

# Mandatory Reclaimed Water Connections

## Guidance for Exceptions and Variances

In August 2012, the City Council adopted City Code § 6-4-11(E) and § 6-4-30(H), which are as follows:

§ 6-4-11(E) Except for municipal uses associated with law enforcement or public health and safety, all new commercial developments or redevelopments located within 250 feet of a reclaimed water distribution line are required to obtain and utilize permitted connections to reclaimed water for irrigation, cooling, and other significant non-potable water uses.

§ 6-4-30(H) The director may grant a variance from Section 6-4-11(E) if site conditions are such that compliance would present a significant financial hardship or health risk to the applicant or the public.

**EXCEPTIONS** – An exception is a case that does not conform to the normal rules and there are exceptions in the ordinance for municipal uses associated with law enforcement, public health, and public safety.

Examples of **law enforcement** eligible for an exception include, but are not limited to, Austin Police Department, Austin Office of Homeland Security and Emergency Management, Travis County Sheriff, Travis County Constables, Federal Bureau of Investigation, US Department of Homeland Security, Texas Attorney General, Texas Commission on Law Enforcement, Texas Department of Criminal Justice, US Marshall Service, etc.

Examples of **public health** eligible for an exception include, but are not limited to, a hospital, a medical clinic, doctor's offices, urgent care facilities, medical school, Austin-Travis County Health Department, Texas Department of State Health Services, etc.

Examples of **public safety** eligible for an exception include, but are not limited to, a fire station, Austin-Travis County Emergency Medical Services, Austin Fire Department, Travis County Office of Emergency Management, TXDOT Courtesy Patrol, 911 Call Center, Texas Department of Public Safety, etc.

**VARIANCES** – A variance is permission to deviate from the normal rule. Variances to the ordinance may be granted based on cost or health risk to the applicant or public.

Significant financial hardship – must be at least \$15,000 in additional cost and:

- 1) have a payback period greater than 15 years, or
- 2) be greater than 2% of construction cost



Health risk to applicant – applicant must be a member of a sensitive subpopulation as considered by drinking water regulations (TCEQ Rule 290.273(a)), i.e. elderly, infant, immunocompromised (undergoing chemotherapy, organ transplants, treatment with steroids, HIV/AIDS patient).

Health risk to public – site must be frequented by members of sensitive subpopulations as considered by drinking water regulations (TCEQ Rule 290.273(a)), i.e. the elderly, infants, immunocompromised (undergoing chemotherapy, organ transplants, treatment with steroids, HIV/AIDS patient). Such a site would likely be eligible for a public health exception.

**OTHER** – The ordinance requires that reclaimed water be used for other significant non-potable water uses. If after removing irrigation and cooling demands, the site requires a potable water meter 2” or greater, there is likely significant non-potable water use on site that also should be shifted to the reclaimed water system.

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