

## **NOTICE OF PROPOSED RULE**

**RULE NO.: R161-13.09**  
**POSTING DATE: January 3, 2013**

The Director of the Planning and Development Review Department proposes to adopt the following rule after January 3, 2013.

Comments on the proposed rule are requested from the public. Comments should be submitted to Sylvia Arzola, 505 Barton Springs Road, Suite 500, (512) 974-6448. To be considered, comments must be submitted before February 4, 2013, the 32<sup>nd</sup> 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 February 4, 2013 (the 32<sup>nd</sup> day after the date of this notice) or not after April 3, 2013 (the 90<sup>th</sup> day after the date of this notice).

If a proposed rule is not adopted on or before April 3, 2013, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.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:

Planning and Development Review Department, located at 505 Barton Springs Road, Suite 500; and

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

## **BRIEF EXPLANATION OF PROPOSED RULE**

**R161-13.09:** This rule posting provides for modifications and additions to the Environmental Criteria Manual (ECM) to establish requirements associated with subsurface water quality and detention facilities. Subsurface facilities present unique challenges for inspection and maintenance due to accessibility and constructability constraints. City of Austin maintenance and inspection personnel are often unable to inspect existing subsurface facilities as required by City Ordinance due to the confined space entry requirements of subsurface facilities and the isolated location within the

interior of buildings. This rule posting adds minimum design requirements for subsurface facilities to ensure adequate access requirements are provided as a new section of the ECM. Due to the out of sight out of mind nature of a subsurface facility, this rules postings also ensures that specific inspection and maintenance practices for subsurface facilities are followed by the operators via the establishment of a Subsurface Pond Maintenance Plan and inspection requirements.

**AUTHORITY FOR ADOPTION OF PROPOSED RULE**

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate the design and maintenance of water quality controls is established in Section 25-8-213 (*Water Quality Control Standards*) and 25-8-231 (*Water Quality Control Maintenance and Inspection*) of the City Code. The authority to regulate the design and maintenance of detention facilities is established in Section 25-7-121 (*Design and Construction of Drainage Facilities and Improvements*) and Section 25-7-153 (*Detention Basin Maintenance and Inspection*) of the City Code.

**CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Proposed Rule R161-13.09, 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**

\_\_\_\_\_  
Greg Guernsey, Director  
Planning and Development Review Department

Date: \_\_\_\_\_

\_\_\_\_\_  
Karen M. Kennard  
City Attorney

Date: \_\_\_\_\_