

CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST

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TO: Mayor and City Council

FROM: Teri Castillo, District 5 Councilmember

COPIES TO: Erik Walsh, City Manager; Tina Flores, City Clerk; Andy Segovia, City Attorney; John Peterek, Assistant to the City Manager; Ana Bradshaw Assistant to City Council

SUBJECT: Updating City Codes for Used Automotive Recycling Parts Recyclers and Metal Recycling Entities

DATE: 11/27/2023

Issue Proposed for Consideration

Requesting the creation of a stakeholder taskforce charged with evaluating and recommending amendments to the San Antonio Code of Ordinances, specifically Chapter 11 Fire Prevention and Chapter 16 Licenses and Business Regulations, that ensure adequate enforcement of city codes relating to used automotive parts recyclers (UAPR) and metal recycling entities (MRE).

Background

Used Automotive Parts Recyclers (UAPR) and Metal Recycling Entities (MRE) are facilities key to our city's recycling ecosystem and circular economy – many of them have been part of our community for decades. While they are part of what is considered the sustainable economy, the process of recycling used automotive parts and metals often results in serious pollution for the surrounding area that can cause detrimental health issues in people.

Air emissions such as volatile organic compounds (VOCs), particulate matter and ozone, lead, mercury, and other hazardous air pollutants stem from much of the work UAPRs and MREs conduct during the breakdown process of onsite materials. These emissions, especially with long-term exposure, can lead to cancer, respiratory diseases, liver damage, neurological damage, and other dangerous health effects. While hazardous air emissions are most dangerous to people working and living near these facilities, they also threaten the health of all residents throughout the city of San Antonio as air pollutants can travel can travel hundreds of miles away from their original source.

Over the past several years, there have been multiple MREs and UAPRs within city limits that have caught fire, most fires occurring at recurring sites, creating massive plumes of smoke and air pollution within the city. During these events, larger amounts of air pollutants than usual are spewed into the city and the atmosphere for prolonged periods as putting out automobile or metal pile fires can take several hours. Additionally, as the San Antonio Fire Department (SAFD) uses thousands of gallons of water to extinguish piles of burning vehicles or metals, the same hazardous materials emitted into the air are soaked into the ground through water runoff. Current Chapter 11 codes require MREs to maintain certain metal pile heights and distance between metal piles to prevent fires from occurring, while current Chapter 16 codes have requirements to lessen the impact of pollution from both UAPRs and MREs. While most MREs and UAPRs comply with city codes and maintain safe operations, during a Planning and Community Development Committee meeting this June, the Development Services Department (DSD) provided a presentation on the enforcement of city codes on local UAPRs and MREs where they noted that by June 2023 alone there were over a hundred code violations found at these facilities – largely from recurring entities.

In addition to the health effects, fires at these facilities entail prolonged usage of SAFD, SAPD, and SAWS services to effectively tackle the fires. While the use of emergency services is needed and should be used during events like these to prevent further issues and harm, frequent and recurring use of such services should come with a cost to the industrial user – especially when the fires stem from code violations. Through the Texas Solid Waste Disposal Act, the Texas Commission on Environmental Quality has powers to recover, “reasonable expenses incurred by the commission during an immediate response and remediation action [to solid waste emergencies]”, yet our city services have no ways to recoup the expenses of being used to remediate emergency issues – largely stemming from city and state code violations -- at UAPRs and MREs.

Bad-acting industries that emit hazardous pollution that harms our public health should not be able to rack up code violations and not resolve them in a timely manner; should not be able to rely on city services to routinely clean up their messes; and should not be able to harm our communities without significant consequences. Thus, these issues must be addressed urgently to effectively protect our communities from harmful air pollution, meet our city’s Climate Action & Adaptation Plan goals, and effectively meet the City’s commitment to racial equity.

Therefore, we are requesting City staff convene an ad hoc task force of stakeholders including representatives of neighborhood residents, San Antonio Fire Department staff, Development Services Department staff, industry representatives, and subject matter experts. The task force would evaluate the San Antonio Code of Ordinances Chapters 11 Fire Prevention and Chapter 16 Licenses and Business Regulations and recommend amendments to these codes to the City Council to ensure adequate enforcement of city codes on UAPRs and MREs. The task force should discuss topics of, but not limited to:

- Timeline and process for Chapter 11 Fire Prevention and Chapter 16 Licenses and Business Regulations code citations and violations to be identified, issued, and resolved by UAPR and MRE companies.

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- Fines on UAPRs and MRES for recurring use of city services during onsite emergencies due to operations in violation of city and state codes issued by SAFD. City services such as SAFD/EMS, SAPD, SAWS, and other relevant city services would receive the revenues of these fines to recoup costs of expenditures during such emergency events. Additionally, any leftover revenue from these fines should be used to fund the Tree Mitigation Fund and other pollution mitigation initiatives to ultimately reduce the air, ground, and water pollution in our city created by such entities.
- Identifying and updating a threshold for the number of Chapter 11 Fire Prevention and Chapter 16 Licenses and Business Regulations code citations and violations made by an UAPR or MRE that, if not corrected, result in heavy enforcement mechanisms until the code citations and violations are resolved. These potential enforcement mechanisms could include:
 - Temporarily ceasing operations.
 - Requirements of fence line air monitors for a certain number of weeks to track air pollution data.
 - Removal of non-conforming uses.
 - Fines to recoup city services used to address violations and emergencies at UAPRs and MREs.

Submitted for Council consideration by: Teri Castillo

Councilwoman Teri Castillo, District 5

Supporting Councilmembers' Signatures (4 only)	District
1. <u>J-M-R</u>	<u>2</u>
2. <u>Phyllis Magowan</u>	<u>3</u>
3. <u>[Signature]</u>	<u>1</u>
4. <u>[Signature]</u>	<u>7</u>