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12/16/91

AN ORDINANCE **7 4 9 8 1**

AMENDING THE ZONING REGULATIONS OF THE UNIFIED DEVELOPMENT CODE WHICH WOULD REQUIRE ALL NEW AND REPLACEMENT UNDERGROUND STORAGE TANKS INSTALLED WITHIN THE EDWARDS RECHARGE ZONE DISTRICT (ERZD) TO HAVE A TERTIARY CONTAINMENT BARRIER; AND PROVIDING A PENALTY FROM VIOLATION HEREOF OF A FINE NOT TO EXCEED \$2,000.00.

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WHEREAS, the Edwards Recharge Zone District is a zoning classification designed for properties over the underground aquifer which constitutes the City's only source of water; and

WHEREAS, the purpose of the district is to allow development over the aquifer only under such circumstances and with such land uses as will be compatible with this unique location and address any potential harm to the City's water supply; and

WHEREAS, current state regulations for the placement of underground storage tanks require double-walled tanks citywide; and

WHEREAS, the City staff and the Zoning Commission have been studying the possibility of placing more stringent requirements on such tanks in the Edwards Recharge Zone District; and

WHEREAS, on November 19, 1991, a public hearing was held on this subject at which all interested parties were afforded an opportunity to be heard; and

WHEREAS, the Zoning Commission, by Resolution 91-11-01 has recommended to the City Council adoption of such new zoning regulations; and

WHEREAS, the City Council has also held a hearing on the subject, heard and considered the report from staff and the commission, and believes that such an amendment to the zoning law would be in the best interest of the City; NOW THEREFORE:

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

SECTION 1. That a New Section 35-3106, Underground Storage Tanks, is hereby adopted and approved as an addition to Subdivision A Edwards Recharge Zone District, of the Unified Development Code, Chapter 35 of the City Code.

SECTION 2. That a new definition is adopted as an addition to Section 35-1041, Definitions of the Unified Development Code to be captioned tertiary containment.

SECTION 3. Both of the above amendments are set out in full in Attachment A, attached hereto and incorporated herein by reference.

SECTION 4. This ordinance and the amendments contained herein shall be effective January 1, 1992.


SECTION 5. Violation of the provisions of the Unified Development Code, including the amendments adopted herein, shall be subject to the penalties as contained in Section 35-1024 of the Unified Development Code, with a maximum fine of \$2,000.00 for violation of the above provisions concerning placement of underground storage tanks, and graduated minimum fines depending upon the number of prior convictions.

SECTION 6. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provisions or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality, illegality, or invalidity of any other portion, and all provisions of this ordinance are declared to be severable.

PASSED AND APPROVED this 19th day of December, 1991.


M A Y O R

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

91-55

This amendment to Article III of the Unified Development Code requires a tertiary containment barrier for underground storage tanks installed within the Edwards Recharge Zone District.

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

Subdivision A. Edwards Recharge Zone District

Sec. 35-3106. Underground storage tanks.

(a) All new and 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) New and 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) All new and 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 detecting 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 five (95) percent and the probability of false alarm shall be no greater than five (5) percent.

2. ADD THE FOLLOWING DEFINITION TO SECTION 35-1041.

Sec. 35-1041. Definitions.

Tertiary containment - a method by which a third level of containment is provided for underground storage tanks by means of a wall or barrier installed around a double-walled tank and piping system (or approved alternative) in a manner designed to prevent a release of the regulated substance from migrating beyond the tertiary wall or barrier before the release can be detected if a failure in the secondary containment level occurs.