

To the Mayor and Members of the City Council

April 16, 2024

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**SUBJECT: PROPOSED AMENDMENTS TO INDUSTRIAL PRETREATMENT ORDINANCE**

As a component of the federal Clean Water Act, the National Pretreatment Program is a cooperative effort among federal, state, and local regulatory agencies established to protect water quality, the environment, and public health by ensuring that wastewater and residuals are effectively treated prior to being discharged into receiving streams and/or reclaimed through municipal treatment operations. The objectives of this program, as stated in 40 CFR 403.2 and illustrated in the attached graphic, are to protect municipal wastewater treatment infrastructure and the environment from threats posed by improperly managed/discharged wastewater; protect workers at the treatment plants and throughout the sanitary sewer collection system; improve opportunities to recycle/reclaim treated water; and ensure opportunities for beneficial use or cost-effective disposal of biosolids.

Under these rules, the City is required to have a pretreatment program as part of the permit conditions to operate the Village Creek Water Reclamation Facility. All facets of the program must be approved by the Texas Commission on Environmental Quality under delegated authority from the U.S. Environmental Protection Agency (EPA). Accordingly, the City is obligated to establish adequate means of determining and isolating potential threats through surveying, inspecting, permitting, monitoring, and otherwise regulating non-domestic sources of wastewater to ensure system threats are mitigated or eliminated. The City has been highly effective in doing so for more than 25 years, and has been recognized as among the best-run pretreatment programs in the country. In that time, legacy pollutants such as heavy metals along with organic pollutants such as pesticides have been dramatically reduced. Additionally, a number of "emerging" pollutants have been identified and addressed with control measures for pollutants including silver from printing/imaging processes and mercury from dental amalgam. More recently, PFAS has been identified as a major pollutant of concern that is necessitating substantive program modifications.

**What are PFAS?**

PFAS, or *per- and polyfluoroalkyl substances*, are a group of thousands of man-made chemicals used since the 1940's in numerous consumer goods and industrial products including firefighting foam, stain and water repellants, non-stick cookware, cosmetics, and even food packaging. Due in part to their widespread use and environmental persistence, detectable quantities of PFAS are found in a variety of direct consumer products along with raw water supplies, drinking water, wastewater, treatment plant residuals, and even rain water and the blood of people and animals throughout the world.

Recently, EPA has expressed its intent to impose stringent PFAS regulations on water and wastewater utilities. Regulatory standards for PFAS in drinking water will be published in the next month. EPA has also stated its intent to regulate PFAS in wastewater through the National Pollutant Discharge Elimination System (NPDES) program, which is used to permit discharges from publicly owned wastewater treatment plants. EPA also issued a memo in December of 2022 providing recommendations to reduce PFAS discharged to wastewater collection systems and treatment plants through industrial pretreatment programs.

**Local Actions to Date**

Utility staff have been actively working to gain a better understanding of the prevalence of PFAS within the City's wastewater collection system. The following steps have been taken:

- The utility has sampled major sewer interceptors, treatment processes, and products of treatment in an effort to determine background concentrations of PFAS and isolate areas of high concentration for further evaluation.

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- The City enacted a moratorium in the spring of 2023, prohibiting further hauling or trucking of waste containing PFAS that originates from outside the City's wastewater service area.
- Sampling plans have been developed for all classes of wastewater discharges and all individually permitted significant industrial users to determine PFAS concentrations originating from these customer types and specific facilities.

Next Steps

Addressing PFAS in non-domestic sources of wastewater will require a comprehensive approach involving regulation, technology innovation, and collaboration, along with ongoing monitoring and research to mitigate their environmental and public health impacts effectively. The following actions are ongoing and/or proposed, and align with EPA recommendations:

1. Ongoing surveying and monitoring: Implement a sampling plan to determine origins of any significant contributors of PFAS from any point sources in order to inform permitting and other control strategies. Sampling all "significant industrial users" is planned to begin in April and run through September 2024. A letter has been issued to all permitted dischargers informing them of the PFAS concerns and planned sampling activities.
2. Collaboration with industries: Industries with detectable concentrations of PFAS above domestic background levels will be engaged to develop feasible strategies, including Best Management Practices (BMPs), for reduction/elimination of PFAS and to ensure compliance with current and future regulations. Where applicable or appropriate to do so, the City will be encouraging or mandating the adoption of advanced treatment technologies capable of removing PFAS compounds effectively. Current City Codes allow for this action for permitted Significant Industrial Users.
3. Educational outreach: Provide guidance and educational resources to industries and non-domestic wastewater dischargers on best practices for reducing PFAS contamination and implementing appropriate pretreatment measures.
4. Research and development: Invest in research and development efforts to identify emerging PFAS compounds and improve treatment technologies for their removal at City owned water and wastewater treatment facilities. Strategies will be shared with the regulated community.
5. Regulatory limits: Develop regulatory limits for PFAS in non-domestic wastewater discharges, similar to other regulated pollutants
6. Align City codes with federal regulations: Work with the Law Department to review current City codes and ensure that TCEQ and EPA rules are incorporated by reference, allowing for enforcement as new rules are developed/implemented.
7. Adopt ordinances/modify City codes: Ensure that there is adequate legal authority to restrict or eliminate non-domestic sources of PFAS where possible and in accordance with National Pretreatment Standards.

Proposed ordinance modifications

In an upcoming ordinance, the water utility in conjunction with the Law Department will propose two specific ordinance updates that are prudent and in alignment with the anticipated direction for national standards. Proposed modifications include:

1. Update to **City Code Section 12.5-610 b (9) Specific Prohibitions** to codify and formalize the temporary moratorium that restricts disposal of trucked or hauled wastes, originating from outside

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the City's service area and containing PFAS, from being discharged into the City-owned collection system.

2. Add **City Code Section 12.5-610 b (21) Specific Prohibitions** to prohibit wastewater containing specific PFAS that exceed domestic background concentrations, and to develop/implement processes and practices to eliminate target analytes to below baseline or other enacted permit levels within one year of detection/notification.

These ongoing and proposed updates to the Industrial Pretreatment Program are consistent with national program objectives and will ensure that the City is being proactive to address this emerging threat to our operations and obligations to provide safe drinking water and effective wastewater treatment while working within legal authority.

Should you have any questions about the Industrial Wastewater Pretreatment Program or regulations related to discharge of PFAS, please contact Jerry Pressley, Assistant Water Director, at (817) 392-8257, or Chris Harder, Water Director, at (817) 392-5020.

**David Cooke**  
**City Manager**

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Attachment: Purposes of Industrial Pretreatment Programs

