

**RULE NO.:**

**NOTICE OF PROPOSED RULE**

**POSTING DATE:**

The Director of the Austin Water Utility proposes to adopt the following rule after September 30, 2012

Comments on the proposed rule are requested from the public. Comments should be submitted to Ms. Jadell Hines; Austin Water Utility, 625 E. 10<sup>th</sup> Street, 6<sup>th</sup> Floor, Suite 615, Austin, Texas 78701, 512-974-3545, or via email at jadell.hines@austintexas.gov. To be considered, comments must be submitted before \_\_\_\_\_ 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.

**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 \_\_\_\_\_ (the 32nd day after the date of this notice) or not after \_\_\_\_\_ (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before \_\_\_\_\_, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.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 following locations at a cost of ten cents per page:

Austin Water Utility, located at 625 E. 10<sup>th</sup> Street, 4<sup>th</sup> Floor Suite 400, Austin, Texas. See Ms. Jadell Hines and:

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

**BRIEF EXPLANATION OF PROPOSED RULE**

**Austin City Code, Chapter 6-4-10 (B) *Facilities Regulated* requires the operators of vehicle washing facilities to provide an evaluation of all vehicle washing equipment which documents that the washing equipment is meeting certain efficiency standards. This rule establishes the efficiency standards and a schedule upon which the evaluations are to be conducted and enforced.**

**TEXT OF PROPOSED RULE**

Whereas a full-service car wash includes all conveyORIZED carwashes.

A Vehicle Washing Facility, defined in Chapter 6-4 Article 1, (General Provisions), Section 6-4-2 (Definitions) as a *permanently-located*

*business that washes vehicles or other mobile equipment with water or water-based products, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventory, is required to perform equipment efficiency evaluations in accordance with the following:*

- A. Vehicle washing equipment evaluations must be completed annually and shall be conducted on a schedule determined by the zip code of the affected property.
- B. The zip code schedule shall be kept on file with Austin Water Utility and posted on the Austin Water website. Modifications to the zip code schedule made by Austin Water Utility shall be communicated to the service account holder of the affected properties a minimum of six (6) months prior to the submittal date as described in paragraph (A).
- C. Equipment efficiency evaluations shall be considered for a period of 90 days from the time of the inspection performed by a licensed plumber. Efficiency evaluation forms must be submitted to Austin Water Utility no later than the last day of the month during which the evaluation is due.
- D. Failure to provide the required documentation to Austin Water Utility in accordance with the required schedule shall result in enforcement action taken by Austin Water and will include, but is not limited to, the assessment of fines in accordance with Chapter 6-4-5(B), *Fees and Charges* and may accrue daily or as determined by the municipal court.
- E. Properties unable to meet the efficiency standards prescribed in Paragraph G shall be required to notify Austin Water Utility in writing in accordance with the required zip code schedule. This notice at a minimum shall include a Compliance Plan.
- F. At a minimum the Compliance Plan shall include the property owner's name and address and a plan to immediately take equipment not meeting the efficiency standards prescribed in Paragraph G out of operation. Reinstatement of equipment rendered inoperable by the Compliance Plan will require documentation from a licensed plumber which indicates that the equipment has been brought into compliance with the efficiency standards prior to operation of the equipment.
- G. In accordance with Chapter 6-4-10(B)(3), vehicle washing equipment for use on an affected property shall meet the following standards:
  - 1. No water leaks are present in the vehicle washing equipment;
  - 2. In-bay, hand-held spray wash equipment, including a spray wand or foaming brush, does not use more than 3.5 gallons of water a minute and has a trigger shutoff and protective weep.
  - 3. portable pressure wash equipment must have a spray nozzle with a positive shut off and protective weep mechanism and shall not use more than the following:
    - i. 3.5 gallons of water a minute for passenger vehicles including automobiles, delivery vans and buses; or

- ii. 5.0 gallons of water a minute for commercial equipment vehicles such as front-end loaders, dump trucks, earth movers or other similar equipment
- 4. a conveyor or drive through friction system does not use more than 35 gallons for each vehicle;
- 5. a conveyor or drive through touchless system does not use more than 35 gallons for each vehicle;
- 6. an in-bay automatic rollover system does not use more than 45 gallons for each vehicle;
- 7. each chamois sink has a positive shutoff valve; or
- 8. a system using reverse osmosis rinse water must reclaim and reuse reject water.

### **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 water use is established in Texas Local Government Code Section 552.001 and Title 6 of Austin City Code.

### **CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Proposed Rule XXXXX, 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 Meszaros, Director  
Austin Water Utility

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

\_\_\_\_\_  
Karen M. Kennard  
Acting 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.