

RULE NO.: R161-13.29

POSTING DATE: October 3, 2013

NOTICE OF PROPOSED RULE

The Director of Watershed Protection Department proposes to adopt the following rule after November 4, 2013.

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@austintexas.gov. To be considered, comments must be submitted before November 4, 2013, 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 November 4, 2013 (the 32nd day after the date of this notice) or not after January 2, 2014 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before January 2, 2014, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.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

R161-13.29: Revisions to the Environmental Criteria Manual as follows:

Environmental Criteria Manual Section 1.4 – Erosion and Sedimentation Control Criteria

- **1.4.4 Plan Development and Implementation**
 - 1.4.4.B, Section 5, I.b Construction Phase Controls – Site Management: Modified slope requirement that allow for the use of wood mulch as a temporary stabilization to match that allowed for mulching in ECM section 1.4.5.A (maximum slope of 4:1 changed to 2:1).
- **1.4.5 Temporary Structural Practices**
 - 1.4.5.P Inlet Protection: Removed this section.
- **1.4.6 Permanent Structural Practices:**
 - 1.4.6.D Rock Riprap: Changed criteria to be compatible with Standard Specification 591S changes. Changes include: substitution of old riprap gradation table with new gradation table; modification of the rock riprap D50 definition; substitution of old diameter-to-weight conversion equation with two new equations.

Environmental Criteria Manual Section 1.6 – Design Guidelines for Water Quality Controls

- **1.6.3 Maintenance and Construction Requirements**
 - 1.6.3.C.6.B.1,i & ii Major Maintenance Requirements – Removed language that refers to gravel as a mulch material for weed management.
- **1.6.5 Temporary Structural Practices**
 - 1.6.5.A.3 Sedimentation Basin Details: Removed sediment trap option language.
 - 1.6.5.A.4 Sand Filtration Basin Details: Added new table 1.6.5.A-1, Geotextile Fabric Requirements. Removed reference to Inlet Protection section 1.4.5.P and replace with reference to new table.
- **1.6.9 Guidance for Compliance with Technical Requirements for the SOS Ordinance**
 - 1.6.9.3.E Design of Water Quality Controls Needed to Meet Required Reduction in Pollutant Load: Removed bullet point that requires the use of Vegetative Filter Strip to the maximum extent

practicable. Changes to the VFS design section of the ECM (16.7.B) last year have reduced the ability for VFS to be used in this manner.

Environmental Criteria Manual Appendices

- **Appendix R – Water Quality Control Calculations:**
 - Full or Partial Biofiltration Pond Calculations For Development Permits (R-6): Updated worksheet to incorporate changes made to the Biological Elements requirements adopted in 2012 that modified the minimum planting requirements in the sedimentation and filtration chambers.
 - Rainwater Harvesting Calculations For Development Permits (R-7): Updated worksheet to incorporated changes made to Section 1.6.7.D in 2012 regarding the maximum drawdown time and breaking out sections for Option A and Option B design criteria.
- **Appendix V – Figures and Diagrams:**
 - Figure 1-1 Recommended Design Values for Functional Controls: Removed reference to Curb Inlet Protection criteria from this figure.

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 Chapter 25-8 of the City Code.

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Proposed Rule R161-13.29, 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: _____

This Notice of Proposed Rule was posted on a central bulletin board at City Hall by the City Clerk. Date and time stamp is on the front of the notice.