

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: March 24, 2015		DATE SUBMITTED: March 16, 2015	
DEPARTMENT OF ORIGIN: Water Services		SUBMITTED BY: J. Barfknecht	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consider revision of an ordinance modifying Section 122-231, "Industrial Discharge Limits" of the City of Bryan Code of Ordinances, to adopt new industrial discharge limits for Plant No. 2 (Still Creek Wastewater Treatment Plant).			
SUMMARY STATEMENT: Wastewater treatment plants are designed to treat domestic sewage; however, treatment plants also receive wastewater from industrial (non-domestic) users. The Federal Pretreatment Rule establishes responsibilities for Federal, State, and local governments to implement Pretreatment Standards to control pollutants from industrial users that may pass through or interfere with treatment processes and/or contaminate sewage sludge. The City of Bryan is required by the Texas Commission on Environmental Quality (TCEQ), through its wastewater discharge permits, to enact an Industrial Pretreatment Program (IPP).			
<p>The IPP requires the City to establish treatment plant-specific Local Limits (e.g. industrial discharge limits). The Local Limits are adopted for each of the City's three (3) wastewater treatment plants. The Local Limits are derived by applying laboratory data from pollutant scans (internal and external of the treatment plant) against EPA-recognized process inhabitation calculations. Next, the domestic-to-commercial/industrial ratio of wastewater contribution to the treatment plant is applied to a series of computations which results in the formation of a pollutant-specific Local Limit for industrial users of the treatment plant.</p> <p>The City's Local Limits are reassessed by staff and TCEQ on a five (5) year cycle. Staff completed this exercise for Burton Creek WWTP and Still Creek WWTP in August 2014. For reference, a map depicting each plant's service area is attached. TCEQ confirmed staff's reassessment for Burton Creek and recommended no change to the Local Limits. However, TCEQ disagreed with staff's reassessment for Still Creek because the industrial wastewater flow to the plant has increased by 323% (from 0.043 million gallons per day (MGD) to 0.182 MGD) since the Local Limits were established in 2003. TCEQ provided staff with two options for correction: (1) reallocate the Maximum Allowable Industrial Load (MAIL) or (2) submit a sample plan and recalculate the Local Limits.</p> <p>Based on the TCEQ options, reallocation of the MAIL was performed. Staff compared the reallocated values against real-time sampling data from the industrial users discharging to Still Creek before declaring to TCEQ what course of action would be taken. This exercise was performed to determine impacts the reallocated Local Limits would have on Still Creek's customer base. Recalculation of the Local Limits is a long-term process. TCEQ felt baseline data used in creation of the Local Limits in 2003 was still representative of current conditions and is the basis for offering Local Limit reallocation as an option opposed to recalculation.</p> <p>Reallocation of the Local Limits was completed by using the current industrial wastewater contribution (0.182 MGD). On February 18, 2015, TCEQ issued a Nonsubstantial Modification Notice to the City confirming staff's reallocation calculation. This notice directs staff to present the reallocated Local Limits to City Council for</p>			

consideration and adoption.

On August 5, 2014, staff issued a courtesy notice to the twelve (12) industrial users discharging to the Still Creek WWTP notifying them of reallocation and anticipated change to the Local Limits. A copy of the draft Local Limits was included in this notice. A follow-up notice concerning TCEQ's approval of the reallocation was issued on February 21, 2015. Staff has reason to believe the reallocation of Local Limits will impact one (1) industrial user by requiring more stringent pre-treatment from the industrial customer. Staff is in discussion with this user to explore available options within the user's operation and Pretreatment Rule to satisfy the new Local Limits.

STAFF ANALYSIS AND RECOMMENDATION: Water Services respectfully requests City Council approve the recommended changes to Section 122-231 "Industrial Discharge Limits." Approval of the proposed changes will satisfy TCEQ's direction and safeguards the City's wastewater discharge permits by maintaining compliance with TCEQ's directed order.

OPTIONS (In Suggested Order of Staff Preference):

1. Approve proposed ordinance change
2. Do not approve the proposed ordinance change and provide alternative direction

ATTACHMENTS: (attachments 1 and 2 are in a single pdf file)

1. Service Area Map
2. Nonsubstantial Modification to the City of Bryan's Pretreatment Program (Reallocation of Still Creek Plant's Maximum Allowable Industrial Loadings)
3. City of Bryan Ordinance 122 "Industrial Discharge Limits" (red-line and clean versions)

FUNDING SOURCE: N/A

APPROVALS: J. Barfknecht 03/16/15; Hugh R. Walker, 03/16/2015

APPROVED FOR SUBMITTAL: CITY MANAGER SJurica for KRegister 3/16/2015

APPROVED FOR SUBMITTAL: CITY ATTORNEY LCrawford for JHampton 3/17/2015

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, AMENDING SECTION 122-231, “INDUSTRIAL DISCHARGE LIMITS” OF CHAPTER 122, UTILITIES, ARTICLE IV, DIVISION 5 OF THE CITY OF BRYAN CODE OF ORDINANCES, REPLACING THE POLLUTION DISCHARGE CONCENTRATIONS FOR PLANT NO. 2; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, amending this ordinance will allow the city to comply with its Texas Pollution Discharge Elimination System (TPDES) permit and approved industrial pretreatment program; and

WHEREAS, approval of the proposed amended ordinance was received from the Texas Commission on Environmental Quality on February 18, 2015, as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRYAN, TEXAS:

1.

That Chapter 122, Article IV, Division 5, be amended to read as follows:

SECTION 122-231.

(A) The Categorical Pretreatment Standards found at 40 CFR Chapter 1, Subchapter N, Parts 405 – 471 are hereby incorporated.

- (1) Where a Categorical Pretreatment Standards is expressed only in terms of either the mass or the concentration of pollutant in wastewater, the Control Authority may impose equivalent concentration or mass limits in accordance with 40 CFR Part 403.6(c).
- (2) 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 waste stream formula in 40 CFR Part 403.6(e).
- (3) A user may obtain a variance from a Categorical Pretreatment Standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR Part 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing a Categorical Pretreatment Standard.
- (4) A user may obtain a net/gross adjustment to a categorical standard in accordance with 40 CFR Part 403.15.

(B) The General Pretreatment Regulations for existing and new sources of pollution located at 30 TAC Chapter 315 are hereby incorporated.

(C) The following pollutant limits are established to protect against pass through and interference of the ~~P~~~~T~~~~O~~~~W~~~~O~~~~T~~~~W~~. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits, expressed in terms of milligrams per liter (mg/L), determined by the approved testing procedures as established by 40 CFR Part 136. Where 40 CFR Part

136 does not include sampling or analytical techniques for the pollutant in question, or where the administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the municipal wastewater system or other parties, approved by the Control Authority.

Plant No. 1			Plant No. 2			Plant No. 3		
Pollutant	Limit*		Pollutant	Limit*		Pollutant	Limit*	
Arsenic	0.11	mg/L	Arsenic	0.89 0.21	mg/L	Aluminum	6.23	mg/L
Cadmium	0.46	mg/L	Cadmium	2.52 0.61	mg/L	Arsenic	1.07	mg/L
Chromium	3.67	mg/L	Chromium	3.67 7.90	mg/L	Cadmium	0.54	mg/L
Copper	0.24	mg/L	Copper	3.09 2.10	mg/L	Chromium	4.35	mg/L
Cyanide	2.22	mg/L	Cyanide	1.08 0.26	mg/L	Copper	1.37	mg/L
Lead	1.22	mg/L	Fluoride	102.07 24.66	mg/L	Cyanide	0.99	mg/L
Mercury	0.00	mg/L	Lead	1.45 4.26	mg/L	Lead	2.08	mg/L
Molybdenum	0.13	mg/L	Mercury	0.12 0.03	mg/L	Mercury	0.00	mg/L
Nickel	0.19	mg/L	Molybdenum	3.05 0.74	mg/L	Molybdenum	0.14	mg/L
Selenium	0.22	mg/L	Nickel	3.73 0.90	mg/L	Nickel	8.21	mg/L
Silver	0.48	mg/L	Selenium	1.10 0.26	mg/L	Selenium	0.26	mg/L
Zinc	12.81	mg/L	Silver	3.85 0.94	mg/L	Silver	2.04	mg/L
			Zinc	71.72 17.38	mg/L	Zinc	6.18	mg/L

*all limits are listed as mg/L

The above limits apply at the designated sampling point, as established by the Control Authority, otherwise at the point where wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Control Authority may impose a mass limitation in addition to, or in place of, the concentration-based limitations above.

- (D) The Control Authority reserves the right to limit or prohibit any pollutant that may adversely affect the POTW. This can involve revision of existing standards and establishment of more stringent requirements on discharges to the POTW.
- (E) Where applicable, the Control Authority may elect to initiate a program of removal credits as part of this Division to reflect the POTW’s ability to remove pollutants in accordance with 40 CFR 403.7
- (F) Except where expressly authorized to do so by an applicable Categorical Pretreatment Standard, no user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge

as a partial or complete substitute for adequate treatment to achieve compliance with a local, state, or a Categorical Pretreatment Standard. The Control Authority may impose mass limitations on users that are using dilution to meet applicable pretreatment standards or in other cases where the imposition of mass limitations is appropriate.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

3.

The Bryan City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

4.

If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

6.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly.

7.

This ordinance shall become effective after its second and final reading.

PRESENTED AND GIVEN first reading the 24th day of March, 2015, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 14th day of April, 2015, by a vote of ____ ayes and ____ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

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