

RULE NO.: R161-12.08

POSTING DATE: July 5, 2012

NOTICE OF PROPOSED RULE

The Director of Watershed Protection Department proposes to adopt the following rule after August 6, 2012.

Comments on the proposed rule are requested from the public. Comments should be submitted to Dana McGehee, 505 Barton Springs Road, Suite 1200, Austin Texas, 78704, 974-2634, or via email at dana.mcgehee@ci.austin.tx.us. To be considered, comments must be submitted before August 6, 2012, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph

EFFECTIVE DATE OF PROPOSED RULE

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before August 6, 2012 (the 32nd day after the date of this notice) or not after October 3, 2012 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before October 3, 2012, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

TEXT OF PROPOSED RULE

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Watershed Protection Department, located at 505 Barton Springs Road, Suite 1200, Austin, TX, 78704; and

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

BRIEF EXPLANATION OF PROPOSED RULE

R161-12.08: Proposed revisions to the Environmental Criteria Manual, Section 1.6, *Water Quality Control*, and Appendices R and V, as follows:

- **Environmental Criteria Manual Section 1.6 – Water Quality Control**
 - **1.6.3 Maintenance and Construction Requirements**
 - 1.6.3.C.1 Maintenance and Construction Requirements 1(e and f) Sedimentation and Filtration: Modified section (e) to clarify that corrective maintenance includes ponded water in the filtration/biofiltration pond area also and extended the time to drain from 60 to 96 hours. Removed section (f) regarding ponding allowed in a sediment trap.
 - 1.6.3.C.1 Maintenance and Construction Requirements 1(e and f) Sedimentation and Filtration: Modified section (e) to clarify that corrective maintenance includes ponded water in the filtration/biofiltration pond area also and extended the time to drain from 60 to 96 hours. Removed section (f) regarding ponding allowed in a sediment trap.
 - 1.6.3.C.4. Retention – Irrigation Systems: Amended section to include more details on when maintenance is required regarding revegetating, removal of woody vegetation, and pump and irrigation system testing.
 - 1.6.3.C.5. Vegetative Filter Strips: Removed the reference to the Disconnection of Impervious Cover. Section 1.6.7.F has been removed and incorporated into section 1.6.7.B.
 - 1.6.3.C.6.B.2 Major Maintenance Requirements: Mosquito Management – modified hours for remaining incidental standing water must not be present for longer than 72 hours to 96 hours.
 - **1.6.5 Design Guidelines for Sedimentation/Filtration**
 - 1.6.5.A.3 Full Sedimentation with Filtration: revised the sediment trap drain requirement prior to maintenance from 60 hours to 96 hours.
 - 1.6.5.A.4 Sand Filtration Basin Details – Sand Bed: added reference to biofiltration medium bed design details and new figure 1-56C.
 - **1.6.7 Innovative Water Quality Controls:** The purpose of the proposed modifications is to implement formatting, organizational, and technical

updates to make it easier to use and to reflect the current state of practice for innovative, or “green infrastructure”, water quality controls.

- Introduction: This section has been expanded to include; revisions to Water Quality Credit calculations that include the addition of Figure 1.6.7-1. BMP Design Factor for vegetative pond type controls; additional Guidance for Selecting Controls; guidance for Infiltration Rate Evaluation; and an updated listing of Additional Resources
- B. Vegetative Filter Strip: Modifications included: increasing the landscape elements requirement from 6 inches to a minimum depth of 12 inches, with the top 6 inches consisting of topsoil; basing the design requirements for the level spreader and the water quality credit on hydraulic loading rates; removing the requirements for level spreaders every 25 ft and the use of signage to notify residents and maintenance staff; combining section 1.6.7F, VFS Disconnection of Impervious Cover, with Section 1.6.7B; and revising the partial water quality credit, the BMP Design Factor is a function of infiltration (I) instead of VFS Area.
- C. Biofiltration: Modifications included: Adding a link to the City of Austin web page where the biofiltration medium guidance document can be found; increasing the minimum organic matter specification in the biofiltration medium from 0 to 0.5%; providing an option for a raised underdrain outlet to increase available water for plantings during drought conditions and improve nitrogen removal; simplifying the landscape design criteria to promote wider use; combining of the plant lists into one master plant list for simplicity; and allowing for use of a gravel separation lens consisting of ¾ - ¼-inch washed stone 2 to 3 inches in thickness in place of filter fabric.
- D. Rainwater Harvesting: Modification included: The addition of Figure 1.6.7.D-1, BMP Design Factor for Rainwater Harvesting Systems.; and an increase of the maximum drawdown time from 72 to 120 hours.
- E. Porous Pavement: Modifications included: Amending the definition of a stormwater hot spot to include dry cleaning facilities, food production/distribution loading dock and trash compactor areas.
- F. Vegetative Filter Strips – Disconnection of Impervious Cover: This section has been removed and incorporated into the revised Vegetative Filter Strips criteria (section 1.6.7.B).

- G. Non-Required Vegetation: An example on how to calculate the water quality credit has been provided.
- H. Rain Garden: Modifications included: Adding water quality credit for partial infiltration systems; removing the requirement for pre-treatment in rain gardens; simplifying the sizing equations to make them easier to use; requiring the minimum depth of growing medium to be 1.5 times the maximum ponding depth; accounting for full (100%) treatment of the water quality volume in the sizing equation for full infiltration and partial rain gardens; increasing the maximum size of the drainage areas and maximum ponding depths to two acres and 12 inches, respectively; and allowing the use of compost-amended topsoil for use as a growing medium in full infiltration rain gardens only.

➤ **Environmental Criteria Manual Appendices**

- **Appendix R – Water Quality Control Calculations:** 11) Rain Garden Calculations For Development Permits: Incorporated changes made to Section 1.6.7.H into the worksheet including adding information for the infiltration design option.
- **Appendix V – Figures and Diagrams:** Add Appendix V Figure 1-56C: Created Biofiltration and Rain garden bed details for geomembrane liners, clay liners, and when no liner is required.

AUTHORITY FOR ADOPTION OF PROPOSED RULE

The authority and procedure for the adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is established in Chapter 1-2 of the City Code. The authority to regulate water quality control standards is established in Section 25-8-213.

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Proposed Rule R161-12.08, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEW AND APPROVED

Victoria J. Li, P.E., Director
Watershed Protection Department

Date: _____

Karen Kennard
City Attorney

Date: _____