

EM:amt
11/8/94

#4

AN ORDINANCE **81 14 7**

AMENDING CHAPTER 35 ("UNIFIED DEVELOPMENT CODE") OF THE CITY CODE REGULATING UNDERGROUND STORAGE TANKS OVER THE EDWARDS AQUIFER; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 FOR VIOLATIONS OF THE PROVISIONS HEREIN.

* * * * *

WHEREAS, on May 19, 1994, the City Council unanimously passed a resolution directing staff to proceed with implementation of thirty-three (33) recommendations outlined in the report, The Edwards Aquifer: San Antonio Mandates for Water Quality Protection; and

WHEREAS, in connection with said resolution, the City staff now recommends amendments to certain provisions of Chapter 35 ("Unified Development Code") of the City Code regulating underground storage tanks over the Edwards Aquifer; **NOW THEREFORE:**

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

SECTION 1. Chapter 35, Article I, Division 3 ("Definitions"), Section 35-1041 ("Definitions"), is hereby amended by adding the definitions set forth in Attachment I which is incorporated herein by reference.

SECTION 2. Chapter 35, Article III, Division 6 ("Overlay Districts"), Subdivision A ("Edwards Recharge Zone District"), Section 35-3106 ("Underground storage tanks") is hereby amended in its entirety to read as set forth in Attachment II which is incorporated herein by reference.

SECTION 3. A violation of any provision contained in this ordinance shall be a misdemeanor criminal offense punishable by a fine not to exceed \$2,000.00.

SECTION 4. This ordinance shall become effective December 22, 1994.

PASSED AND APPROVED this 10th day of November, 1994.

ATTEST:

Roma S. Rodriguez
City Clerk

Rosa A. Perez
MAY 10 1994

APPROVED AS TO FORM:

Lloyd Garza
City Attorney

94-53

UNDERGROUND STORAGE TANKS

1. ADD THE FOLLOWING DEFINITIONS TO SECTION 35-1041.

Sec. 35-1041. Definitions.

Edwards Recharge Zone - 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) and the appropriate underground water district.

Edwards Transition Zone - Generally, that area where geologic formations crop out in proximity to and south and southeast of the recharge zone and where faults, fractures, and other geologic features present a possible avenue for recharge of surface water to the Edwards Aquifer, and including portions of the Del Rio Clay, Buda Limestone, Eagle Ford Group, Austin Chalk, Pecan Gap Chalk, and Anacacho Limestone. The transition zone is identified as that area designated as such on official maps in the offices of the Texas Natural Resource Conservation Commission (TNRCC) and appropriate underground water conservation districts.

Tertiary Protection - A method by which a third level of protection is provided for underground storage tank systems by means of either 1) a physical level to be installed around a double-walled tank and piping system, designed to prevent a release of the regulated substance from migrating into the environment, should such a release go undetected at the secondary containment level; or 2) equivalent technology, which shall include: a. continuous electronic leak detection for the entire system at a centralized location, with dedicated personnel; b. site specific training; c. annual testing for system integrity; and d. reporting to the San Antonio Water System any release from the primary system.

Underground Storage Tank - Any one or combination of underground storage tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is ten percent or more below grade.

Underground Storage Tank System - An underground storage tank, all associated piping and ancillary equipment, spill and overfill prevention equipment, release detection equipment, corrosion protection system, secondary and tertiary containment equipment (as applicable), and all other related systems and equipment.

2. ADD TO SECTION 35-3106 TO SUBDIVISION A, DIVISION 6, TO READ:

Subdivision A. Edwards Recharge Zone District

Sec. 35-3106. Underground storage tanks.

(1) The installation of any new underground storage tank systems within the Edwards Recharge Zone District is prohibited.

(2) Any existing underground storage tanks that require additional upgrades, including replacement of existing underground storage tanks, must meet the current Unified Development Code standards:

(a) All replacement underground storage tank systems within the ERZD shall comply with this section and the most current regulations in 31 TAC Chapter 334, Underground and Aboveground Storage Tanks, which is incorporated by reference as part of this chapter;

(b) Replacement underground storage tanks installed within the ERZD shall require tertiary containment. The tertiary barrier shall consist of an artificially constructed material that is sufficiently thick and impermeable (at least 10⁻⁶ cm/sec or allow permeation at a rate of no more than 0.25 ounces per square foot per 24 hours for the regulated substance stored) and be able to direct a release to the monitoring point and permit its detection. The barrier material shall be compatible with the regulated substance stored so that a release from the underground storage tank system will not cause a deterioration of the barrier allowing a release to pass through undetected;

(c) Replacement underground storage tank systems shall include a monitoring and detection system able to detect a release between the underground storage tank and the tertiary barrier. The monitoring and release detection system must be capable of detection a two-tenths (0.2) gallon per hour leak rate or a release of one hundred fifty (150) gallons within thirty (30) days such that the probability of detection shall be at least ninety (95) percent and the probability of false alarm shall be no greater than (5) percent.

(d) All new and replacement underground storage tank systems within the Edwards Aquifer Transition Zone shall comply with this section and the most current regulations in 31 TAC Chapter 334, Underground and Aboveground Storage Tanks, and 31 TAC 313, Edwards Aquifer, which is incorporated by reference in this chapter.

(e) New and replacement underground storage tank systems installed within the Edwards Aquifer Transition Zone shall require tertiary protection.

(f) All existing single wall underground storage tank systems within the Edwards Recharge Zone District shall be removed and upgraded to current Unified Development Code standards by the date of December 22, 1998.

(g) All existing single wall underground storage tank systems within the Edwards Transition Zone, installed prior to July 2, 1986 and not in conformance with all the USEPA December 22, 1998 update requirements shall be removed and upgraded to current Unified Development Code standards by the date of December 22, 1998.

(h) -All existing single wall underground storage tank systems within the Edwards Transition Zone, installed prior July 2, 1986 and in conformance with all the USEPA December 22, 1998 update requirements shall be removed and upgraded to current Unified Development Code standards by the date of December 22, 2003.

SAN ANTONIO WATER SYSTEM
Memorandum

DATE: October 24, 1994

TO: Mayor and City Council Members

FROM: Rebecca Quintanilla Cedillo, Vice President of Planning

COPIES TO: Joe A. Aceves, P.E., President/CEO; Alexander E. Briseño, City Manager; John German, CSA Director of Public Works (SAWS Liaison); David Pasley, CSA Director of Planning

SUBJECT: RECOMMENDED REVISIONS TO THE UNIFIED DEVELOPMENT CODE
REGULATING UNDERGROUND STORAGE TANKS REQUIREMENTS
CONCERNING THE EDWARDS AQUIFER

SUMMARY & RECOMMENDATIONS

On May 19, 1994, the City Council unanimously passed a resolution directing staff to proceed with implementation of 33 recommendations outlined in the report, The Edwards Aquifer: San Antonio Mandates for Water Quality Protection. In addition, a citizens committee was appointed to prepare ordinances on six specific issues. Contained herein are three issues to come before the City Council for consideration. The issues are the following:

1. Removal of single wall underground storage tanks on the recharge and transition zone.
2. Tertiary protection for underground storage tanks on the transition zone.
3. In addition the Water Quality Task Force has sent a recommendation to City Council to ban new underground storage tank installations on the Edwards Aquifer Recharge Zone.

Provided in this package are the proposed ordinances amending Chapter 35, Unified Development Code.

BACKGROUND

The 33 recommendations cover seven basic areas: Amendments to Chapter 35--Unified Development Code, Stormwater, Technical Improvements, Emergency Measures; Chapter 34--Water, Texas Natural Resource Conservation Commission, and Future Study issues.

Key to the recommendations and the implementation process is the awareness of the need to institute a comprehensive watershed management program that takes into account all of Bexar County's streams and watercourses as they traverse all areas of the aquifer, especially the more sensitive areas. Comprehensive watershed management will provide a more responsible approach in monitoring the effects of potential contaminants in that it can provide a system of tracing the sources. It can also establish a joint look at drainage controls and flood plain protection to enhance this basic function of our more significant streams while preserving their aesthetic nature.

The following three issues under consideration as amendments to Chapter 35 are detailed for review. The items related to underground storage tanks were prepared by the Water Quality Task Force and forwarded to the Zoning Commission.

UNDERGROUND STORAGE TANKS

The Water Quality Task Force appointed by the Mayor developed proposals related to underground storage tanks (UST). The following ordinances are specifically related to two of the six issues delegated for Task Force preparation. They are:

1. Removal and Single Wall Tanks on the Recharge and Transition Zones.
2. Requirement for Tertiary Containment on the Transition Zone.

These amendments to Article III, the Zoning Code, are to be included in Section 35-1041--Definitions, and 35-3106--Underground Storage Tanks.

In addition to the two UST items assigned, the Water Quality Task Force also discussed the issue of:

3. Banning underground storage tanks on the recharge zone at the earliest point of cut-off which does not constitute taking of property rights.

The task force also recommends and provides a draft ordinance that will prohibit new underground storage tanks on the recharge zone for inclusion in Section 35-3106. This package was forwarded to the Zoning Commission for public hearing and recommendation for City Council consideration.

ADDITIONAL UST RECOMMENDATIONS

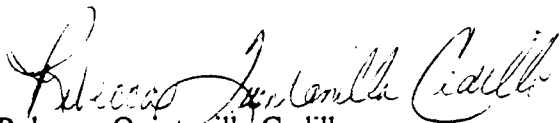
Discussion and consensus also was reached regarding spill containment and remediation as well as developing a management program for underground storage tanks over the recharge and transition zones.

The Water Quality Task Force recommends that the following direction to staff be included as part of the ordinance package forwarded to City Council for consideration and final approval:

1. That the San Antonio Water System provide the City Council with a mechanism to establish a spill containment and remediation fund in a separate account with dedicated staff.
2. That the San Antonio Water System staff provide the City Council with a management plan for establishing and maintaining responsibility of an underground storage tank program on the recharge and transition zones. The program should include criteria including but not limited to: facility registration, inspections, on-site containment, bonding, insurance or other methods of remediation financing, and reporting procedures. The report should also delineate personnel and equipment costs with proposed funding mechanisms. These reports are due to City Council within 30 days of approval of the UST ordinances and appropriate enforcement ordinances be in place as soon as possible.
3. That the City council direct City staff to review other storage methods over the recharge zone.

CONCLUSION

Passage of these amendments to Chapter 35 will provide more stringent safeguards in protection of the Edwards Recharge Zone.


Rebecca Quintanilla Cedillo
Vice President of Planning

Attachment

UNDERGROUND STORAGE TANKS

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Underground Storage Tank System - An underground storage tank, all associated piping and ancillary equipment, spill and overfill prevention equipment, release detection equipment, corrosion protection system, secondary and tertiary containment equipment (as applicable), and all other related systems and equipment.

:

2. ADD TO SECTION 35-3106 TO SUBDIVISION A, DIVISION 6, TO READ:

Subdivision A. Edwards Recharge Zone District

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SAN ANTONIO WATER SYSTEM
INTEROFFICE MEMORANDUM

DATE: October 27, 1994

TO: Mayor and City Council Members

FROM: Rebecca Q. Cedillo, Vice President, Planning

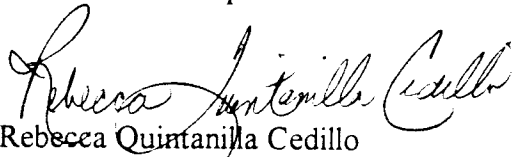
CC: John German, Liaison, Director of Public Works, City of San Antonio

SUBJECT: **SCHEDULE OF WATER QUALITY PROGRAMS**

As requested, attached is an updated schedule of completion dates for the 33 issues approved by the City Council as the report, The Edwards Aquifer: San Antonio Mandates for Water Quality Protection.

The chart timetables provided are from the report as approved on May 19, 1994.

Please call me if questions at 704-7282.


Rebecca Quintanilla Cedillo
Vice President
Planning

Attachment

INDEX OF ISSUES

II. ORGANIZATIONAL PROGRAMMING

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION (TNRCC)

Chapter 313, Edwards Rules - **Pending TNRCC review for administrative & policy changes**
Water Pollution Abatement Plans - **Ongoing**
Technical Guidance Manual - **For policy change**
Drainage Area - **Pending TNRCC review**

TECHNICAL IMPROVEMENTS

Education and Information - **Ongoing**
San Antonio Water System Internal Coordination - **Ongoing**
Significant Recharge Feature Assessment Flowchart Evaluation - **Field testing by TNRCC**
Mapping of Sensitive Recharge Features - **Established September 6, 1994**
Global Positioning Satellite System - **Approved September 6, 1994**

EMERGENCY MEASURES

Emergency Spill Response Plan - **Ongoing**
Emergency Operations Plan for Public Supply Wells - **Ongoing**

III. POTENTIAL ACTIVITIES

FUTURE STUDY

Blasting Ordinance - **Pending Fire Department review**
Determination of Pre-Development conditions over the Recharge Zone - **Pending funding**
Septic Tank Monitoring Program - **Pending Commissioner's Court review**

INDEX OF ISSUES

I. REGULATORY REQUIREMENTS

CHAPTER 35 -- UNIFIED DEVELOPMENT CODE

Water Quality Task Force	[	Revision of the "Permitted Uses" Table - Dec., 1994
		Plat Approval Conditions to Include all Water Pollution Abatement Plans - Approved Oct. 20, 1994
		Record High Concern Recharge Features onto Plats Prior to Approval - Approved October 20, 1994
		Removal and Upgrade of Single Wall Tanks on Recharge & Transition Zones - Approve November 10, 1994
		Requirement for Tertiary Containment on the Transition Zone - Approve November 10, 1994
		Green Space Requirements for the Edwards Recharge Overlay District - Dec., 1994
		Density Limits for the Edwards Recharge Overlay District - Dec., 1994
		Significant Recharge Feature Buffer Zones - Dec., 1994
		Floodplain Buffer Zones - Dec., 1994
		Analytical Testing of Approved Pollution Abatement Structures - Pending EPA Stormwater Permit
		Smoke Testing - Ongoing
		Private Sanitary Sewer Service Laterals - Ongoing

STORMWATER

- Comprehensive Watershed Management Approach - **Ongoing**
- Revise Development Standards as Part of a Comprehensive Watershed Management Approach-
Ongoing
- Pollution Prevention Ordinance - **Approved August 3, 1994**
- Clearing and Grading Ordinance - **Pending EPA Stormwater permit**

CHAPTER 34 -- WATER CODE

- Well Closure Program - **Approved August 3, 1994**
- Well Abandonment Program - **Approved August 3, 1994**
- Extension of Jurisdiction into Extraterritorial Jurisdiction - **Pending**

CHAPTER 35 OF THE UNIFIED DEVELOPMENT CODE

TIMELINE

ISSUES	May-Aug 94											
	May-Aug 94	Sept-Dec 94	Jan-April 95	May-Aug 95	Sept-Dec 95	Jan-April 96	May-Aug 96	Sept-Dec 96	Jan-April 97	May-Aug 97	Jan-April 97	May-Aug 97
Revision of the "Permitted Uses" Table												
Plat Approval for WPAPs												
Record High Concern SRF on Plats												
Removal & Upgrade Single Wall Tanks												
Periary Containment on TZ												
Green Space for ERZD												
Density Limits for ERZD												
Buffer Zones/SRF												
Floodplain Buffer Zones												
Analytical Testing/Approved Abat. Struct.												
Smoke Testing												
Private Sanitary Sewer Service Laterals												

IZ Transition Zone
 TJ Extraterritorial Jurisdiction
 WPAP Water Pollution Abatement Plan
 SRF Significant Recharge Feature
 ERZD Edwards Recharge Zone District
 / Continues beyond the last year of the timeline

STORMWATER

TIMELINE

ISSUES										
	May-Aug 94	Sept-Dec 94	Jan-April 95	May-Aug 95	Sept-Dec 95	Jan-April 96	May-Aug 96	Sept-Dec 96	Jan-April 97	May-Aug 97
Watershed Management Approach										
Revise Dev. Standards/Watershed										
Pollution Prevention Ordinance										
Clearing and Grading Ordinance										

1/...Continues beyond the last year of the timeline

TIMELINE

SAWS San Antonio Water System
SRF Significant Recharge Feature
97 Continues beyond the last year of the timeline

FUTURE STUDY

TIMELINE

ISSUES	May-Aug 94	Sept-Dec 94	Jan-April 95	May-Aug 95	Sept-Dec 95	Jan-April 96	May-Aug 96	Sept-Dec 96	Jan-April 97	May-Aug 97	Sept-Dec 97
Blasling Ordinance											
Determination of Pre-Dev. Over RZ											
Septic Tank Monitoring Program											

RZ Recharge Zone
97 Continues beyond the last year of the timeline

AN ORDINANCE

AMENDING CHAPTER 35 ("UNIFIED DEVELOPMENT CODE") OF THE CITY CODE REGULATING UNDERGROUND STORAGE TANKS OVER THE EDWARDS AQUIFER; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 FOR VIOLATIONS OF THE PROVISIONS HEREIN.

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WHEREAS, in connection with said resolution, the City staff now recommends amendments to certain provisions of Chapter 35 ("Unified Development Code") of the City Code regulating underground storage tanks over the Edwards Aquifer; **NOW THEREFORE**:

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SECTION 3. A violation of any provision contained in this ordinance shall be a misdemeanor criminal offense punishable by a fine not to exceed \$2,000.00.

SECTION 4. This ordinance shall become effective ten days after its final passage by the City Council.

PASSED AND APPROVED this 10th day of November, 1994.

ATTEST:

Norma S. Rodriguez
City Clerk

William W. Wolff
MAYOR

APPROVED AS TO FORM:

Tom Zimlay
City Attorney

DO NOT TYPE IN THIS SPACE		For CMO use only	
Approval		CITY OF SAN ANTONIO	
Finance	Budget	Request For Ordinance/Resolution	
Legal	Coordinator		
		Date Considered Consent ☐ Individual ☐ Item No. <u>4</u> Ord. No.	
Date: October 25, 1994		Department: Planning	
		Contact Person/Phone # Rick Vasquez 7880	
Date Council Consideration Requested: November 10, 1994		Deadline for Action: November 10, 1994	
		Dept. Head Signature: <u>[Signature]</u>	
SUMMARY OF ORDINANCE			
The Water Quality Task Force appointed by the Mayor developed proposals related to underground storage tanks (UST). They are: (1) Removal and Single Wall Tanks on the Recharge and Transition Zones, (2) Requirement for Tertiary Containment on the Transition Zone, (3) Definitions, and (4) Banning underground storage tanks on the recharge zone at the earliest point of cut-off which does not constitute taking of property rights.			
Council Memorandum Must Be Attached To Original			
Other Depts., Boards, Committees Involved (please specify): San Antonio Water Systems			
Contract signed by other party Yes ☐ No ☐			
FISCAL DATA (If Applicable)		Budgetary Implications	
Fund No. <u>N/A</u> Amt. Expended _____		Funds/Staffing Budgeted Yes ☐ No ☐	
Activity No. _____ SID No. _____		Positions Currently Authorized <u>N/A</u>	
Index Code _____ Project No. _____		Impact on future O & M _____	
Object Code _____		If positions added, specify class and no. _____ _____ _____	
Comments:			
Coordinator — White Legal — Green Budget — Canary Finance — Pink Originator — Gold			

AGENDA ITEM NO. 4

TIME CERTAIN 3:00 P.M.

REGISTER HERE FOR

DISCUSSION ON TIME CERTAIN

(TIME LIMIT: 5 MINUTES PER PERSON)

NAME	ADDRESS OR ORGANIZATION	AGENDA ITEM(S)	AUDIO-VISUAL ASSISTANCE REQUESTED
✓ <i>Donnell Milam</i>	<i>A.E.U.A.</i>		
✓ <i>Ray Hamerton</i>	<i>NVOD</i>	<i>UG 576 Thanks</i>	
✓ <i>Monica Ortiz</i>	<i>METRO ALLIANCE</i>	<i>BOBBIE TALKS</i>	
✓ <i>John Adams</i>	<i>" "</i>	<i>" "</i>	
✓ <i>David & Associates</i>			
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Affidavit of Publisher

THE STATE OF TEXAS,

COUNTY OF BEXAR

CITY OF SAN ANTONIO

PUBLIC NOTICE

AN ORDINANCE #1147

AMENDING CHAPTER 35
("UNIFIED DEVELOPMENT
CODE") OF THE CITY CODE
REGULATING UNDER-
GROUND STORAGE TANKS
OVER THE EDWARDS
AQUIFER; AND PROVIDING
FOR A PENALTY NOT TO
EXCEED \$2,000.00 FOR
VIOLATIONS OF THE
PROVISIONS HEREIN.

PASSED AND APPROVED
this 10TH day of NOVEMBER,
1994

/s/ROGER A. PEREZ
Mayor Pro Tem

ATTEST:
/s/ NORMA S. RODRIGUEZ
City Clerk
11/16

Before me, the undersigned authority, on this day personally
appeared Helen I. Lutz, who
being by me duly sworn, says on oath that she is Publisher
of the Commercial Recorder, a newspaper of general circulation in the
City of San Antonio, in the State and County aforesaid, and that
the An Ordinance #81147
hereto attached has been published in every issue of said newspaper on
the following days, to-wit: November 16, 1994.

Helen I. Lutz
PUBLISHER
(HELEN I. LUTZ)

Sworn to and subscribed before me this 16th day of November 1994.

Irene S. Palencia

Notary Public in and for Bexar County, Texas

