FSE or FPE may discharge fats, oils, or grease into the POTW.
- (b) *Interceptor required.* Each FSE and FPE shall discharge all waste from sinks, dishwashers, drains, and any other fixtures or sources through which fats, oils, or grease may be discharged into the POTW into a properly maintained and functioning interceptor that complies with the requirements of chapter 10 of the City Code and the International Plumbing Code and appendices as amended that are adopted by the city in that chapter.
- (c) *Existing facilities.* Existing FSEs and FPEs that are not equipped with an interceptor that complies with the requirements of chapter 10 of the City Code and the International Plumbing Code and appendices as amended that are adopted by the City in that chapter shall install such an interceptor not later than one hundred eighty (180) days after the effective date of the ordinance from which this division derives.
- (d) *New facilities.* New FSEs and FPEs shall be equipped with an interceptor that complies with the requirements of chapter 10 of the City Code and the International Plumbing Code and appendices as amended that are adopted by the city in that chapter prior to commencement of any discharge into the POTW.

(Ord. No. 2011-05-12-0378, § 1(Exh. A), 5-12-11; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-527. - Maintenance.

- (a) *General requirements.* Each interceptor shall be continuously maintained in effective operational condition by and at the expense of the FSE or FPE that is required by this division to utilize or install the interceptor.
- (b) *Frequency.* Each FSE and FPE that is required by this division to utilize or install an interceptor shall evacuate accumulated solids, fats, oils, grease and all other material(s) from each interceptor at a frequency not less often than every ninety (90) days and within two (2) working days whenever twenty-five (25) percent or more of the wetted height of the interceptor, measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, fats, oils, or grease.
 - (1) FSEs or FPEs that conduct operations for less than one hundred twenty (120) days in a calendar year may submit a written request to SAWS to be permitted to evacuate interceptors as required by subsection 34-527(b) at a frequency less often than every ninety (90) days. The FSE or FPE submitting the request shall comply with subsection 34-527(b) unless SAWS provides written approval of a different frequency for the evacuation of the interceptors that are the subject of the request. Any revised frequency approved by SAWS for the evacuation of

an interceptor shall not affect the requirement that an FSE or FPE shall evacuate an interceptor within two (2) working days whenever twenty-five (25) percent or more of an interceptor contains materials as required by subsection 34-527(b).

(2) Reserved.

(c) *Interceptor pumping and evacuation.*

(1) For each interceptor that has a capacity greater than one hundred (100) gallons, FSEs and FPEs shall use a liquid waste hauler that is permitted by SAWS to collect, transport and dispose of liquid waste pursuant to chapter 34, article V, division 4 of the City Code, to evacuate an interceptor. FSEs and FPEs shall cause the wastes in an interceptor to be completely evacuated by a waste hauler at the time of each interceptor evacuation that is required by this division. Interceptor waste shall be disposed of only at a facility that is authorized and permitted by applicable law to receive such waste for disposal.

(2) For each interceptor that has a capacity less than or equal to one hundred (100) gallons, FSEs and FPEs may use a liquid waste hauler that is permitted by SAWS to collect, transport and dispose of liquid waste pursuant to chapter 34, article V, division 4 of the City Code, to evacuate an interceptor. FSEs and FPEs shall cause the wastes in an interceptor to be completely evacuated at the time of each interceptor evacuation that is required by this division. Interceptor waste shall be disposed of only at a facility that is authorized and permitted by applicable law to receive such waste for disposal.

(d) *Interceptor inspection.* Not less frequently than once per calendar year, each FSE and FPE shall cause a licensed plumber or other qualified professional approved by SAWS to inspect each interceptor. After evacuation of the interceptor, the licensed plumber or other qualified professional approved by SAWS shall make a visual observation of and shall photograph all inlet and outlet fittings, internal baffles, walls, floor and all other internal structures. Each FSE and FPE shall cause the licensed plumber or other qualified professional approved by SAWS conducting the inspection to provide a written report of the inspection to the FSE or FPE that includes the photographs that are required by this section and that provides the name, address and telephone number of the licensed plumber or other qualified professional approved by SAWS conducting the inspection, the date of the inspection, and a description of any defects observed during the inspection. All defects shall be corrected by each FSE or FPE within ninety (90) days of each inspection.

(Ord. No. 2011-05-12-0378, § 1(Exh. A), 5-12-11)

Sec. 34-528. - Record keeping.

(a) For each interceptor that has a capacity greater than one hundred (100) gallons, each FSE and FPE shall maintain all records that document each inspection, repair, cleaning, evacuation,

service, or pumping of each interceptor as required in section 34-516.

- (b) For each interceptor that has a capacity less than or equal to one hundred (100) gallons, each FSE and FPE shall maintain all records that document each inspection, repair, cleaning, evacuation, service, or pumping of each interceptor as required by section 34-516, if a liquid waste hauler that is permitted by SAWS to collect, transport and dispose of liquid waste is used to evacuate an interceptor. If a permitted liquid waste hauler is not used to evacuate an interceptor, then each FSE and FPE shall maintain a cleaning log that lists the location and type of each interceptor, the date and time of each interceptor evacuation, the quantity of material removed from the interceptor, the location where the material removed from the interceptor was disposed of, and the signature of the employee performing the evacuation of the interceptor.
- (c) All records required by this division shall be maintained by each FSE and FPE for a period of five (5) years after the date of the event that is the subject of the record. All such records shall be available for inspection on the premises of the FSE or FPE where the interceptor that is the subject of the record is located, unless a written request to store the records at a different location is submitted to SAWS and SAWS approves the request.

(Ord. No. 2011-05-12-0378, § 1(Exh. A), 5-12-11)

Sec. 34-529. - Prohibitions.

- (a) *Prohibited discharge to an interceptor.* Discharge into an interceptor of sanitary waste, solvents, emulsifiers, enzymes, chemicals, products, or bacteria that digest, liquefy, dissolve, or emulsify fats, oils, or grease is prohibited.
- (b) *Removed interceptor waste.* Liquids removed from an interceptor that has a capacity equal to or less than one hundred (100) gallons may be returned to an interceptor that complies with the requirements of this division. Grease, solids, or any matter other than liquids removed from an interceptor that has a capacity equal to or less than one hundred (100) gallons shall not be returned to an interceptor and shall not be disposed of in any private sanitary sewer line or any portion of the POTW and must be disposed of in a facility that is authorized by law to receive such wastes. Liquids removed from an interceptor that has a capacity equal to or less than one hundred (100) gallons that are not returned to an interceptor shall not be disposed of in any private sanitary sewer line or any portion of the POTW and must be disposed of in a facility that is authorized by law to receive such wastes. Grease, solids, liquids, or any other matter removed from an interceptor that has a capacity greater than one hundred (100) gallons shall not be returned to any interceptor, or disposed of in any private sanitary sewer line, any portion of the POTW, or any location other than a facility that is authorized by law to receive such wastes.
- (c) *No bypass.* No liquid or solid waste that contains fats, oils, or grease may be discharged directly into the POTW. All liquids and solids that contain fats, oils, or grease that may be discharged by a

FSE or a FPE into the POTW must be discharged into an interceptor before any such discharges enter the POTW. Should an interceptor require repair, upon written request to and the receipt of written approval from SAWS a bypass of the interceptor shall be permitted for the duration of the repair, but in no event for more than eighteen (18) consecutive hours. Each FSE or FPE shall create a written record that describes the repairs made to the interceptor, the date and time of the commencement of any interceptor repairs and of any bypass during the repairs, and the date and time of the termination of the repairs and of the bypass.

(Ord. No. 2011-05-12-0378, § 1(Exh. A), 5-12-11; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-530. - Fees.

- (a) In order to recover the costs for the implementation of this division, each SAWS account associated with each FSE and each FPE shall be assessed a fee of seventeen dollars (\$17.00) per month.
- (b) This fee shall be effective January 1, 2023. This fee shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fees charged do not exceed the cost of providing the services.

(Ord. No. 2011-12-08-1004 , § 2(Exh. L), 12-8-11; Ord. No. 2015-11-19-0956 , § 4(Att. III), 11-19-15, Res. No. 16-302, Att. IV; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Sec. 34-531. - Enforcement.

- (a) The failure to perform any action that is required by this division or the performance of any action that is prohibited by this division shall constitute a violation of this division.
- (b) System-wide enforcement. The following enforcement provisions apply throughout the SAWS service area and to all FSEs and FPEs that receive sanitary sewer service from SAWS or that discharge into the POTW.
 - (1) *Access to premises.* Employees of SAWS, or its authorized agents shall have the authority to enter the property of a FSE or FPE to conduct inspections of all or any part of the premises, to inspect and copy documents that a FSE or FPE is required by this division to generate or maintain, to make photographic documentation and to perform any other action, or to obtain any other information related to compliance with this division. Each FSE and FPE shall allow

access to its property and facilities for any of such purposes.

(2) *Notice of violation.* Should SAWS give written notice of a violation of this division to a FSE or FPE and the violation is not completely remedied within ninety (90) days after the date of the notice, then in that event SAWS may terminate water and/or sewer service to the location where the violation occurred upon the approval of a resolution by the SAWS board of trustees authorizing such termination.

(3) *Additional enforcement remedies.* In addition to any other remedies provided in this division, SAWS may, at any time, pursue any other legal and/or equitable remedy to require compliance with this division.

(c) Enforcement within the city. The following enforcement provisions apply within the corporate limits of the city and within the extraterritorial jurisdiction of the city.

(1) *Access to premises.* Employees of the city, SAWS, or their authorized agents shall have the authority to enter the property of a FSE or FPE to conduct inspections of all or any part of the premises, to inspect and copy documents that a FSE or FPE is required by this division to generate or maintain, to make photographic documentation and to perform any other action, or to obtain any other information related to compliance with this division. Each FSE and FPE shall allow access to its property and facilities for any of such purposes.

(2) *Notice of violation.* Should SAWS give written notice of a violation of this division to a FSE or FPE and the violation is not completely remedied within ninety (90) days after the date of the notice, then in that event SAWS may terminate water and/or sewer service to the location where the violation occurred upon the approval of a resolution by the SAWS board of trustees authorizing such termination.

(3) *Criminal penalty.* A conviction for a violation of any provision of this division shall constitute a class C misdemeanor. A person convicted of a violation of any provision of this division shall be fined an amount of not less than two hundred dollars (\$200.00) per violation and a maximum of not more than two thousand dollars (\$2,000.00) per violation. Each violation of this division shall constitute a separate offense, and each day a violation continues shall be considered a new offense. A culpable mental state is not required to prove an offense under this division.

(4) *Civil penalty.* A civil penalty may be imposed upon a person for each violation of any provision of this division in an amount not to exceed five thousand dollars (\$5,000.00) per violation. Each violation of any provision of this division shall constitute a separate violation, and each day a violation continues shall be considered a new violation.

(5) *Additional enforcement remedies.* In addition to any other remedies provided in this division, the city or SAWS may, at any time, pursue any other legal and/or equitable remedy to require compliance with this division.

(d) Authorization to enforce. SAWS is authorized to take any action authorized by this division and to pursue enforcement against any person violating this division. The grant of authority

set out in this section does not in any way diminish the authority of the office of the city attorney to take any action necessary to enforce the terms of this division, to prosecute violations of this division, and to defend the legality of this division, if challenged.

(Ord. No. 2011-05-12-0378, § 1(Exh. A), 5-12-11; Ord. No. 2011-12-08-1004 , § 2(Exh. L), 12-8-11)

Secs. 34-532—34-550. - Reserved.

ARTICLE VI. - WATER QUALITY CONTROL AND POLLUTION PREVENTION

DIVISION 1. - GENERALLY

Secs. 34-551—34-565. - Reserved.

DIVISION 2. - WELLS

Footnotes:

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Editor's note— Ord. No. 2014-06-19-0472 , § 1(Exh. A), adopted June 19, 2014, amended division 2 in its entirety to read as herein set out. Formerly, division 2 pertained to similar subject matter, and derived from Ord. No. 80574, § 15, adopted August 4, 1994; Ord. No. 86747, § 1, adopted October 2, 1997; Ord. No. 2007-12-13-1345, § 2(Att. B), adopted December 13, 2007, and Ord. No. 2011-12-08-1004 , § 2(Exh. L), adopted December 8, 2011.

Sec. 34-566. - Powers and duties of the SAWS board.

- (a) The San Antonio Water System (SAWS) Board shall have the following powers:
- (1) To make or have made examinations of all wells, privately owned or otherwise, within the limits of the City of San Antonio or within SAWS service area, or as a requirement to obtain a utility service agreement;
 - (2) To sample or have sampled water from any well and make or have made analyses or tests of such water from any well located within the City of San Antonio, the City of San Antonio extra-territorial jurisdiction (ETJ), SAWS service area, or as a condition to obtaining a utility service agreement and to require a well owner to obtain a well log if no such log is available;
 - (3) To go upon the land and property of the owner of a well for any purpose allowed in this division;
 - (4) To require the owner to furnish all available information when requested concerning a well, including, in the case of new wells, complete logs of the well showing depth to and depth through all geologic formations encountered. This requirement includes at least one (1) borehole per geothermal system;

(5) To supervise the construction, repair, and plugging of wells and the operation of such wells. The SAWS Board or its duly authorized agent shall keep a register of all wells within the limits of the City of San Antonio, City of San Antonio ETJ or within SAWS service area. This register shall, at a minimum, show for each well the name of the owner, exact location, date of construction, depth and diameter, the purpose for which the well was constructed, and, if applicable, date of plugging.

(b) It shall be a violation of this division for any person to refuse or otherwise fail to comply with any requirement of this division, or with any order of the SAWS board made in conformity with and under the authority of this division.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-566.5. - Definitions.

Abandoned well means any water supply well that is no longer in use, is not properly maintained and operated, or is in such a state of disrepair that using it to obtain water is impractical or a health or environmental hazard.

City means the City of San Antonio a Texas home rule city.

Contaminating well means a well that allows the detrimental alteration of the naturally occurring physical, thermal, chemical, or biological quality of groundwater.

Defective well means a well that is structurally compromised, either at the ground surface or in the subsurface that would potentially allow the entrance of surface water into the well or the mixing of waters within the wellbore that is not permitted by applicable regulations.

Geothermal borehole means a borehole drilled or bored into the earth into which piping is inserted for use in a geothermal system.

Geothermal system means a geothermal system uses the Earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.

TCEQ means the Texas Commission on Environmental Quality.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-567. - Permit for drilling new well required.

(a) It shall be unlawful for anyone to drill, maintain, or otherwise construct or have constructed, any new water well, or any other artificial excavation to explore for or produce groundwater, or geothermal borehole for the purpose of a earth-coupled heat exchange system, within the City of San Antonio or SAWS service area, without first applying for and securing a well drilling permit from the SAWS Resource Protection and Compliance (RPC) Department. This section shall not

apply to: (1) monitoring wells and test wells with a depth of less than fifty (50) feet; (2) blast holes in quarries and mines; and (3) wells or excavations for the exploration or production of oil, gas, or minerals, unless, without regard to the original purpose, the well is used as a source of water.

- (b) All drilling or construction of water wells, and injection wells for the purpose of an earth-coupled heat exchange system, shall be done in strict compliance with the terms of the well drilling permit, the SAWS Water Well Permitting Procedures, International Ground Source Heat Pump Association (IGSHPA) and 30 Texas Administrative Code (TAC), Chapter 331.
- (c) In addition to the requirements of paragraphs (a) and (b) of this section, any water well which will penetrate the Edwards Aquifer shall be drilled and maintained in strict compliance with 30 TAC, Chapter 213 et seq., as amended. This paragraph does not apply to borehole loops for the purpose of an earth-coupled heat exchange system.
- (d) To preserve the water quality of the Edwards Aquifer, the construction of any bore hole, injection well for the purpose of an earth-coupled heat exchange system, or water well for the purpose of an earth-coupled heat exchange system located over the Edwards Aquifer Recharge Zone and Transition Zone shall be prohibited.
- (e) An open system, geothermal well that draws water from an aquifer that is circulated through a heat exchange system or geothermal wells which inject water into an aquifer, or to a surface water body, will not be permitted within the limits of the City of San Antonio, City of San Antonio ETJ, or within SAWS service area.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-568. - Permit for repair or plugging of existing well required.

It shall be unlawful for any person to reconstruct, repair, correct, or plug a well or injection well for the purpose of an earth-coupled heat exchange system, or to engage upon such work, within the City of San Antonio, San Antonio ETJ, or the SAWS service area, or to employ anyone else to engage in such work, without first applying for and securing a permit from the SAWS RPC Department.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-569. - Application for permit—Information required.

Every application for a permit for the drilling, construction, repair, or plugging of a well or the construction of an injection well for the purpose of an earth-coupled heat exchange system, shall be considered incomplete unless all information requested by the SAWS application form has been provided. The SAWS RPC Department shall maintain and update permit application terms to request all information necessary to carry out the intent of this division and to assure protection of the ground water aquifers by detecting and preventing the drilling or use of wells in a manner that may cause damage to or waste of

water in an aquifer.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-570. - Inspection before issuance of permit.

It shall be the duty of the SAWS RPC Department to consider every permit application submitted under this division, to inspect the property where any well will be drilled, sunk, dug, or bored, and to refuse issuance of a permit when:

- (a) The location or manner of construction of the proposed well does not meet with the SAWS RPC Department's approval of drainage and other sanitary conditions, or does not meet applicable State well construction requirements; or
- (b) The proposed well would be located on property to which water service is currently available from SAWS or any other water purveyor; or
- (c) Water service from existing SAWS water mains or service lines, or from any other water purveyor, could be established to the property on which the proposed well is located at a cost equal to or less than the cost of drilling the well as required by the RPC Department; or
- (d) The intended use of the water to be produced by the proposed well could be accomplished using reuse water, and reuse water service is available to the property or could be made available at a cost equal to or less than the cost of drilling the proposed well.
- (e) Subsection (b), (c) and (d) of this section do not apply to injection wells for the purpose of an earth-coupled heat exchange system.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-571. - Execution of permit.

All permits shall be executed in triplicate, one (1) copy to be delivered to the applicant and two (2) copies to be retained in the SAWS Resource Protection and Compliance Department. A permit is valid for six (6) months from the date of issuance of the permit.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-572. - Permit fees.

The fees to be paid to SAWS for the permits required by this article shall be as follows:

Permit for closure or repair of existing well .. \$626.00

Permit for drilling new well626.00

Permit for the construction of a geothermal heat exchange system..... 626.00

The fee schedule may be amended, as needed, when a change in the amount of fees is required to adequately recover the costs reasonably related to the performance of these functions for which the fee is charged. The fee amounts are effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fee charged does not exceed the cost of providing the service.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2017-12-07-0928 , § 4(Att. III), 12-7-17; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Sec. 34-573. - Nuisance of defective or contaminating wells, abatement.

- (a) Any defective or contaminating well, as described herein, is hereby found to be a threat to the water supply of the City of San Antonio, a potential source of disease, injurious to the public health, and is hereby declared a nuisance.
- (b) For the purpose of this division a contaminating well is considered to be any well or other opening which penetrates the underground water supply and which in any way pollutes or contaminates any other well or the city's water supply.
- (c) For the purpose of this division a defective well is considered to be: any well, whether dug or drilled, which for any reason does not completely prevent, or which has the potential to allow, the mixing of water or other liquid from above and below the source of the city's water supply (the ground water aquifers) with the water in the source of the city's water supply; or any water well that was constructed without a permit and associated inspections.
- (d) The City of San Antonio, acting through the SAWS Board, pursuant to said § 217.042 or § 401.002 of the Texas Local Government Code Ann. (Vernon's 1994), and § 342.001 of the Texas Health & Safety Code Ann. (Vernon's 1994), may require the abatement of such nuisance. The SAWS RPC Department may, on its own initiative or upon information or complaint from any source, make an examination of any well suspected of being defective. If such examination indicates in the opinion of the SAWS RPC Department Water Quality Division that the well is a contaminating or defective well or that the water from such well is unsafe for human consumption, then the director, or his authorized representative of the SAWS RPC Department shall issue an order or written instructions to the owner or his agent in charge of such well or the property upon which it is situated to plug this well in such a manner as prescribed by the SAWS Board and in compliance with TNRCC regulations and SAWS Water Well Permitting Procedures. In the event that a surface or subsurface release of contaminants occurs

within the immediate area of a well, the owner of that well shall allow SAWS to conduct an inspection, or to conduct monitoring activity of that well. If that well is later found to be contaminated, SAWS may direct the owner to plug and abandon that well.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-574. - Abandoned wells.

- (a) For the purpose of this division a well is considered to be an abandoned well if it has not been used for a period of six (6) consecutive months or longer. A well is considered to be in use in the following cases:
 - (i) A non-deteriorated, non-defective or non-contaminating well which contains the casing, pump and pump column in good condition, and which is connected to an active electrical or other power source; or
 - (ii) A non-deteriorated, non-defective or non-contaminating well which has been properly capped, and for which a variance has been granted by the SAWS RPC Department.
- (b) It is hereby declared that an abandoned well, as defined in subsection (a) above, has the potential to pollute the water supply or be otherwise injurious to the public health, and, pursuant to Tex. Loc. Govt. Code Ann. §§ 217.042 and 401.002 (Vernon's 1994), is hereby declared a nuisance, for which the City of San Antonio, acting through the SAWS Board, pursuant to the Code, may require the abatement of such nuisance.
- (c) The owner, operator, or agent in charge of an abandoned well shall notify the SAWS RPC Department of that condition. Every abandoned well shall be plugged in accordance with all applicable TCEQ regulations and SAWS Water Well Permitting Procedures and with such materials and in such manner as in the judgment of the Director of the SAWS RPC Department will prevent the pollution and contamination of the City of San Antonio's water supply or of any other well within the limits of the city of the SAWS service area.
- (d) Whenever SAWS shall receive notice from any source of the existence of an abandoned well which has not been plugged and filled in accordance with the provisions of this division, the SAWS RPC Department shall notify the owner, operator, or agent in charge of such well or of the property upon which it is situated that such well is abandoned and shall order such person to fill and plug the well in accordance with this division of the Code. The SAWS RPC Department may require any owner of a capped well to take any action necessary or to provide any information or materials necessary to establish that such a capped well is not defective, contaminating, or deteriorated.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-575. - Failure to abate nuisance, remedies.

Should the owner, operator, or agent in charge responsible for the contaminating, defective, or abandoned well which has been declared a nuisance, or for the property on which it is situated, fail to abate such nuisance within the prescribed time from the date of issuance of notice of nuisance or order issued pursuant to sections 34-573 or 34-574 hereof, or if, after exercising reasonable diligence, the SAWS Board is unable to locate the owner, operator, or agent in charge, the City of San Antonio, acting through the SAWS Board, pursuant to the Health and Safety Code §§ 342.001 et seq., shall have the right to go on the property upon which the well is situated and abate such nuisance in the manner provided, and the owner thereof shall be liable to the City of San Antonio for the cost of such work and shall pay such cost upon demand, and the City of San Antonio, acting through the SAWS Board, shall have the right to file a lien on the property to secure payment of the costs of such work.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-576. - Variance and appeal.

- (a) A person who has properly applied for and has been denied a permit by the SAWS RPC Department under sections 34-567 through 34-570 hereof may request a variance from the application of this division. All requests for variances shall be made in writing to the SAWS RPC Department and shall include:
 - (i) The subject of the requested variance, and
 - (ii) The justification for granting a variance.
- (b) The party requesting a variance has the burden of demonstrating that sufficient evidence exists for the granting of a variance to these rules, and the SAWS RPC Department shall consider and provide a written response to all such variances.
- (c) If a variance is granted for the construction of a water well, the water well shall be constructed by a state-licensed driller and according to the methods outlined in the SAWS Water Wells Permitting Procedures. This construction shall occur under the authority of the permit to drill issued by the SAWS Board and under the inspections associated with the permit.
- (d) Any variance granted under this section shall have a term of three (3) years from the date of issuance, and any activity which would otherwise be prohibited by this division except for the existence of a variance may not continue after the expiration of the applicable variance. Any person who properly requests a variance pursuant to this section which is denied by decision of the SAWS RPC Department, may appeal such denial to the president and CEO of SAWS by filing a request for appeal within ten (10) days from the date notice of denial is received. The president and CEO may require additional information from or request a meeting with the person making the appeal, and the decision of the president

and CEO on the issuance of a variance or permit under this division shall be considered final.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-577. - Criminal penalty.

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

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-578. - Civil penalty.

A civil penalty in an amount not to exceed one thousand dollars (\$1,000.00) per violation of this division may be imposed. Each violation of a particular section of this division shall constitute a separate offense, and each day such an offense continues shall be considered a new violation for purposes of enforcing this division. A culpable mental state is not required to prove an offense under this division.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-579. - Additional enforcement remedies.

In addition to any other remedies provided by this division, the City of San Antonio and SAWS may, at any time, seek legal and/or equitable remedies or file criminal charges against any person, corporation or other entity believed to be in violation of this division. In furtherance thereof, SAWS is authorized and instructed to commence any action, in law or in equity, including the filing of criminal charges for the purpose of enforcing this division.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-580. - Conflict.

No provision of this division is intended nor shall any part or portion hereof be construed so as to conflict with the Texas Water Code, any regulations adopted by the TCEQ, or any other Charter Code

provision or ordinance pertaining to reuse or conservation.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-581. - Severability.

If any provision of this division or the application thereof to any person or circumstance shall be held to be void or invalid for any reason, the remainder of this division and the application of such provision to other persons and circumstances shall nevertheless be valid, and the city council hereby declares that this division would have been enacted without such invalid provision.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Secs. 34-582—34-590. - Reserved.

DIVISION 3. - WATERCOURSES

Footnotes:

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Note— See the editor's note to Art. II, Div. 4 of this chapter.

Sec. 34-591. - Condemnation of obstruction and encroachments by city.

The city council may at any time condemn and remove any obstructing banks and deposits along the San Antonio River, San Pedro Creek, or any other watercourse as may be deemed expedient for the public safety.

(Code 1950, § 48-1; Code 1959, § 41-51; Ord. No. 80574, § 8, 8-4-94)

Sec. 34-592. - Removal of obstruction and encroachments by city, lien.

The city council may remove or cause to be removed at any time, any and all encroachments and obstructions on streams and watercourses and, where the obstructions attach to the adjoining property, shall assess all costs and expenses of such removal against such property with eight (8) percent per annum interest from the date of expenditure until collection is made. Such costs, expenses and interest shall be a lien upon the property, and collected as other taxes on real estate are collected.

(Code 1950, 48-2; Code 1959, § 41-52; Ord. No. 80574, § 8, 8-4-94)

Sec. 34-593. - Removal of growths or encroachments by property owners.

Whenever any fillings, pilings, dams, fences, rocks, posts or walls placed, or trees grown on the banks of

the San Antonio River, San Pedro Creek or other watercourses are declared by the city council to be obstructions to the necessary flow of the river or creek at high water, the same shall be removed by the person owning the property to which such obstructions attach within thirty (30) days after official notice is given of such action by the council.

(Code 1950, § 48-4; Code 1959, § 41-53; Ord. No. 80574, § 8, 8-4-94)

Sec. 34-594. - Seining and netting in San Antonio River.

It shall be unlawful for any person to seine or net anywhere in the San Antonio River within the city for the purpose of catching any kind of fish, large or small. The word fish in this connection is being used in its most comprehensive sense.

(Code 1950, § 48-10; Code 1959, § 41-54; Ord. No. 35358, § 6, 4-27-67; Ord. No. 80574, § 8, 8-4-94)

Secs. 34-595—34-605. - Reserved.

DIVISION 4. - WATER QUALITY CONTROL

Secs. 34-606—34-700. - Reserved.

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

Subdivision A. - General MS4 Protections

Sec. 34-701. - Definitions.

The following terms shall have the following meanings for the purpose of this division:

- (a) *The San Antonio Municipal Separate Storm Sewer System (MS4)*. The system of conveyances, including but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, creeks, streams, tributaries, man-made channels, or storm drains, which:
 - (1) Provide collection or conveyance of stormwater, rain water, flood water, or other surface water; and
 - (2) Are located on public property; and
 - (3) Are not designed and intended to be part of the collection system of a sanitary sewer system utilized by a publicly owned treatment works (POTW) as defined in Title 40 C.F.R. 122.2.
- (b) *Brush cuttings, clippings*. All herbaceous materials, including lawn trimmings and leaves.

- (c) *Household hazardous waste.* Waste from materials utilized for residential or housekeeping purposes containing regulated substances which either singularly or by its interaction with other wastes or by its accumulation in the MS4 becomes injurious or potentially injurious to human, plant, or animal life, or property. For purposes of this division household hazardous wastes include but are not limited to paint, paint thinners, paint solvents, beaches, and drain cleaners.
- (d) *Pesticide.* Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and/or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
- (e) *Rubbish.* Inorganic solid waste including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, glass, crockery, tin and aluminum cans, metal furniture, and other like materials.

(Ord. No. 80574, § 16, 8-4-94)

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:
 - (1) Any acid waste materials;
 - (2) Any alkaline waste materials;
 - (3) Any water or waste containing free-floating, or insoluble oil;
 - (4) Any gasoline, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas;
 - (5) Any noxious, malodorous, poisonous, or reactive substance which, either singularly or by interaction with other substances, or by its accumulation in the MS4 becomes injurious or potentially injurious to human, plant or animal life, or property; or
 - (6) Any domestic wastewater or industrial wastewater as defined in Article V, Division 3 of this chapter.
 - (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 Commission on Environmental Quality or the United States Environmental Protection Agency, which would otherwise constitute a violation at

the time of commission.

Commentary: It is the intent of this division to prohibit indiscriminate discharging to the MS4; such indiscriminate discharging includes dumping or releasing of any accumulations of process materials, washing or cleaning materials or other wastes into the MS4. It is also the intent to eliminate improper storage or handling of dangerous, hazardous, or otherwise harmful materials in such a manner as to cause or allow their discharge into the MS4. However, these regulations are not intended to prohibit discharge of non-contaminated and non-polluting water, such as fire hydrant flushing, runoff from fire fighting, non-chlorinated swimming pool or hot tub drainage, uncontaminated pumped groundwater, discharges from potable water sources, non-contact cooling waters, ventilation and air conditioning condensation water that POTWs require to be discharged to separate storm sewers rather than to sanitary sewers, etc.

(Ord. No. 80574, § 16, 8-4-94; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

Sec. 34-703. - Placing brush cuttings, clippings, and/or rubbish into the MS4.

- (a) It shall be a violation of this division for any person to deposit, discard or dump, or cause or allow to be deposited, discarded or dumped any brush cuttings, clippings, or rubbish within the MS4.
- (b) It shall be a violation of this division for any person to place or cause or allow to be placed or dropped, brush cuttings, clippings, and/or rubbish within any street in the corporate limits of the city in such a manner that the same may be washed by the flow of water into the MS4.

Commentary: It is the intent of this section to restrict placement of rubbish, brush, lawn clippings or leaves, etc. into the MS4. It is also the intent to require that during certain seasons when leaves are shed that these materials are removed properly and prevented from collecting in mass quantities in the streets or MS4. It is recognized that from time to time during certain seasons or during normal yard maintenance, leaves, clippings, etc. will fall into the streets.

(Ord. No. 80574, § 16, 8-4-94)

Sec. 34-704. - Placing household hazardous wastes into the MS4.

- (a) It shall be a violation of this division for any person to place, or cause or allow to be placed, a household hazardous waste within the MS4.
- (b) It shall be a violation of this division for any person to place, or cause or allow to be placed, a household hazardous waste within any street in the corporate limits of the city in such a manner that the same may be washed by the flow of water into the MS4.

Commentary: The intent of this ordinance is to prohibit those conducting household activities such as cleaning, renovating, painting, auto repair, and other similar activities which utilize household hazardous wastes from discarding such wastes into the MS4, or from performing any activity that would result in the contamination of the MS4 with such household hazardous wastes.

(Ord. No. 80574, § 16, 8-4-94)

Sec. 34-705. - Prohibiting the improper use of pesticides in order to keep them from entering the MS4.

- (a) It shall be a violation of this division for any person to cause or allow a pesticide to enter into the MS4.
- (b) It shall be a violation of this division for any person to utilize a pesticide in a manner inconsistent with the proper usage set out in the labelling for such pesticide in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- (c) It shall be a violation of this division for any person to utilize a pesticide which is not properly labelled in accordance with FIFRA.
- (d) It shall be a defense to prosecution under this section that the person accused of such violation utilized a pesticide in accordance with the requirements of FIFRA in a manner consistent with its labelling. The term "labelling" pursuant to Section 136 of FIFRA means all labels and all other written, printed or graphic matter:
 - (1) Accompanying the pesticide or device at any time; or
 - (2) To which reference is made on the label or in literature accompanying the pesticide or device except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health and Human Services, state experiment stations, state agricultural colleges, and other federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

Commentary: It is recognized that excess pesticides will migrate into the MS4 even under normal and proper usage. It is the intent of this ordinance to restrict the usage of those chemicals to the manner deemed appropriate by their manufacturer and consistent with FIFRA.

(Ord. No. 80574, § 16, 8-4-94)

Sec. 34-706. - Authority to enforce outside the city limits.

- (a) Pursuant to the authority granted under Section 401.002 V.T.C.A. Local Government Code, a prohibited act or discharge identified in sections 34-702 through 34-705 hereof shall be enforceable outside the city limits if the prohibited act or discharge:
 - (1) Causes or contributes to the pollution of a stream, drain or tributary which provides a source of recharge water for the Edwards Aquifer; or
 - (2) Causes harm to, pollutes, or is in any way contrary to the protection of any watershed which drains into the MS4.

- (b) It shall be a defense to prosecution under this section that a person was authorized to commit the prohibited discharges set out in section 34-702 herein, under a valid permit from the Texas Natural Resource Conservation Commission or the United States Environmental Protection Agency.

(Ord. No. 80574, § 16, 8-4-94)

Sec. 34-707. - Authority to enforce within 5,000 feet outside the city limits, but within the ETJ.

- (a) Committing a prohibited act or discharge, as set out in sections 34-702 through 34-705 herein, ~~within five thousand (5,000) feet outside the corporate limits of the City of San Antonio, but~~ **within the ETJ** is found to be contrary to the public health and welfare and is hereby deemed and declared to be a nuisance pursuant to Section 217.042 of the Local Government Code.
- (b) It shall be a defense to prosecution under this section that a person was authorized to commit the prohibited discharges set out in sections 34-702 through 34-705 herein under a valid permit from the Texas Natural Resource Conservation Commission or the United States Environmental Protection Agency.

(Ord. No. 80574, § 16, 8-4-94)

Sec. 34-708. - Criminal penalty.

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

(Ord. No. 80574, § 16, 8-4-94)

Sec. 34-709. - Civil penalty.

A civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation of this division may be imposed. Each violation of a particular section of this division shall constitute a separate offense, and each day such an offense continues shall be considered a new violation for purposes of enforcing this division.

(Ord. No. 80574, § 16, 8-4-94)

Sec. 34-710. - Additional enforcement remedies.

- (a) In addition to any other remedies provided by this division, the City of San Antonio and SAWS may, at any time, seek legal and/or equitable remedies or may file charges against any person, corporation, or other entity believed to be in violation of this division. In furtherance thereof, the SAWS legal department is hereby authorized and instructed to commence any action, in law or in equity, including the filing of charges for the purpose of enforcing this division.
- (b) The use of negotiated civil settlements or other methods of alternative dispute resolution to reach a civil settlement is hereby authorized; provided that the civil penalty imposed by any such agreement or settlement is of a sufficient amount in relation to the violations to which they provide a sanction.

(Ord. No. 80574, § 16, 8-4-94)

Sec. 34-711. - Conflict.

No provision of this division is intended to, nor shall any part or portion hereof be construed, so as to conflict with the Texas Water Code.

(Ord. No. 80574, § 16, 8-4-94)

Sec. 34-712. - Severability.

If any provision of this division or the application thereof to any person or circumstance shall be held to be void or invalid for any reason, the remainder of this division and the application of such provision to other persons and circumstances shall nevertheless be valid, and the city council hereby declares that this division would have been enacted without such invalid provision.

(Ord. No. 80574, § 16, 8-4-94)

Secs. 34-713—34-800. - Reserved.

Subdivision B. - Stormwater Compliance for Construction Activity

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. Choice of techniques is at the option of the responsible party.

(Ord. No. 94002, § 1, 5-24-01; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

Sec. 34-802. - Definitions.

When used in this subdivision B, the following terms shall have the following meanings:

Best management practices (BMP): A technique or series of structural and non-structural techniques and practices which, when used in an erosion control plan or considered as part of a construction site's housekeeping efforts, are proven to be effective in controlling construction-related runoff, erosion, sedimentation, and associated pollutants. Applicable BMP's can be found in TCEQ approved BMP Guidance manuals.

Construction activity: Clearing, grading or filling of land, dozing or mechanical removal of trees which dozing or mechanical removal disturbs the soil, excavation for installation of utility lines, streets, drainage facilities, and site preparation for housing and commercial development, as well as on-going construction activities which produce waste products. Land being modified by either excavation or fill of material upon an existing mantle of soils is considered a construction activity and subject to the terms of this Ordinance unless otherwise permitted under a Multi-sector Industrial Storm Water Permit. Prior to any modification to an existing mantle soil grade the owner of the property must meet City requirements for grading and drainage applicable to property modifications.

Director of public works: The director of public works of the City of San Antonio, including his/her designees.

EPA: The United States Environmental Protection Agency.

Erosion: The wearing away of the ground surface as a result of the movement of wind, water and/or ice.

Extraterritorial jurisdiction (ETJ): the un-incorporated area contiguous to corporate boundaries of the city where the City has regulatory control as determined by State law and the Texas Local Government Code, which may be amended from time to time ~~The un-incorporated area contiguous to corporate boundaries of the city that is located within five (5) miles of those boundaries, defined by the Texas Local Government Code and as such Code may be amended. Applicable limits of the ETJ, for enforcement purposes of this subdivision, are only those areas within the first five thousand (5,000) feet of San Antonio's corporate boundaries within the ETJ.~~

Final inspection: Occurs after responsible party meets definition of final stabilization and files a Notice of Termination (NOT) form, if required by state or federal law, at which time SAWS will conduct a final inspection to verify both compliance with final stabilization and removal of the temporary BMP's from the site has occurred. Final inspections will be required at both small construction sites and large construction Sites. Secondary operators are required to complete site notices and complete a NOT form as required under the TPDES permit.

Final stabilization: Reference to standards in the TCEQ TPDES general permit for storm water discharges for construction activities concerning development acreage that:

- (1) Where state or federally regulated development acreage is concerned, all soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover, with a density of seventy (70) percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent permanent stabilization measures have been employed and
- (2) Where local, individual lots associated with residential or commercial construction are concerned, by either (a) the responsible party complying with cover requirements guided by federal or state standards recited above, or (b) the responsible party establishing temporary stabilization including perimeter controls and informing the home buyer or commercial purchaser in writing of the need for and benefits of final stabilization.

Grade: The vertical location of the ground surface.

Grading: Any land disturbance or land fill, or combination thereof including land development, fill material sites or demolition sites.

Improved: Altered by man-made conditions.

Land disturbance/land-disturbing activities: Any moving or-removing or filling by manual or mechanical means of the soil mantle or top six (6) inches of soil, whichever is shallower, including but not limited to excavations. Any planned disturbance of an existing land grade (fill or excavation) is considered a land disturbing activity. Prior to any modifications to existing mantle soil grade, the owner of the property must meet City requirements for grading and drainage on property modifications.

Land fill: Any human activity involving the disposition of soil, earth, or other earthen or aggregate materials.

Municipal separate storm sewer system (MS4): All natural and man-made collection and conduit facilities within the corporate limits of the city and within applicable limits of its extraterritorial jurisdiction, and for which MS4 protection the City of San Antonio has been issued a Texas Pollutant Discharge Elimination System (TPDES) Permit by TCEQ, which collection and conduit facilities constitute a system of conveyances, including but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters,

ditches, creeks, streams, tributaries, man-made channels, or storm drains, which provide collection or conveyance of storm water, rain water, flood water, or other surface water, and may be located on public property, drainage easements, or other property, and are not designated and intended to be part of the collection system of a sanitary sewer system utilized by a publicly owned treatment works (POTW) as defined by federal regulation at 40 CFR 122.2.

NOI: Notice of intent filed by a responsible party with EPA or TCEQ. This NOI is required under state regulation for certain construction activity. The NOI is part of the state general permit process for construction activity concerning projects or runoff deemed to potentially impact waters of the State of Texas and of the United States of America.

NOT: Notice of termination. The notice required by the EPA or TCEQ for permitted projects within the jurisdiction of either agency, which notice verifies "final stabilization" of the site has been achieved, as described above; EPA form 3510-7 terminating coverage under the TPDES general permit or corresponding TCEQ form for the TPDES Texas Pollutant Discharge Elimination System general permit.

NPDES: National Pollutant Discharge Elimination System.

Ordinance: This ordinance in its entirety, pertaining to new subdivision B, under article VI, Division 5, chapter 34, Code of Ordinances of the City of San Antonio.

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or the legal representatives, agents, or assigns thereof.

Pollutant: Any substance introduced into the environment that adversely affects a resource. Pollutant includes, but is not limited to, soil, soil material, sediment, human waste, other wastes and debris generated at construction sites.

Responsible party: Any person or legal entity, individual or corporate, including an owner, operator, contractor, or subcontractor, any or all of whom may be engaged in, consent to, or actually perform a construction project or construction activity.

SAWS: The San Antonio Water System, a municipally owned utility, a co-permittee to the city's MS4 Permit and one of the city's enforcement and compliance arms for water quality, pollution control and prevention.

Sediment: Earth material deposited by water or wind.

Site: The location of construction activity, subject of this subdivision B, being within the corporate limits of the city and **within the first five thousand (5,000) feet, outside such limits, but within the ETJ.**

Soil and/or soil material: Naturally occurring superficial deposits of earth mantle overlaying bedrock or clay; any naturally occurring surface deposit of sand, gravel, silt, clay, or any mixture thereof.

Storm water: Storm water runoff, snow melt runoff, and surface runoff and drainage, as per TPDES

Permit Construction General Permit No.TXR1500000.

SWPPP: Storm Water Pollution Prevention Plan: The state or federally required plan for identifying and implementing appropriate measures to reduce pollutants in storm water discharges into the city's municipal separate storm water sewer systems (MS4), which pollutants include eroded sediments. Protective measures include, but are not limited to, natural and man-made collection components, good house-keeping for site maintenance, and other common sense actions, all frequently referred to as best management practices (BMP).

TCEQ: Texas Commission on Environmental Quality.

Unimproved: Natural conditions, unaltered.

Water Pollution Abatement Plan (WPAP): The State required plan that is described in 30 Texas Administrative Code, chapter 213 for identifying and implementing appropriate measures to reduce pollutants in Storm Water Discharges into identified sensitive areas of the Edwards Aquifer. The TCEQ TPDES Construction General Permit TXR150000, page 12, Item 5 " Discharge to the Edwards Aquifer Recharge Zone" identifies the requirement of protective measures of the Edwards Aquifer.

(Ord. No. 94002, § 1, 5-24-01; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

Sec. 34-803. - Applicability of Subdivision B entitled "Storm Water Compliance for Construction Activity," and declaration of nuisance for violation.

Within the corporate limits of the city and within applicable limits of the city's extraterritorial jurisdiction (ETJ), no person shall perform construction activity that violates provisions of this subdivision. Construction activity in violation of this subdivision is hereby declared unlawful.

Violations committed within the corporate limits and within five thousand (5,000) feet outside the city's corporate limits shall also constitute public nuisance, as further provided below at section 34-809, Violations of any provision of this subdivision within the city's corporate limits shall be deemed a criminal Class C misdemeanor. Violations of any provision of this subdivision within the city's corporate limits or any part of the applicable ETJ shall be further subject to a civil enforcement option, more particularly described in section 34-808 (b) below.

Some of the requirements of this subdivision may be generally characterized as good house-keeping protocols, those expected to be employed by a reasonably prudent contractor, operator, owner, or other person having responsibilities for various activities on a construction site. Where state or federal permits require the site operator, owner, or other responsible party, to make a storm water pollution prevention plan (SWPPP), such plans must be readily available on the site for city inspection.

(Ord. No. 94002, § 1, 5-24-01; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-804. - General prohibition against construction pollution of the municipal separate storm sewer; measurable volumes for violation; required TCEQ TPDES permit; SWPPP and WPAP (as applicable).

- (a) It is unlawful for any person to engage in construction activity which activity results in a measurable volume of sediment, soils, soils material, or pollutants entering the city's municipal separate storm sewer system (MS4).
- (b) "Measurable volume" of sediment, soil, soil material, or pollutant, for purposes of determining a violation, shall be such volume as is capable of being truly and correctly depicted in a photograph, motion picture, or video recording of the sediment, soil, soil material, or pollutant in question.
- (c) Nothing in this section shall diminish or change the general prohibitions against MS4 pollution found in section 34-702, subdivision A, Division 5, of this chapter 34, Prohibited discharges into the municipal separate storm sewer system. SAWS shall continue to exercise all enforcement powers set out in this chapter 34, and to gather such evidence as may include, but not be limited to, samples and analysis appropriate to enforcement of chapter 34 provisions.
- (d) The responsible party shall use best management practices (BMP) to prevent sediment, soils, soils materials, and pollutants from entering the city's MS4.
- (e) It is unlawful for any person to engage in construction activity without employing BMP necessary to protect the city's MS4 from run-off or other media capable of transporting sediment, soil, soil material, and pollutants into the city's MS4.
- (f) The responsible party shall post at the main entrance of the site all operator notices including without limitation, such as notice of construction, construction site notice, contact information and WPAP notice of construction (as examples).
- (g) Portions of the Edwards Aquifer Recharge Zone and Edwards Aquifer Contributing Zone within the city extraterritorial jurisdiction shall be considered inclusive in this section.
- (h) The operator shall have available and maintain on the construction site a copy of the SWPPP and where applicable, the WPAP.
- (i) It is unlawful for any person to engage in construction activity without a complete SWPPP (as defined in TCEQ TXR 150000 or WPAP (as applicable) available on the construction site.

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.

- (a) Concerning projects for which the EPA or TCEQ or the City have permitting authority, the responsible party shall post at the site, as required by federal or state regulations, a true and correct copy of the NOI, Permit Number, large construction site notice or small construction site notice. A copy of the NOI, Permit number, large construction site notice or small construction site notice and the WPAP Notice of construction shall also be sent to SAWS resource protection and compliance department at the same time it is sent to EPA or TCEQ when applicable.
- (b) The responsible party shall have available for city inspection, on site, the storm water pollution prevention plan (SWPPP) imposed by EPA or TCEQ, when the site in question is subject to such plans imposed by federal or state law.
- (c) The responsible party shall make the SWPPP available to the city inspector, on reasonable request made during normal working hours.
- (d) Failure, refusal, or inability to provide such plan for inspection, when the plan is required under state or federal law, constitutes a violation of this subdivision.
- (e) It shall be unlawful for any person to engage in construction activity in violation of the elements of an applicable SWPPP and applicable WPAP.
- (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 resource protection and compliance department, at the time it is sent to EPA or TCEQ.
- (g) Where permanent improvements have been constructed, the final inspection shall verify whether or not the "final stabilization" criteria have been met.
- (h) Where no permanent improvements are planned, temporary BMPs shall continue to be maintained until site has reached final stabilization.
- (i) A site shall continue to be regulated and maintain an open, active permit until final stabilization is achieved; and, where applicable to state and federally regulated sites, until a "notice of termination" (NOT) or small construction site completed site notice or large construction site

secondary operator completed site notice has been filed. A copy of the NOT, if applicable, will also be filed with the SAWS as described above at subsection (t).

- (k) Where the site has met final stabilization requirements, but the controls or measures implemented thereafter fail, each discharge of construction related contamination by the responsible party shall constitute a violation of this subdivision B.
- (l) Removal of temporary BMPs shall be required after the site achieves final stabilization.
- (m) The responsible party shall have available for City inspection on the construction site, a true copy of an approved master plan of development.
- (n) The responsible party shall have available on the construction site the water pollution abatement plan (WPAP) and WPAP approval notice imposed by TCEQ when the site in question is subject to such plans required by TCEQ in 30 Texas Administrative Code, Chapter 213.
- (o) The responsible party shall have available for city inspection all records and documents required by the EPA or TCEQ SWPPP and TCEQ WPAP (as applicable).
- (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 Certified Professional in Erosion and Sedimentation Control (CPESC).
- (q) To assure continued effective compliance with best management practice methodology on the construction/development site, an engineer or CPESC, Certified Erosion, Sediment and Storm Water Inspector (CESSWI) or Certified Inspector of Sediment and Erosion Control (CISEC) 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 forty-eight (48) hours of the initial notification.

(Ord. No. 94002, § 1, 5-24-01; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

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/TCEQ permitted construction sites; explanation of federal jurisdiction.

- (a) BMP applications recommended to responsible parties are those techniques described in TCEQ's "Technical Guidance on Best Management Practices," document no. RG-348, Revised July- 2005, as such document may be updated and revised, or when available, the city's technical guidance manual for construction activity.
- (b) Responsible parties are advised that the city's recognition of BMP and other good house-keeping protocols are not necessarily synonymous with federal standards directly associated with EPA's construction general permit for other construction sites regulated under federal law or the TCEQ's construction general permit. Some sites will be federally regulated construction sites

while most construction sites will be permitted by the State of Texas under guidelines similar to those of EPA. Responsible parties whose projects of scale fall within state or federal parameters are responsible to EPA or TCEQ to fulfill requirements that may differ from or may be more stringent than the provisions of this article applying to local, individual construction sites of a scale not regulated by state or federal authorities.

- (c) In contrast, the purpose of this subdivision and its requirements for BMP are to satisfy the city's own state permit which specifically requires the city to adopt a construction site regulation. Consequently, the intent of this subdivision is to protect MS4 from pollutants generated from local construction sites. Federal and state jurisdiction to support this directive is found in the conduit of urban runoff traversing the San Antonio area into rivers, streams, and especially bays regulated as "waters of the United States of America" and "waters of the State of Texas". Hence, storm water generated in the area of San Antonio may enter into and impact state and federal waters.

(Ord. No. 94002, § 1, 5-24-01; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

Editor's note— Ord. No. 2019-02-14-0123 , § 1(Att. I), adopted Feb. 14, 2019, amended § 34-806 and in so doing changed the title of said section from "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" to "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/TCEQ permitted construction sites; explanation of federal jurisdiction," as set out herein.

Sec. 34-807. - Enforcement procedures.

- (a) The director of public works may designate additional field enforcement staff to supplement SAWS resource protection and compliance department staff, here designated and referred to above and hereafter as city inspectors (inspectors).
- (b) Upon observation of an alleged violation or condition an inspector believes constitutes a violation of this subdivision, the inspector shall issue a field correction notice (FCN) to a responsible party. The field correction notice shall be personally delivered to a responsible party, if such person is available on site; or, in the absence of such person, shall be posted at the construction site and mailed by U.S. Mail or by electronic e-mail. Field correction notices shall afford two (2) 24-hour periods to correct the violation alleged. The first 24-hour period should be used to remediate and remove the offending material, if any, from the city's MS4, or obtain and post permit documents

and/or provide a copy of a complete SWPPP and WPAP (as applicable). A second 24-hour grace period shall follow immediately to allow the responsible party to appropriately install or repair corrective BMP which was lacking or failed to protect city property.

- (c) If the violation is cured within forty-eight (48) hours, as described above, no further city action is required.
- (d) If correction is not made timely, the inspector may issue a stop work order.
- (e) If a stop work order is not honored at the site and/or corrective action is not timely accomplished to protect the city's MS4, citations may be issued or civil injunctive remedies with appropriate penalties may be pursued.
- (f) Additional or cumulative enforcement action may be taken as the seriousness of the alleged pollutant encroachment in the MS4 may warrant.
- (g) Additional compliance time may be afforded, if within the judgment and discretion of the inspector, municipal obligations to environmental health and safety and municipal stormwater compliance obligations to enforcement agencies are not compromised.
- (h) Upon observation of an alleged violation or condition an inspector believes constitutes a violation of a water pollution abatement plan within the Edwards Aquifer Recharge Zone, the inspector shall have the authority to issue a field correction notice (FCN) to a responsible party. Delivery of the FCN shall be in accordance with the process as identified in paragraph (b) of this section. The field correction notice shall require immediate correction of the violation alleged or within 24 hours of observation of alleged violation as specified and documented by the inspector on the FCN. If correction is not made timely, the inspector may issue a Stop Work Order.

(Ord. No. 94002, § 1, 5-24-01; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-808. - Criminal and civil enforcement.

- (a) A penalty is hereby established whereby any person who shall violate any provision of this subdivision shall be deemed to be guilty of a misdemeanor and shall upon conviction be fined a minimum amount of not less than two hundred dollars (\$200.00) per violation and a maximum amount of not more than two thousand dollars (\$2,000.00) per violation. Each day of violation shall constitute a separate offense for purposes of the enforcement of this subdivision.
- (b) The city attorney has authority to pursue all legal, equitable, and criminal remedies appropriate to enforce all provisions of this subdivision, including, but not limited to, authority under the Texas Local Government Code, chapter 54, providing for injunctive relief and court imposed civil penalties up to five thousand dollars (\$5,000.00) a day for violation of ordinances relating to discharge of a pollutant into a storm sewer system controlled by a municipality.
- (c) Upon the written direction of the director of public works, advising of an alleged violation of any section of this subdivision, the city attorney, pursuant to subsection (d) above, is authorized to

petition any court of competent jurisdiction for an injunction to enjoin the continuance of such violation and to secure any and all civil penalties within the jurisdiction of the appropriate court. This remedy shall be cumulative of and to all other enforcement remedies available to the city.

- (d) The authority set out above shall in no way diminish the authority and responsibility of the city attorney to diligently prosecute violations of this subdivision through the municipal prosecutor's office.
- (e) The SAWS is a co-permittee, under the federal permit, and a contractual enforcement arm of the city. In consultation with the city attorney, SAWS legal officers may exercise all or specific enforcement options enumerated in this subdivision B on behalf of the city.

(Ord. No. 94002, § 1, 5-24-01; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-809. - **Declaration of nuisance within applicable limits of the city's ETJ; city's authority to enforce within the ETJ five thousand (5,000) feet outside the city limits.**

Under authority of the Texas Local Government Code, section 217.042 (a) (b), noncompliance with provisions of this subdivision B, or violation of its provisions, is here declared a nuisance and by authority of the enabling statute such declaration of nuisance extends to and shall be applicable within both the corporate limits of the city and **within five thousand (5,000) feet outside the limits outside the city limits but within the ETJ.** Accordingly, summary abatement authority rests in the city's enforcement officials when imminent threat to the public health, safety, or welfare may arise.

(Ord. No. 94002, § 1, 5-24-01; Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Secs. 34-810—34-849. - Reserved.

Subdivision C. - Storm Water Compliance for Industrial and Commercial Activities

Footnotes:

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Editor's note— Ord. No. 2014-06-19-0472 , § 1(Exh. A), adopted June 19, 2014, enacted provisions intended for use as article VI, division 5, subdivision C, §§ 34-750—34-756. To preserve the sequential numbering of this Code, and at the discretion of the editor, said provisions have been redesignated as article VI, division 5, subdivision C, §§ 34-850—34-856.

Sec. 34-850. - General provisions.

- (1) *Purpose.* This subdivision sets forth requirements for all facilities discharging to the San Antonio Municipal Separate Storm Sewer System (MS4) and those facilities required maintain a Texas Pollutant Discharge Elimination System (TPDES) Multi-Sector General Permit (MSGP) for Industrial Storm Water Discharges.
- (2) *Administration.* Pursuant to the TPDES Permit No. WQ0004284000 issued to the City of San Antonio, San Antonio Water System (SAWS) and the Texas Department of Transportation requiring the establishment of an Industrial and High Risk Runoff Program SAWS shall have responsibility for administering, implementing, and enforcing the Industrial Inspection Program as outlined in the San Antonio Storm Water Management Plan and established by this subdivision.
- (3) *Objectives:* The objective of this subdivision is to prevent the introduction of pollutants to the maximum extent practicable into the MS4 from industrial and/or commercial facilities, including but not limited to those regulated categories that must maintain a TPDES discharge permit. All facilities that discharge storm water defined as being "associated with industrial activity" under provisions of Section 402 of the Clean Water Act and Chapter 26 of the Texas Water Code that discharge directly to waters of the state, the United States, or through a municipal separate storm sewer system are required to obtain either a MSGP or obtain a conditional No Exposure Exclusion (NEC) from permit requirements from the TCEQ.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-851. - MSGP permit required.

The following facilities are required to obtain MSGP permit coverage and provide a copy to SAWS:

- (a) Those facilities operating under the Industrial Sectors of the MSGP, and
- (b) SAWS may require that an industrial or commercial facility not specifically referenced by the North American Industry Classification System to comply with SWP3 requirements of the MSGP in order to control to the maximum extent practicable the discharge of pollutants of concern into the MS4.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-852. - Conditional no exposure certification.

Facilities regulated under the industrial activities described by one or more sectors of the MSGP may be excluded from permit requirements if there is no exposure of industrial materials or activities to precipitation or runoff. To qualify for this conditional exclusion from permit requirements, the operator must apply to the TCEQ for the NEC permit exclusion and provide certification that those regulated

industrial activities and materials mobilized by storm water are isolated from storm water and storm water runoff by storm resistant shelters (as defined in the MSGP). Facilities that qualify for this exclusion shall provide a copy of the NEC to SAWS upon request. Facilities that operate under a conditional NEC exclusion are subject to inspection to verify compliance. Facilities that previously qualified for a NEC and have made changes in their industrial process resulting in exposure must obtain a MSGP to discharge storm water associated with industrial activities.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-853. - Storm water pollution prevention plan requirements.

- (1) SWP3 Components. Each facility requiring a MSGP Permit shall develop and implement a Storm Water Pollution Prevention Plan (SWP3) prior to submitting a Notice of Intent to the TCEQ for MSGP permit coverage. The SWP3 must be maintained onsite or made readily available for review by SAWS upon request. The SWP3 shall include all elements identified in the MSGP language and continuously meet the criteria including any SWP3 updates and Best Management Practices (BMPs) maintenance as necessary to control discharge of pollutants. The SWP3 shall be developed to identify actual and potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges from the facility. The SWP3 shall establish BMPs and any necessary structural control necessary to reduce or eliminate pollutants from the facility's storm water discharge. The SWP3 shall describe how such practices are appropriate for the facility and how each will effectively prevent or lessen pollution.
- (2) Sampling criteria. Each regulated facility shall take the appropriate samples at the frequency prescribed in the current MSGP. These storm water samples include but are not limited to: effluent limitations for hazardous metals, benchmark sampling and any sector specific sampling required under the MSGP.
- (3) Industrial and/or commercial facilities determined to potentially contribute pollutant loading to the MS4 may be required to perform additional monitoring as outlined by the TCEQ Municipal TPDES Permit to validate improvements to the BMPs and changes in the SWP3. This additional sampling can include, but is not limited to:
 - Any pollutant limited in an existing TPDES permit for the facility
 - Oil and Grease (O/G)
 - Chemical Oxygen Demand (COD)
 - pH
 - Biochemical Oxygen Demand (BOD5)
 - Total Suspended Solids (TSS)
 - Phosphorus (P)

- Total Kjeldahl Nitrogen (TKN)
- Nitrate plus Nitrite Nitrogen
- Ammonia-nitrogen
- Temperature
- Total Organic Carbon (TOC)
- E. Coli and Fecal Coliform

(4) The SWP3 and monitoring data must be submitted to SAWS upon request.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-854. - Inspection and entry.

SAWS shall have the right to inspect the facilities of any industrial user to ascertain whether the purposes of this subdivision are being met and all applicable requirements are being fulfilled. Industrial users and their employees shall allow SAWS representatives displaying proper identification ready access to the premises at all reasonable times for the purpose of: inspecting industrial operations and processes, examination and reproduction of business records pertinent to storm water quality, including hazardous and non-hazardous waste manifests and where applicable, making photographic documentation and obtaining other information necessary to ascertain whether the information submitted is current, and to assess compliance by permittees with storm water permit requirements. Failure to allow access or impeding an investigation will be considered a violation of this subdivision. In the event SAWS reasonably believes discharges from a property into the MS4 may cause an imminent and substantial threat to human health or the environment, an inspection may take place at any time without notice to the owner of the property or a representative on-site.

(Ord. No. 2014-06-19-0472 , § 1(Exh. A), 6-19-14)

Sec. 34-855. - Falsifying information.

- (1) It is a violation of this subdivision to knowingly make any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this subdivision or pursuant to any condition or provision of an industrial storm water discharge permit.
- (2) It is a violation of this subdivision to tamper with, interfere with the operation of, or knowingly render inoperable any monitoring, sampling or surveillance devices or to improperly impede an inspection procedure required or authorized under this subdivision and/or any industrial discharge permit. In addition to any civil or criminal liability that may be imposed for a violation of this subdivision, a person who damages equipment used or necessary for monitoring compliance with an industrial discharge permit and/or this subdivision, shall also be liable for the cost associated with replacing or repairing such equipment.

Sec. 34-856. - Enforcement and penalties.

- (1) *Violations.* The commission of any act that is prohibited by this subdivision or the failure to perform any act that is required by this subdivision is a violation of this subdivision. SAWS may require that a compliance meeting be held prior to implementing legal action to enforce the provisions of this subdivision; however, such a meeting shall not be a bar against or a prerequisite for taking any enforcement action.
- (2) *Penalties for violations.*
 - (a) *Criminal.* A conviction for a violation of this subdivision shall constitute a Class C misdemeanor. A person convicted of a violation of this subdivision shall be fined a minimum amount of not less than two hundred dollars (\$200.00) per violation and a maximum amount of not more than two thousand dollars (\$2,000.00) per violation.
Each violation of this subdivision shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this subdivision.
 - (b) *Civil.* A civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation of this subdivision may be imposed. Each violation of this subdivision shall constitute a separate violation, and each day such violation continues shall be considered a new violation for purposes of enforcing this subdivision, and calculating the amount of civil penalties.
- (3) *Additional remedies.* In addition to the penalties for violations that may be imposed pursuant to this subdivision, SAWS may commence actions for any other legal and/or equitable relief or for the imposition of civil penalties authorized by any applicable law, statute, ordinance, or regulation.

DIVISION 6. - AQUIFER RECHARGE ZONE AND WATERSHED PROTECTION

Subdivision A. - General

Sec. 34-901. - Statement of purpose.

The City of San Antonio adopts a goal of nondegradation which maintains or improves the quality of water entering the Edwards Aquifer. Pollution prevention will be assured by requiring best management practices and development criteria for point and non-point sources, including an emphasis on passive measures, supplemented by the use of structural controls, where appropriate. Land uses which could adversely affect the water supply are prohibited, thereby preventing the risk of contaminants entering the

water reservoir, and posing a risk to the public health. The City of San Antonio hereby adopts this policy of nondegradation to insure the preservation of a clean and safe drinking water supply, and has found, as a matter of legislative determination, that the implementation of the regulations contained in this Division will significantly move toward accomplishing this goal.

(Ord. No. 81491, § 1(App. I), 1-12-95)

Sec. 34-902. - Administration.

The San Antonio Water System (SAWS) shall be responsible for the administration of this division. The administrative official for the purpose of this division shall be the president/CEO of SAWS, and his vice-presidents and department directors insofar as they may be charged by the president/CEO and/or the provisions of this division with duties and responsibilities with reference thereto. Specifically, but without limitation, the resource protection and compliance department of the San Antonio Water System shall ordinarily administer and enforce the provisions of this Division as directed by the president/CEO. The planning department, public works department, and other appropriate departments of the City of San Antonio, and the San Antonio Water System shall coordinate respective activities and cooperate to provide efficient and effective administration and enforcement of this division.

(Ord. No. 81491, § 1(App. I), 1-12-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-903. - Compliance and violations.

- (a) *Compliance.* All development located within the area defined as the Edwards Aquifer Recharge Zone over which the City of San Antonio may exercise its jurisdiction, including such areas: within the corporate limits of the city, within the extraterritorial jurisdiction of the city where applicable, and outside the territorial limits of the city and within Bexar County, as allowed by law, must comply with the provisions of this division.
- (b) *Violations.* Any act or omission contrary to the requirements or directives of this division, or any breach of any duty imposed by this division shall constitute a violation hereof.

(Ord. No. 81491, § 1(App. I), 1-12-95)

Sec. 34-904. - Abrogation and greater restrictions.

This division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the language of this division conflicts with language used elsewhere in this code, that which imposes the more stringent restrictions shall prevail.

(Ord. No. 81491, § 1(App. I), 1-12-95)

Secs. 34-905, 34-906. - Reserved

Sec. 34-907. - Interpretation.

In the interpretation and application of this division, all provisions contained herein shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under state law.

(Ord. No. 81491, § 1(App. I), 1-12-95)

Sec. 34-908. - Definitions.

For the purpose of this division, the following terms shall be defined by meaning given each, as follows:

Affiant: The person, as that term is defined herein, which assumes financial and legal responsibility for the maintenance, operation, and effectiveness of structural controls, and the performance of required monitoring of surface water, related to a development for which an affidavit is, filed pursuant to section 34-911 of this division.

Best management practices (BMP): An effective integration of stormwater management systems, with appropriate combinations of landscape conservation, enhancement, structural controls, impervious cover, schedules of activities, prohibitions of practices, maintenance procedures and other management practices which provide an optimum way to convey, store and release runoff, so as to reduce peak discharge, remove pollutants, and enhance the environment.

Center line: The center line of the waterway refers to existing topographically defined channels. If not readily discernible, the center line shall be determined by, the "low flow line" whenever possible; otherwise by the center line of the two-year floodplain.

Commercial development: Any lot, parcel, or tract, not to be used as single or multi-family residential, recreational, open space or agricultural.

Degradation: Pollution of a representative sample of water which unreasonably reduces the quality of such water. The quality of a representative sample of water is unreasonably reduced when such water is rendered harmful, detrimental, or injurious to humans, animal life, vegetation, or property or the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Detention: The temporary storage of storm runoff, which is used to control the peak discharge rates, and which provides gravity settling of pollutants.

Detention time: The amount of time a parcel of water actually is present in a stormwater basin. Theoretical detention time for a runoff event is the average time a parcel of water resides in the basin over the period of release from the BMP.

Development: Buildings, roads and other structures; construction; and excavation, dredging, grading, filling and clearing or removing vegetation associated with residential, recreational, commercial, industrial or institutional construction.

Edwards Aquifer Recharge Zone (EARZ): Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, and including the outcrops of other formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the Texas Natural Resource Conservation Commission (TNRCC).

Filtration basin: Filtration basins are secondary treatment structures that follow sedimentation basins and release storm water runoff through a filter media to remove additional pollutants.

First flush: At least the first one-half inch of runoff from a storm event which flushes off and contains a disproportionately large loading of the accumulated pollutants from impervious and non-impervious surfaces.

Floodplain buffer zone: Lands and waters as defined in section 34-913.

Floodplain preservation area: Lands and waters as established in section 34-912(a).

Ground water: Any water percolating below the surface of the ground.

Impervious cover: Roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface; this shall include, but not [be] limited to, all streets and pavement within the subdivision. "Percent impervious cover" is calculated as the area of impervious cover within a lot, tract, or parcel or within the total site being developed, divided by the total area within the perimeter of such lot, tract, parcel or development. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, and public sidewalks shall not be calculated as impervious cover.

Intermediate floodplain: Any channel, creek, stream, branch, or watercourse for surface water drainage that drains an area greater than three hundred twenty (320) acres but less than six hundred forty (640) acres.

Major floodplain: Any channel, creek, stream, branch, or watercourse for surface water drainage that drains six hundred forty (640) acres or more.

Minor floodplain: Any channel, creek, stream, branch, or watercourse for surface water drainage that drains an area greater than one hundred (100) acres but less than three hundred twenty (320) acres.

Non-degradation. The proper use of BMP's and pollution prevention criteria in activity so as to prevent degradation as defined herein.

Overland flow: Stormwater runoff that is not confined by any natural or manmade channel such as a creek, drainage ditch, storm sewer, or the like.

Peak-shaving: Controlling post-development peak discharge rates to pre-development levels by providing temporary detention in a BMP.

Person: Any natural person, corporation, partnership, joint venture, association (including home owner's or neighborhood associations), trust, or any other entity recognized by law.

Pollutants: Any element, chemical, compound, organism or material which alters the chemical, physical, biological, and or radiological integrity of water.

Pollution: The alteration of the physical, thermal, chemical or biological quality of, or the contamination of, any water.

Project: Project shall have the meaning contained in chapter 35 of this Code.

Resource protection and compliance department: The department within the San Antonio Water System (SAWS) designated to apply the provisions of this section.

Sedimentation basins: Sedimentation basins remove pollutants by creating conditions under which suspended solids can settle out of the water column.

Streamflow: Water flowing in a natural channel, above ground.

Structural controls: A range of pollution prevention best management practices ranging from vegetated buffers to on-site runoff detention and treatment facilities.

Swale: A natural depression or wide shallow ditch used to temporarily store, route, or filter runoff.

(Ord. No. 81491, § 1(App. I), 1-12-95; Ord. No. 2006-02-16-0241, § 2, 2-16-06; Ord. No. 2014-08-14-0581, §§ 3, 9, 8-14-14)

Cross reference— Definitions and rules of construction generally, § 1-2.

Subdivision B. - Violations and Enforcement

Sec. 34-909. - Violations, defenses and enforcement.

(A) *Violations.* In addition to the violations identified in Subdivision A of this division, the following described individual acts or omissions shall constitute separate and actionable violations of this division:

(a) It shall be a violation of this Division for any person to recklessly, negligently, knowingly, or intentionally commit any act or allow any condition to exist which causes degradation of surface water which:

(1) Is discharged from any development; and

(2) Flows over an area within the EARZ.

Commentary: It is not the intent of this division to place an unreasonable burden on any landowner or to require any person to treat degraded surface water which originates entirely outside their property. Also, these regulations are not intended to prohibit non-polluting discharges from fire hydrant flushing, fire fighting, uncontaminated groundwater, or potable water sources.

(B) *Enforcement.*

(a) *Granting of enforcement authority to SAWS.*

(1) The president/CEO of SAWS is hereby granted the authority to designate qualified SAWS personnel to enforce this division in the manner and to the extent allowed by law.

(2) The president/CEO is specifically granted, the authority to designate qualified SAWS personnel to file notices of violations of this division and to take all necessary actions to file complaints with the Municipal Prosecutor's Office of the City of San Antonio, or other prosecuting authority for violations of this division.

(b) *Notice of violation and response.* Pursuant to the responsibility established in Subsection (a) of this section and section 34-902, above, whenever the resource protection and compliance department, believes that any person has violated or is violating any provision of this division, the resource protection and compliance department may serve (either personally or by registered or certified mail) upon such person a written notice stating the nature of the alleged violation. The recipient of a violation notice issued under this Section must respond to the notice in writing to the resource protection and compliance department within fifteen (15) working days from the receipt of such notice. Should the recipient of a violation notice fail to respond in writing to the resource protection and compliance department within the initial fifteen (15) working day response period as required by this section, the recipient of the notice shall be deemed to have admitted responsibility for the violation.

(c) *Requirements of response to notice of violation.* The response to a violation notice shall be in writing, and shall, at a minimum, include the following information:

(1) A statement as to which of the violation(s) are being admitted by the respondent;

- (2) A statement as to which of the violation(s) are being contested by the respondent; and,
 - (3) The grounds on which the respondent denies responsibility for each contested violation.
- (d) *Grant of authority to pursue legal remedies.* The SAWS legal department is hereby granted the authority to seek legal and/or equitable remedies for violations of this division, including the filing of criminal charges. For the purpose of enforcing this division the SAWS's Environmental Counsel shall represent the City of San Antonio in civil enforcement actions, by and through the San Antonio Water System, and is hereby authorized to seek legal and/or equitable remedies against any person which is reasonably believed to be violating or have violated this division. A legal proceeding prosecuted under this division does not constitute a waiver by the San Antonio Water System of any right the City of San Antonio may have to join in a legal action originating from an alternative source of law. The San Antonio Water System may commence such actions for appropriate legal and/or equitable relief in courts having proper jurisdiction and may seek civil penalties and any other legal or equitable relief available under common law, Chapter 54 of the Texas Local Government Code, or any other applicable local, state, or federal code or statute.
- (e) *Penalties.*
- (1) *Criminal.* A conviction for violation of this division shall constitute a class C misdemeanor. A person convicted of a violation of this division shall be fined a minimum amount of not less than two hundred dollars (\$200.00) per violation and a maximum amount of not more than two thousand dollars (\$2,000.00) per violation. Each violation of a particular section of this division shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division.
 - (2) *Civil.* A civil penalty in an amount not to exceed one thousand dollars (\$1,000.00) per violation of this division may be imposed. However, a civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation may be imposed for violations which cause pollution of waters flowing into a channel, stream or other conveyance which drains into or is a part of the stormwater sewer system owned or controlled by the City of San Antonio. Each violation of a particular section of this division shall constitute a separate offense, and each day such an offense continues shall be considered a new violation for purposes of assessing civil penalties and enforcing this division.
- (f) *Authority of city attorney to enforce.* The grant of the authority set out in this section shall in no way diminish the authority and responsibility of the office of the city attorney to insure that this division is properly and diligently enforced, to prosecute violations of this division, and to defend the legality of this division if challenged.

(Ord. No. 81491, § 1(App. I), 1-12-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06; Ord. No. 2014-08-14-0581, § 9, 8-14-14)

Subdivision C. - Letter of Certification

Sec. 34-910. - Letter of certification required.

No development shall be undertaken in connection with any project on any land, tract, parcel, or lot which is within the boundaries of the Edwards Aquifer Recharge Zone and which is subject to regulation by this division unless and until a letter of certification is issued by the resource protection and compliance department of the San Antonio Water System to the owner or developer of such property. A letter of certification issued under this division shall expire if progress towards completion of the project has not been demonstrated within three (3) years from the date the letter of certification was issued.

(Ord. No. 81491, § 1(App. I), 1-12-95; Ord. No. 2006-02-16-0241, § 2, 2-16-06; Ord. No. 2014-08-14-0581, § 3, 8-14-14)

Sec. 34-911. - Application for letter of certification; contents.

Application for a letter of certification required under section 34-910 shall be submitted to the resource protection and compliance department and shall be accompanied by a site development plan. The application and site development plan shall contain the following information unless the resource protection and compliance department determines that, due to the scope and nature of the proposed development, some of the information is unnecessary:

- (a) The date, scale, north point, and key plan showing the location of the tract on which the development is to take place.
- (b) The existing boundary lines, and acreage of the tract on which the development is to take place, and the common boundary lines and names of the owners of adjacent properties.
- (c) Identification of all Floodplain Preservation Areas, floodplain buffer zones, significant recharge features and buffer zones, and all such other areas with restrictions as required by this article.
- (d) A detailed erosion/sedimentation control plan and construction sequencing plan required by section 34-975.
- (e) A detailed drainage plan and street layout that comply with the requirements of this division.
- (f) Engineering drawings showing compliance with the applicable requirements of this division for control strategies on development.
- (g) A report, site plan, and other relevant information addressing the Best Management Practices as required by sections 34-965 through 34-975.
- (h) A topographic map, drawn to a scale of one hundred (100) feet to one inch, or in an appropriate scale. The map should display, according to the best information available, topographic information and features (including, but not limited to, faults and fractures along

waterways and sinkholes), and the floodplain preservation areas.

- (i) The location, type of use, and total percentage of proposed and existing impervious cover on the site, in conformance with this division.
- (i) Location of all temporary and permanent runoff detention basins, constructed and altered waterways and other physical facilities to be installed to comply with the terms of this division.
- (k) An affidavit from the appropriate affiant showing accepting legal and financial responsibility for structural controls, maintenance cost, monitoring, and remediation.
- (l) Final plans for underground utility installation shall be submitted with the site development plan and shall show minimum construction corridor widths.
- (m) Location of all monitoring stations, sample points or other significant devices used in measuring or assuring water quality.
- (n) Any baseline data from surface water samples required to be taken or maintained under regulations established by the San Antonio Water System.
- (o) A maintenance plan which provides the proposed schedule and details of maintenance which will be performed to ensure the proper operation and effectiveness of all control structures.
- (p) Special notes or attachments as may be required by other sections of this divisi

The site plan required by this section shall be sealed by a registered engineer and by a registered landscape architect with regard to elements of the plan within their respective disciplines. In the event a site plan is amended by an applicant, the above requirements, (a) through (p) on the original plan, must be updated to the extent they are affected by the amendment.

(Ord. No. 81491, § 1(App. I), 1-12-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Subdivision D. - Pollution Prevention Criteria

Sec. 34-912. - Floodplain preservation area.

(a) *Floodplain preservation area definition.*

- (1) Minor, intermediate and major floodplain shall be designated for any channel, creek, stream, branch, or watercourse within the Edwards Aquifer Recharge Zone having a watershed greater than one hundred (100) acres. Minor, intermediate and major floodplain shall be defined as follows:

Floodplain	Drainage Area (acres)
Minor	100—320
Intermediate	320—640
Major	over 640

- (2) The floodplain delineation shall be based on a 100-year frequency, a channel in its unaltered state, and shall assume conditions consistent with the City of San Antonio floodplain regulations contained in Chapter 35 of this Code. Where such floodplains are not designated on maps of the City of San Antonio, mapping showing such floodplain features shall be submitted as an element of the requirements of section 34-911 hereof.

- (b) *Allowable activities in floodplain preservation areas:* The floodplain preservation area shall remain free of all construction activity, development, and alterations except for the following:

- (1) Arterial, collector and residential street crossings only as provided below:
- a. A major floodplain may be crossed by arterial streets that are identified on the City of San Antonio Major Thoroughfare Plan as approved by city council; provided however, that the arterial street is constructed in accordance with standards provided for in section 34-965.
 - b. An intermediate floodplain may be crossed by arterial and collector streets, provided, however, that the arterial or collector streets are constructed in accordance with standards provided for in section 34-965.
 - c. A minor floodplain may be crossed by arterial, collector, or local residential streets, provided, however, that such streets are constructed in accordance with standards

provided for in section 34-965.

- (2) Utilities as provided by subsection (c) below.
- (3) Fences that do not obstruct flood flows.
- (4) Public and private parks and open space, with development in the parks and open space limited to trails and facilities (other than stables and corrals for animals) for hiking, jogging, non-motorized biking, and nature walks.
- (5) Water quality or flood control systems with minimum disruption.
- (6) Where a floodplain has been altered by a manmade activity such as a highway, railroad etc. then the floodplain can be remediated to its natural limits.
- (7) Public projects that are for the public benefit such as projects to enhance recharge, provide flood prevention, and other capital improvements are exempt from these requirements.

(c) *Permitted utility/construction.*

- (1) All underground utilities, other than wastewater, shall be located outside the floodplain preservation area, except for crossings (which should incorporate shared trenching where practical), and shall comply with the provisions of Chapter 35 of this Code (UDC).
- (2) At the time of site development plan review, the director of the resource protection and compliance department shall make a report to the director of wastewater management on any significant environmental impact, with an emphasis on protecting potential recharge, and possible alternatives related to wastewater line locations in the floodplain preservation area. Construction within the ordinary high water mark is discouraged unless approved by the San Antonio Water System upon consideration of reports by the resource protection and compliance department.

(Ord. No. 81491, § 1(App. I), 1-12-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-913. - Floodplain buffer zone.

- (a) Floodplain buffer zones (FBZ) shall be established parallel to all floodplain preservation areas. The outer perimeter of each FBZ shall extend outward from the outer boundaries of the floodplain preservation area, based on the appropriate slope, in accordance with the following table:

% Slope	0-2.5	>2.5-5.0	>5.0-7.5	>>7.5-10.0	>10.0-12.5	>12.5
Buffer Width (ft)	60	70	80	90	100	100

The appropriate slope will be determined by taking the average slope of the first fifty (50) feet of buffer width from the floodplain preservation area. In no case shall the length over which the average is determined exceed three hundred (300) feet; and, in no event shall the buffer zone

exceed the extent of the watershed.

- (b) No impervious cover will be allowed in the buffer zones except as outlined in subsection (c) below.
- (c) Construction activities in the buffer zones shall be restricted to the activities allowed in section 34-912.

(Ord. No. 81491, § 1(App. I), 1-12-95)

Sec. 34-914. - Drainage area.

- (a) The floodplain preservation area shall be extended to the EARZ drainage area in the Extra-Territorial Jurisdiction (ETJ). This floodplain preservation area will be applied to creeks with watersheds greater than three hundred (300) acres and the allowable activities will be as described in section 34-912(b) Allowable Activities in Floodplain Preservation Area.
- (b) The floodplain buffer zone shall be required adjacent to the floodplain preservation area using the buffer width formula established in this division. The maximum impervious cover in the drainage area buffer zone shall be ten (10) percent. This requirement is considered to be more flexible in the drainage area than in the recharge zone.
- (c) The regulations contained in this section shall not apply to any activity allowed by a floodplain development permit issued before the effective date of this division, or for which application was made before the effective date of this division.

(Ord. No. 81491, § 1(App. I), 1-12-95)

Secs. 34-915—34-919. - Reserved.

Sec. 34-920. - Recharge feature protection and buffer zone.

Within the Edwards Aquifer Recharge Zone, the applicant shall identify potential recharge features on the development plan which provide a conduit from the earth's surface to subsurface water.

(a) *Significant recharge features.*

- (1) Sealing of significant recharge features shall be prohibited.

(b) *Significant recharge feature buffer zone.*

- (1) A buffer area will be placed surrounding "significant" recharge features which will be maintained in a natural condition. The width of the buffer area shall be based on the requirements of section 34-913, based on measurements from the outer perimeter of the recharge feature, according to the following chart:

% Slope	0-2.5	>2.5-5.0	>5.0-7.5	>>7.5-10.0	>10.0-12.5	>12.5
Buffer Width (ft)	60	70	80	90	100	100

(2) "Significant" features are those defined as "high concern features" by present TNRCC regulations.

(c) *Additional recharge feature protection.* SAWS shall require the identification of significant recharge features and shall prescribe protective measures deemed reasonable and necessary to eliminate the entry of pollutants into subsurface water through such recharge features. Whether on or off-site, protective measures include but are not limited to: 1) additional buffer zones covered with grass or other appropriate vegetation, 2) installation of diversion methods or structures outside the buffer zone, 3) termination of the point source activity which creates the pollution hazard, and 4) removal of substances and objects from the recharge feature. The protective measures prescribed together with the date by which such measures must be completed shall be set forth in writing and sent to the landowner(s) involved by certified mail, return receipt requested. The landowner shall take the corrective and protective actions prescribed by SAWS.

(Ord. No. 81491, § 1(App. I), 1-12-95)

Secs. 34-921—34-924. - Reserved.

Sec. 34-925. - Pollution prevention criteria.

For the purpose of regulating activities within the areas regulated by this division, while acknowledging and respecting the interests of property owners, projects in the area affected by this division shall be classified according to the following three (3) categories:

Category 1: A project for which an application for a permit, as defined in Chapter 245, Texas Local Government Code, has been filed, before the effective date of this division.

Category 2: A project located on property within the corporate limits of the city, that is not in category 1;

Category 3: A project located on property within the Edwards Aquifer Recharge Zone which is within the extraterritorial jurisdiction of the city, and which does not meet the requirements of category 1 or category 2, above.

(Ord. No. 81491, § 1(App. I), 1-12-95; Ord. No. 2006-02-16-0241, § 2, 2-16-06; Ord. No. 2014-08-14-0581, § 3, 8-14-14)

Sec. 34-926. - Pollution prevention criteria in Category 1.

(a) Unless otherwise specified in this division, the development criteria and regulations of the city which were in effect at the time the original application for the permit was filed pursuant to, and

as defined by Chapter 245, Texas Local Government Code, shall govern the development of a project that is classified as category 1 because of the filing of said application.

- (b) A project which satisfies the category 1 requirements of section 34-925 because it was the subject of an application submitted or permit issued before the effective date of this division, will be automatically placed in its appropriate category after the application or permit expires pursuant to the laws in effect at the time the application was submitted or the permit was issued.
- (c) To the extent allowed by law, if a project classified as category 1 is substantially altered, then the category 1 status of such project, or portion thereof, shall be lost, unless such project is classified category 1 by reason of another valid permit, and the project shall be appropriately classified pursuant to section 34-925.

In applying this provision "substantially altered" shall be considered as any action done through the initiative of the property owner or the property owner's agent provided however that "substantially altered" does not include those actions classified as minor amendments in section 35-412 and section 35-715 of chapter 35.

- (d) A developer may voluntarily go to category 2 or 3 as appropriate, with the ability to transfer platting fees to the new category 2 or 3 project.

- (e) If a project is classified as category 1 under section 34-925, then the San Antonio Water System shall, when commenting to the Texas Commission on Environmental Quality regarding an application for a water pollution abatement plan (WPAP), recommend that the WPAP include, at a minimum, the elements contained in section 34-911.

(Ord. No. 81491, § 1(App. I), 1-12-95; Ord. No. 2006-02-16-0241, § 2, 2-16-06; Ord. No. 2014-08-14-0581, § 3, 8-14-14)

Secs. 34-927—34-929. - Reserved.

Sec. 34-930. - Pollution prevention criteria in Category 2.

The following criteria and restrictions shall apply to all regulated activity on a project that is classified as category 2 by section 34-925 of this division:

- (a) *Single-family residential*. The projected impervious cover for all single-family residential development of a category 2 project shall not exceed a maximum of thirty (30) percent gross impervious cover.
- (b) *Multi-family residential*. The projected impervious cover for multifamily residential development of a category 2 project shall not exceed a maximum of fifty (50) percent gross impervious cover.
- (c) *Commercial*. The projected impervious cover for commercial development of a category 2 project shall not exceed a maximum of sixty-five (65) percent gross impervious cover.
- (d) *Special conditions*. Development activities regulated by this section shall be subject to the following special conditions:
 - (1) Within a multi-use project, impervious cover limits may be exceeded in a given area if compensated for in another area which is within the same overall project and which is dedicated on a simultaneous basis.
 - (2) The allowable impervious cover in this section does not override requirements for significant recharge feature protection buffer zones or floodplain preservation areas and buffer zones.
 - (3) Additional control strategies as described in Subdivision E are required on all multi-family and commercial development.
 - (4) Non-Structural Best Management Practices as described in Subdivision E are required for all single-family developments
 - (5) Must be designed to prevent degradation.
- (e) *Monitoring*. Monitoring of runoff for pollutant concentrations and loadings shall be required, according to standards established by the SAWS pursuant to its stormwater program and/or

NPDES permit process, including but not limited to, baseline assessments, appropriate pollution prevention design, performance inspections, and nondegradation requirements. The monitoring methods, protocol and expense will be determined by SAWS at the time of permit review and approval.

Expenses for monitoring will be the responsibility of the affiant.

- (f) *Major intersection nodes (node)*. For the purpose of this section a node shall mean a rectangular area centered on a major intersection, and having boundaries based on a linear distance from the outer limits of the rights-of-way (ROW) of the intersecting streets, roads, or highways (nodal distance). The length and width of the node is equal to the ultimate rights-of-way width of the street plus the nodal distance on each side of the street ROW, as determined by the resource protection and compliance department and the City of San Antonio. Percentages of impervious cover in Major Intersection Nodes may exceed the limits imposed elsewhere in this division, but shall be limited as follows:

Type of Intersection	Nodal Distance	Commercial Impervious Coverage
Hwy-Hwy Intersection	2500'	80% Maximum
Hwy-Arterial Intersection	1000'	75% Maximum

(Ord. No. 2006-02-16-0241, § 2, 2-16-06; Ord. No. 2014-08-14-0581, §§ 3, 9, 8-14-14)

Secs. 34-931—34-934. - Reserved.

Sec. 34-935. - Pollution prevention criteria in Category 3.

The following criteria and restrictions shall apply to all regulated activity on a project that is classified as category 3 by section 34-925:

- (a) *Single-family residential*. The projected impervious cover for all single-family residential development of Category 3 property shall not exceed a maximum of fifteen (15) percent gross impervious cover, or the maximum impervious cover specified in accordance with subsection (d) of this section.

- (b) *Multi-family residential.* The projected impervious cover for multi-family residential development of Category 3 property shall not exceed a maximum of fifteen (15) percent gross impervious cover, or the maximum impervious cover specified in accordance with subsection (d) of this section.
- (c) *Commercial.* The projected impervious cover for commercial development of Category 3 property shall not exceed a maximum of fifteen (15) percent gross impervious cover, or the maximum impervious cover specified in accordance with subsection (d) of this section.
- (d) *Additional impervious cover.* The maximum impervious cover requirements of subsection (a), (b), and (c) above shall apply unless the property owner or his agent provides clear and convincing evidence, which at a minimum shall consist of engineering documents submitted under the seal of a registered engineer, that the proposed impervious cover in excess of is fifteen (15) percent gross will not cause degradation as defined herein.
- (e) *Multi-use project.* Within a multi-use project, impervious cover limits may be exceeded in a given area if compensated for in another area of the overall project if dedicated on a simultaneous basis.

(Ord. No. 81491, § 1(App. I), 1-12-95; Ord. No. 2006-02-16-0241, § 2, 2-16-06; Ord. No. 2014-08-14-0581, § 3, 8-14-14)

Secs. 34-936—34-944. - Reserved.

Sec. 34-945. - Multi-category developments.

Impervious cover allowances for development identified in sections 34-925 through 34-935 above, shall be prorated according to the categories within those areas when multi-category development is proposed.

(Ord. No. 81491, § 1(App. I), 1-12-95)

Secs. 34-946—34-959. - Reserved.

Subdivision E. - Additional Control Strategies

Sec. 34-960. - Detention, sedimentation and filtration for water quality control.

- (a) All multi-family and commercial developments of land with projected impervious cover exceeding fifteen (15) percent shall comply with the provisions of this division.
- (b) All multi-family and commercial development shall install detention, sedimentation and filtration basins in accordance with technical guidelines acceptable to SAWS, and which include at least the following design and control features:
 - (1)

At a minimum, the water quality basins and drainage into the basins shall be designed to capture and isolate at least the first one-half (½) inch of runoff. All subsequent runoff in excess of the design capacity of the basins shall bypass the basins and remain segregated from the contained runoff waters including those waters in a peak shaving basin if required.

(2) Input to and release from water quality basins shall utilize vegetated swales and/or overland flow dispersion measures where possible.

(c) No infiltration trenches will be allowed on the Edwards Aquifer recharge zone.

(Ord. No. 81491, § 1(App. I), 1-12-95)

Secs. 34-961—34-964. - Reserved.

Sec. 34-965. - Street improvements.

- (a) All roadway projects with anticipated, or actual Average Daily Traffic (ADT) volumes in excess of one thousand five hundred (1,500) vehicles per day shall be required to design, construct, operate, and maintain sedimentation and filtration basins to capture and treat the first flush runoff from the roadway. In addition, all roadway projects with anticipated or actual ADT volumes in excess of thirty thousand (30,000) vehicles per day shall be required to design, construct, operate, and maintain hazardous materials traps (HMT's) that will capture, contain and isolate a hazardous spill on the roadway facility. The minimum volume of the HMT's shall be ten thousand (10,000) gallons and they shall contain a self-draining outlet and an emergency cut off to contain any spilled materials.
- (b) All bridge structures with ADT in excess of one thousand five hundred (1,500) vehicles per day shall be prohibited from discharging directly to the floodplain preservation area from the roadway surface. These bridges shall be designed to transport the stormwater off the bridge structure and into a sedimentation pond, filtration pond, or equivalent system as approved by SAWS as long as it provides equal water quality protection.
- (c) Street maintenance projects that do not increase the impervious cover to beyond that of the original street shall be exempt from the provisions of this section.

(Ord. No. 81491, § 1(App. I), 1-12-95)

Secs. 34-966—34-969. - Reserved.

Sec. 34-970. - Best Management Practices (BMP's).

All development plans for single-family residential development of Category 2 or 3 projects, as identified in section 34-925, which are submitted to the resource protection and compliance department, as required by this division, shall contain sufficient planned BMP features to allow for the proper conveyance, storage

and release of runoff, to adequately reduce peak stormwater discharge, and remove pollutants in a manner and to a degree which is acceptable to the resource protection and compliance department. BMP's are features which provide effective integration of stormwater management systems, with appropriate combinations of landscape conservation, enhancement, structural controls, schedules of activities, prohibitions of practices, maintenance procedures and other management practices which provide an optimum way to convey, store, treat and release runoff, so as to reduce peak discharge, remove pollutants, and enhance the environment. All development plans submitted shall, at a minimum, incorporate all of the following BMP's:

- (a) *Vegetative buffer zones.* Buffer zones are vegetated strips of land used for temporary or permanent water quality benefits. Buffer zones are used to decrease the velocity of storm water runoff, which in turn helps to prevent soil erosion. The buffer zone can be an area of vegetation that is left undisturbed during construction, or it can be newly planted. Buffer zones may be used in addition to or as a substitute to other control strategies described in this section. If vegetative buffer zones are used they shall be designed and reviewed in accordance with the standards established by the San Antonio Water System.
- (b) *Water conservation.* As part of the requirements for development, the applicant shall submit a water conservation plan. Water conservation provides an alternative approach to the twin problems of increasing demand for water in a community and finding new water sources. The water conservation plan shall include as a minimum the following:
 - (1) Identity of all water users;
 - (2) Monitoring program to identify and repair leaks in water pipes;
 - (3) Required installation of water efficient plumbing fixtures;
 - (4) Description of a water efficient landscape program;
- (c) *Integrated pest management programs.* A pesticide and fertilizer management plan shall be submitted that provides general information regarding proper use, storage, and disposal of pesticide and fertilizers that are commonly available. In addition, the plan shall provide information regarding what types of pesticides and fertilizers are most likely to be used for the various types of development. The plan shall also delineate which types of pesticides and fertilizers should be avoided.

(Ord. No. 81491, § 1(App. I), 1-12-95; Ord. No. 2006-02-16-0241, § 2, 2-16-06; Ord. No. 2014-08-14-0581, §§ 3, 9, 8-14-14)

Secs. 34-971—34-974. - Reserved.

Sec. 34-975. - Construction sequencing and erosion controls.

- (a) A comprehensive and detailed erosion and, sedimentation control plan and report shall be submitted with the application. The report shall specify maintenance of controls. All items noted in the erosion control and construction sequencing plans shall also be included in the final construction plans.
- (1) The report shall include the following items:
- a. Construction sequencing as it relates to placement, maintenance, removal of temporary erosion controls, and restoration measures. The sequencing plan schedules these items in the overall scheme of development.
 - b. A list of such erosion controls and maintenance thereof.
 - c. Slope stabilization techniques to be employed.
 - d. Restoration plans including vegetative types.
- (2) The erosion control and construction sequencing plan shall include the following items:
- a. Location of temporary erosion controls with maintenance note. The plan shall show the physical details of the controls.
 - b. A construction sequencing list, including the timing of the use of various controls in relation to steps in the construction.
 - c. Restoration techniques and acceptability note.
- (b) The development shall comply with the erosion control and restoration measures guidelines as identified by the San Antonio Water System.
- (c) The clearing of land shall conform to the following criteria:
- (1) No clear or rough-cutting shall be permitted prior to the issuance of a letter of certification by the resource protection and compliance department. Limited clearing and rough-cutting for soil testing and surveying is allowed.
 - (2) No clearing or rough-cutting for purposes other than paragraph (1) above and construction of temporary erosion and sedimentation controls as per approved plans shall be permitted until these controls are in place.
 - (3) Clearing for the temporary storage of spoil or construction equipment, or for the permanent disposal of fill material or spoils, shall be so designated on the site plan.
 - (4) Vegetation within any floodplain preservation or buffer, or significant recharge buffer area should not be disturbed except for purposes consistent with development activity permitted by section 34-912.
 - (5) If an applicant does not comply fully with the approved construction sequencing and erosion control plan, the resource protection and compliance department shall notify him in writing that the city may correct and revegetate the, disturbed area at his expense, unless he does so

within sixty (60) days after the date on the notice, or unless applicant provides erosion and sedimentation controls and the continuing maintenance thereof acceptable to the resource protection and compliance department.

- (6) The requirements of this division shall not apply to ordinary vegetation management specifically regulated elsewhere by this code. This subsection is not intended to provide a defense for or waiver of any other requirements of this code, including but not limited to those contained in Article V of Chapter 14.

(Ord. No. 81491, § 1(App. I), 1-12-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Secs. 34-976—34-979. - Reserved.

Subdivision F. - Variance and Appeal

Sec. 34-980. - Variance procedure.

- (a) *Variances*. Variances to the terms and requirements of Subdivisions A, C, D, or E, of this division may be granted by the San Antonio Water System where a literal enforcement of the provisions of this division will result in an unnecessary hardship. No variance may be granted unless:
 - (i) Such variance will not be contrary to public interest;
 - (ii) Such variance will not substantially or permanently injure the appropriate use of adjacent land which is regulated by this Division;
 - (iii) Such variance will be in harmony with the spirit and purpose of this division;
 - (iv) The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions of the category or geographical area in which the property is classified or located;
 - (v) The variance will not substantially weaken the general purposes of this division or the regulations herein established for the regulated area of the recharge zone;
 - (vi) The variance will not cause unreasonable disruption to the natural terrain;
 - (vii) The variance granted is limited in scope of relief to only that which is necessary to relieve the hardship condition.
- (b) *Request for variance*. A person who feels they qualify for a variance, under the conditions outlined in subsection (a) above, from the literal application of this division to their property may request a variance from such application of one or more of the provisions of this division. All

requests for variances shall be made in writing to the resource protection and compliance department of the San Antonio Water System and shall include:

- (i) The subject of the requested variance, and
 - (ii) The justification for granting a variance.
- (c) *Burden.* The party requesting a variance has the burden of demonstrating that sufficient evidence exists for the granting of a variance to application of this division, and the resource protection and compliance department shall consider and provide a written response to all such requests for variances within twenty (20) working days from the date a valid request for variance is received. The resource protection and compliance department shall serve its response by certified mail, return receipt requested, or by hand delivery.
- (d) *If granted.* If a variance is granted as requested, or with modification, the recipient of the variance may develop their property according to all applicable provisions of this division to the extent such provisions have not been waived or modified by the variance, and according to the applicable provisions contained in Chapter 35 of this Code.
- (e) *Term.* If a variance granted under this section shall have a term from the date of issuance, then any activity which would otherwise be prohibited by this division, except for the existence of such a variance, shall not be allowed to continue after the expiration of the specified term.
- (f) *Appeal.* Any person who properly requests a variance pursuant to this section, and objects to the decision of the resource protection and compliance department which denies all or part of the relief requested may appeal such denial to the president/CEO of SAWS by filing a request for appeal within ten (10) working days from the date notice of denial is received by the requesting party. All such appeals shall be made in writing to the office of the president/CEO of the San Antonio Water System and shall include, all pertinent information which the person requesting the appeal wishes to be considered. The president/CEO may require additional information from, or request a meeting with the person making the appeal. The written decision of the president/CEO, or authorized designee, on the appeal shall be rendered within fifteen (15) working days from the date the appeal is received by the president/CEO, and shall be delivered to the appealing party by certified mail, return receipt requested, or by hand delivery. If the president/CEO, or authorized designee fails to render an opinion on the appeal within the fifteen (15) working day period, the relief requested in the appeal shall be considered to have been wholly denied.
- (g) *City council.* If the president/CEO of SAWS denies all or part of the relief requested in an appeal, the aggrieved party may make a final appeal to the San Antonio City Council by filing a notice of final appeal with the office of the city clerk for the City of San Antonio no later than the tenth day following the party's receipt of the written decision of the president/CEO from which the final appeal is brought, or the expiration of the fifteen-day period if no decision is rendered. A true

and correct copy of the notice of final appeal must also be filed with the office of the president/CEO of SAWS which, upon receipt of such notice, shall immediately transfer copies of all documents and information relevant to the appeal to the office of the city clerk. The city clerk shall schedule the hearing of the final appeal at the earliest regularly scheduled meeting of the city council which will allow compliance with the requirements of the Texas Open Meetings Act. The decision of the city council on the relief requested in a notice of final appeal from the application of this division shall be considered final.

(Ord. No. 81491, § 1(App. I), 1-12-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-981—34-999. - Reserved.

DIVISION 7. - UNDERGROUND STORAGE TANK MANAGEMENT PROGRAM

Subdivision A. - General Provisions

Sec. 34-1000. - Purpose.

The city council of the City of San Antonio has adopted a policy that the installation of underground storage tanks and related systems (UST) within the Edwards Recharge Zone District (ERZD), as defined by Section 35-3102 of this Code, is inappropriate, and that the use of USTs within the Edwards Transition Zone shall only be allowed conditionally. Because there are UST sites which were installed before city council banned USTs in the ERZD, it is important that a monitoring and enforcement program be put in place to ensure the maintenance of each such existing UST system and to monitor compliance with rules and regulations which are designed to protect the public health, safety, and welfare. The regulations contained in this division provide a monitoring and enforcement program governing USTs within the ERZD and the Edwards Transition Zone. These regulations are the result of recommendations made by the Mayor's Water Quality Task Force for the purpose of protecting the water quality of the Edwards Aquifer and protecting the environment and are intended to be administered by the resource protection and compliance department of the San Antonio Water System.

(Ord. No. 83200, § 1, 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-1001. - Applicability.

- (a) The regulations contained in this division shall apply to all new and existing "Underground Storage Tanks" and "Underground Storage Tank Systems" (USTs), as defined by Section 35-1041 of this Code, which are located within the ERZD or the Edwards Transition Zone and are within the jurisdiction of the City of San Antonio, and which store and/or convey hazardous materials, flammable liquids or combustible liquids, as those terms are defined in the City of San Antonio

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with the requirements of this division. This division is intended to provide guidelines for owners/operators of such UST systems and to provide a UST management plan in accordance with the recommendations established by the city council in Ordinance No. 81147.

- (b) These regulations provide minimum specifications and guidelines to monitor and ensure compliance with existing city, state and federal regulations and future rules, regulations and ordinances consistent with nationally recognized good practices for safeguarding life, property and the environment by protecting the public water supply from contamination caused by sudden or gradual releases of hazardous materials from USTs.

(Ord. No. 83200, § 1(App. I), 11-16-95)

Secs. 34-1002—34-1005. - Reserved.

Subdivision B. - Underground Storage Tank System Permitting

Sec. 34-1006. - Permit required.

The operator of a facility which utilizes one or more USTs subject to regulation by this division is required to obtain a permit for operation of the UST system. Permit application forms are available from and shall be submitted to the resource protection and compliance department. Failure to provide information as requested in the application shall be grounds for refusal by the resource protection and compliance department to issue the permit. If the facility operator is not responsible for the UST, then the operator shall notify the resource protection and compliance department of the identity of the individual(s) responsible for the UST. Operation without a permit of a facility regulated by this division shall constitute a violation of this division.

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-1007. - Information required.

The following information, at a minimum, shall be required as part of the permit application process and shall be received by the resource protection and compliance department prior to the issuance of a permit:

- (a) General information regarding the identity of the applicant and facility, including:
 1. The name and address of the applicant and facility;
 2. The applicant's business phone number;

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- lity; 4. The name, address, title and phone number of person responsible for compliance and each primary emergency response person;
 - 5. Whether the facility is located on the Recharge Zone or Transition Zone;
 - 6. Proof of insurance as required by 40 CFR 280.93.
- (b) Facility maps or site plans for each regulated facility which identify the following:
- 1. Location of all underground hazardous materials storage and dispensing locations;
 - 2. Routes of access to each regulated facility;
 - 3. Emergency equipment related to each facility;
 - 4. Location of stormwater runoff abatement facilities, if any.
- (c) Regulated substance inventory sheet which provides the following:
- 1. Name of each regulated substance stored;
 - 2. Capacity of each UST;
 - 3. Material safety data sheet (MSDS);
 - 4. Installation date(s) of each UST(s).
- (d) Monitoring and testing plan as defined by Section 34-1020 of this division.
- (e) All other information related to compliance with this division.

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-1008. - Permit procedures.

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- (a) Any facility regulated by this division shall submit a completed permit application in accordance with section 34-1006 and section 34-1007 of this division. The application shall be signed by the operator and/or UST owner; and the signed application, together with the appropriate fee as set forth in the ERZD and Edwards Transition Zone UST Fees Schedule set forth in subsection e) of this section 34-108 shall be submitted to the resource protection and compliance department. The fee amounts listed in the ERZD and Edwards Transition Zone UST Fees Schedule are effective January 1, 2023. The fee amounts shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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

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f the month of July one (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fees charged do not exceed the cost of providing the services.

- (b) After a complete and signed application has been received and the appropriate fee collected, the applicant's monitoring plan will be reviewed, and compliance with the regulations of this division will be verified by an on-site inspection by a staff member of the resource protection and compliance department. The initial inspection will be considered the first annual inspection for the purpose of administering this division.
- (c) Upon receipt of all required information, approval of the monitoring plan, and the return of a favorable inspection report by the staff inspector, the resource protection and compliance department will issue a permit to the applicant. Each permit shall be valid for a period of three (3) years from the date it is issued.
- (d) In the event a deficiency in the monitoring plan is found to exist, or in the event the facility is found to be non-compliant with the requirements of this division during the application process and initial inspection, the applicant will be notified in writing and may correct any deficiencies in the application or the monitoring plan or at the regulated facility within thirty (30) days from the date of notification. If the corrections cannot be made within the 30-day period, the applicant may request an extension in writing from the resource protection and compliance department. An extension of up to sixty (60) days may be granted upon a showing of good cause. Upon the earlier of notification by the applicant or expiration of the period for corrections, the application will be re-evaluated. If the required corrections have not been made at the time of the application is re-evaluated, the application will be denied.
- (e) ERZD and Edwards Transition Zone UST fees schedule.
 - (1) Initial registration fee (per site).....\$367.00
 - (2) Annual inspection fee (per site)..... 250.00
 - (3) Follow-up inspection fee (per site, per occurrence, if prior inspection fails).....200.00
 - (4) Third year renewal fee
(per tank): Tank
sizes:
 - 0—4,999 gallons..... \$876.00
 - 5,000—10,000 gallons..... 1,084.00

2022-10-0867 , §

2(Att. I), 11-10-22)

Sec. 34-1009. - Inspections by San Antonio Water System.

Inspections performed by the resource protection and compliance department personnel will be conducted during normal business hours. Every business applying for a permit will be inspected as prescribed in Section 34-1008 prior to issuance of a permit and at least annually thereafter. San Antonio Water System personnel shall have the right, upon reasonable notice, to enter any facility regulated by this division for the purpose of performing periodic inspections and for the purpose of enforcing the requirements of this division.

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-1010. - Permit renewal.

It is the responsibility of each permittee to apply for renewal for a permit issued under this division not later than thirty (30) days before the existing permit expires. The application for renewal shall be accompanied by payment of the appropriate renewal fee as provided in the ERZD and Edwards Transition Zone UST Fees Schedule. Failure to apply for renewal within the 30-day period shall be considered a violation of this division. The resource protection and compliance department shall provide the permittee with notice of expiration of a permit at least forty-five (45) days prior to its expiration.

(Ord. No. 83200, § 1(App. I), 11-16-95;

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06; Ord. No. 2017-12-07-0928, § 4(Att. III), 12-7-17)

Ord. No. 2006-02-16-0241,

Sec. 34-1011. - Permit transfers.

§ 5, 2-16-06;

Ord. No. 2017-12-07-0928, §

The transfer of a permit issued under this division will require the completion of a permit transfer form. Permit transfer forms shall be available from the resource protection and compliance department and shall be signed by both the seller and the buyer of the regulated facility. The transfer of a permit will result in the transfer of the original identification number and the issuance of a new permit. Permit transfer forms shall be submitted not later than thirty (30) days after transfer of ownership or operation of the business. All permit transfers are subject to the approval of the San Antonio Water System. Failure to submit a permit transfer form as required by this section shall constitute a violation of this division.

3(Att. II), 12-7-17;

Res. No. 18-262, 11-13-18;

Res. No. 19-280,

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

7(Att. V), 11-5-19;

Ord. No.

facility which does not transfer ownership or control of the facility, but which substantially affects information required in the permit application, the permittee shall amend or supplement the original permit application within thirty (30) days of the change in operations.

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(b) An amendment is not required in situations where quantities or storage locations of regulated materials are temporarily modified for less than forty-five (45) days, unless the modification will affect the fire department's ability to safely respond to an emergency at the facility or unless the San Antonio Water System determines that the modification may severely increase the potential for pollution of the Edwards Aquifer.

(c) Amendments or supplements to the permit application shall describe the reason for the amendment or supplementation of existing data, explain the addition or modification to each facility and provide any additional information as requested by the resource protection and compliance department.

(d) The resource protection and compliance department shall inspect each amendment or supplement to evaluate its compliance with the requirements of this division and shall notify the permittee of whether the amendment or supplement is approved within ten (10) days from the date of submission. In the event an amendment is not approved, the permittee may correct any deficiencies in the amendment or supplement and resubmit the same as corrected. Until an amendment or supplement is approved by the resource protection and compliance department the permittee will be required to comply with the most recent application and monitoring plan which has been approved.

ⁿ (Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

^o Sec. 34-1013. - Maintenance of records.

^p Review by the resource protection and compliance department of records held by the
^e permittee shall be allowed at the time of inspection or as otherwise requested at the regulated
^r facility or at such other location as may be identified. Copies of the permit application, the
^a permit, inspection reports, monitoring logs and all other records required by this division, by
^t Chapter 35 of this Code, or by Article 79 of the Uniform Fire Code shall be provided by the
ⁱ permit holder (or a designee) and shall be made available for review by resource protection
^o and compliance department personnel. All such records shall be kept and maintained by the
ⁿ permittee for a period of at least five (5) years.

^s (Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

^a

permit application or otherwise submitted by the permittee to the San Antonio Water System pursuant to this division shall be considered public records and shall be open to inspection by the public unless protected from disclosure under the Texas Public Information Act.

- (a) Requests to inspect or copy public documents which are received and maintained by the San Antonio Water System as a result of administering this division shall be made in writing to the Legal Department of the San Antonio Water System. Each such request will be reviewed and responded to pursuant to the Texas Public Information Act.
- (c) Information submitted pursuant to this division which the permittee or applicant believes to be confidential or privileged and subject to protection from disclosure as a registered trade secret or by some other exemption shall be so identified by being submitted on a separate form or forms and shall be clearly and conspicuously marked "Confidential" by the permittee or applicant. All confidential information will be protected by the San Antonio Water System Legal Department from disclosure in accordance with the Texas Public Information Act and this Code.

(Ord. No. 83200, § 1(App. I), 11-16-95)

Sec. 34-1015. - Fee waiver.

- (a) In the event an owner or operator of a facility regulated by this division is unable to pay the permit fee required by this division, the owner or operator may apply to the resource protection and compliance department for a fee waiver.
- (b) The manager of the resource protection and compliance department may grant an application for fee waiver and reduce, modify, or waive the requirement for the payment of the permit fee only upon a showing by the applicant that payment of the fee would result in a severe hardship to the applicant's livelihood and that the applicant's income is insufficient to provide the applicant with the means for payment.
- (c) Each application for a waiver of fees shall, at a minimum, include an affidavit by the applicant of inability to pay, complete copies of the applicant's federal income tax statements for the two (2) years preceding the filing of the application, and a current balance sheet and financial statement of the applicant's regulated business.
- (d) The manager of the resource protection and compliance department shall provide the applicant with a written decision on the application for fee waiver within five (5) working days from the date the complete application for waiver is received.

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Secs. 34-1016—34-1019. - Reserved.

Subdivision C. - Monitoring and Testing Requirements

Sec. 34-1020. - Monitoring plan requirements.

(a) This order pertains to

or of each facility regulated by this division shall submit to the resource protection and compliance department an inventory of the equipment which makes up the UST system and a plan for monitoring the integrity of the UST system and surrounding site (monitoring plan). The monitoring plan shall be sufficient to ensure that each UST system operates in a safe manner according to all federal, state, and local regulations, and to ensure the UST system will not pose a present or future threat to the water quality of the Edwards Aquifer or affect the public health, safety or the environment.

(b) Each monitoring plan shall provide the method and frequency of monitoring and an inventory of the monitoring equipment which will be installed and maintained (see Section 34-1007(d)(1)). This inventory shall include, at a minimum, the following information for each of the following categories:

1. UNDERGROUND STORAGE TANKS
 - (a) Number
 - (b) Size
 - (c) Material constructed from
 - (d) Number of layers
 - (e) Manufacturer and model type if applicable
2. PIPING
 - (a) Primary Piping
 - (i) Material constructed from
 - (ii) Diameter
 - (iii) Manufacturer
 - (b) Secondary Piping
 - (b) Material constructed from
 - (c) Diameter
 - (d) Manufacturer
3. OVERFILL PREVENTION MANHOLE
 - (a) Manufacturer and model type
 - (b) Capacity
4. OVERFILL PREVENTION DEVICE
 - (a) Manufacturer and model type
5. SUBMERSIBLE PUMP
 - (a) Manufacturer and Model Type

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(a) Manufacturer and model type

8. ELECTRONIC LEAK DETECTION SYSTEM

(a) Automatic Tank Gauging

(i) Manufacturer and model type

(ii) Whether continuous tank testing and pipe testing used

(b) Interstitial Monitor

(i) Manufacturer and model type

(ii) Liquid or vapor

10. MONITORING WELLS

(a) Number of wells

(b) Vapor monitoring in wells

(c) Groundwater monitoring in wells

11. EXCAVATION LINER

(a) Manufacturer and type

(b) Material constructed from

(c) Thickness (mil)

(d) Permeability

12. VAULT

(a) Manufacturer and type

(b) Material constructed from

(c) Sealant

(d) Whether Pre-Stressed

13. ANY OTHER EQUIPMENT WHICH OPERATES AS PART OF THE SYSTEM

14. THIRD-PARTY CERTIFICATIONS FOR EQUIPMENT, as applicable.

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(c) The monitoring plan shall incorporate sufficient requirements to ensure that the UST system is in good operating condition and that all protective measures are functioning properly. Each monitoring plan should describe everything done by the owner or operator to ensure that no leaks or spills of regulated materials occur at the facility, and how a leak or spill would be detected if it should occur.

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(d) If any of the information contained in a monitoring plan becomes outdated, the owner or operator shall update the plan pursuant to Section 34-1010 of this division and shall be required only to follow the procedures described in the most recent version of the approved monitoring plan.

- (e) E ption of storage and dispensing systems in sufficient detail to show that the
a proposed monitoring and/or testing methods are appropriate and shall describe
c the methods and materials use in construction of the UST tanks and piping, type
h of backfill, any manifolding of tanks or lines, type of delivery system (e.g., suction
m or submerged pump, metered or non-metered), vapor recovery systems, and any
o other pertinent information.

E
l Each monitoring plan shall clearly indicate the monitoring method which will be used (e.g., tank
i system testing, monitoring wells) and the policies, including responsibilities and frequency of
t inspecting monitoring equipment, to ensure the plan is followed.

o
r Identification and explanation of the inventory control systems of regulated substances shall be
i provided as a part of the monitoring plan. All inventory control methods used shall meet 40 CFR
n 280.43, which requires product inventory control to be conducted monthly to detect a release of
g at least 1.0 percent of flow-through plus one hundred thirty (130) gallons on a monthly basis. A
p blank copy of the inventory record forms used should be submitted with a description of how and
p when reconciliations are performed.

l
a Each monitoring plan shall include policies which allow the permittee or its designee to
n demonstrate, when inspected, that inventory volume measurements were recorded each day,
n that product dispensing was metered and recorded within the local standards for meter
s calibration or an accuracy of six (6) cubic inches for every five (5) gallons of product withdrawn,
h and that the water level in the bottom of the tank was measured to the nearest one-eighth of an
a inch at least once a month.

l
p If applicable, the leaking petroleum storage tank site number shall be listed in the monitoring
p plan and an indication given whether a closure letter has been issued for the site or if the site is
r still being remediated.

O
v A maintenance plan for structural and Best Management Practices which has been used to abate
stormwater runoff shall be incorporated into the monitoring plan. Maintenance should be
performed as outlined in the Texas Natural Resource Conservation Commission (TNRCC)
g document, "The Edwards Aquifer Technical Guidance Manual."

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Sec. 34-1021. - UST testing requirements.

- (a) Each permittee shall perform precision testing of UST systems regulated by this division on a periodic basis as required by subsection (b) of this section unless the permitted facility is exempt from such testing pursuant to Section 34-1022 of this division.
- (b) Each regulated facility shall perform precision tank testing of each permitted UST on a periodic basis according to the age and condition of each UST and the requirements of 30 TAC Chapter 334, Underground and Aboveground Storage Tanks.
- (c) Each permittee shall provide as part of the monitoring plan the name and address of the tank testing company which will be used to perform required testing, the type of test that will be performed, and the date and times when the tests will be performed. The precision tank test shall be performed on each tank by a competent, trained independent agent, who has filed a statement of operation procedures and qualifications, including third-party certifications as applicable, with the resource protection and compliance department.
- (d) For the purpose of complying with this division, a "precision tank test" is defined as a tank test which can measure leak rates of at least 0.10 gallon per hour (g.p.h.), can accurately correct measurements for tank wall deflections due to the increased hydrostatic pressure in the tank, can accurately correct measurements for changes in the specific volume of the liquid due to temperature gradients, and can detect any changes in temperature during the tank test, as identified in the National Fire Protection Association National Fire Codes, Section 329, entitled "Recommended Practices."
- (e) Each UST tested pursuant to this division shall be tested using an approved underfill method and each test shall exceed a minimum of one hour in duration. Each tank which fails a tank test shall be immediately taken out of service until proper repairs or replacement have been completed. The resource protection and compliance department shall be notified immediately of any failed tank test.
- (f) Each precision tank test shall also detect leaks in the product piping in the system. Piping shall be tested using a precision test method capable of detecting both pressure and volume changes during the test.
- (g) Release detection methods for piping should meet or exceed all requirements of 40 CFR 280.40, 280.41, and 280.44 or equivalent TNRCC requirements as provided in 30 TAC 334. The test method shall also be capable of performing the required operational test of all mechanical line leak detectors. The test method operator shall have an up to date validation document for test method. The line leak detector used in each test shall be capable of detecting a 0.010 g.p.h. release from pressurized piping at one and one half times operating pressure or a 0.025 g.p.h.

release from suction piping at a minimum test pressure of 5 p.s.i.g. Additionally, the line leak detector shall be capable of determining a bleed back for each line test as a quality control function. Bleed back test tolerance is that defined by the line test equipment manufacturer. Hydrostatic tests of suction and pressurized piping shall exceed a minimum of one hour duration. Line leak detector operators shall have a valid certification from the manufacturer for operation of the line leak detector equipment.

- (h) Failure to perform UST testing as required by this section, or use of a UST system which has failed a tank or piping test before repair and reinspection shall constitute a violation of this division.

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-1022. - Tank observation and leak detection systems.

As allowed under federal, state, and local regulations, tank observation wells may be used as an alternative to precision tank testing for leak detection in existing facilities (see API Bulletin 1635). Where tank observation well systems are used in lieu of precision tank testing, the detection limits of the leak detection system, the number, location and depth of the proposed tank observation wells and the depth of the water table at the sites, the water table gradient flow direction, surrounding soil permeability information, and the type and local characteristics of geologic material the wells are placed in, shall be submitted to the resource protection and compliance department as part of the monitoring plan and are subject to approval by the resource protection and compliance department.

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-1023. - Test results.

The results of any UST system tests, even if inconclusive, shall be properly recorded by the permittee. The permittee shall notify the resource protection and compliance department within twenty (20) working days after the date of each test. If a UST system fails a test, the permittee shall notify the resource protection and compliance department by telephone (currently (210)704-7303 or (210)704-7800) within three (3) hours and in writing within three (3) days after the test results are received by the permittee. Failure to provide notification as required by this section shall constitute a violation of this division.

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-1024. - Alternate testing methods.

For existing facilities, leak detection monitoring by alternate methods (e.g., tracer analyses, surface geophysical methods such as ground penetrating radar, electromagnetic induction, resistivity, magnetometers and X-ray fluorescence) may be permitted only on specific approval in each instance by the City of San Antonio Fire Department, and written proof of such approval shall be provided prior to testing to

the resource protection and compliance department as a part of the monitoring plan.

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-1025. - Overfill and overspill prevention devices.

Each UST system subject to regulation by this division shall have overfill and overspill prevention devices that meet all federal, state, and local fire code regulations. The overfill prevention device shall be able to shut off fuel delivery at ninety-five (95) percent capacity. The overspill prevention device shall be able to capture three (3) to five (5) gallons of the stored regulated material in the case of a spill during the materials transfer.

(Ord. No. 83200, § 1(App. I), 11-16-95)

Sec. 34-1026. - Single-wall UST removal.

Any single-walled USTs which are located on the ERZD or the Edwards Transition Zone shall be removed and upgraded as required by Section 35-3106 of this Code. Failure to remove and upgrade a single-wall tank which is subject to regulation by this division shall constitute a violation of this division and shall subject the violating permittee to enforcement by the resource protection and compliance department.

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-1027. - Insurance requirements.

In accordance with 40 CFR 280.90 owners and operators of petroleum USTs shall be able to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum storage tanks. The federal regulations describe various methods by which such financial responsibility may be achieved. Documentation showing compliance with these requirements shall be submitted as part of the requirements for the permit and shall be demonstrated at each annual inspection.

(Ord. No. 83200, § 1(App. I), 11-16-95)

Secs. 34-1028—34-1029. - Reserved.

Subdivision D. - Violations and Enforcement

Sec. 34-1030. - Failure to perform.

Failure by a permittee or the permittee's employee or agent to perform any act identified in the permittee's monitoring program as submitted to and approved by the resource protection and compliance

department shall constitute a violation of this division.

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Sec. 34-1031. - Enforcement.

(a) [*Authority.*] The San Antonio Water System Legal Department is hereby granted the authority to seek legal and/or equitable remedies for violations of this division, including the filing of criminal charges. For the purpose of enforcing this division the San Antonio Water System's Environmental Counsel shall represent the City of San Antonio in civil enforcement actions, by and through the San Antonio Water System, and is hereby authorized to seek legal and/or equitable remedies against any person or entity which is reasonably believed to be violating or to have violated this division. A legal proceeding pursued under this division does not constitute a waiver by the San Antonio Water System of any right the City of San Antonio may have to join in a legal action originating from an alterative source of law. The San Antonio Water System may commence such actions for appropriate legal and/or equitable relief in courts having proper jurisdiction and may seek civil penalties and any other legal or equitable relief available under common law, Chapter 54 of the Texas Local Government Code, under Section 26.124 of the Texas Water Code, or any other applicable local, state, or federal code or statute.

(b) *Penalties.*

(1) *Criminal.* A conviction for violation of this division shall constitute a "Class C" misdemeanor. A person convicted of a violation of this division shall be fined not less than two hundred dollars (\$200.00) nor more than two thousand dollars (\$2,000.00) per violation. Each violation of a particular section of this division shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division.

(2) *Civil.* A civil penalty in an amount not to exceed one thousand dollars (\$1,000.00) per violation of this division may be imposed. However, a civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation may be imposed for violations which cause pollution of waters flowing into a channel, stream or other conveyance which drains into or is a part of the stormwater sewer system owned or controlled by the City of San Antonio. Each violation of a particular section of this division shall constitute a separate offense, and each day such an offense continues shall be considered a new violation for purposes of assessing civil penalties and otherwise enforcing this division. All civil penalties collected by reason of enforcing this division shall be deposited in the Water Quality and Environmental Education and Enforcement Account as established by Article I, Division 8 of this chapter.

(c) *Authority of city attorney to enforce.* The grant of the authority set out in this section shall in no way diminish the authority and responsibility of the office of the city attorney to ensure that this

division is properly and diligently enforced, to prosecute violations of this division, and to defend the legality of this division if challenged.

(Ord. No. 83200, § 1(App. I), 11-16-95)

Secs. 34-1032—34-1039. - Reserved.

Subdivision E. - Variance Procedure

Sec. 34-1040. - Variance procedure.

- (a) [*Generally.*] Variance from one or more of terms and requirements of this division, other than the fee requirements, may be granted by the San Antonio Water System resource protection and compliance Department, where a literal enforcement of the provisions of this division will result in an unnecessary hardship. Any variance granted shall be limited in scope of relief to that which is necessary to relieve the hardship condition. No variance may be granted unless:
- (1) Such variance will not be contrary to public interest;
 - (2) Such variance will not substantially increase the potential for pollution of the public water supply;
 - (3) Such variance will be in harmony with the spirit and purpose of this division;
 - (4) The plight of the applicant for variance is due to unique circumstances, and the unique circumstances were not created by the owner/operator of the UST system, are not merely financial, and are not due to or the result of general conditions affecting each member of the regulated community;
 - (5) The variance will not substantially weaken the general purposes of this division or the regulations herein established for the regulated area of the recharge zone; and
 - (6) The variance will not cause a conflict with a more stringent state or federal regulation, or with any provision of Chapter 35 of this Code.
- (b) *Request for variance.* All requests for variance shall be made in writing to the resource protection and compliance department and shall include the subject of the requested variance and a justification for granting the variance.
- (c) *Burden.* The party requesting a variance to application of this division has the burden of demonstrating that sufficient cause exists for the granting of the variance, and the resource protection and compliance department shall consider and provide a written response to the request for variance within twenty (20) working days from the date a valid request for variance is received. The resource protection and compliance department shall serve its response by certified mail, return receipt requested, or by hand delivery.
- (d) *If granted.* If a variance is granted, whether as requested or with modification, the recipient of the

variance shall be subject to all applicable provisions of this division to the extent such provisions have not been specifically waived or modified by the variance.

- (e) *Term.* A variance granted under this section shall have a term of three (3) years from the date of issuance. Any activity which would otherwise be prohibited by this division but for the existence of the variance shall not be allowed to continue after the expiration of the specified term.
- (f) *Appeal.* Any person who has properly requested a variance pursuant to this section and subsequently objects to a decision of the resource protection and compliance department denying all or part of the relief requested, may appeal such denial by filing a request for appeal, in writing, with the president/CEO of the San Antonio Water System, within ten (10) working days from the date the requesting party receives the notice of denial. The request for appeal shall include all pertinent information which the person requesting the appeal wishes to be considered. The president/CEO may require additional information from, or request a meeting with, the person making the appeal. The written decision of the president/CEO or his designee on the appeal shall be rendered within fifteen (15) working days from the date the appeal is received by the president/CEO, and shall be delivered to the appealing party by certified mail, return receipt requested, or by hand delivery. If the president/CEO, or his designee fails to render an opinion on the appeal within the fifteen-day period, the relief requested in the appeal shall be considered to have been wholly denied. The decision of the president/CEO on the issuance of a variance shall be considered final.

(Ord. No. 83200, § 1(App. I), 11-16-95; Ord. No. 2006-02-16-0241, § 5, 2-16-06)

Secs. 34-1041—34-1074. - Reserved.

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 assemblies.
- (b) *Application.* This division shall apply within the corporate limits of the city and within the extraterritorial jurisdiction of the city.
- (c) *Definitions.* As used anywhere in this division, the following terms are defined to mean:

Backflow means the reversal of the flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of a public water system.

City means the City of San Antonio, a Texas home rule municipality.

Person means an individual, partnership, joint venture, firm, company, corporation, association, joint stock company, governmental entity, trust, estate, sole proprietorship, or legal entity of any kind or character.

Public water system means a system for the provision of water to the public as defined in Title 30 of the Texas Administrative Code, Section 290.38.

SAWS means the San Antonio Water System, a public water system and an agency of the city, created by City Ordinance No. 75686, passed April 30, 1992.

(Ord. No. 2011-06-23-0575, § 2, 6-23-11; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

Sec. 34-1076. - Backflow prevention assemblies.

- (a) Backflow is prohibited. A person shall not maintain a backflow prevention assembly, plumbing fixture, equipment, or any other assembly that permits backflow, or fail to install a backflow prevention assembly that is required by the City Code.
- (b) Each property owner shall cause backflow prevention assemblies to be installed in compliance with the provisions of chapter 10 of the City Code, and the international plumbing code and appendices as amended that are adopted by the city in that chapter.

(Ord. No. 2011-06-23-0575, § 2, 6-23-11; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

Editor's note— Ord. No. 2019-02-14-0123 , § 1(Att. I), adopted Feb. 14, 2019, amended § 34-1076, and in so doing changed the title of said section from "Backflow prevention devices" to "Backflow prevention assemblies," as set out herein.

Sec. 34-1077. - Inspection and testing.

- (a) Each property owner is responsible for the maintenance and repair of each backflow prevention assembly that is located on the property owner's property.
- (b) Each property owner shall have each backflow prevention 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 assembly is located.
- (c) Each property owner shall repair or replace a backflow prevention assembly that fails a test before returning the backflow prevention 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 assembly is located no later than the 30th day of June every year.

- (e) 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.

(Ord. No. 2011-06-23-0575, § 2, 6-23-11; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

Sec. 34-1078. - Fees.

- (a) 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 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 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.

- (b) If a property owner fails to submit or deliver the annual report of backflow testing and inspection as set out in section 34-1077(d), the public water system may assess a cost recovery fee to the property owner upon notice of the violation. The cost recovery fee shall be assessed as follows:

1—3 Assemblies - \$79.50

4—9 Assemblies - \$110.00

>9 Assemblies - \$168.00

Failure to pay the cost recovery fee in a timely manner shall subject the property owner to suspension of service, and/or bar the reconnection or resumption of service until such time as the fee is paid.

- (c) The fee amounts are effective January 1, 2023. The fee amount shall be adjusted on January 1 of each year thereafter by the percentage difference (greater than zero (0)) 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 (1) year earlier, and subsequently rounded to the nearest dollar. SAWS will periodically perform a cost of service analysis to ensure that the fee charged does not exceed the cost of providing the service.

(Ord. No. 2011-06-23-0575, § 2, 6-23-11; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Sec. 34-1079. - Emergency suspension.

- (a) The chief executive officer of a public water system may suspend water service and disconnect service to a person if the chief executive officer determines that contamination or pollution due to backflow presents an imminent threat to the public water system, presents an imminent danger to public health or safety, or threatens to interfere with the operation of the public water system.
- (b) A person notified of the suspension of the person's service by a public water system pursuant to this section shall immediately stop the use of the public water system's water. If a person fails to immediately suspend use of the public water system's water, the public water system may take the actions it determines are necessary to prevent contamination or pollution, or to minimize damage to the public water system.
- (c) The authority granted in this section is in addition to the authority granted to SAWS in section 34-1081 of this division.

(Ord. No. 2011-06-23-0575, § 2, 6-23-11)

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 assemblies.

(Ord. No. 2011-06-23-0575, § 2, 6-23-11; Ord. No. 2019-02-14-0123 , § 1(Att. I), 2-14-19)

Sec. 34-1081. - Enforcement.

- (a) The failure to perform any action that is required by this division, or the performance of any action that is prohibited by this division shall constitute a violation of this division.
- (b) Criminal penalty. A conviction for a violation of any provision of this division shall constitute a class C misdemeanor. A person convicted of a violation of any provision of this division shall be fined an amount of not less than two hundred dollars (\$200.00) per violation and a maximum of not more than two thousand dollars (\$2,000.00) per violation. Each violation of this division shall constitute a separate offense, and each day a violation continues shall be considered a new offense. A culpable mental state is not required to prove an offense under this division.
- (c) Civil penalty. A civil penalty may be imposed for each violation of any provision of this division in an amount not to exceed five thousand dollars (\$5,000.00) per violation. Each violation of any provision of this division shall constitute a separate violation, and each day a violation continues shall be considered a new violation.
- (d) Authorization to enforce. SAWS is authorized to take any action authorized by this division against any person committing a violation of this division within SAWS service area. The grant of

authority set out in this section does not in any way diminish the authority of the office of the city attorney to take any action necessary to enforce the terms of this division, to prosecute violations of this division, and to defend the legality of this division, if challenged.

- (e) Additional enforcement remedies. In addition to any other remedies provided in this division, the city, or SAWS for violations of this division that occur within its service area may, at any time, pursue any other legal and/or equitable remedy to require compliance with this division.
- (f) SAWS shall provide written notice of a violation of this division to a property owner and if the violation is not completely remedied within ninety (90) days after the date of the notice, then in that event SAWS may terminate water and/or sewer service to the location where the violation occurred in accordance with the procedures set out herein.

(Ord. No. 2011-06-23-0575, § 2, 6-23-11; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Secs. 34-1082—34-1100. - Reserved.

ARTICLE VII. - DRAINAGE UTILITY

Footnotes:

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Editor's note— Ord. No. 2015-09-10-0761, § 7(Exh. D), adopted September 10, 2015, amended article VII in its entirety to read as herein set out. Formerly, article VII pertained to similar subject matter, and derived from Ord. No. 86711, § 1, adopted September 25, 1997.

DIVISION 1. - CREATION OF A DRAINAGE UTILITY

Sec. 34-1101. - Establishment of drainage utility, calculation of drainage charges; service area; exemptions, and dedication of assets.

- (a) The provisions of the Texas Local Government Code, Chapter 402, Subchapter C (currently codified at Chapter 552, Subchapter C, entitled, "Municipal Drainage Utility Systems Act") were adopted with Ordinance No. 86711 (September 25, 1997) to create the City of San Antonio Drainage Utility (herein after "drainage utility"). Accordingly, the city council hereby adopts the Municipal Drainage Utility Systems Act, as currently codified; declares the drainage of the City of San Antonio to be a public utility; and dedicates to the drainage utility all city owned property, real and personal, facilities, materials and supplies constituting the city's drainage system as currently constituted and as may be acquired in the future, to be used for the purpose of the drainage utility.

- (b) The service area for the drainage utility shall include all real property within the city limits of the City of San Antonio as now existing and all which may be annexed hereafter from time to time.
- (c) The following property shall be exempt from the provisions of this article:
 - (1) Real property with proper construction and maintenance of a wholly sufficient and privately owned drainage system;
 - (2) Real property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the city;
 - (3) A subdivided lot, until a structure or improvement has been built on the lot and a certificate of occupancy has been issued by the city;
 - (4) Real property owned by the State of Texas;
 - (5) Real property owned by public or private institutions of higher education; and
 - (6) Real property owned by the City of San Antonio constituting the drainage system, including public streets, rights-of-way, facilities, and infrastructure that provide drainage service.

All other real property within the drainage utility service area shall be subject to this article, including but not limited to, religious organization properties, railroad yards, cemetery properties, county properties, federal properties, city properties other than noted in subsection (c)(6) above, and school district properties. School district properties shall be subject to the current rate structure for a five-year period, through December 31, 2020. Drainage utility charges for the properties that make up Joint Base San Antonio shall be subject to the current rate structure for two (2) years, through December 31, 2017, or until the federal government appropriates funds for the payment of drainage utility charges.

(Ord. No. [2015-09-10-0761](#) , § 7(Exh. D), 9-10-15)

Sec. 34-1102. - No effect on land owner obligations under city ordinances; no waiver of immunity.

- (a) The establishment of the drainage utility by the city does not relieve private land owners, developers, other individuals and entities from their responsibility for complying with the obligations of other ordinances of the city or laws of the state that relate to floodplain and storm water management.
- (b) The establishment of the drainage utility does not imply or warrant that a benefitted property will be free from flooding, storm water pollution, or stream erosion. The city makes no representation that all drainage problems will be remedied. This article does not create additional duties on the part of the city or create new liability or remedies for any flooding, stream erosion, deterioration of water quality, or other damages. Nothing in this article shall be deemed to waive the city's immunity under law or reduce the need or necessity for flood insurance.

(Ord. No. [2015-09-10-0761](#) , § 7(Exh. D), 9-10-15)

Sec. 34-1103. - Other laws.

To the extent this article conflicts with any other provisions in the City Code, the provisions shall be harmonized when possible; however, this article shall control and supersede any other provision regarding the drainage utility.

(Ord. No. 2015-09-10-0761 , § 7(Exh. D), 9-10-15)

Secs. 34-1104—34-1110. - Reserved.

DIVISION 2. - ADMINISTRATION OF DRAINAGE UTILITY

Sec. 34-1111. - Definitions.

Terms defined herein are specific to this article and shall not be construed as conflicting with similar terms in other parts of the City Code. Terms not otherwise defined herein shall be given the definitions contained in Chapter 552, Subchapter C of the Texas Local Government Code.

The Act shall mean the Municipal Drainage Utility Systems Act, codified in the Texas Local Government Code, Title 13 (Water and Utilities), Chapter 552 (Municipal Utilities), Subchapter C (Municipal Drainage Utility Systems).

Administrative charges shall mean miscellaneous fees, other than drainage utility charges, established by the city council to recover the actual cost associated with providing optional services to users.

Assistant director shall mean the assistant director of the department overseeing the drainage utility.

Benefitted property shall mean an improved lot or tract within the drainage service area to which drainage service is provided and that is subject to the assessment of drainage utility charges.

Cost of service shall mean the costs of providing drainage service to all benefitted properties, which shall be the total of:

- (1) Prorated cost of the acquisition, whether by eminent domain or otherwise, of land, rights-of-way, options to purchase land, easements, and interests in land relating to structures, equipment, and facilities used in draining the benefitted properties;
- (2) Prorated cost of the acquisition, construction, repair, and maintenance of structures, equipment, and facilities used in draining the benefitted properties;
- (3) Prorated cost of architectural, engineering, legal, and related services, plans and specifications, studies, surveys, estimates of cost and of revenue, and all other expenses necessary or incident to planning, providing, or determining the feasibility and practicability of structures, equipment, and facilities used in draining the benefitted properties;

- (4) Prorated cost of all machinery, equipment, furniture, and facilities necessary or incident to the provision and operation of draining the benefitted properties;
- (5) Prorated cost of funding and financing charges and interest arising from construction projects and the start-up cost of a drainage facility used in draining the benefitted properties;
- (6) Prorated cost of debt service and reserve requirements of structures, equipment, and facilities provided by revenue bonds or other drainage revenue-pledge securities or obligations issued by the city;
- (7) Administrative costs of operating and maintaining the drainage utility; and
- (8) Other costs as appropriate that are incident or related to the provision and operation of draining the benefitted properties.

Customer. See the definition of *User*.

Department shall mean the city's transportation and capital improvements department.

Director shall mean the director of the department.

Drainage shall mean bridges, catch basins, channels, conduits, creeks, culverts, detention ponds, water quality ponds, ditches, draws, flumes, pipes, pumps, sloughs, treatment works, and appurtenances to those items, whether natural or artificial, or using force or gravity, that are used to draw off surface water from land, carry the water away, collect, store, or treat the water, or divert the water into natural or artificial watercourses.

Drainage utility shall mean the City of San Antonio Drainage Utility established by Ordinance No. 86711 adopted on September 25, 1997.

Drainage utility charges shall mean the service fees imposed on users and set out in a rate schedule to recover the cost of the service of furnishing drainage service for all benefitted properties, including any interest and penalties; and amounts made in contribution to funding of future drainage system construction by the city.

Drainage system shall mean all real and personal property owned or controlled in whole or in part by the city and dedicated to the drainage utility for the purpose of providing drainage service to benefitted properties, including any future additions, extensions, and improvements thereto and replacement thereof.

Facilities shall mean the real, personal, or mixed property that is used in providing drainage service and included in the drainage system.

Impervious area or impervious cover. See City of San Antonio Unified Development Code, Appendix A—Definitions and Rules of Interpretation (roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface).

Improved lot or tract shall mean a lot or tract that has a structure or other improvement on it that causes an impervious area or surface.

Non-residential properties shall mean all benefitted properties within the service area, other than residential properties.

Owner shall mean the owner of record of benefitted property.

Public utility shall mean drainage service that is provided by the drainage utility to the users of benefitted properties within the service area and that is based on:

- (1) An established schedule of rates;
- (2) Use of the police power to implement the service; and
- (3) Nondiscriminatory, reasonable, and equitable terms consistent with the Act.

Residential properties shall mean all benefitted properties within the service area used for single-family home, duplex, triplex, quadplex properties, or mobile home land use.

Service area shall mean the city limits of the City of San Antonio, Texas as may be amended from time-to-time.

User or customer shall mean the person or entity that owns or occupies a benefitted property and who is responsible for paying the drainage utility charges.

Wholly sufficient and privately owned drainage system shall mean on-site drainage retention facilities designed to keep runoff from an improved lot or tract from discharging into any natural or manmade waterway or drainage infrastructure including public streets, storm drains, culverts, drainage easements, or storm water ponds that are part of the drainage system; for storms of magnitude up to and including the one-percent-annual chance (100-year) storm event, 24-hour duration, captured runoff must be removed from the retention system within seventy-two (72) hours of the rainfall event without discharging into the drainage system.

(Ord. No. 2015-09-10-0761 , § 7(Exh. D), 9-10-15; Ord. No. 2016-09-29-0737 , § 2, 9-26-16)

Sec. 34-1112. - Drainage utility fund.

A separate fund has been created, known as the storm water operating fund, for the purpose of segregating, identifying, and controlling all revenues and expenses attributable to the drainage utility. All drainage utility charges shall be deposited as collected and received into this fund and shall be used exclusively for drainage cost of service. Such utility revenues may be used for the operation, planning, engineering, inspection, construction, repair, maintenance, improvement, reconstruction, administration, debt issuance cost and debt service, and other reasonable and customary expenses associated with the

operation of a utility system. It shall not be necessary that the expenditures from the drainage utility fund for any authorized purpose specifically relate to or benefit any particular benefited property from which the revenues were collected.

(Ord. No. 2015-09-10-0761 , § 7(Exh. D), 9-10-15)

Sec. 34-1113. - Administration of drainage utility.

The director or his designee shall be responsible for the administration and operation of the drainage utility, including, but not limited to, recommending regulations and procedures necessary for the administration of the drainage utility charges which shall be authorized by the city council, the resolution of challenges to the assessment of impervious area to benefited property, the resolution of billing disputes, the development and implementation of maintenance and facility improvement programs, the provision of appropriate utility training to personnel, and the implementation of a state and federal regulatory compliance program. The director shall keep an accurate record of all benefited properties to which services and facilities of the drainage utility are made available.

(Ord. No. 2015-09-10-0761 , § 7(Exh. D), 9-10-15)

Sec. 34-1114. - Drainage utility charges.

- (a) The drainage utility charge is hereby imposed upon each benefited property within the service area. Drainage utility charges shall become effective on January 1, 2016. Thereafter, drainage utility charges shall be billed to benefited properties on a monthly basis for the duration of the drainage utility.
- (b) For purposes of imposing drainage utility charges, all benefited properties within the service area are classified into the following customer categories:
 - (1) Residential properties, and
 - (2) Non-residential properties.
- (c) The impervious area value shall be determined by conducting an inventory of all improved lots in the service area and identifying the impervious area for each improved lot. The impervious area value shall be used in establishing drainage utility charges for residential properties based on the amount of impervious area identified in the rate tiers in subsection (d), and for non-residential properties based on the methodology described in subsection (e). The director or his designee shall be responsible for determining the impervious area of benefited property based on reliable data, including the appraisal roll, geographic information system technology, aerial photography, or other reliable means for determining impervious area. The director may require additional information from the owner, user, tenant, manager or developer to make the determination. The

assessment of impervious area to benefitted properties may be revised by the director based on the addition of structures or improvements to properties identified through the city's building permit process.

- (d) Residential properties shall be assigned a rate category and assessed a drainage utility charge based on impervious area as provided in the following table:

Residential Rate Category	Impervious Area in Square Feet	Monthly Fee
Tier 1	≤ 2,750	\$3.75
Tier 2	> 2,750—4,220	\$4.94
Tier 3	> 4,220	\$10.45

- (e) Non-residential properties shall be assigned a rate category and assessed a drainage utility charge determined by a base fee and impervious fee in accordance with the values provided in subsections (e)(1) and (2):

- (1) *Base fee* shall mean a flat monthly fee assessed among all non-residential benefitted properties as determined by Bexar County Appraisal District property records. The FY 2020 amount is calculated at sixty-seven dollars and thirty cents (\$67.30).
- (2) *Impervious fee* shall mean a monthly fee assessed on all non-residential benefitted properties on a per square foot basis and prorated based on the percentage of impervious area within the benefitted property.

Non-Residential Rate Category	Percent Impervious Area	Monthly Fee per 1,000 Square Feet
Tier 1	≤ 20%	\$0.31
Tier 2	> 20%—40%	\$0.45
Tier 3	> 40%—65%	\$0.58

Tier 4	> 65%	\$0.73
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- (f) The city council may adjust the value and rate tiers in subsections (d) and (e) at any time based upon the recommendation of the director that the cost of service for the drainage utility warrants an adjustment in rates.
- (g) No drainage utility charge credit shall be given for the installation of drainage facilities required by the City Code or state law. However, a credit of up to thirty (30) percent off the impervious fee portion of the monthly drainage utility charges shall be available to customers of non-residential properties that voluntarily implement low impact development water quality management practices in compliance with technical criteria adopted by the city.
- (h) Pervious pavements and other pervious surfaces in compliance with technical criteria adopted by the city shall not be included in the impervious area calculation. Rail ballast areas shall be considered as thirty (30) percent impervious based on industry standard runoff coefficients. Linear railroad track right-of-way systems outside of railroad yards intended to convey storm water throughout the drainage utility area and that provide drainage service to benefitted properties shall not be included in the impervious area calculation.

(Ord. No. [2015-09-10-0761](#) , § 7(Exh. D), 9-10-15; Ord. No. [2016-09-29-0737](#) , § 3, 9-26-16; Ord. No. [2017-09-14-0656](#) , § 2(Att. C), 9-14-17; Ord. No. [2018-09-13-0713](#) , § 1(Att. H.2), 9-13-18; Ord. No. [2019-09-12-0694A](#) , § 1(Att. N), 9-12-19)

Sec. 34-1115. - Billing, payments, and penalties.

- (a) Billing statements for the drainage utility charges shall be rendered by the city for all benefitted properties within the drainage service area. Bills shall be payable when rendered and shall be considered received by the customer, whether actually received or not, when deposited in the United States mail, postage prepaid, addressed to the customer. Bills shall be rendered monthly for the previous month's service.
- (b) The director shall establish the "impervious area" for each benefitted property in the drainage utility's service area based on the methodology and database of benefitted properties produced by the drainage utility fee comprehensive study and make appropriate updates to maintain the integrity of the database.
- (c) The director shall determine the appropriate storm water drainage charges for each benefitted property based on the impervious area assessment.
- (d) The director shall assume that each drainage utility account in the service area serves one or more users of a benefitted property, and shall assess the monthly drainage utility charge to the person responsible for payment of the drainage utility account. The director shall calculate the

drainage utility charges for all users. If there is more than one user of a non-residential property, then the drainage utility charges shall be assessed to the owner of the non-residential property, unless instructed by the owner of the non-residential property, in writing, to bill users on a prorated basis.

- (e) Bills are due and payable on the date specified thereon and if full payment is not made by the date specified, the bill shall become delinquent.
- (f) The director shall continue the relation with SAWS as billing agent, and/or engage other service providers as appropriate, to ensure all benefitted properties within the drainage utility service area are billed for storm water drainage charges. Drainage utility charges shall be billed by SAWS, or other designated billing agents, following their standard billing processes, and may be subjected to penalties, interest, and other terms.
- (g) Any charge due hereunder which is not paid when due will subject the user to discontinuance of all utility services provided by the city and may be recovered in an action at law or in equity by the city including fixture of a lien against the property, as allowed by law.
- (h) The city shall have access, at all reasonable times, to any benefitted property served by the drainage utility for necessary inspection, repair of infrastructure or enforcement of this article.
- (i) The storm water drainage charges for school district benefitted properties within the drainage utility's service area shall remain at current rates for the period starting at 12:01 a.m. on January 1, 2016 and ending at 11:59 p.m. on December 31, 2020. This is consistent with Resolution No. 2015-04-02-0021R, passed by the city council on April 2, 2015.
- (j) The director shall decide billing complaints that are not satisfactorily addressed under SAWS billing dispute procedures found in chapter 34, article I, divisions 3 to 7.

Sec. 34-1116. - Appeal of impervious area assignment.

- (a) A user may appeal the impervious area assigned to the user's benefitted property by submitting the request to the assistant director or his designee on a prescribed form. If the appeal results in a reassignment of impervious area to the benefitted property, the user will be entitled to a recalculation of drainage utility charges which may result in a rate adjustment.
- (b) The following procedures shall apply to all appeals of impervious area assignments:
 - (1) The user shall have the burden of proof.
 - (2) The director shall develop a prescribed form for users to appeal the amount of impervious area assigned to a benefitted property. The appeal shall be submitted to the assistant director or his designee following the procedure outlined below.
 - (3) Any appeal of impervious area assignment shall be in writing and set forth in detail the grounds upon which relief is sought.
 - (4) Appeals of impervious area assignments will be reviewed by the assistant director or his designee within twenty (20) business days from the date of receipt on the prescribed form. Following the twenty (20) day review period, the assistant director may request additional information necessary to make a determination as prescribed in subsection (b)(6). Any adjustment to drainage utility charges resulting from such an appeal shall be prospective, but may be made retroactive for no more than three (3) billing periods prior to the receipt of the appeal.
 - (5) The user requesting a reassignment of impervious area may be required, at the user's cost, to provide supplemental information to the assistant director, including, but not limited to, survey data certified by a Texas Registered Professional Land Surveyor (R.P.L.S.), design data certified by a Registered Professional Engineer (P.E.) licensed to practice in the State of Texas, or other documentation of impervious area. Failure to provide requested information may result in the denial of the appeal.
 - (6) The assistant director's resolution of the appeal shall be provided to the user, in writing, within ten (10) business days following review of the initial request as described in subsection (b)(4). If the user is successful in the appeal, the assistant director shall order the reassignment of impervious area to the benefitted property consistent with the resolution of the appeal. The assistant director shall also order the recalculation of drainage utility charges which may result in a rate adjustment. If the recalculation results in a rate adjustment it will be granted effective the next billing period.
- (c) If the assistant director denies the request to reassign impervious area to the benefitted property, the user may, within ten (10) business days from the date of notification, appeal the decision to the director. The appeal shall be in writing, contain a succinct and clear statement of the user's argument and suggested remedy, and be filed with the director's office. The director

shall have fifteen (15) business days from the date the appeal is received to review the appeal, make a determination, and notify the user.

- (d) Before imposing a lien for delinquent drainage utility charges, the city shall send notice to the owner of the benefitted property stating the amount of the charges owed, and of the owner's right to appeal the placement of the lien by producing evidence the delinquent charges are not rightfully owed, by providing such within ten (10) business days from the date of notification to the director. The director shall not file the lien if the owner shows that the drainage utility charge made the basis of the lien is not owed. When a person pays all of the charges, a lien filed pursuant to this article, shall be released. The paying party shall be responsible for the filing costs of the release.

(Ord. No. 2015-09-10-0761 , § 7(Exh. D), 9-10-15)

Sec. 34-1117. - Credit application.

- (a) A user of a non-residential benefitted property may submit a request for credit as identified in subsections 34-1114(g) and (h) to the assistant director.
- (b) A user of a non-residential benefitted property may submit a request for credit if the user controls multiple contiguous parcels and can prove single ownership, purpose, and use, and the user has been assessed individual base fees as described in subsection 34-1114(e)(1) for each of the properties.
- (c) The following procedures shall apply to all credit applications:
 - (1) The user shall have the burden of proof.
 - (2) The director shall develop a prescribed form for users to apply for credit to a non-residential benefitted property. The application shall be submitted to the assistant director or his designee following the procedure outlined below.
 - (3) Any credit application shall be in writing and set forth in detail the grounds upon which relief is sought.
 - (4) Credit requests will be reviewed by the assistant director or his designee within twenty (20) business days from the date of receipt on the prescribed form. Following the twenty (20) day review period, the assistant director may request additional information necessary to make a determination as prescribed in subsection (c)(6). Any adjustment to drainage utility charges resulting from the credit request shall be prospective.
 - (5) The user requesting credit may be required, at the user's cost, to provide supplemental information to the assistant director, including, but not limited to, survey data certified by a Texas Registered Professional Land Surveyor (R.P.L.S.), design data certified by a Registered Professional Engineer (P.E.) licensed to practice in the State of Texas, or other documentation to supplement the credit request. Failure to provide requested information may result in the

denial of the request.

- (6) The assistant director's resolution of the credit request shall be provided to the user, in writing, within ten (10) business days following review of the initial request as described in subsection (c)(4). If the user is successful in the credit request, the assistant director shall order the recalculation of drainage utility charges which may result in a rate adjustment. If the recalculation results in a rate adjustment it will be granted effective the next billing period.
- (d) If the assistant director denies the credit request to the benefitted property, the user may, within ten (10) business days from the date of notification, appeal the decision to the director. The appeal shall be in writing, contain a succinct and clear statement of the user's argument and suggested remedy, and be filed with the director's office. The director shall have fifteen (15) business days from the date the appeal is received to review the appeal, make a determination, and notify the user.
- (e) As part of the credit application, the user must commit in a written agreement to provide long-term maintenance of any credited system in accordance with a user prepared operations and maintenance plan, which will be on file with the city. Annual inspection and certification of the credited system shall be required by the user and made available to the city. Failure to adequately maintain the system will result in the removal of the credit amount. Credit applications must be renewed with property ownership changes.

(Ord. No. 2015-09-10-0761 , § 7(Exh. D), 9-10-15)

Secs. 34-1118—34-1140. - Reserved.

ARTICLE VIII. - RECYCLED WATER SERVICE AND RATES

Footnotes:

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Editor's note— Ord. No. 87597, § 1, adopted March 26, 1998, added provisions intended for use as Art. VII. Inasmuch as there were already provisions so designated, the provisions have been redesignated as Art. VIII at the discretion of the editor.

DIVISION 1. - GENERALLY

Sec. 34-1141. - Purpose of recycled water program.

The purpose of the SAWS' recycled water program is the replacement of Edwards Aquifer water usage with recycled water for non-potable uses of water thereby making the Edwards Aquifer water available for other uses. A fundamental goal of the program is the acquisition by SAWS of Edwards Aquifer water

withdrawal rights from customers who are Edwards Aquifer water withdrawal rights owners. SAWS seeks to acquire such Edwards Aquifer withdrawal rights by exchange for a contractual commitment to deliver equivalent quantities of recycled water that unlike Edwards Aquifer water is not subject to reduction during drought periods.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1142. - Contracting for purchase of recycled water.

SAWS and customers desiring to purchase recycled water from SAWS shall be required to enter into a written recycled water contract setting forth, the terms and conditions upon which such transaction will be consummated. The recycled water contracts shall comply with the provisions of this article VIII, as well as any other applicable laws, rules and regulations. (Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1143. - Authorized uses of recycled water.

Recycled water shall be used exclusively for commercial, industrial, irrigation, landscape maintenance, streamflow enhancement and other specific uses described in the recycled water contract between SAWS and a customer. Recycled water use shall be in compliance, where applicable, with 30 Texas Administrative Code, Chapter 210, et seq.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1144. - Prohibited uses of recycled water.

Recycled water shall not be used for drinking, food preparation, domestic purposes or any type of human consumption. A violation of this section may be cause for the immediate termination of a recycled water contract between SAWS and a customer.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1145. - Prohibited sales of recycled water.

It shall be unlawful for any person to sell recycled water to any other person for any purpose other than an authorized purpose described in section 34-1143.

(Ord. No. 87597, § 1, 3-26-98)

Secs. 34-1146—34-1160. - Reserved.

DIVISION 2. - QUALITY

Sec. 34-1161. - Generally.

- (a) All recycled water supplied, treated, transmitted and distributed by SAWS shall be in compliance with the parameters established by TNRCC for Type I usage under 30 Texas Administrative Code, Chapter 210 et seq. The minimum recycled water quality will be as follows:

BOD ₅ or CBOD ₅	5 mg/L
Turbidity	3 NTU
Fecal Coliform	20 CFU/100 ml *
Fecal Coliform	75 CFU/100 ml **

* Geometric mean (the n^{th} root, usually the positive n^{th} root, of a product of n factors)

** Single grab sample (not to exceed).

- (b) SAWS shall provide periodic recycled water quality data to all recycled water customers. Specific recycled water quality issues and specific treatment requirements unique to any customer may be addressed by SAWS and the individual customers in recycled water contracts.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1162. - Supplying below standard recycled water to another.

It shall be unlawful for any person to supply any other person with recycled water which does not comply with the recycled water standards described in section 34-1161.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1163. - Analyses of recycled water required.

At a minimum, every official or other person responsible for any recycled water supply, who furnishes recycled water for any authorized recycled water use, shall have at least one (1) sanitary analysis of a representative sample of recycled water from the distribution system made twice weekly and shall retain records for a minimum of three (3) years.

(Ord. No. 87597, § 1, 3-26-98)

Secs. 34-1164—34-1180. - Reserved.

DIVISION 3. - SYSTEM

Sec. 34-1181. - Definitions.

Conversion benefit shall mean the sum of money paid by SAWS to, or cost incurred by SAWS specifically to the benefit of:

- (1) An existing customer of SAWS who contracts to purchase recycled water thereby reducing the existing customer's utilization of Edwards Aquifer water; and
- (2) Any customer who exchanges with SAWS all or part of the customer's Edwards Aquifer water withdrawal rights for recycled water from SAWS.

Distribution main shall mean a recycled water main offsite to a customer which is constructed at the expense of the recycled water customer and which connects one (1) or more customers with a SAWS transmission main. Distribution mains terminate at (1) the point of connection with a customer's recycled water meter, and (2) the point of connection with SAWS' transmission mains. All distribution mains (including the recycled water meter connecting to a customer's onsite recycled water main) accepted by SAWS become the property of SAWS at the time the distribution main is accepted.

Edwards exchange customer shall mean a customer who exchanges Edwards Aquifer water withdrawal rights for a like volume of recycled water and who filed a request for recycled water service with SAWS. An Edwards exchange customer can only exchange Edwards Aquifer water withdrawal rights which have been recognized by the Edwards Aquifer Authority, either pursuant to (1) interim authorization, (2) an initial regular permit, or (3) a regular permit, under 31 Texas Administrative Code, Chapter 705 et seq. An Edwards exchange customer may exchange all or a portion of its permitted Edwards Aquifer water withdrawal rights. A transfer of permitted Edwards Aquifer water withdrawal rights from an Edwards exchange customer to SAWS must be approved by the Edwards Aquifer Authority pursuant to 31 Texas Administrative Code, Chapter 705, Subchapter H or such future regulations as the state or Edwards Aquifer Authority may promulgate. In order to qualify for Edwards exchange customer status, the transfer of Edwards Aquifer water withdrawal rights to SAWS must be perpetual and unconditional. An Edwards exchange customer will only be provided recycled water in an amount which is equal to the Edwards Aquifer water withdrawal right which is transferred to SAWS. An Edwards exchange customer is not required to exchange the entirety of its Edwards Aquifer water withdrawal right, only that portion the Edwards exchange customer wishes to exchange for recycled water.

Existing customer shall mean a potable water customer of SAWS on June 30, 1997, who filed a request for recycled water service with SAWS.

Onsite recycled water mains shall mean any recycled water transport or distribution lines on the customer's side of the recycled water meter. Onsite recycled water mains are built by the customer and

subject to permitting, SAWS and 30 Texas Administrative Code, Chapter 210 et seq. minimum standards and inspection as set out in the SAWS water recycling standards.

Transmission main shall mean a recycled water main including pumping and monitoring facilities built at the expense of SAWS.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1182. - Extension policy.

SAWS will design and construct all recycled water transmission mains, recycled water treatment facilities, and recycled water pumping facilities SAWS determines are necessary and appropriate for providing recycled water to SAWS' recycled water customers. Recycled water shall be sold to customers whose water purchase volumes and/or decreases in Edwards Aquifer water withdrawals volumes due to recycled water purchases make it practicable and beneficial, in SAWS' opinion, to provide recycled water to the customer.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1183. - SAWS not obligated to proceed.

- (a) In no event shall SAWS be obligated to proceed with the construction, maintenance or operation of the recycled water system, or any part thereof, unless there are sufficient funds available, or if in the opinion of the board of trustees of SAWS, the main extension or recycled water operation is not in the public interest.
- (b) The decision of the chief executive officer of SAWS, or his designee, shall be final in the determination of line size, approval of plans and specifications, the decision to enter into a recycled water contract with a customer and the availability of funds for construction and/or reimbursement for construction of oversize lines.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1184. - Specifications for service connections.

The specifications for recycled water service connections shall conform to the standards set by SAWS.

Sec. 34-1185. - Cross connections with potable water mains prohibited.

- (a) It shall be unlawful for any person to make or to maintain any cross connection or to allow any cross connection to exist at any place under the control of any person.
- (b) The term "cross connection," as used in this section, is any mechanical union or any hydraulic union which, under any condition, might pass recycled water into the potable water supply system. Any switchover system potentially allowing use of potable water as a temporary substitute for recycled water if recycled water is not available shall be built to ensure that

recycled water does not back flow into the potable water system.

- (c) To ensure the complete separation of a customer's onsite potable water system from the lines supplying recycled water, SAWS will require an inspection of the customer's onsite potable water system by the local plumbing inspection department having jurisdiction prior to supplying recycled water. Facilities located outside incorporated city limits and not having access to municipal plumbing inspections, shall have the inspection conducted by a state licensed water protection specialist or a TNRCC approved customer service inspector. The SAWS backflow prevention section shall be notified of and participate in the inspections. The inspections will involve procedures to be established by SAWS. The inspections and any recommended piping modifications shall be completed prior to commencement of the recycled water service. A reinspection shall be conducted every three (3) years or as deemed necessary by the local plumbing inspection department and/or SAWS.

(Ord. No. 87597, § 1, 3-26-98)

Secs. 34-1186—34-1200. - Reserved.

DIVISION 4. - RECYCLED WATER MAIN CONSTRUCTION

Sec. 34-1201. - Distribution mains.

- (a) In the event a recycled water customer desires the extension of distribution mains to provide the customer with recycled water service, the customer shall bear all costs of extending the distribution main from the transmission main to the customer's property line. The size of such distribution mains are to be determined by SAWS, in its discretion, based on the customer's expected recycled water purchases.
- (b) SAWS shall review and approve the location of all recycled water distribution mains, as well as the plans and specifications for recycled water distribution mains and associated improvements including without limitation, pumps, monitoring devices and storage facilities. All construction of distribution mains shall be performed by the customer or a contractor selected by the customer, provided, however, that the customer or contractor shall furnish a performance bond, executed by a corporate security authorized to do business in the state and maintaining an agent in Bexar County upon whom service of citation may be had. Such performance bond shall be in an amount equal to the total construction cost under the contract. The bond shall be in favor of SAWS and the customer and shall assure (1) completion of all construction required under the contract in full conformity with the plans and specifications approved by SAWS; (2) maintenance of such construction for a period of at least ninety (90) days after acceptance of construction by SAWS;

and (3) payment in full by contractor of all subcontractors and materialmen providing labor and/or material in connection with the construction of the distribution main. All construction work on the distribution main shall be subject to inspection by city and SAWS officials and representatives. In no event shall any portion of any distribution main installed in an excavation be covered over unless and until it has been inspected and approved by SAWS.

- (c) Upon completion of construction of a recycled water distribution main and receipt of evidence acceptable to SAWS that all costs and fees for construction of the distribution main have been paid in full and all liens released, SAWS shall issue a written certificate of acceptance of the specific distribution main by SAWS, whereupon the distribution main covered by the acceptance certificate shall be the property of SAWS.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1202. - Distribution main oversizing.

SAWS may require that a distribution main being constructed by a recycled water customer be increased in diameter to a diameter larger than reasonably necessary to provide adequate recycled water service to a customer's property as a condition of approving the customer's plans and specifications for the distribution main. SAWS shall, upon completion of a distribution main constructed by a customer which meets SAWS' required sizing, reimburse the customer the reasonable incremental cost of the construction of the larger mains. The customer's responsibility for a share of the total cost of the oversized main will be limited to the greater of the scheduled charge for a six-inch main or prorated share of the total cost of the oversize main. Cost sharing for distribution mains shall be based on the following examples:

Example 1:

Required recycled water size main, 8 inches	Flow capacity, 848 GPM
Oversize recycled main constructed, 16 inches	Flow capacity, 3,393 GPM
Length of main constructed=	1,980 feet
Cost per linear foot=	\$ 33.33/foot
Total main construction cost=	66,003.00

Prorated customer share of main cost:

$$848 / 3393 = 0.2499$$

$$0.2499 \times \$66,003.00 = \$16,494.00$$

Customer pays cost of six-inch main or prorated cost of \$16,494.00, whichever is greater.

Example 2:

Required recycled water size main, 16 inches	Flow capacity, 3,393 GPM
Oversize recycled main constructed, 20 inches	Flow capacity, 5,729 GPM
Length of main constructed=	2,013 feet
Cost per linear foot=	\$ 49.76/foot
Total main construction cost=	\$104,655.00

Prorated customer share of main cost:

$$3393 / 5729 = 0.5922$$

$$0.5922 \times \$104,655.00 = \$61,976.00$$

Customer pays prorated cost of \$61,976.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1203. - Oversize distribution main—Construction.

Any distribution main construction by a customer which includes oversizing of a distribution main at the request of SAWS and for which oversizing the customer is to be reimbursed by SAWS shall be advertised for bids in the manner generally required for SAWS construction. All qualified bids submitted shall be publicly opened and let in the same manner as other SAWS construction contracts are bid and let. The construction contract shall be between the customer and contractor. Prior to commencement of the work under the contract for construction of an oversize distribution main, the contractor must have supplied SAWS with:

- (1) A copy of the fully-executed construction contract for the distribution main. The contract shall provide that SAWS is a beneficiary of the contract with rights to enforce such contract and that all warranties of the contractor under the contract also extend to SAWS once SAWS has accepted the distribution main. The contractor shall agree that SAWS may enforce any

guaranty of contractor's work without joinder of the contractor;

- (2) An original executed copy of the payment and performance bond naming SAWS as an additional insured;
- (3) A sales tax certificate; and
- (4) Evidence that all insurance requested by SAWS is in place and where required evidence that SAWS is an additional insured. The minimum insurance requirements shall be the same as those required by SAWS from general contractors for a similar size project.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1204. - Same—Payment.

Any oversize reimbursement computed pursuant to section 34-1202 above shall be paid by SAWS to the customer who constructed and paid for the oversize distribution main, unless the customer and SAWS have previously agreed in writing to the payment of the oversize reimbursement in the manner set forth in section 34-1205 below. The payment shall be made within thirty (30) days of the final acceptance of the oversize distribution main by SAWS.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1205. - Same—Deferred reimbursement of costs by credit application.

SAWS and a customer may agree in writing at any time before SAWS' acceptance of oversize work by SAWS that the oversize reimbursement will be paid by SAWS to the customer by SAWS, allowing the customer to apply the oversize reimbursement on a dollar-for-dollar basis as a credit against twenty (20) percent of the customer's recycled water bill each month until the oversize reimbursement credits are fully utilized.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1206. - Same—Third party use.

If a customer wishes to connect to a distribution line oversized at SAWS' expense, then SAWS, as a condition of allowing the customer to acquire recycled water from the oversize distribution main, shall require the customer to pay SAWS a prorata share of the distribution main's oversize costs based on a ratio of available oversize flow capacity and the contracted monthly purchases or expected monthly purchases of the customer.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1207. - Same—Requirements for reimbursement.

In no event shall a customer be entitled to receive oversized distribution main credit reimbursements unless the customer has complied with all conditions and obligations of the customer's recycled water contract and all applicable laws. SAWS shall provide customers with the form of the certification required from the customer before SAWS will accept the oversized distribution main.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1208. - Distribution main constructed by SAWS.

SAWS may, at its discretion, construct distribution mains at its cost and expense where SAWS determines that such extensions are beneficial to the growth of the recycled water system and are practical in light of projected revenue, expected acquisition of Edwards Aquifer water withdrawal rights and/or impact of Edwards Aquifer water pumping reductions that will result from the availability of the distribution main. In said event, SAWS may charge recycled water customers their prorata share of the distribution main built at SAWS' expense. The customer's prorata share shall be based on the total capacity of the distribution main to the capacity to be used by the customer's system, but in no event less than the volume contracted for by the customer in relationship to the capacity of the main. If a customer oversized its system for future expansion, the customer's share of the distribution main cost will be based on the projected volumes of recycled water to be purchased by the customer.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1209. - Where mains may be located.

All recycled water mains and other recycled water infrastructure which are owned by SAWS shall be constructed in or located:

- (1) On SAWS, city, county or state-owned property, including any public street or alley or any platted or publicly owned drainage facility;
- (2) Within the boundaries of any SAWS, city, county or state-owned creek or river bed; or
- (3) Within a platted or otherwise dedicated easement or right-of-way which has been granted to SAWS, the city, the county or the state and recorded in the real property records of the county in which the land is located.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1210. - Public property requirement.

Where SAWS, as part of its recycled water transportation and distribution system, requires pumps, treatment facilities, storage, testing sites or other facilities, all such facilities including all access roads to

them, shall be located on public land or within an easement properly granted SAWS for such purpose as evidenced by a written instrument recorded in the real property records of the county in which it is located.

(Ord. No. 87597, § 1, 3-26-98)

Secs. 34-1211—34-1230. - Reserved.

DIVISION 5. - CONSTRUCTION PERMITS AND INSPECTION

Sec. 34-1231. - Private construction permit required.

(a) Before any customer shall apply for a permit for connection to the SAWS recycled water system, the customer must have completed application to SAWS and obtained a permit from SAWS to connect to the recycled water system. At the time of application the customer/applicant shall have completed the following:

- (1) *Fees.* Pay to SAWS the fees specified in the SAWS recycled water specifications. The application fee is non-refundable and is not applied to recycled or other water purchases.
- (2) *Drawings and specifications.* Whenever in the opinion of SAWS, drawings and specifications are required to show definitely the nature and character of the construction for which the application is made, the customer shall furnish such drawings (to scale) and specifications for the customer construction to SAWS for review and approval. Such drawings and specifications shall detail all proposed construction from the SAWS recycled water meter to the place of use of the recycled water.
- (3) *Plan review.* SAWS shall review the data submitted by the customer/applicant within thirty (30) working days of actual receipt. If SAWS, in its discretion, determines that the application (including the plans and specifications) does not conform with the requirements of this article, SAWS shall note, in writing, all objections on the application and/or plans or on an attachment thereto and shall return the submitted plans and specifications with the basis for the rejection to the customer/applicant. The customer/applicant shall have thirty (30) days from the date the application was returned to the customer/applicant to submit the plans to modify and resubmit the plans and application based on SAWS' comments. SAWS and the customer/applicant may continue the review procedure for one (1) property up to three (3) submissions to SAWS without payment of added fees. Thereafter a resubmitted application fee as specified in the SAWS recycled water specifications shall be required.
- (4) *Recycled water contract.* The customer/applicant and SAWS shall have executed a contract for the purchase of recycled water by the customer/applicant from SAWS.

(b) Upon the approval of an application, a permit to proceed with the construction work shall be issued. Any work done by a customer/applicant before the permit to proceed with construction is performed at the

customer/applicant's expense and risk that the permit will not be issued. A construction permit issued under this article shall be valid for six (6) months from the later of (1) the date of issue of the permit, or (2) if the permit issued contains a notation that SAWS provided mains to which the customer/applicant's work is to be connected are not then available, six (6) months after SAWS notifies the customer/applicant that SAWS provided mains for services of the customer/applicant are ready and available for connection to customer/applicant's work. If work is begun within the six-month period, SAWS may extend the permit for an additional six (6) months on such terms as SAWS deems appropriate.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1232. - Installation and inspection.

- (a) *Construction requests.* All privately-constructed mains shall be installed in strict compliance with the construction requirements of the SAWS recycled water specifications set forth in the SAWS recycled water specifications.
- (b) *Inspection.* After installation, but prior to covering, all privately-constructed mains shall be inspected by SAWS to ensure that all construction is in accordance with SAWS recycled water specifications. It is the duty of the customer to provide reasonable notice to SAWS when a main is or will be ready for inspection.
- (c) *Reinspection.* If the SAWS inspector finds that the main is not in accordance with SAWS recycled water specifications, then the customer shall make the necessary corrections and the work shall be submitted for reinspection. The work shall be available for reinspection within ten (10) days of the date the customer or its representative is notified of the revisions required. For each reinspection the applicant shall pay a reinspection fee as specified in SAWS recycled water specifications.
- (d) *Certification.* Upon satisfactory completion and inspection of a main, SAWS shall issue a certificate of construction conformity. The issuance of such certificate shall evidence SAWS' acceptance of the distribution main and appurtenant improvements on SAWS' side of the recycled water meter as the property of SAWS. Such certificate is solely for the benefit of the customer and SAWS and shall not be relied upon by any third party.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1233. - Unaccepted work.

- (a) *Nonconforming work.* Any work determined by SAWS or a local plumbing inspection department for onsite work, in their sole discretion, to be inferior in quality and not in conformance with the approved plans and specifications shall be replaced or corrected immediately. If the work is not corrected within ten (10) days (or such longer period as SAWS may have agreed to in writing, but not more than sixty (60) days), then the permit shall be revoked and no further permits shall be

issued to the customer until the rejected work fully complies with all applicable requirements and is accepted by SAWS.

- (b) *Revocation of permit.* SAWS or a local plumbing inspection department for onsite work, may revoke a permit in the event there have been any false statements or misrepresentations as to any material fact in connection with an application or plans on which the permit approval was based, or if unaccepted work is not corrected within the sixty-day cure period.

(Ord. No. 87597, § 1, 3-26-98)

Secs. 34-1234—34-1250. - Reserved.

DIVISION 6. - ONSITE IMPROVEMENTS

Sec. 34-1251. - Inspection.

All onsite recycled water distribution piping within the city shall be installed by a licensed and bonded plumbing contractor. A permit and inspection by the city building inspections department shall be required. All piping and installation shall be in accordance and comply with Section 603 and Appendix J of the adopted Uniform Plumbing Code (UPC) or other adopted standards.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1252. - Conversion benefit—Existing customers.

- (a) If a SAWS existing customer contracts to purchase recycled water from SAWS in lieu of using Edwards Aquifer water, then the existing customer may be entitled to financial assistance for the cost of infrastructure improvements determined by SAWS to be necessary and appropriate for converting to recycled water.
- (b) The financial assistance shall be extended only to the extent available and will initially be made available only to existing customers and Edwards exchange customers. If additional funds for financial assistance remain available after existing customers and Edwards exchange customers have had an opportunity to utilize financial assistance, financial assistance may be made available, at the discretion of SAWS, to other customers.
- (c) SAWS will credit the existing customer a one-time conversion benefit for approved onsite and/or distribution main recycled water system improvements equal to the sum of nine hundred dollars (\$900.00) per acre foot of water per year that the existing customer contracts with SAWS to take. The conversion benefit shall be computed utilizing the average acre feet of water the existing customer contracts to purchase during the initial five (5) years of the recycled water purchase contract, not to exceed the customer's peak historic use, as the multiplier of the nine-hundred-dollar figure.

- (d) The conversion benefit may be used only by an existing customer to pay for the existing customer's offsite and onsite improvements for use of recycled water, including but not limited to distribution mains; meters and appurtenances thereto; connection of the recycled water system from the meter to the common distribution points of recycled water on the existing customer's property; retrofit of irrigation and other water systems to take water from the separate recycled water source rather than from the existing Edwards water source; costs of modifying equipment to use the recycled water (e.g., pressure adjustments); storage facilities for recycled water to be stored onsite for use during peak demand periods when there is determined by SAWS to be a benefit to the entire recycled water system from such storage; and switchover equipment allowing the existing customer to switch from the recycled water source to a substitute water source should recycled water not be available. The conversion benefit shall be used to pay first for the cost of a distribution main to be built at the existing customer's expense and secondly, to the extent of any conversion benefit remaining, for the cost of the existing customer's onsite improvements.

Conversion benefit may be used to pay for both design and construction costs.

- (e) SAWS may approve use of the conversion benefit funds for specialized recycled water equipment based on existing customer's needs. Such additional authorized uses for the funds may include onsite testing facilities for recycled water quality or water quality improvement facilities.

Conversion benefit funds may be used only for construction and equipping such specialized recycled water facilities, but specifically not to reimburse the existing customer's operating and maintenance costs for the water quality and/or recycled water monitoring procedures.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1253. - Same—Edwards exchange customers.

An Edwards exchange customer may be entitled to receive a conversion benefit payment, because of its transfer of Edwards Aquifer water withdrawal rights to SAWS, in addition to any conversion benefit the Edwards exchange customer might qualify for as an existing customer for SAWS potable water. An Edwards exchange customer's additional conversion benefit may be computed by multiplying nine hundred dollars (\$900.00) by the number of acre feet of Edwards Aquifer water withdrawal rights the owner has transferred to SAWS. In addition to the permitted use of conversion benefits set out in this article, the Edwards exchange customer may use the conversion benefit payment to cap or plug closed wells and to construct onsite transportation facilities from the recycled water main to the points of use of the recycled water.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1254. - Same—Payment.

A conversion benefit shall be credited when all of the following have occurred:

- (1) The existing customer or Edwards exchange customer has executed a recycled water contract with SAWS specifying the volume of recycled water anticipated to be purchased each year for not less than five (5) years;
- (2) The existing customer or Edwards exchange customer agrees to pay all costs associated with recycled water service not covered by SAWS;

- (3) The existing customer or Edwards exchange customer has prepared and submitted to SAWS a water conservation plan which is to be implemented within one (1) year;
- (4) The existing customer or Edwards exchange customer has completed all onsite and offsite retrofitting which is to be paid for by conversion benefit funds, as well as any other onsite work reasonably necessary to begin use of the recycled water in accordance with the approved recycled water plan within six (6) months; and
- (5) The Edwards exchange customer has completed the transfer of Edwards Aquifer water withdrawal rights which establish its Edwards exchange customers status and such transfer has been fully approved by the Edwards Aquifer Authority pursuant to 31 Texas Administrative Code, Chapter 705, Subchapter H.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1255. - Same—Refund.

If a customer fails to perform all conditions for payment of a conversion benefit and such breach continues uncured for sixty (60) days after written notice of the breach by SAWS, then SAWS may require the immediate refund of the conversion benefit, which sum shall be payable to SAWS on demand.

(Ord. No. 87597, § 1, 3-26-98)

Secs. 34-1256—34-1270. - Reserved.

DIVISION 7. - SERVICE

Sec. 34-1271. - Priority for certain new recycled water customers.

SAWS will prioritize its provision of recycled water service, where possible, to potential new customers as follows:

- (1) First priority shall be given to potential customers who are U.S. military installations and potential customers located in the areas of former U.S. military installations;
- (2) Second priority shall be given to potential customers located in economic enterprise zones or associated with economic development projects targeted by SAWS, the city or Bexar County;
- (3) Third priority shall be given to potential customers who are Edwards exchange customers;
- (4) Fourth priority shall be given to potential customers who are current SAWS potable water customers and who will be replacing the use of potable water for nonpotable with recycled water for such purposes; and
- (5) Fifth priority shall be given to all remaining potential customers.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1272. - Delivery of recycled water.

Specific conditions relating to the delivery point, delivery quantities and pressure, metering requirements and maintenance responsibilities will be set forth for each recycled water customer in the recycled contract for such customer.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1273. - Quantity of recycled water delivered.

The quantity and rate of delivery of recycled water to be purchased by any customer shall be set forth in the recycled water contract between SAWS and such customer.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1274. - Quality of recycled water delivered.

If any time the recycled water available from SAWS fails to meet the requirements of 30 Texas Administrative Code, Chapter 210 et seq., SAWS shall, upon the request of the customer, provide the customer substitute water of at least comparable quality in a quantity equal to the quantity of contracted recycled water that SAWS is unable to provide, at rates not to exceed the rate for recycled water then applicable.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1275. - Reliability of recycled water service.

SAWS will provide recycled water on a regular basis in such quantities set forth in the recycled water contract between SAWS and each customer. Recycled water service may be interrupted in the event of recycled water main or pipeline breaks or repairs, recycled water main or pipeline construction or upgrades, or due to acts of God or other extraordinary circumstances. In the event of any interruption in recycled water service, SAWS shall provide substitute water of comparable quality to each affected customer at rates not to exceed the rate for recycled water then applicable. Except as specified in this article, SAWS shall not be liable for an interruption in recycled water service.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1276. - SAWS' duty to supply substitute water.

If after a customer has performed all of its obligations under its contract to purchase the recycled water, including construction of a distribution main and onsite improvements, SAWS is unable to provide the quantity of contracted recycled water for any reason, SAWS shall, upon request of the customer, provide the customer substitute water of at least comparable quality in a quantity equal to the quantity of contracted recycled water that SAWS is unable to provide, at rates not to exceed the rate for recycled water then applicable.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1277. - Interruption in service to Edwards exchange customers.

- (a) If SAWS is unable to provide recycled water in compliance with the terms of an Edwards exchange customer's recycled water contract, or substitute water of at least comparable quality in a quantity equal to the quantity of contracted recycled water that SAWS is unable to provide, an Edwards exchange customer may, at the Edwards exchange customer's cost and expense, withdraw and utilize Edwards Aquifer water under the Edwards Aquifer water withdrawal right which has been transferred to SAWS in an amount equal to the lesser of:
 - (1) The Edwards exchange customer's actual onsite beneficial use without waste, as that term is defined under Edwards Aquifer Authority regulations set forth at 31 Texas Administrative Code 703.1(B); or
 - (2) The quantity specified in the Edwards exchange customer's recycled water contract with SAWS.
- (b) The right to the Edwards exchange customer to utilize a portion of SAWS Edwards Aquifer water withdrawal right after an interruption of service is expressly conditioned on no objection to the procedure being made by the Edwards Aquifer Authority. It shall be the joint duty of the Edwards Aquifer exchange customer who utilizes a portion of the SAWS Edwards Aquifer water withdrawal right pursuant to this section and of SAWS to notify the Edwards Aquifer Authority of the Edwards exchange customer's intention to do so.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1278. - Exemption from reduction measures.

The quantity of recycled water which SAWS agrees to provide pursuant to any recycled water contract between SAWS and a recycled water customer shall be exempt from compliance with the specific water use reduction measures set forth in article IV, division 4 of this chapter (Aquifer Management Plan), but not from

other provisions in this chapter. In the event a recycled water customer purchases recycled water from SAWS in excess of the contracted amount, SAWS, as it determines to be necessary, may reduce such customer's purchase of the recycled water in excess of the contracted amount.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1279. - Disconnection for noncompliance.

It shall be the duty of SAWS to disconnect the recycled water service from any place where provisions of 30 Texas Administrative Code, Chapter 210 et seq. or of this article or of the recycled water contract in question are violated.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1280. - Unlawful connection with recycled water main.

It shall be unlawful for any person who is not a party to a valid recycled water contract to bore or drill into any recycled water main or make attachments to or connections with any recycled water service pipe.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1281. - Unlawful taking of recycled water.

It shall be unlawful for any person who is not a party to a valid recycled water contract to make an attachment to any recycled water main, service line or branches thereof or to otherwise take recycled water therefrom.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1282. - Maintenance of recycled water service pipes.

All persons using recycled water furnished by SAWS shall keep their recycled water service system in good repair, so as to prevent leakage. Maintenance is the owner's responsibility. All customer onsite transportation, holding and distribution facilities for recycled water shall comply with the standards of 30 Texas Administrative Code, Chapter 210 et seq.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1283. - Damage to recycled water system.

It shall be unlawful for any person, in any way, to intentionally or carelessly break, deface or in any manner damage or destroy any recycled water main, service line or branch thereof or any hydrant, meter, standpipe or other property belonging to the city, SAWS or others, and used in connection with the

collection, treatment, metering, storage, supply, transmission and distribution of recycled water.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1284. - Title to recycled water service apparatus.

Title to all recycled water meters, curb-cocks and appurtenances that are attached through service lines or branches thereof to the recycled water mains of the SAWS recycled water system, including the meter and enclosing curb-cock boxes, shall be vested in the city for the singular use and benefit of the SAWS board of trustees. No person other than a duly authorized agent or representative of the board of trustees of SAWS shall open the meter or curb-cock or appurtenances thereto. SAWS shall maintain, repair and replace all meters, curb-cocks and appurtenances in connection therewith at its cost and expense.

(Ord. No. 87597, § 1, 3-26-98)

Secs. 34-1285—34-1300. - Reserved.

DIVISION 8. - RATES AND CHARGES

Sec. 34-1301. - Establishment of rates.

The rates and charges for recycled water service which will be applied to all recycled water consumption beginning on or about January 1, 2023 as appropriate, are set out in Schedule F to this chapter and shall be the lawful rates for recycled water service to be charged by the system.

(Ord. No. 87597, § 1, 3-26-98; Ord. No. 90733, § 1, 10-21-99; Ord. No. 96658, § 1(Att. 1), 10-31-02; Ord. No. 2015-11-19-0956, § 4(Att. I), 11-19-15, Res. No. 16-302, Att. III; Ord. No. 2017-12-07-0928, § 1(Att. I), 12-7-17; Res. No. 19-280, 5(Att. III), 11-5-19; Ord. No. 2022-11-10-0868, § 1, 2(Att. 1, 2), 11-10-22)

Sec. 34-1302. - Credits for retrofit costs.

To the extent existing customers and Edwards exchange customers incur approved retrofit costs as described in the SAWS recycled water specifications, such existing customers and Edwards exchange customers shall be entitled to a credit against their recycled water bill. To the extent the existing customers are seasonal users of recycled water, the credit received pursuant to this section for retrofit costs shall be annualized and applied against recycled water during the months the water is used.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1303. - Discount rates for recycled water utilized in certain operations.

- (a) The purpose of this provision is to allow an alternate method of establishing a recycled water rate for customers who utilize recycled water in certain operations. To qualify for this method a customer/applicant must file with SAWS a report by a registered professional engineer detailing the increased volume of recycled water used in the customer/applicant's specific operation compared with the volume of potable water used in the customer/applicant's specific operation as a result of a lesser water quality of recycled water that will be utilized for the specific operation and including a proposed monthly flow recommendation. If the report is acceptable to SAWS, at its discretion, the rate for recycled water provided to the applicant/customer for operations will be discounted to reflect the increased usage so that the total cost to the customer/applicant will be the same as if the customer/applicant utilized an amount of recycled water equal to its prior use of non-recycled water in the customer/applicant to specific operation.
- (b) The SAWS flat rate sewer program set forth in section 34-226.2 of this chapter may also be available to cooling tower customers. The flat rate sewer program provides for an alternate method of establishing a sewer charge for users. A flat rate sewer account may be established for any recycled water user upon determination by the SAWS customer service department that the costs to administer the account would not exceed the projected annual savings to the user.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1304. - Remedies for breach.

In the event of breach of a recycled water contract by any customer, specifically including but not limited to failure to pay SAWS, SAWS may impose each of the charges described in subsections 34-1232(a)–(f), inclusive, against a customer for each account of SAWS serving the customer. Fees shall be assessed against each customer on a service by service basis.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1305. - Calculation of quantity of recycled water delivered.

The amount of recycled water received by a customer shall be based on monthly meter readings performed by SAWS.

(Ord. No. 87597, § 1, 3-26-98)

Secs. 34-1306—34-1320. - Reserved.

DIVISION 9. - ENFORCEMENT

Sec. 34-1321. - Authority.

SAWS' legal department is hereby granted the authority to seek legal and/or equitable remedies for violations of this division, including the filing of criminal charges. For the purpose of enforcing this division the SAWS' environmental counsel shall represent the city in civil enforcement actions, by and through SAWS, and is hereby authorized to seek legal and/or equitable remedies against any person or entity which is reasonably believed to be violating or to have violated this division. A legal proceeding pursued under this division does not constitute a waiver by SAWS of any right the city may have to join in a legal action originating from an alternative source of law. SAWS may commence such actions for appropriate legal and/or equitable relief in courts having proper jurisdiction and may seek civil penalties and any other legal or equitable relief available under common law, V.T.C.A., Local Government Code ch. 54, under V.T.C.A., Water Code § 26.124, or any other applicable local, state, or federal code or statute.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1322. - Penalties.

- (a) *Criminal.* A conviction for violation of this division shall constitute a class C misdemeanor. A person convicted of a violation of this division shall be fined not less than two hundred dollars (\$200.00) nor more than two thousand dollars (\$2,000.00) per violation. Each violation of a particular section of this division shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this division.
- (b) *Civil.* A civil penalty in an amount not to exceed one thousand dollars (\$1,000.00) per violation of this division may be imposed. Each violation of a particular section of this division shall constitute a separate offense, and each day such an offense continues shall be considered a new violation for purposes of assessing civil penalties and otherwise enforcing this division. All civil penalties collected by reason of enforcing this division shall be deposited in the water quality and environmental education and enforcement account as established by article I, division 8 of this chapter.

(Ord. No. 87597, § 1, 3-26-98)

Sec. 34-1323. - Authority of city attorney to enforce.

The grant of the authority set out in this section shall in no way diminish the authority and responsibility of the office of the city attorney to ensure that this division is properly and diligently enforced, to prosecute violations of this division, and to defend the legality of this division if challenged.

(Ord. No. 87597, § 1, 3-26-98)

Secs. 34-1324—34-1340. - Reserved.

ARTICLE IX. - WATER SUPPLY FEE

Footnotes:

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Editor's note— Ord. No. 92753, adopted October 19, 2000, set out provisions intended for use as §§ 34-1201—34-1207. Inasmuch as there were already provisions so designated, the provisions of Ord. No. 92753 have been renumbered as §§ 34-1341—34-1349 at the discretion of the editor.

Sec. 34-1341. - Assessment of water supply fee.

The assessment of a water supply fee to all San Antonio Water System (system) customers is hereby authorized. Such fee shall become effective December 1, 2000, and will be applied to all billings after one (1) complete monthly billing period on or about January 1, 2001. Such fee shall apply to all water customers, all types of water usage, and all water supply contracts including but not limited to military installations. The system shall show such fee as a separate line item on each customer bill. In the event there is no recorded usage by the customer during the month, no fee will be reflected on the bill.

(Ord. No. 92753, § 1, 10-19-00)

Sec. 34-1342. - Definitions.

Fifty-year water resource plan. The fifty-year water resource plan approved by the city council in 1998 and as amended.

Multi-year financial plan for water supply development. The multi-year financial plan for water supply development accepted by the city council and as amended.

Projected water consumption. The total amount of water demand projected to be required to meet the needs of all the customers of the San Antonio water system for a given year.

Water supply fee. The line item fee to system customers derived by dividing the annual water supply development costs by the projected annual consumption. Years 2001-2005 will follow the projects and funding programs set out in the multi-year financial plan for water supply development.

Water supply development costs. Such costs include the following:

Land acquisition and construction, including debt service, and the operation and maintenance of water supply development projects;

Land acquisition and construction, including debt service, and the operation and maintenance of recycling facilities capable of converting wastewater effluent into water suitable for municipal, industrial, and agricultural uses;

Land acquisition and construction, including debt service, and the operation and maintenance of infrastructure for the integration of new water supplies into the delivery system;

Land acquisition and construction, including debt service, operation and maintenance of aquifer recharge enhancement and other aquifer optimization projects;

Acquisition of new water supplies and water rights including land acquisition and permits;

Water supply development, including consultants' feasibility studies and reports, water quality protection and treatment, aquifer recharge initiatives and aquifer optimization studies, investigations, legal fees, court costs and other costs related to the development of water supplies;

Administrative costs, including overhead and that portion of the system's administrative costs applicable to the activities enumerated in this definition.

The above notwithstanding, no costs will be included which are not in conformance with the current, approved water resource plan.

(Ord. No. 92753, § 1, 10-19-00; Ord. No. 101683, § 1(Att. I), 11-17-05)

Sec. 34-1343. - Water supply fee.

A water supply fee is assessed to all system customers based upon their respective monthly consumption. The water supply fee shall be based on the annual water supply development costs.

(Ord. No. 92753, § 1, 10-19-00; Ord. No. 101683, § 1(Att. I), 11-17-05)

Sec. 34-1344. - Reserved.

Editor's note— Ord. No. 101683, § 1(Att. I), adopted November 17, 2005, repealed § 34-1344 in its entirety, which pertained to the maximum fee established for calendar years 2001—2005, and derived from Ord. No. 92753, § 1, adopted October 19, 2000.

Sec. 34-1345. - Water supply fee schedule.

The water supply fee which will be applied to all consumption beginning on or about January 1, 2023, is set out in Schedule E to this chapter. Such water supply fee schedule shall remain in effect as set out in Schedule E until the System's Board of Trustees and Council of the City of San Antonio determine that an additional adjustment is necessary to most effectively meet the water supply development needs of system

customers.

(Ord. No. 92753, § 1, 10-19-00; Ord. No. 101683, § 1(Att. I), 11-17-05; Ord. No. 2015-11-19-0956 , § 4(Att. I), 11-19-15, Res. No. 16-302, Att. III; Ord. No. 2017-12-07-0928 , § 1(Att. I), 12-7-17; Res. No. 19-280 , 5(Att. III), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

Sec. 34-1346. - Water supply fee calculation.

For purposes of calculating the water supply fee for residential customers, the volume of water for domestic service will be combined with the volume of water for irrigation service. For general class customers, the water supply fee will be applied to the volume of water for domestic service and to the volume of water for irrigation service.

(Ord. No. 92753, § 1, 10-19-00)

Sec. 34-1347. - Reserved.

Editor's note— Ord. No. 101683, § 1(Att. I), adopted November 17, 2005, repealed § 34-1347 in its entirety, which pertained to the multi-year financial plan and derived from Ord. No. 92753, § 1, adopted October 19, 2000.

Sec. 34-1348. - Reaffirmation of the adoption of the fifty-year water resource plan.

The adoption of the fifty-year water resource plan is hereby reaffirmed.

(Ord. No. 92753, § 1, 10-19-00)

Sec. 34-1349. - Accountability procedures.

- (a) The system shall submit to the city council a semi-annual report; and shall brief the city council once per year in an open session meeting of the city council and as further required by the city council. The briefing shall include:
 - (1) Progress on the 50-year water resource plan;
 - (2) Amount of water supply developed;
 - (3) Total revenues generated from the water supply fee;
 - (4) Total uses of the water supply fee;
 - (5) Total water supply development costs expended pursuant to the multi-year financial plan;
 - (6) Project status report on all water supply projects;
 - (7) Progress reports/updates on the acquisition of additional water resources;
 - (8) Maintenance and operational expenses for completed projects; and

(9) Status on the awarding of contracts; and

(10) Any other information deemed necessary by the city council or the city's supervisor of public utilities.

- (b) The system shall submit its annual budget to the city council for review and consultation in accordance with the requirements of section 32, management of the system, subsection q, of city ordinance no. 75686. In addition, the system shall submit its proposed budget to the city's supervisor of public utilities at the same time it is submitted to the system's board of trustees.
- (c) The city council shall approve the issuance of all bonded debt by SAWS evidenced by the passage of an ordinance.
- (d) The system shall make all status reports submitted to the city council pursuant to this section available for public inspection in the offices of the city clerk of the city as well as the offices of the system's president/chief executive officer.
- (e) The system shall inform its customers through periodic customer bill inserts on the overall progress of the water supply projects.
- (f) The system shall hold town hall meetings and public outreach each year on the progress of the water resources plan.

(Ord. No. 92752, § 7, 10-19-00; Ord. No. 92753, § 1, 10-19-00; Ord. No. 101683, § 1(Att. I), 11-17-05)

Sec. 34-1350. - Reserved.

ARTICLE X. - STATE-IMPOSED TCEQ FEE

Sec. 34-1351. - Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning in this section:

Customer means a residential, general, and wholesale account billed for water or wastewater service, including individual apartment units. Connections for irrigation only accounts and recycled water only accounts shall not be considered a customer for the state-imposed TCEQ fee.

Fees assessed by TCEQ means the fees, charges, and rates assessed by TCEQ that are recovered through the state-imposed TCEQ fee, which shall be considered part of the gross revenues of the system including any water and wastewater fees, charges, and rates charged to the system by TCEQ and authorized and assessed by TCEQ, including fees assessed in 30 TAC § 290.51, fees for services to drinking water system; and fees assessed by TCEQ in 30 TAC § 21.3, fee assessment, for water quality fees; which may be amended

from time to time by the TCEQ. Fines and penalties assessed to the system by TCEQ shall be excluded from recovery through the pass-through state-imposed TCEQ fee.

System means the San Antonio Water System.

TCEQ means the Texas Commission on Environmental Quality.
(Ord. No. 2009-12-10-1027, § 5(Exh. A), 12-10-09)

Sec. 34-1352. - Assessment of the state-imposed TCEQ fee and annual fee adjustment.

- (a) The fees assessed by TCEQ, as defined above, shall be used to calculate the pass-through state-imposed TCEQ fee charged to all water and wastewater customers of the system. Such state-imposed TCEQ fee is hereby authorized and shall become effective for billings on or about January 1, 2010. The monthly pass-through is subject to change based on the adjustment formula set out herein. The state-imposed TCEQ fee shall be applied in full to all accounts billed, regardless of the length of service the account was in effect. The system is delegated the authority to administratively adjust such state-imposed TCEQ fee on an annual basis, on or about January 1 of each year in accordance with the formula set out herein in subsection (b), and following consultation with the city's supervisor of public utilities. The system is directed to show such pass-through fee, state-imposed TCEQ fee, as a separate line item on each customer bill.
- (b) An adjustment will be made to the state-imposed TCEQ fee annually, beginning on or about January 1, 2010, based on the following formula:
 - (1) Water customers. The projected annual fees assessed by TCEQ for water services for the 12-month period beginning in January minus the amount of the state-imposed TCEQ fee over-recovery or plus the amount of under-recovery from the cumulative state-imposed TCEQ fee collections for water services, divided by the projected average monthly water customers multiplied by twelve (12), yields the state-imposed TCEQ fee on a dollars-per-account-per-month basis for water customers.
 - (2) Wastewater customers. The projected annual fees assessed by TCEQ for wastewater services for the 12-month period beginning in January minus the amount of the state-imposed TCEQ fee over-recovery or plus the amount of under-recovery from the cumulative State-imposed TCEQ fee collections for wastewater services, divided by the projected average monthly wastewater customers multiplied by twelve (12), yields the state-Imposed TCEQ fee on a dollars-per-account-per-month basis for wastewater customers.
 - (3) Customers with both water and wastewater service will have the state-imposed TCEQ fee calculated for each component, water and wastewater, of the state-imposed TCEQ fee.

Water customers:

Projected annual fees assessed by TCEQ for water service PLUS	under-recovery or minus over-recovery from cumulative collections for water fees assessed by TCEQ		Adjusted TCEQ fee for water customers on a dollars-per-customer-per-month basis, for the 12-month period beginning on or about January 1st of each year
<u>(divided by)</u>		=	
Projected average monthly water customers × 12			

Wastewater customers:

Projected annual fees assessed by TCEQ for wastewater service PLUS	under-recovery or minus over-recovery from cumulative collections for wastewater fees assessed by TCEQ		Adjusted TCEQ fee for wastewater customers on a dollars-per-customer-per-month basis, for the 12-month period beginning on or about January 1st of each year
<u>(divided by)</u>		=	
Projected average monthly wastewater customers × 12			

(Ord. No. 2009-12-10-1027, § 5(Exh. A), 12-10-09)

EDWARDS AQUIFER AUTHORITY ("EAA") PERMIT FEE ADJUSTMENT

The following shall be applicable to the listed water service customer classes and water usage:

Residential water service (inside city limits)

Residential water service (outside city limits)

General water service (inside city limits)

General water service (outside city limits)

Wholesale water service (inside city limits)

Wholesale water service (outside city limits)

Private fire protection water service (applicable only to metered water usage)

An adjustment will be made to the Edwards Aquifer Authority Permit fee annually, beginning January 1, 1998, based on the following formula: The annual permit fee billed by the Edwards Aquifer Authority for the twelve-month period beginning in January plus the amount of the over-recovery or under-recovery from the prior twelve-month permit fee collections, divided by the project annual water usage, yields the permit fee on a dollars-per-gallon basis.

Permit fee billed by EAA PLUS	Over-recovery/under-recovery from prior 12-month permit fee collections		Adjusted permit fee on a dollars-per-gallon basis of consumption, for the 12-month period beginning in the month of January
		=	
Project annual water usage			

(Ord. No. 87042, § 3, 12-1-97; Ord. No. 87043, §§ 1, 2, 12-1-97; Ord. No. 90733, § 1, 10-21-99; Ord. No. 92752, § 1, 10-19-00; Ord. No. 2007-02-08-0149, § 1(Exh. A), 2-8-07)

RATE SCHEDULE D

Effective 12:01 a.m., March 15, 2003

ECONOMIC DEVELOPMENT CUSTOMER WATER SERVICE RATES

Pursuant to the terms of a contract executed in 2003 between SAWS and an economic development customer, an economic development customer may be charged a water service rate of not less than One and No/100 Dollars (\$1.00) per thousand gallons of water for a period not to exceed seven (7) years. For any contract executed between SAWS and an economic development customer in subsequent years, an economic development customer may be charged a water service rate calculated using the monthly volume charge payable for General Water Service under Rate Schedule B, as it currently exists or is hereafter amended, less a discount not to exceed fourteen (14%) for a period not to exceed seven (7) years. Economic development customer rates may apply:

(1)

For an existing customer, the discount may be applied only to the increase of potable water utilized by the new or expanded facilities qualifying the existing customer as an economic development customer.

- (2) For a new customer, the discount may be applied to all potable water delivered to the new facilities qualifying the new customer as an economic development customer.

Water delivered to an economic development customer shall only be consumed or used by the economic development customer to whom it is delivered at the new or expanded facilities qualifying the customer as an economic development customer. Use at another location, or the resale or transfer of such water is prohibited.

WAIVER OF CERTAIN FEES AND COSTS

Notwithstanding any other provisions of the City of San Antonio Code of Ordinances, SAWS' Regulations for Water Service, or SAWS' Utility Service Regulations, pursuant to the terms of a contract between SAWS and an economic development customer, SAWS may agree to waive all or any part of any potable water or wastewater impact fees otherwise payable by an economic development customer to SAWS, provided that:

- (1) For an existing customer, only impact fees that are attributable to the new or expanded facilities qualifying the existing customer as an economic development customer may be waived.
- (2) For a new customer, only impact fees that are attributable to the new facilities qualifying the new customer as an economic development customer may be waived.

Notwithstanding any other provisions of the City of San Antonio Code of Ordinances, SAWS' Regulations for Water Service, or SAWS' Utility Service Regulations, SAWS may, pursuant to the terms of a contract between an economic development customer and SAWS, agree to waive all or any part of any permit, application fee, or meter charge otherwise payable by an economic development customer to SAWS, and agree to extend, at no or at a reduced cost to an economic development customer, all potable water and wastewater infrastructure from SAWS' existing potable water and sanitary sewer system to and/or into the property owned by an economic development customer on which new or expanded facilities are to be located, provided that:

- (1) For an existing customer, SAWS may agree to extend potable water and wastewater infrastructure at no or at a reduced cost to an existing customer only to the new or expanded facilities qualifying the existing customer as an economic development customer.
- (2) For a new customer, SAWS may agree to extend potable water and wastewater infrastructure at no or at a reduced cost to an economic development customer only to the new facilities qualifying the new customer as an economic development customer.

COMPLIANCE

The rates and waivers provided in this schedule are subject to the execution of a contract between a customer and SAWS that requires a customer to obtain economic development customer status. The rates and waivers provided in this schedule will immediately terminate if a customer does not perform all obligations necessary to obtain economic development customer status within six (6) years from the date of the execution of a contract with SAWS, or if an economic development customer fails to maintain its status as an economic development customer. Should a person or entity no longer be an economic development customer, such person or entity will pay all rates, fees and costs payable by a General Water Service customer.

(Ord. No. 97264, § 2(Att. 2), 2-27-03)

SCHEDULE 1 - PRETERMINATION ADMINISTRATIVE NOTICE AND HEARING PROCEDURES

1. First bill sent, indicating current charges.
2. Second bill sent, indicating previous balance, with additional paragraph: "Pay Total Amount Prior To Due Date To Avoid Notice of Pretermination Hearing, Service Charges and Additional Deposit."
3. Final Notice sent setting out instructions for obtaining a Pretermination Administrative Hearing before Customer Review Officer. Customer may request a hearing, if such request is made within 10 days from the date of mailing or by the date set out on the Final Notice, whichever is later. Customer Review Officer must be knowledgeable in customer's rights to due process with respect to utility termination. The Customer Review Officer must not have participated in the billing or collection process.
4. Upon receipt of the Final Notice, a customer may request a hearing in person, by telephone or by mail. The Customer Review Officer shall note the date and time of request, if the request is made by phone or in person, in the customer's file. If the request is by mail, the written request shall be placed in the customer's file.
 - a. If the request is made in person, a System representative shall give the customer a Pretermination Hearing and Notice Procedure Form, setting out the date for hearing and have the customer receipt for it.
 - b. If the request for hearing is by telephone, a System representative shall advise the customer of the time and date of the hearing and note the time and date of the conversation on the file copy. The System representative shall set the hearing date far enough in advance to allow follow-up notice by mail.
 - c. If request for hearing is made by mail, a System representative shall follow procedures similar to item b, above.
 - d. Notice of Pretermination Hearing Date Sent (in English and Spanish). The System shall mail it or personally deliver it to the customer, whichever is necessary to give at least three days

advance notice of the hearing, and include a Pretermination Hearing and Notice Procedure Form. The Hearing Form is a check-list and work sheet which outlines the purpose of the hearing and procedures. It shall contain blank spaces for the name of customer, persons present, etc., and have spaces for the decision of the Customer Review Officer, including reasons for the decision and the evidence relied upon. Samples of typical evidence would be as follows:

- e. The Meter Reader's data sheet for the period.
 - f. The System's first, second and final statements.
 - g. The memorandum of reports on checks for water leaks.
 - h. Memorandum of meter test.
 - i. Any statements made by the customer which show that the water was actually used such as, "I had a leaky faucet, I had a leaky toilet, I had a leak in my sprinkler system," or any other similar statement.
 - j. Similar evidence and statements in cases where the Customer Review Officer finds that the cut-off is not justified. Such factual evidence would be memoranda that the meter check showed that it was faulty, memoranda that the customer was billed twice, substantial proof by the customer that he really was on vacation and memoranda that there were no leaks in his system on investigation.
5. Hearing is held. An interpreter shall be made available for a hearing, if necessary. If possible, a decision shall be made at the hearing, and a copy of the hearing form containing that decision shall be given to the customer with receipt acknowledged. If the decision is not made then, the customer shall be notified by mail. Service shall not be terminated for 96 hours from date of delivery in person or date of mailing to afford opportunity for the customer to pursue legal remedies.
 6. Notice to Customer of Decision. Print this notice in English and Spanish and mail it to customer if decision is not delivered to customer at the hearing. The date of that mailing shall be noted in the file.
 7. System personnel shall terminate service not earlier than 96 hours from date customer learns of decision.

(Ord. No. 80330, 6-16-94)

SCHEDULE 2 - FLAT RATE SEWER PROGRAM PROCEDURE

1. *Scope.* The purpose of this program is to allow an alternate method of establishing a sewer charge in accordance with Chapter 34, Article III, Division 4, Section 34-226, of the San Antonio City Code and is intended for General Customers.

2. *General Requirements.* The Flat Rate Program is available upon request to any general user who uses water in their daily activities which is not discharged into the sewer system. The Program provides that a flat rate sewer account may be established for any general user upon determination by Customer Service that the costs to administer the account would not exceed the projected annual savings to the general user. The flat rate sewer account will be maintained until such time as Customer Service may determine that the costs to administer the account exceed the annual savings to the user.

The program depends on the cooperation of customers to keep the System informed of any changes, defects or required repairs. The System will generally allow a 30-day period for correction of any problem. However, it is the customer's responsibility to ensure that the meters are functioning properly and that all requirements in submitting reports are met.

The System reserves the right to conduct periodic "unannounced" site inspections.

The three (3) acceptable options for businesses wishing to choose an alternate method of establishing a sewer charge are:

- a. installation of separate "internal" water meter(s) for the purpose of measuring water uses which is not discharged into the sewer system,
 - b. submission of an engineering report once every two (2) years, or as required by the System outlining water consumption and its uses,
 - c. installation of a wastewater metering device which will measure the amount of wastewater being discharged into the sewer system.
3. *Separate "Internal" Water Meter(s)—Specific Requirements.* Separate internal water meter(s) may be installed for the purpose of measuring water consumption due to the use of a well or to measure a reduction of sewer flow due to the use of water in a production process, cooling tower, sprinkler system, etc. The number of submeters installed will be approved according to the specific type of business.
 - a. *Meter Requirements.*
 - (1) *Meter Case.* The main case shall be solid with removable top or bottom design and shall be constructed so that the main case (including meter spuds) will withstand internal pressure and external stress to eliminate distortion, cracking and breaking, which will cause leakage, damage to other components, or interfere with the proper operation of the meter in general.

The serial number of the meter shall be imprinted on the outer case as well as on the register box cover.
 - (3) *Meter Registers.* The meter register shall be a "sealed register" type with straight reading indicator, a minimum of six numbered wheels (dials), and shall indicate reading in gallons or

cubic feet.

As used in these specifications, the term "sealed register" shall mean a register that is tamper resistant, factory-sealed, non-shop-repairable, hermetically sealed against fogging, moisture and corrosion, and mechanically disconnected from the measuring components.

The lens shall be of high strength, heat tested glass to minimize breakage.

The register shall be secured to the meter case with a tamper-proof locking device provided and installed by the System.

b. *Submittal of Initial Application.* Prior to the establishment of a flat rate account, an application must be submitted to Customer Service requesting preliminary approval to establish a flat rate account.

c. *Submittal of Monthly Readings.* The customer's monthly meter readings, read in conjunction with the water purveyor's monthly readings of the main water meter, shall be submitted within ten (10) days of the meter readings; customer shall submit only actual meter readings, and not conversions of readings to volume. Once the System has compiled six (6) consecutive months of acceptable meter readings, an average monthly usage will be determined. This average will be used to calculate the customer's sewer charge. The System will implement this new monthly average and adjust the previous six (6) months, which will result in a retroactive debit or credit to the customer's sewer bill. This same billing basis will be applied to the next six (6) months. This procedure of analyzing 6 months of meter reading data will continue until the System is advised of a change in the customer's operations that will affect the basis of calculating the customer's sewer charge.

In the event the monthly meter readings are not submitted in a timely manner as set out herein or an unacceptable meter reading is submitted, the customer will be granted 30 days to explain the reasons, submit corrected readings or make any repairs or replacements of the meter(s). Should the customer fail to respond within the 30 day period, the customer may be removed from the Flat Rate Program, and the System's regular sewer charge will apply thereafter.

4. *Engineering Reports—Specific Requirements.* When a flat rate basis is determined by a report submitted by a Registered Professional Engineer the recommendations of this report will be reviewed and evaluated. If the recommendations are accepted then an acceptance letter will be mailed to the customer. Adjustments will be made retroactive to the date that the engineering report is dated provided it is in this office in a timely manner. The engineering report should include the following information:

- The water purveyor account number(s) affected.
- Type of business.
- Number of employees.
- Number of operational days per month.
- Number of operational hours per day.
- Any pertinent data relating to the business.

A flow study should be conducted using one of the two available methods for measuring flows. These alternate methods are as follows:

- a. If the intent of the engineering report is to obtain a credit for the amount of water used for irrigation, then all irrigation should cease for a period of 14 days while daily incoming meter readings are gathered. The readings should be averaged, then annualized and compared to the previous 12 months of water consumption to arrive at a recommended flat rate percentage.
 - b. If the intent of the engineering report is to receive credit for cooling tower, evaporative loss, or other non-sewer creating functions, a 14 day wastewater flow metering should be conducted to measure the amount of wastewater being discharged. This amount should be compiled on a daily basis over the 14 days, then annualized and compared to the previous 12 months of water consumption to arrive at a recommended flat rate percentage.
 - c. Assumptions for determining discharged flow for a cooling tower can be calculated by using cooling tower specifications. Also, process water can be calculated based on the number of products produced, etc. This information must be very detailed, annualized and compared to the actual water consumption for the preceding 12 months.
5. *Wastewater Metering—Specific Requirements.* A flat rate account may also be established through the use of a permanent wastewater metering device.
- a. *Submittal of Initial Application.* Prior to the establishment of a flat rate account, an application must be submitted to Customer Service requesting preliminary approval to establish a flat rate account.
 - b. *Submittal of Monthly Readings.* The customer's monthly meter readings, read in conjunction with the water purveyor's monthly readings of the main water meter shall be submitted within ten (10) days of the meter readings; customer shall submit only actual meter readings, and not conversions of readings to volume. Once the System has compiled six (6) consecutive months of acceptable meter readings, an average monthly usage will be determined. This average will be used to calculate the customer's sewer charge. The System will implement this

new monthly average and adjust the previous six (6) months, which will result in a retroactive debit or credit to the customer's sewer bill. This same billing basis will be applied to the next six (6) months. This procedure of analyzing six (6) months of meter reading data will continue until the System is advised of a change in the customer's operations that will affect the basis of calculating the customer's sewer charge.

In the event the monthly meter readings are not submitted in a timely manner as set out herein or an unacceptable meter reading is submitted, the customer will be granted 30 days to explain the reasons, submit corrected readings or make any repairs or replacements of the meter(s). Should the customer fail to respond within the 30 day period, the customer may be removed from the Flat Rate Program, and the System's regular sewer charge will apply thereafter.

6. *Private Water Well(s)—Specific Requirements.* A flat rate sewer billing account, established for the purpose of setting the amount of the monthly sewer billing based on the amount of the well(s) water consumption, shall require the following:
 - a. *Submittal of Initial Application.* Prior to the establishment of the account, an application must be submitted to Customer Service requesting preliminary approval to base the amount of the monthly sewer charge on the monthly meter consumption of the well(s).
 - b. *Submittal of Monthly Readings.* The customer's monthly meter readings, read in conjunction with the water purveyor's monthly readings of the main water meter shall be submitted within ten (10) days of the meter readings; customer shall submit only actual meter readings and not conversions of readings to volume. Once the System has compiled six (6) consecutive months of acceptable meter readings, an average monthly usage will be determined. This average will be used to calculate the sewer charge. The System will implement this new monthly average and adjust the previous six (6) months, which will result in a retroactive debit or credit to the sewer bill. This same billing basis will be applied to the next six (6) months. This procedure of analyzing 6 months of meter reading data will continue until the System is advised of a change in the operations that will affect the basis of calculating the sewer charge.

In the event the monthly meter readings are not submitted in a timely manner as set out herein or an unacceptable meter reading is submitted, the customer will be granted 30 days to explain the reasons, submit corrected readings or make any repairs or replacements of the meter(s). Should the customer fail to respond within the 30 day period, the customer may be removed from the Flat Rate Program, and the System's regular sewer charge will apply thereafter.

(Ord. No. 80330, 6-16-94)

- A. *Scope.* The policy establishes the procedures to be followed by the San Antonio Water System Customer Service Appeals Committee in the processing of appeals from a decision to terminate service rendered by the Customer Review Officer, as well as for customer disputes concerning high bills, adjustments due to leakage or other matters covered in Sections 34-4.01 and 34-4.03 of the City Code.

The committee will consist of three (3) members appointed by the Board for a two (2) year term, with members able to be removed by the Board. These members shall be customers of SAWS and shall not include any SAWS employees.

The committee is responsible for providing and scheduling a hearing whereby both Customer Service personnel and the customer can discuss the merits of the action under appeal. Hearings will be scheduled within fifteen (15) working days of the receipt of the appeal request. Two (2) committee members shall constitute a quorum for the purpose of conducting any hearing.

Meetings will be scheduled and conducted according to the Open Meetings Act. The conduct and testimony of the hearings shall be recorded and kept with the certified agenda and minutes of the committee meetings as a permanent record.

- B. *Appeals.* All appeals must be requested in writing by the customer. The following information, at a minimum, must be included in the appeal:
1. Name of customer;
 2. Service address and/or account number;
 3. Name of representative;
 4. Customer's home and work telephone numbers;
 5. Nature of appeal and resolution desired; and
 6. Customer's signature.

If an appeal is from a decision to terminate rendered by the Customer Review Officer, the customer shall have ten (10) working days from receipt of notice of such decision to request an appeal.

- C. *Representation.* Customers may represent themselves or may be represented by an attorney or other person of their choosing.
- D. *Hearings.* This committee shall conduct hearings to consider all information necessary to assist them in deciding on a fair and equitable recommendation to the president/CEO.
- E. *Postponements.* Postponements, if needed, must be requested in writing and received by the customer service director two (2) full working days prior to the scheduled hearing. The first request for a postponement shall usually be approved. A subsequent request for a postponement shall require justification and is subject to being denied. Postponements must be

rescheduled no later than five (5) working days from the previously scheduled hearing.

- F. *Failure to Appear.* Failure to appear at a scheduled hearing shall subject a customer/representative to forfeit the right to such hearing and the customer/representative shall be required to make an original application in order to be heard. A customer/representative shall be allowed to make only two original applications for appeal on the same subject during any twelve (12) month period.
- G. *Recommendation to the president/CEO.* At the conclusion of each hearing, the Customer Service Appeals Committee shall announce its recommendation and the reasons for said recommendation to all parties. The secretary of the committee shall transcribe the recommendation and all justification to be forwarded to the president/CEO. The decision of the president/CEO will be final.

(Ord. No. 80330, 6-16-94)

SCHEDULE "A"
CHILLED WATER SERVICE RATE SCHEDULE FOR DOWNTOWN AREA
SAN ANTONIO WATER SYSTEM
San Antonio, Texas
Effective January 1, 2023

Billings for chilled water service shall be produced on a monthly basis and shall consist of both a capacity charge and a commodity charge as follows.

CAPACITY CHARGE

The capacity charge for 2023 shall be \$22.67 per ton hour of demand. For each year thereafter, effective on January 1 of each year from 2024 through 2027, respectively, the maximum allowable capacity charge amount per ton hour to be assessed shall be in accordance with the table below.

As of January 1 of each of the following years:	Maximum Allowable Capacity Charge per ton hour to be assessed:	Maximum Allowable Capacity Charge Annual Increase Percentage
2024	\$25.39	12.0%
2025	\$27.93	10.0%
2026	\$30.16	8.0%

2027	\$32.57	8.0%
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The demand shall be the largest number of tons of cooling demanded in any of the twelve months ending with the month next preceding the month in which the bill is dated or the connected load specified in the contract with the customer, whichever is the greater of the two. The demand for the Alamodome, which is an event driven facility with occasional peaks in demand during off peak hours and long periods of low demand, shall be defined in a service agreement between the City of San Antonio and the San Antonio Water System to account for its unique and unpredictable demands on the chilled water system.

COMMODITY CHARGE

A commodity charge will be applied to the monthly metered consumption. The commodity charge will provide for the pass-through of the utility costs, including water and energy costs. No commodity charge shall be made if the metered use of the customer is zero (0) during the month.

The commodity charge will be computed as follows; all utility costs of the previous month will be recovered through an allocation to the consumption of the billing period. In addition, the payment to the city's general fund will be added where applicable.

$$\text{Utility costs} + \text{Payment to general fund} = \text{Commodity charge consumption}$$

CAPITAL COST RECOVERY FEE

In addition to any rates or fees adopted by the City Council that are related to the provision of chilled water services within the Downtown system, the SAWS Board of Trustees shall have the discretion to add a fee for the recovery of the capital costs related to the construction of main extensions and installation of heat exchangers to serve new customers. The addition of this Capital Cost Recovery Fee shall be negotiated and agreed to by SAWS and the new customer based on the total cost, including interest, to design, construct and install the capital improvements that are necessary to provide chilled water services to the new customer. An amortization schedule to recover these capital improvement costs shall have a maximum term of twenty (20) years. This Capital Cost Recovery Fee shall not include any infrastructure, fixtures, chattel or appurtenances that will be owned, operated or maintained by the new customer or the owner of the subject property. The SAWS Board of Trustees shall have the discretion to decide whether it will participate in the construction of a main extension and installation of heat exchangers on a case-by-case basis.

DELTA T ADJUSTMENT CHARGE

Delta T is defined as the difference in temperature between a customer's point of delivery and point of return and is an overall measure of system efficiency. This Delta T adjustment charge is applied to the Commodity Charge and represents the added or avoided energy costs. It provides a fee for a customer with

low/poor Delta T or an incentive to those with high/good Delta T. A customer Delta T of 12 to 15 degrees will result in no Delta T adjustment. The Delta T adjustment to the Commodity Charge shall be calculated as the Commodity Charge multiplied by 6 percent for each degree (rounded to the nearest degree), in Fahrenheit, when the average return temperature is something other than 12 to 15 degrees. The Delta T adjustment will apply to the Commodity Charge for the months of April, May, June, July, August and September only. No Delta T adjustment shall be assessed until the later of January 1, 2024 or 12 months of establishing service, to allow a customer to optimize their water side system improvements.

CAPACITY CHARGE RAMP UP SCHEDULE

Beginning on the Operation Date (which may occur during construction), a new customer and SAWS may agree to the following schedule for phasing-in the Capacity Charge up to the Contract Capacity. Should the initial date the customer opens their building to the public (Opening Date) occur prior to the final month of the phase-in period below, the phase-in of the Capacity Charge shall no longer apply and billing for the Capacity Charge will begin in accordance with 100% of contracted capacity. Schedule included below:

- Month 1 (Operation Date): 10% of the Contract Capacity (or actual usage if more than 10%).
- Month 2: 20% of the Contract Capacity (or actual usage if more than 20%).
- Month 3: 30% of the Contract Capacity (or actual usage if more than 30%).
- Month 4: 40% of the Contract Capacity (or actual usage if more than 40%).
- Month 5: 50% of the Contract Capacity (or actual usage if more than 50%).
- Month 6: 60% of the Contract Capacity (or actual usage if more than 60%).
- Month 7: 70% of the Contract Capacity (or actual usage if more than 70%).
- Month 8: 80% of the Contract Capacity (or actual usage if more than 80%).
- Month 9: 90% of the Contract Capacity (or actual usage if more than 90%).
- Month 10: 100% of the Contract Capacity.

ADJUSTMENT FOR PAYMENT TO THE CITY GENERAL FUND

The City of San Antonio may change the percentage for payment to the city general fund pursuant to City Ordinance No. 75686, which is currently established at 4.0% of gross revenues. At that time, the commodity charge will be revised to include the new percentage of payment to the City of San Antonio.

DEFINITIONS

A ton is defined as 12,000 Btu's per hour.

An hour is defined as 60 consecutive minutes.

Gross Revenue is defined in City Ordinance No. 75686.

(Ord. No. 96794, § 1(Att. 1), 11-21-02; Ord. No. 2014-04-17-0262, 4-17-14; Ord. No. 2021-12-02-0910 , § 1(Att.

A), 12-2-21; Ord. No. 2022-11-10-0869 , §§ 1—3(Att. I), 11-10-22)

Editor's note— Ord. No. 2022-11-10-0869 , §§ 1—3(Att. I), adopted Nov. 10, 2022, renumbered Schedule A as Schedule B, and Schedule B as Schedule A, as set out therein. The former Schedule A pertained to chilled water service rate schedule for Port San Antonio. The historical notation has been retained with the amended provisions for reference purposes.

SCHEDULE "B"
RESERVED

Editor's note— Ord. No. 2021-12-02-0910 , § 2(Att. B), adopted Dec. 2, 2021, repealed Schedule B, which pertained to Steam Service Rate Schedule for KellyUSA and derived from Ord. No. 96793, § 1(Att. 1), adopted Nov. 21, 2002; Ord. No. 100588, § 1(Att. I), adopted Mar. 24, 2005.

SCHEDULE "B"
CHILLED WATER SERVICE RATE SCHEDULE FOR PORT SAN ANTONIO
SAN ANTONIO WATER SYSTEM
San Antonio, Texas
Effective January 1, 2023

Billings for chilled water service shall be produced on a monthly basis and shall consist of both a capacity charge and a commodity charge as follows.

CAPACITY CHARGE

The capacity charge for 2023 shall be \$25.28 per ton hour of demand. For each year thereafter, effective on January 1 of each year from 2024 through 2027, respectively, the maximum allowable capacity charge amount per ton hour to be assessed shall be in accordance with the table below.

As of January 1 of each of the following years:	Maximum Allowable Capacity Charge per ton hour to be assessed:	Maximum Allowable Capacity Charge Annual Increase Percentage
2024	\$28.31	12.0%
2025	\$31.14	10.0%
2026	\$33.63	8.0%
2027	\$36.32	8.0%

The demand shall be the largest number of tons of cooling demanded in any of the twelve months ending with the month next preceding the month in which the bill is dated or the demand amount specified in the contract or agreement with the customer, whichever is the greater of the two.

COMMODITY CHARGE

A commodity charge will be applied to the monthly metered consumption. The commodity charge will provide for the pass-through of the Utility Costs, including water and energy costs. No commodity charge shall be made if the metered use of the customer is zero (0) during the month.

The commodity charge will be computed as follows: all utility costs of the previous month will be recovered through an allocation to the consumption of the billing period. In addition, the Payment to the City's General Fund will be added where applicable.

$$\text{Utility Costs} + \text{Payment to General Fund} = \text{Commodity Charge Consumption}$$

CAPITAL COST RECOVERY FEE

In addition to any rates or fees adopted by the City Council that are related to the provision of chilled water services within the Port San Antonio system, the SAWS Board of Trustees shall have the discretion to add a fee for the recovery of the capital costs related to the construction of main extensions and installation of heat exchangers to serve new customers. The addition of this Capital Cost Recovery Fee shall be negotiated and agreed to by SAWS and the new customer based on the total cost, including interest, to design, construct and install the capital improvements that are necessary to provide chilled water services to the new customer. An amortization schedule to recover these capital improvement costs shall have a maximum term of twenty (20) years. This Capital Cost Recovery Fee shall not include any infrastructure, fixtures, chattel or appurtenances that will be owned, operated or maintained by the new customer or the owner of the subject property. The SAWS Board of Trustees shall have the discretion to decide whether it will participate in the construction of a main extension and installation of heat exchangers on a case-by-case basis.

DELTA T ADJUSTMENT CHARGE

Delta T is defined as the difference in temperature between a customer's point of delivery and point of return and is an overall measure of system efficiency. This Delta T adjustment charge is applied to the Commodity Charge and represents the added or avoided energy costs. It provides a fee for a customer with low/poor Delta T or an incentive to those with high/good Delta T. A customer Delta T of 12 to 15 degrees will result in no Delta T adjustment. The Delta T adjustment to the Commodity Charge shall be calculated as the Commodity Charge multiplied by 6 percent for each degree (rounded to the nearest whole degree), in Fahrenheit, when the average return temperature is something other than 12 to 15 degrees. The Delta T

adjustment will apply to the Commodity Charge for the months of April, May, June, July, August and September only. No Delta T adjustment shall be assessed until the later of January 1, 2024 or 12 months of establishing service to allow a customer to optimize their water side system improvements.

CAPACITY CHARGE RAMP UP SCHEDULE

Beginning on the Operation Date (which may occur during construction), customer and SAWS may agree to the following schedule for phasing-in the Capacity Charge up to the Contract Capacity. Should the initial date the customer opens their building to the public (Opening Date) occur prior to the final month of the phase-in period below, the phase-in of the Capacity Charge shall no longer apply and billing for the Capacity Charge will begin in accordance with 100% of contracted capacity. Schedule included below:

- Month 1 (Operation Date): 10% of the Contract Capacity (or actual usage if more than 10%).
- Month 2: 20% of the Contract Capacity (or actual usage if more than 20%).
- Month 3: 30% of the Contract Capacity (or actual usage if more than 30%).
- Month 4: 40% of the Contract Capacity (or actual usage if more than 40%).
- Month 5: 50% of the Contract Capacity (or actual usage if more than 50%).
- Month 6: 60% of the Contract Capacity (or actual usage if more than 60%).
- Month 7: 70% of the Contract Capacity (or actual usage if more than 70%).
- Month 8: 80% of the Contract Capacity (or actual usage if more than 80%).
- Month 9: 90% of the Contract Capacity (or actual usage if more than 90%).
- Month 10: 100% of the Contract Capacity.

ADJUSTMENT FOR PAYMENT TO THE CITY GENERAL FUND

The City of San Antonio may change the Percentage for payment to the City General Fund pursuant to City Ordinance No. 75686, which is currently established at 4.0% of Gross Revenues. At that time, the commodity charge will be revised to include the new Percentage of Payment to the City of San Antonio.

DEFINITIONS

A ton is defined as 12,000 Btu's per hour.

An hour is defined as 60 consecutive minutes.

Gross revenue is defined in City Ordinance No. 75686.

(Ord. No. 2021-12-02-0910 , § 1(Att. A), 12-2-21; Ord. No. 2022-11-10-0869 , §§ 1—3(Att. I), 11-10-22)

Editor's note— Ord. No. 2022-11-10-0869 , §§ 1—3(Att. I), adopted Nov. 10, 2022, renumbered Schedule A as Schedule B, and Schedule B as Schedule A, as set out therein. The former Schedule B pertained to chilled water service rate schedule for Downtown Area. The historical notation has been retained with the

amended provisions for reference purposes.

SCHEDULE "B"
RESERVED

Editor's note— Ord. No. 2021-12-02-0910 , § 2(Att. B), adopted Dec. 2, 2021 , repealed Schedule B, which pertained to Steam Service Rate Schedule for Downtown Area and derived from Ord. No. 96794, § 1(Att. 1), adopted Nov. 21, 2002.

SCHEDULE A
RESIDENTIAL CLASS WATER AND SEWER RATE SCHEDULES
SAN ANTONIO WATER SYSTEM
San Antonio, Texas
Effective for Consumption on or about January 1, 2018

Water service charges for all metered residential water connections INSIDE THE CITY LIMITS of San Antonio shall be the sum of the appropriate Water Service Availability Charge and the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below. Sewer service charges for all metered residential water connections INSIDE THE CITY LIMITS shall be the sum of the appropriate Sewer Service Availability Charge and the application of the Sewer Monthly Volume Charges to average monthly water usage for 90 days during three consecutive billing periods beginning after November 15 and ending on or about March 15 of each year and are billed according to the schedule below. Customers who do not have a record of winter water usage or an interim average will be billed for sewer service assuming 5,985 gallons monthly sewer usage. Customers with no San Antonio Water System water meter will be charged the Sewer Service Availability Charge based on a 5/8" meter size.

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Water Service Availability Charge *	Sewer Service Availability Charge
5/8"	\$12.77	\$13.45
3/4"	\$16.90	\$14.79
1"	\$25.12	\$16.80

1½"	\$45.67	\$23.53
2"	\$70.03	\$33.62
3"	\$127.83	\$67.23
4"	\$209.99	\$100.84
6"	\$415.41	\$168.07
8"	\$661.99	\$268.90
10"	\$949.47	\$403.38
12"	\$1,771.12	\$537.83
* Water Service Availability Charge shall be reduced by \$2.55 if usage does not exceed 2,992 gallons		

MONTHLY VOLUME CHARGES

WATER		SEWER	
Usage Gallon— Block Threshold	Rate Per 100 Gallons	Usage Gallon— Block Threshold	Rate Per 100 Gallons
2,992 Gallons	\$0.0737	1,496 Gallons	\$ -
4,489 Gallons	\$0.1290	2,992 Gallons	\$0.2874
5,985 Gallons	\$0.1658	Over 2,992 Gallons	\$0.4312
7,481 Gallons	\$0.2026		
10,473 Gallons	\$0.2395		

14,962 Gallons	\$0.2764	
20,199 Gallons	\$0.3316	
Over 20,199	\$0.4790	

Water service charges for all metered residential water connections OUTSIDE THE CITY LIMITS of San Antonio shall be the sum of the appropriate Water Service Availability Charge and the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below. Sewer service charges for all metered residential water connections OUTSIDE THE CITY LIMITS shall be the sum of the appropriate Sewer Service Availability Charge and the application of the Sewer Monthly Volume Charges to average monthly water usage for 90 days during three consecutive billing periods beginning after November 15 and ending on or about March 15 of each year and are billed according to the schedule below. Customers who do not have a record of winter water usage or an interim average will be billed for sewer service assuming 5,985 gallons monthly sewer usage. Customers with no San Antonio Water System water meter will be charged the Sewer Service Availability Charge based on a 5/8" meter size.

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Water Service Availability Charge *	Sewer Service Availability Charge
5/8"	\$16.60	\$16.14
3/4"	\$21.97	\$17.76
1"	\$32.66	\$20.17
1½"	\$59.37	\$28.24
2"	\$91.38	\$40.35
3"	\$166.18	\$80.67

4"	\$272.97	\$121.02
6"	\$540.02	\$201.69
8"	\$860.45	\$322.70
10"	\$1,234.30	\$484.05
12"	\$2,302.46	\$645.40
* Water Service Availability Charge shall be reduced by \$3.32 if usage does not exceed 2,992 gallons		

MONTHLY VOLUME CHARGES

WATER		SEWER	
Usage Gallon— Block Threshold	Rate Per 100 Gallons	Usage Gallon— Block Threshold	Rate Per 100 Gallons
2,992 Gallons	\$0.0958	1,496 Gallons	\$ -
4,489 Gallons	\$0.1676	2,992 Gallons	\$0.3450
5,985 Gallons	\$0.2156	Over 2,992 Gallons	\$0.5174
7,481 Gallons	\$0.2634		
10,473 Gallons	\$0.3113		
14,962 Gallons	\$0.3593		
20,199 Gallons	\$0.4311		
Over 20,199	\$0.6228		

(Ord. No. 2015-11-19-0956 , § 4(Att. I), 11-19-15, Res. No. 16-302, Att. III; Ord. No. 2017-12-07-0928 , § 1(Att. I), 12-7-17)

SCHEDULE A
RESIDENTIAL CLASS WATER AND SEWER RATE SCHEDULES
SAN ANTONIO WATER SYSTEM
San Antonio, Texas
Effective for Consumption on or about January 1, 2023

Water service charges for all metered residential water connections **INSIDE THE CITY LIMITS** of San Antonio shall be the sum of the appropriate Water Service Availability Charge and the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below. Sewer service charges for all metered residential water connections **INSIDE THE CITY LIMITS** shall be the sum of the appropriate Sewer Service Availability Charge and the application of the Sewer Monthly Volume Charges to average monthly water usage for 90 days during three consecutive billing periods beginning after November 15 and ending on or about March 15 of each year and are billed according to the schedule below. Customers who do not have a record of winter water usage or an interim average will be billed for sewer service assuming 5,985 gallons monthly sewer usage. Customers with no San Antonio Water System water meter will be charged the Sewer Service Availability Charge based on a 5/8" meter size.

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Water Service Availability Charge *	Sewer Service Availability Charge
5/8"	\$9.00	\$10.00
3/4"	\$11.93	\$13.89
1"	\$17.79	\$21.66
1½"	\$32.44	\$41.08
2"	\$50.02	\$64.39

3"	\$96.90	\$126.55
4"	\$149.64	\$196.48
6"	\$296.14	\$390.73
8"	\$471.94	\$623.83
10"	\$589.14	\$779.23
12"	\$823.54	\$1,090.03
* Water Service Availability Charge shall be reduced by \$2.00 if usage does not exceed 4,000 gallons		

MONTHLY VOLUME CHARGES

Usage Gallon-Block Threshold	Water Rate per 1,000 Gallons	Usage Gallon-Block Threshold	Sewer Rate per 1,000 Gallons
4,000 Gallons	\$0.9070	4,000 Gallons	\$2.539
7,000 Gallons	\$1.6780	Over 4,000 Gallons	\$4.444
12,000 Gallons	\$3.0390		
20,000 Gallons	\$3.9910		
Over 20,000 Gallons	\$5.6690		
Uplift Assistance Program Fee rate 1,000 Gallons—Water	\$0.1590	Uplift Assistance Program Fee rate 1,000 Gallons—Sewer	\$0.1610

Water service charges for all metered residential water connections OUTSIDE THE CITY LIMITS of San Antonio shall be the sum of the appropriate Water Service Availability Charge and the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or

fraction thereof and are billed according to the schedule below. Sewer service charges for all metered residential water connections OUTSIDE THE CITY LIMITS shall be the sum of the appropriate Sewer Service Availability Charge and the application of the Sewer Monthly Volume Charges to average monthly water usage for 90 days during three consecutive billing periods beginning after November 15 and ending on or about March 15 of each year and are billed according to the schedule below. Customers who do not have a record of winter water usage or an interim average will be billed for sewer service assuming 5,985 gallons monthly sewer usage. Customers with no San Antonio Water System water meter will be charged the Sewer Service Availability Charge based on a 5/8" meter size.

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Water Service Availability Charge *	Sewer Service Availability Charge
5/8"	\$11.70	\$12.00
3/4"	\$15.51	\$16.67
1"	\$23.13	\$26.00
1½"	\$42.18	\$49.30
2"	\$65.03	\$77.27
3"	\$125.97	\$151.86
4"	\$194.54	\$235.78
6"	\$384.99	\$468.88
8"	\$613.53	\$748.60
10"	\$765.89	\$935.08
12"	\$,070.61	\$1,308.04

* Water Service Availability Charge shall be reduced by \$2.60 if usage does not exceed 4,000 gallons

MONTHLY VOLUME CHARGES

Usage Gallon-Block Threshold	Water Rate per 1,000 Gallons	Usage Gallon-Block Threshold	Sewer Rate per 1,000 Gallons
4,000 Gallons	\$1.1800	4,000 Gallons	\$3.047
7,000 Gallons	\$2.1820	Over 4,000 Gallons	\$5.333
12,000 Gallons	\$3.9510		
20,000 Gallons	\$5.1890		
Over 20,000 Gallons	\$7.3700		
Uplift Assistance Program Fee rate 1,000 Gallons—Water	\$0.1590	Uplift Assistance Program Fee rate 1,000 Gallons—Sewer	\$0.1610

(Ord. No. 2017-12-07-0928 , § 1(Att. I), 12-7-17; Ord. No. 2022-11-10-0867 , § 1(Att. I), 11-10-22)

SCHEDULE B
GENERAL CLASS WATER AND SEWER RATE SCHEDULES
SAN ANTONIO WATER SYSTEM
San Antonio, Texas
Effective for Consumption on or about January 1, 2018

Water service charges for all metered General Class water connections INSIDE THE CITY LIMITS of San Antonio shall be the sum of the appropriate Water Service Availability Charge and the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below. For a new general class water customer

who does not have a record of prior-year consumption history in order to establish a base use, a default base amount shall be assigned using the average monthly consumption for the prior calendar year for the average apartment, general or industrial account (as applicable) having the same meter size and sub-classification as the customer. A table of average monthly consumptions by general class sub-classification and meter size shall be updated annually by SAWS with actual prior calendar year consumption history information to serve as the source of default base amount assignments. Sewer service charges for all metered General Class water connections INSIDE THE CITY LIMITS shall be the sum of the appropriate Sewer Service Availability Charge and the application of the Sewer Monthly Volume Charges to metered water usage and are billed according to the schedule below. Customers with no San Antonio Water System water meter will be charged the Sewer Service Availability Charge based on a 2" meter size.

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Water Service Availability Charge	Sewer Service Availability Charge
5/8"	\$13.80	\$13.45
3/4"	\$19.71	\$14.79
1"	\$31.53	\$16.80
1 1/2"	\$61.05	\$23.53
2"	\$96.40	\$33.62
3"	\$179.02	\$67.23
4"	\$297.00	\$100.84
6"	\$591.95	\$168.07
8"	\$945.95	\$268.90
10"	\$1,358.90	\$403.38

12"	\$2,538.80	\$537.83
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MONTHLY VOLUME CHARGES

WATER		SEWER	
Usage Gallon— Block Threshold	Rate Per 100 Gallons	Usage Gallon— Block Threshold	Rate Per 100 Gallons
Usage Blocks Base *	\$0.1803	1,496 Gallons	\$ -
>100—125% of Base	\$0.2076	Over 1,496 Gallons	\$0.3851
>125—175% of Base	\$0.2706		
>175% of Base	\$0.3158		
* The Base Use is defined as 100% of the Annual Average Consumption			

Water service charges for all metered General Class water connections OUTSIDE THE CITY LIMITS of San Antonio shall be the sum of the appropriate Water Service Availability Charge and the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below. For a new general class water customer who does not have a record of prior-year consumption history in order to establish a base use, a default base amount shall be assigned using the average monthly consumption for the prior calendar year for the average apartment, general or industrial account (as applicable) having the same meter size and sub-classification as the customer. A table of average monthly consumptions by general class sub-classification and meter size shall be updated annually by SAWS with actual prior calendar year consumption history information to serve as the source of default base amount assignments. Sewer service charges for all metered General Class water connections OUTSIDE THE CITY LIMITS shall be the sum of the appropriate Sewer Service Availability Charge and the application of the Sewer Monthly Volume Charges to metered water usage and are billed according to the schedule below. Customers with no San Antonio Water System water meter will be charged the Sewer Service Availability Charge based on a 2" meter size.

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Water Service Availability Charge	Sewer Service Availability Charge
5/8"	\$16.87	\$16.14
3/4"	\$24.02	\$17.76
1"	\$38.30	\$20.17
1 1/2"	\$73.97	\$28.24
2"	\$116.43	\$40.35
3"	\$216.60	\$80.67
4"	\$359.21	\$121.02
6"	\$715.81	\$201.69
8"	\$1,143.74	\$322.70
10"	\$1,642.97	\$484.05
12"	\$3,069.37	\$645.40

MONTHLY VOLUME CHARGES

WATER		SEWER	
Usage Gallon— Block Threshold	Rate Per 100 Gallons	Usage Gallon— Block Threshold	Rate Per 100 Gallons

Usage Blocks Base *	\$ 0.2345	1,496 Gallons	\$ -
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>100—125% of Base	\$ 0.2699	Over 1,496 Gallons	\$ 0.4622
>125—175% of Base	\$ 0.3519		
>175% of Base	\$ 0.4105		
* The Base Use is defined as 100% of the Annual Average Consumption			

(Ord. No. 2015-11-19-0956 , § 4(Att. I), 11-19-15, Res. No. 16-302, Att. III; Ord. No. 2017-12-07-0928 , § 1(Att. I), 12-7-17)

SCHEDULE B
GENERAL CLASS WATER AND SEWER RATE SCHEDULES
SAN ANTONIO WATER SYSTEM
San Antonio, Texas
Effective for Consumption on or about January 1, 2023

Water service charges for all metered General Class water connections **INSIDE THE CITY LIMITS** of San Antonio shall be the sum of the appropriate Water Service Availability Charge and the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below. For a new general class water customer who does not have a record of prior-year consumption history in order to establish a base use, a default base amount shall be assigned using the average monthly consumption for the prior calendar year for the average apartment, general or industrial account (as applicable) having the same meter size and sub-classification as the customer. A table of average monthly consumptions by general class sub-classification and meter size shall be updated annually by SAWS with actual prior calendar year consumption history information to serve as the source of default base amount assignments. Sewer service charges for all metered General Class water connections **INSIDE THE CITY LIMITS** shall be the sum of the appropriate Sewer Service Availability Charge and the application of the Sewer Monthly Volume Charges to metered water usage and are billed according to the schedule below. Customers with no San Antonio Water System water meter will be charged the Sewer Service Availability Charge based on a 2" meter size.

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Water Service Availability Charge	Sewer Service Availability Charge
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5/8"	\$12.70	\$10.00
3/4"	\$16.48	\$13.89
1"	\$24.04	\$21.66
1½"	\$42.94	\$41.08
2"	\$65.62	\$64.39
3"	\$126.10	\$126.55
4"	\$194.14	\$196.48
6"	\$383.14	\$390.73
8"	\$606.94	\$623.83
10"	\$761.14	\$779.23
12"	\$1,063.54	\$1,090.03

MONTHLY VOLUME CHARGES

Usage Gallon-Block Threshold	Water Rate per 1,000 Gallons	Usage Gallon-Block Threshold	Sewer Rate per 1,000 Gallons
Base*	\$1.9580	All Usage	\$4.3680
>100—125% of Base	\$2.2520		
>125—175% of Base	\$2.9370		
>175% of Base	\$3.4270		

*The Base Use is defined as 100% of the Annual Average Consumption

Uplift Assistance Program Fee rate per 1,000 Gallons—Water	\$0.1590	Uplift Assistance Program Fee per 1,000 Gallons— Sewer	\$0.1610
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Water service charges for all metered General Class water connections OUTSIDE THE CITY LIMITS of San Antonio shall be the sum of the appropriate Water Service Availability Charge and the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below. For a new general class water customer who does not have a record of prior-year consumption history in order to establish a base use, a default base amount shall be assigned using the average monthly consumption for the prior calendar year for the average apartment, general or industrial account (as applicable) having the same meter size and sub-classification as the customer. A table of average monthly consumptions by general class sub-classification and meter size shall be updated annually by SAWS with actual prior calendar year consumption history information to serve as the source of default base amount assignments. Sewer service charges for all metered General Class water connections OUTSIDE THE CITY LIMITS shall be the sum of the appropriate Sewer Service Availability Charge and the application of the Sewer Monthly Volume Charges to metered water usage and are billed according to the schedule below. Customers with no San Antonio Water System water meter will be charged the Sewer Service Availability Charge based on a 2" meter size.

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Water Service Availability Charge	Sewer Service Availability Charge
5/8"	\$16.00	\$12.00
3/4"	\$20.66	\$16.67
1"	\$29.98	\$26.00
1½"	\$53.28	\$49.30
2"	\$81.23	\$77.27

3"	\$155.77	\$151.86
4"	\$239.64	\$235.78
6"	\$472.59	\$468.88
8"	\$752.13	\$748.60
10"	\$938.49	\$935.08
12"	\$1,311.21	\$1,308.04

MONTHLY VOLUME CHARGES

Usage Gallon-Block Threshold	Water Rate per 1,000 Gallons	Usage Gallon-Block Threshold	Sewer Rate per 1,000 Gallons
Base*	\$2.5460	All Usage	\$5.2420
>100—125% of Base	\$2.9280		
>125—175% of Base	\$3.8190		
>175% of Base	\$4.4560		

*The Base Use is defined as 100% of the Annual Average Consumption

Uplift Assistance Program Fee rate per 1,000 Gallons—Water	\$0.1590	Uplift Assistance Program Fee per 1,000 Gallons— Sewer	\$0.1610
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SCHEDULE C
 WHOLESALE CLASS WATER AND SEWER RATE SCHEDULES
 SAN ANTONIO WATER SYSTEM
 San Antonio, Texas
 Effective for Consumption on or about January 1, 2018

Water service charges for all metered wholesale water connections shall be the sum of the appropriate Water Service Availability Charge and the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below. Sewer service charges for all metered wholesale water connections shall be the sum of the appropriate Sewer Service Availability Charge and the application of the Sewer Monthly Volume Charges to metered water usage and are billed according to the schedule below.

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size†	Water Service Availability Charge	Sewer Service Availability Charge
6"	\$536.70	\$314.88
8"	\$857.15	\$314.88
10"	\$1,230.99	\$314.88
12"	\$2,299.15	\$314.88

† Wholesale water service will not be provided through a meter smaller than 6" in order to comply with fire-flow requirements and the "Criteria for Water Supply and Distribution in the City of San Antonio and its Extraterritorial Jurisdiction."

MONTHLY VOLUME CHARGES

WATER	SEWER
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Usage Gallon— Block Threshold	Rate Per 100 Gallons	Usage Gallon— Block Threshold	Rate Per 100 Gallons
Base *	\$0.2091	All Usage	\$0.4109
Over Base	\$0.6274		

* The Base Use is defined as 100% of the Annual Average Consumption or as agreed to by the wholesale customer and approved by the SAWS Board of Trustees.

(Ord. No. 2015-11-19-0956 , § 4(Att. I), 11-19-15, Res. No. 16-302, Att. III; Ord. No. 2017-12-07-0928 , § 1(Att. I), 12-7-17)

SCHEDULE C
WHOLESALE CLASS WATER AND SEWER RATE SCHEDULES
SAN ANTONIO WATER SYSTEM
San Antonio, Texas
Effective for Consumption on or about January 1, 2023

Water service charges for all metered wholesale water connections shall be the sum of the appropriate Water Service Availability Charge and the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below. Sewer service charges for all metered wholesale water connections shall be the sum of the appropriate Sewer Service Availability Charge and the application of the Sewer Monthly Volume Charges to metered water usage and are billed according to the schedule below.

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size†	Water Service Availability Charge	Sewer Service Availability Charge
6"	\$298.14	\$340.07
8"	\$473.94	\$340.07
10"	\$591.14	\$340.07

12"	\$825.54	\$340.07
<p>† Wholesale water service will not be provided through a meter smaller than 6" in order to comply with fire-flow requirements and the "Criteria for Water Supply and Distribution in the City of San Antonio and its Extraterritorial Jurisdiction."</p>		

MONTHLY VOLUME CHARGES

WATER		SEWER	
Usage Gallon— Block Threshold	Rate Per 1,000 Gallons	Usage Gallon— Block Threshold	Rate Per 1,000 Gallons
Base *	\$2.7230	All Usage	\$4.2560
Over Base	\$5.4460		
<p>* The Base Use is defined as 100% of the Annual Average Consumption or as agreed to by the wholesale customer and approved by the SAWS Board of Trustees.</p>			

(Ord. No. [2017-12-07-0928](#) , § 1(Att. I), 12-7-17; [Ord. No. 2022-11-10-0867](#) , § 1(Att. I), 11-10-22)

SCHEDULE D
 IRRIGATION CLASS WATER AND SEWER RATE SCHEDULES
 SAN ANTONIO WATER SYSTEM
 San Antonio, Texas
 Effective for Consumption on or about January 1, 2018

Water service charges for all irrigation water service INSIDE THE CITY LIMITS of San Antonio shall be the sum of the appropriate Service Availability charge and the application of the Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below.

MONTHLY SERVICE AVAILABILITY CHARGE

Meter Size	Service Availability Charge
5/8"	\$13.80
3/4"	\$19.71
1"	\$31.53
1½"	\$61.05
2"	\$96.40
3"	\$179.02
4"	\$297.00
6"	\$591.95
8"	\$945.95
10"	\$1,358.90
12"	\$2,538.80

MONTHLY VOLUME CHARGES

Usage Gallon—Block Threshold	Rate Per 100 Gallons
8,229 Gallons	\$0.3279
17,954 Gallons	\$0.4589

162,316 Gallons	\$0.5901
Over 162,316 Gallons	\$0.7540

Water service charges for all irrigation water service OUTSIDE THE CITY LIMITS of San Antonio shall be the sum of the appropriate Service Availability charge and the application of the Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below.

MONTHLY SERVICE AVAILABILITY CHARGE

Meter Size	Service Availability Charge
5/8"	\$16.87
3/4"	\$24.02
1"	\$38.30
1 1/2"	\$73.97
2"	\$116.73
3"	\$216.60
4"	\$359.21
6"	\$715.81
8"	\$1,143.74
10"	\$1,642.97
12"	\$3,069.37

MONTHLY VOLUME CHARGES

Usage Gallon—Block Threshold	Rate Per 100 Gallons
8,229 Gallons	\$0.4262
17,954 Gallons	\$0.5967
162,316 Gallons	\$0.7671
Over 162,316 Gallons	\$0.9802

(Ord. No. 2015-11-19-0956 , § 4(Att. I), 11-19-15, Res. No. 16-302, Att. III; Ord. No. 2017-12-07-0928 , § 1(Att. I), 12-7-17)

SCHEDULE D
IRRIGATION CLASS WATER AND SEWER RATE SCHEDULES
SAN ANTONIO WATER SYSTEM
San Antonio, Texas
Effective for Consumption on or about January 1, 2023

Water service charges for all irrigation water service INSIDE THE CITY LIMITS of San Antonio shall be the sum of the appropriate Service Availability charge and the application of the Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below.

MONTHLY SERVICE AVAILABILITY CHARGE

Meter Size	Service Availability Charge
5/8"	\$12.70
3/4"	\$16.48
1"	\$24.04

1½"	\$42.94
2"	\$65.62
3"	\$126.10
4"	\$194.14
6"	\$383.14
8"	\$609.94
10"	\$761.14
12"	\$1,063.54

MONTHLY VOLUME CHARGES

Usage Gallon—Block Threshold	Rate Per 1,000 Gallons
8,000 Gallons	\$3.4750
18,000 Gallons	\$4.8650
160,000 Gallons	\$6.2550
Over 160,000 Gallons	\$7.9930
Uplift Assistance Program Fee rate 1,000 Gallons—Water	\$0.1590

Water service charges for all irrigation water service OUTSIDE THE CITY LIMITS of San Antonio shall be the sum of the appropriate Service Availability charge and the application of the Monthly Volume Charges to

metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below.

MONTHLY SERVICE AVAILABILITY CHARGE

Meter Size	Service Availability Charge
5/8"	\$16.00
3/4"	\$20.66
1"	\$29.98
1½"	\$53.28
2"	\$81.23
3"	\$155.77
4"	\$239.64
6"	\$472.59
8"	\$752.13
10"	\$938.49
12"	\$1,311.21

MONTHLY VOLUME CHARGES

Usage Gallon—Block Threshold	Rate Per 1,000 Gallons

8,000 Gallons	\$4.5180
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18,000 Gallons	\$6.3250
160,000 Gallons	\$8.1320
Over 160,000 Gallons	\$10.3910
Uplift Assistance Program Fee rate per 1,000 Gallons—Fee rate per 1,000 Gallons—Water	\$0.1590

(Ord. No. [2017-12-07-0928](#) , § 1(Att. I), 12-7-17; [Ord. No. 2022-11-10-0867](#) , § 1(Att. I), 11-10-22)

SCHEDULE E
WATER SUPPLY FEE SCHEDULE
SAN ANTONIO WATER SYSTEM
San Antonio, Texas

Effective for Consumption on or about January 1, 2023

The Water Supply Fee shall be assessed on all potable water service for water usages in every instance of service for each month or fraction thereof according to the schedule below.

Rate Class	Usage Gallon— Block Threshold	Rate per 1,000 Gallons
Residential	4,000 Gallons	\$1.6310
	7,000 Gallons	\$3.0180
	12,000 Gallons	\$5.4640
	20,000 Gallons	\$7.1770
	Over 20,000 Gallons	\$10.1940
General	Base *	\$3.0790
	125% of Base	\$3.5410

	175% of Base	\$4.6190
	Over 175% of Base	\$5.3890
Wholesale	Base **	\$3.5670
	Over Base	\$7.1340
Irrigation	8,000 Gallons	\$3.8130
	18,000 Gallons	\$5.3390
	160,000 Gallons	\$6.8640
	Over 160,000 Gallons	\$8.7700
Uplift Assistance Program— Residential	2,000 Gallons	\$—
	6,000 Gallons	\$1.6500
	10,000 Gallons	\$2.4750
	15,000 Gallons	\$4.1250
	Over 15,000 Gallons	\$5.7750
* The Base Use for the General Class is defined as 100% of the Annual Average Consumption		
** The Base Use for the Wholesale Class is defined as 100% of the Annual Average Consumption or as agreed to by the wholesale customer and approved by the SAWS Board of Trustees.		

(Ord. No. 2015-11-19-0956 , § 4(Att. I), 11-19-15, Res. No. 16-302, Atts. III, IV; Ord. No. 2017-12-07-0928 , § 1(Att. I), 12-7-17; Res. No. 19-280 , § 5(Att. III), 11-5-19; Ord. No. 2022-11-10-0867 , § 1(Att. I), 11-10-22)

INDUSTRIAL WASTE FEE SCHEDULE

Under Article V, Sewage Transportation, Treatment and Disposal, Division 3, Sec. 34-484, et seq.

Effective 12:01 a.m., January 1, 2023

Ordinance No. 2022-11-10-0867 dated November 10, 2022

Name of Fee	Fee Amount	Unit
Industrial Waste Discharge Permit—Categorical	\$15,783.00	Per Five (5) Year Permit with annual pro rata payments
Industrial Waste Discharge Permit—Non-Categorical	\$11,837.00	Per Five (5) Year Permit with annual pro rata payments
Sampling Fee—Significant Industrial Users	\$577.00	Per sample of discharge from Significant Industrial User collected under Industrial Pre-Treatment Program
Sampling Fee—Non-Significant Industrial Users	\$13.00	Per month billed to Non-Significant Industrial User under Industrial Pre-Treatment Program

Laboratory Testing Fees:

Name of Fee	Fee Amount	Unit
Alkalinity	\$20.00	Per test
Ammonia Direct	\$24.00	Per test

Ammonia Distillation	\$47.00	Per test
Biochemical Oxygen Demand	\$40.00	Per test
Chemical Oxygen Demand	\$42.00	Per test
Conductivity	\$13.00	Per test
Cyanide—Total (with Post Amending)	\$54.00	Per test
Phosphorus—Total	\$30.00	Per test
Total Kjeldahl Nitrogen	\$46.00	Per test
Total Dissolved Solids	\$18.00	Per test
Total Suspended Solids	\$22.00	Per test
Turbidity	\$17.00	Per test
Escherichia Coli—Present/Absent	\$26.00	Per test
Total Coliform—Present/Absent	\$24.00	Per test
Fecal Coliform	\$24.00	Per test
Fecal Streptococcus	\$34.00	Per test
Escherichia Coli—Membrane Filtration	\$24.00	Per test
Mercury	\$40.00	Per test
Hardness	\$22.00	Per test
Hexavalent Chromium	\$39.00	Per test
Metals	\$19.00	Per test

Fats, Oil and Grease	\$74.00	Per test
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IC (Nitrite, Sulfate, Chloride, Nitrite/Nitrate Combined, Nitrate, Fluoride)	\$21.00	Per test
Organochlorine Pesticides	\$229.00	Per test
Organophosphorus Pesticides (8 compounds)	\$263.00	Per test
Semi-Volatile Organic Compounds (70—110 compounds)	\$506.00	Per test
Total Petroleum Hydrocarbons	\$135.00	Per test
Volatile Organic Compounds—Drinking Water (48—84 compounds)	\$152.00	Per test
Volatile Organic Compounds—Wastewater (31 compounds)	\$204.00	Per test

(Ord. No. 2015-11-19-0956 , § 4(Att. I), 11-19-15, Res. No. 16-302, Atts. III, IV; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , § 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 1(Att. I), 11-10-22)

SCHEDULE F
 RECYCLED WATER RATE SCHEDULES
 SAN ANTONIO WATER SYSTEM

San Antonio, Texas

Effective for Consumption on or about January 1, 2023

Water service charges for all recycled water service shall be the sum of the appropriate Service Availability Charge and the application of the Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the appropriate schedule below.

EDWARDS EXCHANGE CUSTOMERS
 MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Service Availability Charge
5/8"	\$16.92
3/4"	\$22.00
1"	\$28.69
1 1/2"	\$45.57
2"	\$66.62
3"	\$177.21
4"	\$263.40
6"	\$502.44
8"	\$757.37
10"	\$1,038.52
12"	\$1,281.36

MONTHLY VOLUME CHARGES

	Rate Per 100 Gallons	
Usage Blocks	Standard	Seasonal
Transferred Amount	\$0.4460	\$0.4460
All in excess of transferred amount	\$1.6700	\$1.7740

The Volume Charge "Seasonal" Rate Per 1,000 Gallons shall be applied to all billings beginning on or about May 1 and ending after five complete billing months on or about September 30 of each year. At all other times the Volume Charge "Standard" Rate Per 1,000 Gallons shall be utilized.

NON EDWARDS EXCHANGE CUSTOMERS

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Service Availability Charge
5/8"	\$16.92
3/4"	\$22.00
1"	\$28.69
1 1/2"	\$45.57
2"	\$66.62
3"	\$177.21
4"	\$263.40
6"	\$502.44
8"	\$757.37
10"	\$1,038.52
12"	\$1,281.36

	Rate Per 1,000 Gallons	
Usage Blocks	Standard	Seasonal
First 748,000	\$1.7860	\$1.9210
Over 748,000	\$1.8270	\$1.9370

The Volume Charge "Seasonal" Rate Per 1,000 Gallons shall be applied to all billings beginning on or about May 1 and ending after five complete billing months on or about September 30 of each year. At all other times the Volume Charge "Standard" Rate Per 1,000 Gallons shall be utilized.

(Ord. No. 2015-11-19-0956 , § 4(Att. I), 11-19-15, Res. No. 16-302, Atts. III, IV; Ord. No. 2017-12-07-0928 , § 1(Att. I), 12-7-17; Res. No. 19-280 , § 5(Att. III), 11-5-19; Ord. No. 2022-11-10-0868 , § 1(Att. I), 11-10-22)

ANNUAL MAXIMUM AUTHORIZED
RECYCLED WATER RATE SCHEDULES
SAN ANTONIO WATER SYSTEM

San Antonio, Texas

Effective for Consumption on or about January 1, 2024

Water service charges for all recycled water service shall be the sum of the appropriate Service Availability Charge and the application of the Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the appropriate schedule below.

EDWARDS EXCHANGE CUSTOMERS
MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Service Availability Charge
5/8"	\$18.61

¾"	\$24.20
1"	\$31.56
1½"	\$50.13
2"	\$73.28
3"	\$194.93
4"	\$289.74
6"	\$552.68
8"	\$833.11
10"	\$1,142.37
12"	\$1,409.50

MONTHLY VOLUME CHARGES

	Rate Per 1,000 Gallons	
Usage Blocks	Standard	Seasonal
Transferred Amount	\$0.4906	\$0.4906
All in excess of transferred amount	\$1.8370	\$1.9514

The Volume Charge "Seasonal" Rate Per 1,000 Gallons shall be applied to all billings beginning on or about May 1 and ending after five complete billing months on or about September 30 of each year. At all other times the Volume Charge "Standard" Rate Per 1,000 Gallons shall be utilized.

NON EDWARDS EXCHANGE CUSTOMERS

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Service Availability Charge
5/8"	\$18.61
3/4"	\$24.20
1"	\$31.56
1½"	\$50.13
2"	\$73.28
3"	\$194.93
4"	\$289.74
6"	\$552.68
8"	\$833.11
10"	\$1,142.37
12"	\$1,409.50

MONTHLY VOLUME CHARGES

	Rate Per 1,000 Gallons	
Usage Blocks	Standard	Seasonal

First 748,000	\$1.9646	\$2.1131
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Over 748,000	\$2.0097	\$2.1307
<p>The Volume Charge "Seasonal" Rate Per 1,000 Gallons shall be applied to all billings beginning on or about May 1 and ending after five complete billing months on or about September 30 of each year. At all other times the Volume Charge "Standard" Rate Per 1,000 Gallons shall be utilized.</p>		

(Ord. No. 2022-11-10-0868 , § 2(Att. II), 11-10-22)

ANNUAL MAXIMUM AUTHORIZED
RECYCLED WATER RATE SCHEDULES
SAN ANTONIO WATER SYSTEM

San Antonio, Texas

Effective for Consumption on or about January 1, 2025

Water service charges for all recycled water service shall be the sum of the appropriate Service Availability Charge and the application of the Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the appropriate schedule below.

EDWARDS EXCHANGE CUSTOMERS

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Service Availability Charge
5/8"	\$20.47
3/4"	\$26.62
1"	\$34.71
1½"	\$55.14
2"	\$80.61

3"	\$214.42
4"	\$318.71
6"	\$607.95
8"	\$916.42
10"	\$1,256.61
12"	\$1,550.45

MONTHLY VOLUME CHARGES

	Rate Per 1,000 Gallons	
Usage Blocks	Standard	Seasonal
Transferred Amount	\$0.5397	\$0.5397
All in excess of transferred amount	\$2.0207	\$2.1465

The Volume Charge "Seasonal" Rate Per 1,000 Gallons shall be applied to all billings beginning on or about May 1 and ending after five complete billing months on or about September 30 of each year. At all other times the Volume Charge "Standard" Rate Per 1,000 Gallons shall be utilized.

NON EDWARDS EXCHANGE CUSTOMERS

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Service Availability Charge
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5/8"	\$20.47
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¾"	\$26.62
1"	\$34.71
1½"	\$55.14
2"	\$80.61
3"	\$214.42
4"	\$318.71
6"	\$607.95
8"	\$916.42
10"	\$1,256.61
12"	\$1,550.45

MONTHLY VOLUME CHARGES

	Rate Per 1,000 Gallons	
Usage Blocks	Standard	Seasonal
First 748,000	\$2.1611	\$2.3244
Over 748,000	\$2.2107	\$2.3438

The Volume Charge "Seasonal" Rate Per 1,000 Gallons shall be applied to all billings beginning on or about May 1 and ending after five complete billing months on or about September 30 of each year. At all other times the Volume Charge "Standard" Rate Per 1,000 Gallons shall be utilized.

ANNUAL MAXIMUM AUTHORIZED
RECYCLED WATER RATE SCHEDULES
SAN ANTONIO WATER SYSTEM

San Antonio, Texas

Effective for Consumption on or about January 1, 2026

Water service charges for all recycled water service shall be the sum of the appropriate Service Availability Charge and the application of the Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the appropriate schedule below.

EDWARDS EXCHANGE CUSTOMERS

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Service Availability Charge
5/8"	\$22.52
3/4"	\$29.28
1"	\$38.19
1½"	\$60.65
2"	\$88.67
3"	\$235.87
4"	\$350.59
6"	\$668.75
8"	\$1,008.06
10"	\$1,382.27

12"	\$1,705.49
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MONTHLY VOLUME CHARGES

	Rate Per 1,000 Gallons	
Usage Blocks	Standard	Seasonal
Transferred Amount	\$0.5936	\$0.5936
All in excess of transferred amount	\$2.2228	\$2.3612
<p>The Volume Charge "Seasonal" Rate Per 1,000 Gallons shall be applied to all billings beginning on or about May 1 and ending after five complete billing months on or about September 30 of each year. At all other times the Volume Charge "Standard" Rate Per 1,000 Gallons shall be utilized.</p>		

NON EDWARDS EXCHANGE CUSTOMERS

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Service Availability Charge
5/8"	\$22.52
3/4"	\$29.28
1"	\$38.19
1½"	\$60.65
2"	\$88.67

3"	\$235.87
4"	\$350.59
6"	\$668.75
8"	\$1,008.06
10"	\$1,382.27
12"	\$1,705.49

MONTHLY VOLUME CHARGES

	Rate Per 1,000 Gallons	
Usage Blocks	Standard	Seasonal
First 748,000	\$2.3772	\$2.5569
Over 748,000	\$2.4317	\$2.5781

The Volume Charge "Seasonal" Rate Per 1,000 Gallons shall be applied to all billings beginning on or about May 1 and ending after five complete billing months on or about September 30 of each year. At all other times the Volume Charge "Standard" Rate Per 1,000 Gallons shall be utilized.

(Ord. No. 2022-11-10-0868 , § 2(Att. II), 11-10-22)

ANNUAL MAXIMUM AUTHORIZED
 RECYCLED WATER RATE SCHEDULES
 SAN ANTONIO WATER SYSTEM

San Antonio, Texas

Effective for Consumption on or about January 1, 2027

Water service charges for all recycled water service shall be the sum of the appropriate Service Availability Charge and the application of the Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the appropriate schedule below.

EDWARDS EXCHANGE CUSTOMERS

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Service Availability Charge
5/8"	\$24.77
3/4"	\$32.21
1"	\$42.01
1 1/2"	\$66.72
2"	\$97.54
3"	\$259.45
4"	\$385.64
6"	\$735.62
8"	\$1,108.87
10"	\$1,520.50
12"	\$1,876.04

MONTHLY VOLUME CHARGES

	Rate Per 1,000 Gallons	
Usage Blocks	Standard	Seasonal
Transferred Amount	\$0.6530	\$0.6530
All in excess of transferred amount	\$2.4450	\$2.5973

The Volume Charge "Seasonal" Rate Per 1,000 Gallons shall be applied to all billings beginning on or about May 1 and ending after five complete billing months on or about September 30 of each year. At all other times the Volume Charge "Standard" Rate Per 1,000 Gallons shall be utilized.

NON EDWARDS EXCHANGE CUSTOMERS
MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size	Service Availability Charge
5/8"	\$24.77
3/4"	\$32.21
1"	\$42.01
1½"	\$66.72
2"	\$97.54
3"	\$259.45
4"	\$385.64

6"	\$735.62
8"	\$1,108.87
10"	\$1,520.50
12"	\$1,876.04

MONTHLY VOLUME CHARGES

Usage Blocks	Rate Per 1,000 Gallons	
	Standard	Seasonal
First 748,000	\$2.6149	\$2.8125
Over 748,000	\$2.6749	\$2.8360

The Volume Charge "Seasonal" Rate Per 1,000 Gallons shall be applied to all billings beginning on or about May 1 and ending after five complete billing months on or about September 30 of each year. At all other times the Volume Charge "Standard" Rate Per 1,000 Gallons shall be utilized.

(Ord. No. 2022-11-10-0868 , § 2(Att. II), 11-10-22)

LIQUID WASTE HAULER FEE SCHEDULE

Under Article V, Sewage Transportation, Treatment and Disposal, Division 4, Sec. 34-521, et seq.

Effective 12:01 a.m., January 1, 2021

Ordinance No. 2022-11-10-0867 , dated November 10, 2022

Name of Fee	Fee Amount	Unit
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Liquid Waste Permits and Coupons—Truck Permit	\$413.00	Per annual permit per liquid waste hauling truck
Liquid Waste Permits and Coupons—Truck Permit Reinspection Fee	\$232.00	Per each reinspection of a truck required for the truck to qualify for an annual liquid waste hauling permit
Liquid Waste Permits and Coupons—Manifest Coupon Books	\$53.00	Per manifest book
Disposal Site Fee	\$39.00	Per 1,000 gallons of disposed waste
Disposal Site Holiday Access Fee	\$73.00	Per hour of access on holidays
Disposal Site Weekend Access Fee	\$44.00	Per hour of access on weekends

(Ord. No. 2015-11-19-0956 , § 4(Att. I), 11-19-15, Res. No. 16-302, Atts. III, IV; Ord. No. 2017-12-07-0928 , § 3(Att. II), 12-7-17; Res. No. 18-262, 11-13-18; Res. No. 19-280 , § 7(Att. V), 11-5-19; Ord. No. 2022-11-10-0867 , § 2(Att. II), 11-10-22)

PRIVATE FIRE PROTECTION WATER SERVICE

(cf. Sec. 34-127)

Type Nos. 1 and 2 (non-metered) and Type No. 3 (combination meter):

	Minimum Annual Charge	
	<i>Inside City Limits</i>	<i>Outside City Limits</i>
4-inch or smaller service line connection	\$274.00	\$356.00

6-inch	378.00	493.00
8-inch	460.00	597.00

10-inch	532.00	690.00
12-inch	636.00	872.00

(Ord. No. 2015-11-19-0956 , § 4(Att. I), 11-19-15)

SCHEDULE G
UPLIFT ASSISTANCE PROGRAM
RESIDENTIAL CLASS WATER AND SEWER RATE SCHEDULES
SAN ANTONIO WATER SYSTEM
San Antonio, Texas
Effective for Consumption on or about January 1, 2023

Households inside the City Limits or outside the City Limits with income at or below 125 percent of the Federal Poverty Level (FPL) are eligible to apply to be subject to the below rates.

Water service charges for all metered residential water connections **INSIDE THE CITY LIMITS** of San Antonio shall be the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below. Sewer service charge for all metered residential water connections **INSIDE THE CITY LIMITS** shall be the application for the Sewer Monthly Volume Charges to average monthly water usage for 90 days during three consecutive billing periods beginning after November 15 and ending on or about March 15 of each year and are billed according to the schedule below. Customers who do not have a record of winter water usage or an interim average will be billed for sewer service assuming 5,985 gallons monthly sewer usage.

MONTHLY SERVICE AVAILABILITY CHARGES

Usage Tier	Water Service Availability Charge
Tier 1	—
Tier 2	\$3.00

MONTHLY VOLUME CHARGES

	Water		Sewer
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Usage Tier gallon— Block Threshold	Rate per 1,000 Gallons	Usage Tier Gallon— Block Threshold	Rate per 1,000 Gallons
2,000 Gallons	\$—	2,000 Gallons	\$—
6,000 Gallons	\$1.0000	Over 2,000 Gallons	\$2.700
10,000 Gallons	\$1.5000		
15,000 Gallons	\$2.5000		
Over 15,000 Gallons	\$3.5000		

Water service charges for all metered residential water connections OUTSIDE THE CITY LIMITS of San Antonio shall be the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below. Sewer service charges for all metered residential water connections OUTSIDE THE CITY LIMITS shall be the application of the Sewer Monthly Volume Charges to average monthly water usage for 90 days during three consecutive billing periods beginning after November 15 and ending on or about March 15 of each year and are billed according to the schedule below. Customers who do not have a record of winter water usage or an interim average will be billed for sewer service assuming 5,985 gallons monthly sewer usage.

MONTHLY SERVICE AVAILABILITY CHARGES

Usage Tier	Water Service Availability Charge
Tier 1	—
Tier 2	\$3.90

MONTHLY VOLUME CHARGES

	Water		Sewer

Usage Tier gallon— Block Threshold	Rate per 1,000 Gallons	Usage Tier Gallon— Block Threshold	Rate per 1,000 Gallons
2,000 Gallons	\$—	2,000 Gallons	\$—
6,000 Gallons	\$1.3000	Over 2,000 Gallons	\$3.240
10,000 Gallons	\$1.9500		
15,000 Gallons	\$3.2500		
Over 15,000 Gallons	\$4.5500		

(Ord. No. 2022-11-10-0867 , § 1(Att. I), 11-10-22)

SCHEDULE H
 CONSERVATION FEES
 RESIDENTIAL, GENERAL AND IRRIGATION CLASSES
 SAN ANTONIO WATER SYSTEM
 San Antonio, Texas
 Effective for Consumption on or about January 1, 2023

The below rates and charges are intended to recover costs associated with the SAWS Conservation Program.

RESIDENTIAL CLASS CONSERVATION VOLUMETRIC RATES

The volumetric rates shown below for Residential Class customers are included as part of the corresponding Residential volumetric rate amounts by Usage Gallon-Block Threshold shown in Schedule A. The Residential Class amounts shown here are applied to both Inside and Outside the City Limits customers.

Usage Gallon-Block Threshold	Rate per 1,000 Gallons
4,000 Gallons	\$—
7,000 Gallons	\$—
12,000 Gallons	\$0.6450

Over 20,000 Gallons	\$1.2030
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GENERAL AND IRRIGATION CLASS CONSERVATION METER CHARGES

The Monthly Charges amount by meter size shown below are included as part of the corresponding Monthly Service Availability Charge amounts by meter size shown in General Class Schedule B and the Irrigation Class Schedule D, respectively. The General and Irrigation Class amounts shown here are applied to both Inside and Outside the City Limits customers. This schedule replaces the General Class Conservation Fee schedule established by City Ordinance No. 87043, Section 2 (Adopted December 1, 1997).

Meter Size	Monthly Charge
5/8"	\$1.70
3/4"	\$2.55
1"	\$4.25
1 1/2"	\$8.50
2"	\$13.60
3"	\$27.20
4"	\$42.50
6"	\$85.00
8"	\$136.00
10"	\$170.00
12"	\$238.00

(Ord. No. 2022-11-10-0867 , § 1(Att. I), 11-10-22)

DROUGHT SURCHARGE SCHEDULES

RESIDENTIAL SURCHARGE

(Residential Customer)

(cf. Sec. 34-128.)

Stages III and IV

In addition to regular charges, the following rate surcharges shall apply during Stage III and Stage IV for all residential water service INSIDE AND OUTSIDE THE CITY LIMITS of San Antonio, measured per 100 gallons for water usage in every instance of service for each billing month the Drought Surcharge is in effect, and shall be as follows:

MONTHLY SURCHARGE

Stage	Step in Gallons	
III	All in excess of _____ gallons	
IV	All in excess of _____ gallons	

IRRIGATION SURCHARGE

(Non-Residential Irrigation Customer)

(cf. Sec. 34-128)

Stage IV

Non-residential irrigation customers. In addition to regular charges, the following rate surcharges shall apply during Stage III and Stage IV for all non-residential irrigation customers INSIDE AND OUTSIDE THE CITY LIMITS of San Antonio, measured per 100 gallons for water usage in every instance of service for each billing month that the Drought Surcharge is in effect, and shall be as follows:

MONTHLY SURCHARGE

Step in Gallons	TABLE DETAILS PENDING RESULTS OF THIRD-PARTY RATE CONSULTANT DETERMINATION
All use in excess of _____gallons	

Residential irrigation customers. In addition to regular charges, the following rate surcharges shall apply during **Stage III and Stage IV** for all residential Irrigation customers INSIDE AND OUTSIDE THE CITY LIMITS of San Antonio, measured per 100 gallons for water usage in every instance of service for each billing month the Drought Surcharge is in effect, and shall be as follows:

MONTHLY SURCHARGE

Stage	Step in Gallons	TABLE DETAILS PENDING RESULTS OF THIRD-PARTY RATE CONSULTANT DETERMINATION
III	All in excess of _____gallons	

IV	All in excess of _____ gallons	
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NON-COMPLIANCE CHARGE SCHEDULE

RESIDENTIAL SURCHARGE

(Residential Customer)

(cf. Sec. 34-134.)

In addition to regular charges, the following non-compliance charges shall apply for any violations of Article IV for all water service customers, where relevant, both INSIDE AND OUTSIDE THE CITY LIMITS of San Antonio, in every instance of service for each billing month the violation occurs, and shall be as follows:

MONTHLY SURCHARGE

Customer Class	Violation 1	Violation 2	Violation 3
TABLE DETAILS PENDING RESULTS OF THIRD-PARTY RATE CONSULTANT DETERMINATION			