


<div style="text-align: center;"> A U S T I N C I T Y C O U N C I L AGENDA </div> 				
Recommendation for Council Action				
Austin City Council	Item ID	56802	Agenda Number	
Meeting Date:	4/21/2016		Department:	Austin Energy
Subject				
<p>Approve issuance of a rebate to Fifth/Colorado JV, LLC, for the installation of energy efficiency measures at 201 West 5th Street, in an amount not to exceed \$82,929.</p>				
Amount and Source of Funding				
<p>Funding is available in the Fiscal Year 2015-2016 Operating Budget of Austin Energy.</p>				
Fiscal Note				
<p>There is no unanticipated fiscal impact. A fiscal note is not required.</p>				
Purchasing Language:				
Prior Council Action:				
For More Information:	<p>Jeff Vice, Director, Local Government Issues (512) 322-6450; Denise Kuehn, Director, Energy Efficiency Services (512) 322-6138.</p>			
Council Committee, Boards and Commission Action:	<p>April 18, 2016 - To be reviewed by the Electric Utility Commission. April 19, 2016 - To be reviewed by the Resource Management Commission.</p>			
MBE / WBE:				
Related Items:				
Additional Backup Information				
<p>Austin Energy requests authorization to issue a rebate to Fifth/Colorado JV, LLC, in an amount not to exceed \$82,929 for energy efficiency measures installed at its new downtown office tower. This office building with retail space and parking garage is located at 201 West 5th Street in Austin, in Council District 9.</p> <p>5th+Colorado is an 18-story, 179,000 square foot office building, with retail space and parking garage, in the Warehouse District. The energy efficiency measures installed include high efficiency lighting, variable frequency drives, self-contained air conditioning units, cooling towers, and high efficiency elevators. The estimated total cost of installing the measures is \$4,869,600, and the rebate will cover approximately 1.7% of the total cost. The demand savings associated with this energy efficiency project are estimated at 181.77 kilowatts (kW) at a program cost of \$456 per kW saved.</p> <p>These improvements are in accordance with the Austin Energy's Commercial Rebate Program guidelines. This program is one of the elements of Austin Energy's comprehensive Resource, Generation and Climate Protection Plan to realize 700 MW of energy efficiency and 200 MW of demand response by 2025. The original plan, approved by</p>				

City Council in April 2010 and updated in December 2014, is designed in part to reduce local air pollution through energy conservation, reduce peak demand, reduce the need to purchase additional generation and assist customers in reducing electric consumption.

The avoided kilowatt hours (kWh) estimated at 470,742 kWh per year represents a major benefit to the local environment. This project will prevent the following air pollutants from being emitted: 282.7 metric tons of Carbon Dioxide (CO₂), 0.178 metric tons of Sulfur Dioxide (SO₂) and 0.197 metric tons of Nitrogen Oxides (NOX). The project savings are equivalent to an estimated 634,646 vehicle miles traveled, the removal of 54 cars from our roadways, the planting of 7,262 trees or 363 acres of forest in Austin's parks.

Property Name	5 th +Colorado				
Customer Name	Fifth/Colorado JV, LLC (Lincoln Property Company)				
Property Address	201 W 5 th Street				
ECAD Status N/A - New Construction			Total Measure Costs	\$4,869,600	
			Total Rebate – Not to Exceed	\$82,929	
			% of Total Measure Costs	1.7%	

SCOPE OF WORK					
Measure	Rebate Amount	kW Saved - Estimated	kWh Saved - Estimated	Measure Costs	\$/kW
Lighting	\$1,842	15.67	136,887	\$335,000	\$118
ACDX ¹	\$62,282	112.21	189,167	\$1,900,000	\$555
Variable Frequency Drives	\$8,124	22.34	69,702	\$50,000	\$364
Cooling Towers	\$907	3.63	8,487	\$143,800	\$250
Custom Technology – High Efficiency Elevators ²	\$9,774	27.93	66,498	\$2,440,800	\$350
Totals	\$82,929	181.77	470,742	\$4,869,600	\$456

Previous Measures Performed in last 10 Years	Completion Date	Rebate Amount
None – New Construction	N/A	N/A

AE Commercial Energy Efficiency Program for FY2016 (as of February 29, 2016)³							
Program	kW Savings Goal	YTD kW Savings	% of Goal	Budget	YTD Dollars Spent	YTD Participation	\$/kW
Commercial Rebates	13,500	2,969	22.00%	\$3,227,000	\$928,153	68	\$313

¹ Self-Contained AC Units installed – high efficiency, water-cooled package units

² High efficiency elevators with regenerative drives which convert excess energy into electricity as opposed to releasing as heat

³ These values align with the historical trend of when rebates are issued for this program. Typically spring and summer months show an increase in additional projects.



Recommendation for Resource Management Commission

Commission Meeting Date:	April 19, 2016
Council Meeting Date:	May 5, 2016
Department:	Austin Water
SUBJECT	
Recommend approval of an ordinance amending Chapter 6-4 of City Code relating to water use management, providing for permanent once-per-week irrigation for automatic irrigation systems, adding flexibility for hose-end irrigation and home car washing, and limiting waivers for new landscape irrigation to drought tolerant landscapes.	
AMOUNT AND SOURCE OF FUNDING	
There is no unanticipated financial impact. A financial note is not required.	
Purchasing Language:	N/A
Prior Council Action:	August 16, 2012 – Council approved an ordinance repealing and replacing Chapter 6-4 of the City Code related to Water Use Management (Ordinance 20120816-004)
For More Information:	Daryl Slusher, Environmental Affairs and Conservation, (512) 972-0218; Drema Gross, Water Conservation Division Manager, (512) 974-2787
Boards and Commission Action:	April 12, 2016 - Approved by the Austin Integrated Water Resource Planning Community Task Force (vote passed 9:0). April 13, 2016 – Approved Water & Wastewater Commission (vote passed 10:1) April 19, 2016 – To be reviewed by Resource Management Commission
MBE/WBE:	

The Austin region recently experienced the worse drought since the Highland Lakes were built in the 1940s, officially eclipsing in severity even the 1950s “Drought of Record.” Austin Water responded by implementing the City’s Drought Contingency Plan which features a range of water saving measures. By far the largest savings measure was one-day-per-week watering restrictions.

One-day-per-week watering restrictions (part of Stage 2 restrictions) are estimated to have saved more than 115,000 acre-feet of water between 2011 and 2015 as assessed by the Lower Colorado River Authority. These savings were critical in keeping the lakes above the emergency combined storage volume of 600,000 acre-feet during the drought. The lowest point for the lakes during the drought was 637,123 acre-feet on September 19, 2013

When heavy rains came in May and June 2015 Austin Water recommended, and the City Manager ordered, that the City remain in Stage 2 due to several factors related to the historic drought that began in 2008. History shows that intense droughts can be temporarily interrupted by heavy rains and then the region goes right back into drought. That was the case during the 1950s drought, which spanned approximately 10 years. Heavy rains about five years in were followed by several more years of drought. A similar phenomena indeed occurred after the rains of May and June 2015 as the several dryer than historically normal months followed.

At the same time that the announcement was made that Austin would remain in Stage 2 it was announced that Austin Water was recommending consideration of making one-day-per-week watering permanent. It was also announced that the utility would engage in a public input process to discuss that and other potential changes to the Water Conservation Code and the related Drought Contingency Plan (DCP). Austin Water has now completed that process. A total of seven public meetings were held. This included a kickoff meeting, plus five workshop sessions around the City followed by a wrap-up meeting.

Another part of the public input process was an online survey regarding one-day-per-week watering and other aspects of the Water Conservation Code. There were 1,850 responses to the online survey. Results of the survey are included in the backup to this item. Pursuant to requests from Council Members at Public Utility Committee meetings, the results regarding one-day-per-week watering and the levels of participation are broken down by district.

Overall, a majority of citizens responding to the survey opposed making one-day-week watering restrictions permanent. On a district basis, however, six of ten districts favored permanent one-day-per week restrictions – five by majorities and one by a plurality.

Staff also heard considerable public sentiment in favor of loosening restrictions on home car washing which under current code is allowed only in the Conservation Stage – the base stage in which the lakes are from around two-thirds full to full.

Staff considered all the feedback and is recommending a hybrid plan .As detailed below, staff recommendations include:

- A hybrid watering schedule that allows a one-day a week watering schedule for automatic irrigation systems and two days a week schedule for hose-end users during the Conservation Stage and Stage 1.
- A continuation of any time watering for hand-held watering and drip irrigation systems until Stage 4.
- More flexible car washing at home
- Limiting variances for irrigating new landscapes for only drought tolerant landscapes.

In regards to irrigation, the proposal is built around allowing the most efficient irrigation systems the most time to water. For example, as in the current code, drip irrigation systems can water at any time. That remains the same in this new proposal. Likewise, hand held watering with a hose continues to be allowed at any time.

In the Conservation Stage and Stage 1, persons who water one-day a week with an automatic system can also water a second day in a week with a hose-end sprinkler. Hose-end sprinklers will be allowed to water twice per week on designated days during the Conservation Stage and Stage 1. During Stages 2 and 3, a one-day-a-week schedule for automatic and hose-end sprinklers is recommended. Designated days will not change from current code.

Staff recommends allowing at-home car washing in all stages except Emergency Response Stage 4. During the Conservation Stage and Stage 1, home car washing can be done only with a hose with a positive shut-off or with a bucket, in Stages 2 and 3 with a bucket only.

A change is also recommended to the Code related to variances for watering new landscapes. Currently staff considers, and often grants, variances for watering of new landscapes. During the Conservation Stage and Stage 1, variances are considered for both traditional and drought tolerant landscapes. In Stages 2 and 3, variances are only considered for drought tolerant landscapes. Staff is recommending that, henceforth, variances only be considered for drought tolerant landscapes.

Changing the Water Conservation Code also necessitates changes in the City's Drought Contingency Plan. Those changes are included in a separate agenda item.

Additional backup for this item includes:

- The proposed code language with proposed changes in legislative format;
- A table comparing current code and proposed;
- Online survey results
- Three maps showing residential water use by Council district: average August 2015 water use per account; average monthly water use for 2015; and average monthly water use for summer 2015. The maps were produced at the request of Council Member Greg Casar and are being provided to the full Council as part of the backup for this item.

ORDINANCE NO. _____

AN ORDINANCE ~~REPEALING AND REPLACING~~AMENDING CITY CODE CHAPTER 6-4 RELATING TO WATER CONSERVATION; ESTABLISHING VIOLATIONS AND PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS.

The City Council finds that:

Given the potential for severe and frequent drought conditions in Central Texas, it is essential that water use policies balance the need to conserve water with the need to protect the City's urban landscape and tree canopy. Water conservation efforts, including policies for responsible outdoor water use, help maximize limited resources as population grows while ensuring supply for critical public health and safety needs including adequate supplies necessary for emergency fire fighting, fire suppression, and natural disaster or other emergency management or disaster response.

PART 2. City Code Chapter 6-4 (*Water Conservation*) Sections 6-4-2(9), 6-4-13 (E), 6-4-15 (C), 6-4-16 (C) (D) and (F), 6-4-17(C), (D), (E) and (F), 6-4-18 (C), (D), and (E) and 6-4-30 (E) is amended ;repealed and replaced with a new Chapter 6-4 to read as follows:

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ARTICLE 1. GENERAL PROVISIONS.

§ 6-4-1 WATER USE MANAGEMENT PLAN.

This chapter establishes a Water Use Management Plan.

§ 6-4-2 DEFINITIONS.

Unless a different definition is expressly provided, in this chapter:

- (1) **ACTION of THE UTILITY** means an action taken by Austin Water Utility pursuant to this chapter.

- 1 (2) AQUATIC LIFE means a vertebrate organism dependent upon an aquatic
2 environment to sustain its life.
- 3 (3) AUXILIARY WATER means a water supply from a source other than
4 Austin Water Utility's potable water supply.
- 5 (4) AWU AUTHORIZED IRRIGATION INSPECTOR means an Irrigation
6 Inspector licensed by the Texas Commission on Environmental Quality who
7 has in addition both passed a director-approved class in landscape irrigation
8 and has been awarded Austin Water Utility (AWU) Authorized Irrigation
9 Inspector status in accordance with rules adopted pursuant to this chapter.
- 10 (5) COMMERCIAL FACILITY means a site with five or more dwelling units,
11 or a municipal, business, or industrial building and the associated
12 landscaping, but does not include the fairways, greens, or tees of a golf
13 course.
- 14 (6) COMMERCIAL NURSERY means a facility where plant nursery stock,
15 trees, seedlings, turf, shrubs, flowers, herbs, crops or other plant materials
16 are cultivated, grown, stored, or maintained prior to retail consumer,
17 installer, or reseller purchase, use, consumption, or installation of the
18 materials at any location other than the commercial nursery.
- 19 (7) COMMON AREA means an area held, designed, or designated for the
20 common use of the owners or occupants of a townhouse project, planned
21 unit development, apartment, condominium, mobile home park, or
22 subdivision.
- 23 (8) COSMETIC POWER WASHING means treatment or cleaning of a surface
24 with specialized equipment that uses a spray of or directed water for the
25 cosmetic cleaning of buildings, vehicles or other mobile equipment, or
26 outdoor surfaces. It does not include industrial cleaning, cleaning associated
27 with manufacturing activities, hazardous or toxic waste cleaning, or cleaning
28 necessary to remove graffiti.
- 29 (9) DESIGNATED OUTDOOR WATER USE DAY means the day prescribed
30 ~~during by rule on~~ which a person is permitted to irrigate outdoors as
31 described in section 6-4-13 (E) the Outdoor Water Use Schedule.
- 32 (10) DIRECTOR means the Director of the Austin Water Utility and includes a
33 person the Director has designated to administer or perform any task, duty,
34 function, role, or action related to this Chapter or on behalf of the Director.
- 35 (11) DRIP IRRIGATION means a method of irrigation which is typically
36 installed below ground and consists of porous piping that allows the
37 application of water at a slow and constant rate.
- 38 (12) DROUGHT CONTINGENCY PLAN means a strategy or combination of
39 strategies for temporary supply management and demand management
40 responses to temporary and potentially recurring water supply shortages and

Comment [A1]: Correcting existing code

- 1 other water supply emergencies required by Texas Administrative Code
2 Title 30, Chapter 288, Subchapter B.
- 3 (13) FOUNDATION WATERING means an application of water to the soils
4 directly abutting the foundation of a building, structure, or improvement on
5 land.
- 6 (14) HOSE-END SPRINKLER means an above-ground water distribution device
7 that may be attached to a garden hose.
- 8 (15) MULTI-FAMILY PROPERTY means property containing five or more
9 dwelling units.
- 10 (16) GOVERNMENT PROPERTY means property owned or operated by a
11 federal, state, or local governmental unit, entity, agency, or subdivision for a
12 public purpose.
- 13 (17) NEW LANDSCAPE means vegetation:
- 14 (a) installed at the time of the construction of a residential or commercial
15 facility;
- 16 (b) installed as part of a governmental entity's capital improvement
17 project;
- 18 (c) installed to stabilize an area disturbed by construction; or
19 (d) that alters more than 500 contiguous square feet of an existing
20 landscape.
- 21 (18) ORNAMENTAL FOUNTAIN means an artificially created structure from
22 which a jet, stream, or flow of water emanates and is not utilized for the
23 preservation of aquatic life.
- 24 (19) PERMANANTLY INSTALLED IRRIGATION SYSTEM means a custom-
25 made, site-specific system of delivering water generally for landscape
26 irrigation via a system of pipes or other conduits installed below ground.
27 These systems may integrate or utilize PVC pipe for water distribution.
- 28 (20) PERSON means any natural person or legal entity such as an individual,
29 business, partnership, association, firm, corporation, governmental, or other
30 natural, business, or legal entity that receives, requests, manages, uses,
31 maintains, or is responsible for water utility service at a service address,
32 whether or not the person or entity is a customer or account holder of the
33 Austin Water Utility.
- 34 (21) PREMISE means the outdoor area of property not enclosed by fencing or
35 walls or containing living areas, or areas for storing vehicles or other
36 motorized equipment.
- 37 (22) RECLAIMED WATER means reclaimed municipal wastewater that is under
38 the direct control of the City treatment plants, satellite facilities, or a
39 treatment plant with which the City contracts, and that has been treated to a
40 quality that meets or exceeds the minimum standards of the 30 Texas
41 Administrative Code, Chapter 210.

- 1 (23) RESIDENTIAL FACILITY means a site with four or fewer dwelling units.
2 (24) SOAKER HOSE means a perforated or permeable garden-type hose or pipe
3 that is laid above ground that provides irrigation at a slow and constant rate.
4 (25) TEMPORARILY INSTALLED IRRIGATION SYSTEM means a
5 universally-applicable above ground irrigation system that commonly uses a
6 flexible hose or hardened pipe to deliver water to a moveable water
7 distribution device.
8 (26) THE UTILITY means the Austin Water Utility.
9 (27) VEHICLE WASH FACILITY means a permanently-located business that
10 washes vehicles or other mobile equipment with water or water-based
11 products, including but not limited to self-service car washes, full service car
12 washes, roll-over/in-bay style car washes, and facilities managing vehicle
13 fleets or vehicle inventory.
14 (28) XERISCAPE means a landscape which employs certain principles of design
15 and installation which conserve water and energy and where the plant
16 material, at mature growth, will provide, minimally, 50% of the new
17 landscape's areal coverage. The plant material must consist of plants taken
18 from a plant list provided by Austin Water Utility and identified as very low
19 water usage and low water usage plants. The plant list may be amended as
20 needed.
21

22 **§ 6-4-3 APPLICABILITY OF REGULATIONS; AFFIRMATIVE DEFENSES.**

- 23 (A) This chapter applies to a person who uses, directs, manages, or allows the use of
24 potable water supplied by Austin Water Utility. The chapter does not apply to a
25 person who uses, directs, manages, or allows the use of auxiliary water or
26 reclaimed water unless the auxiliary water or reclaimed water is mixed with
27 potable water supplied by Austin Water Utility.
28 (B) It is an affirmative defense to a violation of this chapter that the use of water that
29 gave rise to the violation was consistent with the agreed upon terms and conditions
30 of a water service contract with a wholesale water customer and that the use did
31 not constitute water waste.
32 (C) It is an affirmative defense to a violation of this chapter that the use of water that
33 gave rise to the violation properly utilized solely reclaimed water, did not endanger
34 public health, safety, or property, and did not constitute water waste.
35 (D) It is an affirmative defense to a violation of this chapter that the act or omission
36 that gave rise to the violation occurred solely because a documented emergency
37 that prevented strict compliance, and that the act or omission did not disrupt the

1 availability of adequate water for other public emergency response or fire fighting
2 or fire suppression purposes.

3 **§ 6-4-4 COMPLIANCE REQUIRED.**

4 A person may not use or permit the use of water in a manner that conflicts with the
5 requirements of this chapter or in an amount greater than permitted by this chapter.
6

7 **§ 6-4-5 FEES AND CHARGES.**

- 8
9 (A) Fees and charges assessed pursuant to this chapter shall be set by City Council
10 under a separate ordinance or, where permitted, by the director by rule.
11 (B) Fees and charges associated with enforcement of this chapter shall be clearly
12 identified on the customer's utility billing invoice or on the order assessing the fee
13 or charge, except as where otherwise provided by local ordinance or adopted rule.
14

15 **§ 6-4-6 INSPECTIONS AND RIGHT OF ENTRY.**

- 16
17 (A) The Director or director's designee may:
18 (1) conduct an inspection of any property, equipment or improvement to determine
19 compliance with this chapter; and
20 (2) require an owner, occupant, operator, manager, or user of a property, equipment,
21 or improvement to correct a violation of this chapter.
22 (B) The Director or director's designee may enter a commercial facility or premise to
23 inspect the facility upon probable cause that a violation of this chapter may have
24 occurred at the location, provided the Director or designee:
25 (1) presents official identification to an employee of the facility and expressly
26 requests entry to inspect; and
27 (2) informs the employee of the facility of this section; or
28 (3) makes a reasonable effort to locate the owner of unoccupied property to request
29 entry; or
30 (4) limits the inspection of commercial properties not opened for business at the time
31 of inspection to areas accessible by the public during periods of business closure.
32 (C) An inspection of a residential property shall be conducted from:
33 (1) areas accessible to the general public; or
34 (2) a restricted access area only after the Director or director's designee has
35 presented official identification to the property manager, owner, occupant, or
36 other representative, and obtained consent to enter a restricted access area.
37 (D) If consent for entry necessary to conduct an inspection to determine compliance with
38 this chapter is required but denied, withdrawn, limited, or impaired, the Director or

1 designee may seek any recourse available under applicable law to obtain entry and
2 inspection.

3 (E) An employee may enter onto a privately owned common area for the purposes of
4 conducting inspections. The designee may seek recourse to available law to obtain
5 entry into areas with restricted access.

6 (F) A person seeking a variance pursuant to Article II, Division 3(*Variances: Alternative*
7 *Compliance*) or participation in an Austin Water Utility Conservation Program
8 provides a designee of the director the right to enter the subject premise to conduct
9 inspections and investigations necessary to determine compliance with this chapter.

10 (G) Conducting or failing to conduct an onsite inspection does not impose liability on
11 the City, a City officer or employee, or a City representative for damage to a person
12 or property.

13 14 **§ 6-4-7 ADMINISTRATIVE RULES.**

15
16 (A) The director shall adopt administrative rules for the implementation of this chapter.

17 (B) Before the director may adopt or amend a nonemergency rule, the director shall
18 present for consideration the proposed rule to the Water and Wastewater
19 Commission and the Resource Management Commission. In cases of emergency
20 rule adoption, the director shall present the rule to the Water and Wastewater
21 Commission and the Resource Management Commission as soon as practicable
22 following emergency rule adoption.

23 ~~(C) The rules shall provide for designated outdoor water use days.~~

24 ~~(DC)~~ The rules shall provide for a commercial facility irrigation evaluation program and
25 will include provisions for the assessment and the collection of any associated fees.

26 ~~(ED)~~ The rules shall provide water efficiency standards for vehicle washing equipment.

27 ~~(FE)~~ The rules shall be available for inspection at the Austin Water Utility
28 administrative offices during normal business hours.

29 ~~(GF)~~ Austin Water Utility shall maintain records of Irrigation Inspectors holding AWU
30 Authorized Irrigation Inspector status in accordance with rules adopted pursuant to
31 this chapter.

32 33 **ARTICLE II: WATER USE MANAGEMENT**

34 35 **Division 1: Regulated Activities**

36 37 **§ 6-4-10 FACILITIES REGULATED.**

38
39 (A) Effective January 1, 2013, the owner of a commercial, multi-family residential or
40 City municipal facility situated on property equal to or greater than 1.0 acre in size
41 shall obtain an evaluation of any permanently installed irrigation system conducted at

1 a frequency prescribed by rules adopted pursuant to this chapter. The irrigation
2 evaluation shall, at a minimum:

- 3 (1) be conducted by an AWU Authorized Irrigation Inspector;
- 4 (2) be documented on forms provided by Austin Water Utility; and
- 5 (3) verify that the irrigation system operating on the property is a properly permitted
6 system that complies with all applicable requirements of this chapter, rules adopted
7 pursuant to this chapter, and other applicable technical codes.

8
9 (B) Effective January 1, 2013, the operators of vehicle washing facilities shall provide an
10 evaluation of all vehicle washing equipment conducted at a frequency prescribed by
11 rules adopted pursuant to this chapter. The vehicle washing facility evaluation shall, at
12 a minimum:

- 13 (1) be conducted by a licensed plumber of the vehicle washing facility's choice;
- 14 (2) be documented on forms provided by Austin Water Utility; and
- 15 (3) establish that the equipment is operating in compliance with equipment standards
16 prescribed by rules adopted pursuant to this chapter.

17
18 (C) Restaurants, bars, and other commercial food or beverage establishments may not
19 provide drinking water to customers unless a specific request is made by the customer
20 for drinking water.

21
22 (D) Effective January 1, 2013, the owner or operator of a hotel, motel short term rental or
23 other establishment that offers or provides lodging or rental accommodations for
24 compensation shall offer a towel and linen reuse water conservation option to its
25 lodgers, renters, or customers and maintain in each applicable guest room, suite, or
26 property informational signage to communicate information relating to this
27 requirement and to offer the opportunity for guest participation.

28 29 **§ 6-4-11 GENERAL REGULATIONS.**

30
31 (A) A person may not conduct a charity car wash unless it occurs at an authorized vehicle
32 washing facility meeting the requirements of Section 6-4-10(B) (*Facilities*
33 *Regulated*) utilizing only the equipment of the facility that complies with this chapter
34 and any associated rules.

35 (B) A person may not use commercially operated cosmetic power/pressure washing
36 equipment unless it is fitted with a water recycling unit and a spray nozzle using no
37 more than 3.5 gallons of water per minute and employing a working trigger shut-off
38 with a protective weep mechanism.

39 (C) A person may not operate an ornamental fountain unless the fountain utilizes
40 recirculated water.

- 1 (D) A person may not engage in foundation watering unless the watering occurs on a
2 designated outdoor water use day for the property during the irrigation time period
3 prescribed by this chapter or by rule.
- 4 (E) Except for municipal uses associated with law enforcement or public health and
5 safety, all new commercial developments or redevelopments located within 250 feet
6 of a reclaimed water distribution line are required to obtain and utilize permitted
7 connections to reclaimed water for irrigation, cooling, and other significant non-
8 potable water uses.
- 9 (F) A person may not use potable water for roadway base preparation or dust abatement
10 work, applications, or other activity on any project or at any location where reclaimed
11 water is available within one mile of the location or project site if the use of
12 nonpotable or reclaimed water will not jeopardize public or environmental health or
13 safety, including the safety of the location or health and safety of the project workers
14 or residents. A person using reclaimed or nonpotable water must do so in accordance
15 with all applicable health, safety, and environmental regulations and the rules adopted
16 pursuant to this chapter.

17
18 **§ 6-4-12 WATER WASTE PROHIBITED.**

- 19 (A) The section prohibits the waste of water.
- 20 (B) A person may not:
- 21 (1) fail to repair a controllable leak, including but not limited to a broken
22 sprinkler head, a broken pipe or a leaking valve; or
- 23 (2) operate an irrigation system with:
- 24 (a) a broken head; or
- 25 (b) a head that is out of adjustment and the arc of the spray head is
26 over a street, parking area, or other impervious surface; or
- 27 (c) a head that is misting because of high water pressure; or
- 28 (3) allow water flow during irrigation that:
- 29 (a) runs, flows, or streams in a way that extends into a street, parking
30 area, or other impervious surface for a distance of 50 feet or greater;
31 or
- 32 (b) allows water to pond to a depth greater than 0.25 inch in a street,
33 parking area, or on other impervious surfaces.
- 34 (C) It is an affirmative defense to a charge of a violation of Subsection (B) that the act or
35 omission charged in the complaint occurred during necessary repair, testing, or
36 calibration of a new or existing irrigation or plumbing system, that the person
37 performing the system testing, repair, or calibration was present at the site at the time
38 of the act or omission charged in the complaint, and that the irrigation or plumbing
39 system and its testing, repair, or calibration work at issue complied at the time with
40 all applicable regulations, permit and development approval requirements.

1 (D) It is an affirmative defense to a charge of a violation of Subsection (B)(1) that the
2 property where the leak occurred has been officially accepted into a government-
3 assisted housing repair program, the condition is within the scope of repairs the
4 government has agreed to fund or repair, and the person charged with the violation or
5 the property where the violation occurs is not in default of any obligation of the
6 government-assistance housing repair program at the time of the violation charged.
7

8 **§ 6-4-13 WATER CONSERVATION GUIDELINES.**
9

10 (A) The director shall recommend and the city manager shall adopt water conservation
11 guidelines that include:

- 12 (1) policies for compliance by city or other governmental departments; and
13 (2) the criteria for determining when a conservation stage takes effect or
14 terminates.

15 (B) The city manager shall update the guidelines if the city manager determines that
16 changed conditions of the city's water supply system, regulatory obligations, or other
17 environmental or situational factors warrant or necessitate guideline adjustment.

18 (C) The city manager may order that the water use restrictions of *Drought Response*
19 *Stage One Regulations, Drought Response Stage Two Regulations, Drought*
20 *Response Stage Three Regulations, or Emergency Stage Four Regulations* take effect
21 after determining that the order is necessary to protect the public health, safety, or
22 welfare. The City Manager may base a conservation, drought, or emergency stage
23 declaration or termination on any condition, occurrence, factor, or an assessment of
24 all relevant circumstances that in the judgment of the City Manager support such
25 action for any lawful purpose. The order is effective immediately following official
26 public notice.

27 (D) Water use regulations of the Water Conservation Stage (Section 6-4-15) remain in
28 effect until such time as the city manager orders termination of the stage in
29 accordance with section 6-4-13(C), (*Water Use Guidelines*). Unless a drought or
30 emergency stage is expressly declared by order of the City Manager, water use
31 regulations of the Water Conservation Stage (section 6-4-15) automatically resume
32 by default immediately upon any ordered termination of any drought or emergency
33 stage.

34 (E) Any outdoor water use subject to the provisions of this Chapter shall occur only on a
35 day designated for the applicable water use activity, property/facility type, and street
36 number address classification indicated in the following table. A person may not
37 conduct, authorize, or permit outdoor water use except in accordance with the
38 designation schedule set out in the following table. In the following table, "EVEN"
39 or "ODD" correspond to the street number of the physical property address where the
40 outdoor water use occurs. The table below shall be referred to as "the Outdoor Water
41 Use Schedule".

1
2

Conservation Stage and Drought Response Stage 1 Watering Schedule		
Commercial/Multifamily	Residential EVEN	Residential ODD
Tuesday and/or Friday	Sunday and/or Thursday	Wednesday and/or Saturday
Drought Response Stage 2 and Drought Response Stage 3 Watering Schedule		
Property Type	Watering Day	
Residential – Hose- End EVEN	Sunday	
Public Schools	Monday	
Commercial/Multi Family – Automatic EVEN	Tuesday	
Residential – Automatic ODD	Wednesday	
Residential – Automatic EVEN	Thursday	
Commercial/Multi Family – Automatic ODD	Friday	
Residential Property – Hose-end ODD	Saturday	

Conservation Stage and Drought Response Stage 1 Watering Schedule	
Property Type	Watering Day
Residential - Hose- End EVEN	Sunday and Thursday
Public Schools	Monday
Commercial/Multi Family -Automatic EVEN	Tuesday
Residential - Automatic ODD	Wednesday
Residential - Automatic	Thursday

EVEN	
Commercial/Multi Family - Automatic ODD	Friday
Residential Property – Hose-end ODD	Wednesday and Saturday

Drought Response Stage 2 and Stage 3 Watering Schedule	
Property Type	Watering Day
Residential - Hose- End EVEN	Sunday
Public Schools	Monday
Commercial/Multi Family -Automatic EVEN	Tuesday
Residential - Automatic ODD	Wednesday
Residential - Automatic EVEN	Thursday
Commercial/Multi Family - Automatic ODD	Friday
Residential Property – Hose-end ODD	Saturday

(F) The director may order temporary modification or adjustment to the Outdoor Water Use Schedule in the event of an unusual water system operational event, catastrophic occurrence, severe weather event, or other emergency, disaster situation, or occurrence necessitating the adjustment. A temporary modification or adjustment to the Outdoor Water Use Schedule shall be effective immediately upon official public notice and shall continue in effect for a period not to exceed fifteen (15) consecutive days. The director shall provide official public notice of the date upon which any temporary modification or adjustment to the Outdoor Water Use Schedule expires and the standard Outdoor Water Use Schedule resumes.

(G) The director shall monitor the daily supply and demand for water and make recommendations to the city manager about whether or when to implement or terminate water use restrictions in accordance with the Drought Contingency Plan in effect and kept on file with Austin Water Utility or when relevant to any other circumstances effecting continuity of service or public health, safety, or welfare.

1
2 **§ 6-4-14 EXEMPTIONS.**
3

4 (A) Exemptions under this subsection apply to Section 6-4-15 (*Water Conservation*
5 *Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17
6 (*Drought Response Stage Two Regulations*), Section 6-4-18 (*Drought Response*
7 *Stage Three Regulations*), and Section 6-4-19 (*Emergency Stage Four Regulations*)
8 and are:

- 9 (1) The use of water necessary to protect the health, safety, or welfare of the public;
10 (2) The use of reclaimed or auxiliary water that is not supplemented by or mixed with
11 potable water supplied by Austin Water Utility;
12 (3) Necessary use of water for lawful repair of a water distribution facility, flushing of
13 utility lines or residential or commercial plumbing lines;
14 (4) Necessary use of water, other than for landscape irrigation, for a governmental
15 entity performing a governmental function, including a capital improvement
16 construction project;
17 (5) Use of water, other than for landscape irrigation, necessary to meet express
18 requirements of federal, state, or local permits related to land development that
19 include but are not limited to roadway base preparation, dust control, maintenance
20 of trees subject to preservation restrictions or requirements, concrete or asphalt
21 work, or modification or construction of improvements;
22 (6) Necessary washing or sanitizing to prevent public health or disease transmission
23 risk associated with liquid, solid, or particulate residue in or on vehicles,
24 containers, or equipment lawfully used to maintain, process, or transport food,
25 perishables, garbage, liquid or solid waste, organic materials, or recyclables; or
26 (7) Water use immediately necessary for or related to fire fighting, fire prevention, or
27 fire suppression activity or operations conducted because of actual risk to public or
28 environmental health, safety, or welfare, life, or property associated with the
29 presence of an uncontrolled fire on or approaching any person or property.
30

31 (B) The following activities shall be exempt from the application of Section 6-4-
32 15(*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One*
33 *Regulations*), Section 6-4-17 (*Drought Response Two Regulations*), and Section 6-4-
34 18 (*Drought Response Stage Three Regulations*):

- 35 (1) Outdoor irrigation:
36 (a) using a hand-held hose or refillable watering vessel;
37 (b) using drip irrigation;
38 (c) of trees using an automatic bubbler system or soaker hose placed within
39 the drip-line of the tree canopy;
40 (d) of vegetable gardens using a soaker hose;

- (e) of athletic fields used for organized sports practice, competition, or exhibition events when the irrigation is necessary to protect the health and safety of the players, staff, or officials present for the athletic event;
- (f) immediately following a commercial lawn treatment application by an applicator who possesses required licensure as applicable for use of such substances including but not limited to fertilizer, pesticides, and herbicides, provided receipts documenting such application and the applicator's credentials are provided upon request to a designee of the director; or
- (g) of plant material at a commercial nursery.

(2) Water use:

- (a) necessary for repair or installation of a permanently installed landscape irrigation system when the person performing the irrigation work is present in the area of irrigation; or
- (b) necessary for the repair, testing, or installation of an ornamental fountain when the person performing the testing, repair or installation is present.

(C) The following activities shall be exempt from the application of Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16(*Drought Response Stage One Regulations*) requirements:

- (1) Water use necessary to comply with federal, state, or local land development permits requiring the establishment of new landscaping; and
- (2) Irrigation of areas documented on a City approved and released site plan as golf course fairways, greens, or tees.

§ 6-4-15 WATER CONSERVATION STAGE.

(A) This section prescribes water conservation regulations and applies during the periods prescribed by Section 6-4-13(D) (*Water Conservation Guidelines*).

(B) A person may not irrigate outdoors at a residential facility or a commercial facility except on a designated outdoor water use day for the location as set forth in Section 6-4-13 (E).

(C) A person may not irrigate outdoors at a residential facility or a commercial facility between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on a day as set forth in Section 6-4-13 (E)~~designated by rules~~ as the outdoor water use day for the location.

(D) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle or any outdoor surface including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface unless using a hose with a positive shutoff valve or a single-fill bucket with water. A person

commits a separate offense for each vehicle or piece of equipment or outdoor surface washed in violation of the terms and conditions of this Subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.~~A person may not wash, rinse, or treat an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle or any outdoor surface including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface using a hand-held hose without having a positive shut-off valve affixed to the hose~~

- (E) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and midnight.

§ 6-4-16 DROUGHT RESPONSE STAGE ONE REGULATIONS.

- (A) This section prescribes Drought Response Stage One regulations and applies during the periods prescribed by Section 6-4-13(C) (*Water Conservation Guidelines*).
- (B) A person may not irrigate outdoors at a residential facility or a commercial facility except on a designated outdoor water use day for the location as set forth in Section 6-4-13 (E).
- (C) A person may not irrigate outdoors at a residential facility or a commercial facility with an automatic irrigation system between the hours of 8:00 a.m. and 7:00 p.m., even if the irrigation occurs on a day as set forth in Section 6-4-13 (E)~~designated by rule~~ as the outdoor water use day for the location.
- (D) A person may not irrigate outdoors at a residential facility or a commercial facility with a hose-end sprinkler system between the hours of 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on a day as set forth in Section 6-4-13 (E)~~designated by rule~~ as the outdoor water use day for the location.
- (E) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and midnight.
- (F) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle or any outdoor surface including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface unless using a hose with a positive shutoff valve or a single-fill bucket with water. A person commits a separate offense for each vehicle or piece of equipment or outdoor surface washed in violation of the terms and conditions of this Subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.~~A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle. A person commits a separate offense for each vehicle or piece of equipment washed in violation of the terms and~~

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conditions of this Subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint. A person may not wash, rinse, or treat an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle or any outdoor surface including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface using a hand held hose without having a positive shut off valve affixed to the hose.

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§ 6-4-17 DROUGHT RESPONSE STAGE TWO REGULATIONS.

- (A) This section prescribes Drought Response Stage Two Regulations and applies during any Stage Two period ordered by the city manager in accordance with Section 6-4-13(C) (*Water Conservation Guidelines*).
- (B) A person may not irrigate outdoors at a residential facility or a commercial facility except on the designated outdoor water use day for the location as set forth in Section 6-4-13 (E).
- (C) A person may not irrigate outdoors at a residential facility or a commercial facility with an automatic irrigation system between the hours of 5:00 a.m. and 7:00 p.m. even if the irrigation occurs on a day as set forth in Section 6-4-13 (E)~~designated by rule~~ as the outdoor water use day for the location.
- (D) A person may not irrigate outdoors at a residential facility or a commercial facility with a hose-end sprinkler system between the hours of 10:00 a.m. and 7:00 p.m. even if the irrigation occurs on a day as set forth in Section 6-4-13 (E)~~designated by rule~~ as the outdoor water use day for the location.
- (E) Operation of a charity car wash is prohibited. It is not a defense to a violation of this section that the charity car wash occurred on the designated outdoor water use day for the location as set forth in Section 6-4-13 (E)~~as prescribed by rule~~.
- (F) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle unless the wash and rinse water is contained within a single refillable vessel. A person commits a separate offense for each vehicle or piece of equipment washed in violation of the terms and conditions of this Subsection. It is an affirmative defense to a violation of this subsection that the water use occurred at a vehicle wash facility for the water use charged in the complaint.
- (G) A person may not irrigate a golf fairway unless the irrigation occurs between the hours of midnight and 5:00 a.m. or between the hours of 7:00 p.m. and midnight on the designated outdoor water use day applicable to the property. A person may irrigate a golf course green or tee every other day only if the irrigation of the location is consistent with a noticed exception establishing the schedule for the property submitted on forms required by Austin Water Utility and approved by the director.

- 1 (H) A person may not operate an ornamental fountain with an aerial emission of water or
2 aerial fall of water greater than four inches other than for aeration necessary to
3 preserve habitat for aquatic life.
- 4 (I) A person may not operate a patio mister at a commercial facility except between the
5 hours of 4:00 p.m. until midnight.
- 6 (J) A person may not use or allow the use of water to wash or rinse any outdoor surface
7 including but not limited to a sidewalk, driveway, parking area, street, tennis court,
8 patio, or other paved area or outdoor building surface unless using a hose with a
9 positive shutoff valve or a single-fill bucket with water. A person commits a separate
10 offense for each outdoor surface washed in violation of the terms and conditions of
11 this Subsection.

12
13 **§ 6-4-18 DROUGHT RESPONSE STAGE THREE REGULATIONS.**

- 14
- 15 (A) This section prescribes Drought Response Stage Three Regulations and applies
16 during a period ordered by the city manager in accordance with Section 6-4-13(C)
17 (*Water Conservation Guidelines*).
- 18 (B) A person may not irrigate outdoors at a residential facility or a commercial facility
19 except on a designated outdoor water use day for the location as set forth in
20 Section 6-4-13 (E).
- 21 (C) A person may not irrigate outdoors at a residential facility or a commercial facility
22 with an automatic irrigation system between the hours of 6:00 a.m. and midnight
23 even if the irrigation occurs on a day as set forth in Section 6-4-13 (E)~~designated~~
24 ~~by rule~~ as the outdoor water use day for the location.
- 25 (D) A person may not irrigate outdoors at a residential facility or a commercial facility
26 with a hose-end sprinkler system except between the hours of 7:00 a.m. and 10:00
27 a.m. or between the hours of 7:00 p.m. and 10:00 p.m. even if the irrigation occurs
28 on a day as set forth in Section 6-4-13 (E)~~designated by rule~~ as the outdoor water
29 use day for the location.
- 30 (E) Operation of a charity car wash is prohibited. It is not a defense to a violation of
31 this section that the charity car wash occurred on a designated outdoor water use
32 day for the location as set forth in Section 6-4-13 (E)~~as prescribed by rule~~.
- 33 (F) A person may not use or allow the use of water to wash or rinse an automobile,
34 truck, trailer, boat, airplane, motorcycle, or other mobile equipment or vehicle
35 unless the wash and rinse water is contained within a single refillable vessel. A
36 person commits a separate offense for each vehicle or piece of equipment washed
37 in violation of the terms and conditions of this Subsection. It is an affirmative
38 defense to a violation of this subsection that the water use occurred at a vehicle
39 wash facility for the water use charged in the complaint.
- 40 (G) A person may not irrigate a golf fairway unless the irrigation occurs between the
41 hours of midnight and 5:00 a.m. or between the hours of 7:00 p.m. and midnight on

the designated outdoor water use day applicable to the property. A person may irrigate a golf course green or tee every other day only if the irrigation of the location is consistent with a noticed exception establishing the schedule for the property submitted on forms required by the Utility and approved by the director.

(H) The filling of spas is prohibited.

(I) A person may not operate a splash pad except during the hours and subject to the restrictions set forth in a rule adopted pursuant this chapter.

(J) A person may not operate a patio mister at a commercial facility except between the hours of 4:00 p.m. and 8:00 p.m.

(K) A person may not operate an ornamental fountain with an aerial emission of water or aerial fall of water greater than four inches in distance other than for aeration necessary to preserve habitat for aquatic life.

L A person may not use or allow the use of water to wash or rinse any outdoor surface including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface unless using a hose with a positive shutoff valve or a single-fill bucket with water. A person commits a separate offense for each outdoor surface washed in violation of the terms and conditions of this Subsection

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§ 6-4-19 EMERGENCY STAGE FOUR REGULATIONS

This section prescribes Emergency Stage Four Regulations and applies during a time period ordered by the city manager in accordance with Section 6-4-13(C) (*Water Conservation Guidelines*).

(A) A person may not use or allow the use of water to irrigate vegetation outdoors.

(B) A person may not use or allow the use of water to test or repair a permanently installed irrigation system or drip irrigation system.

(C) A person may not use or allow the use of water to wash or rinse an automobile, truck, trailer, boat, airplane, or other mobile equipment.

(D) A person may not use or allow the use of water to operate an ornamental fountain or structure making similar use of water, other than the aeration necessary to preserve habitat for aquatic life.

(E) A person may not use or allow the use of water to fill, clean, rinse, supplement, operate or maintain a tub, spa, fountain, pond, pool, or other container, feature, or improvement used, designed, maintained, or intended for aesthetic, athletic, or recreational purpose. This does not apply to the filling of non-aerating birdbaths or animal watering containers.

(F) A person may not operate a splash pad or other similar aesthetic or recreational use of water.

(G) A person may not use or allow the use of water to wash, rinse, or treat any outdoor surface including but not limited to a sidewalk, driveway, parking area, street, tennis court, patio, or other paved area or outdoor building surface.

- 1 (H) A person may not use or allow the use of water to operate a patio mister.
2 (I) A person may not use or allow the use of water in or related to a chemical lawn
3 treatment unless specifically authorized in accordance with Section 6-4-30(G)(2)
4 (*Variance*).
5 (J) A person may not use or allow the use of water for watering the ground around a
6 building foundation to prevent or address foundation cracking except as specifically
7 authorized in accordance with Section 6-4-30(G)(1) (*Variance*).
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13 **Division 2. Additional Restrictions**

14 **§ 6-4-20 DIRECTOR'S AUTHORITY TO IMPOSE ADDITIONAL** 15 **RESTRICTIONS.**

- 16
17
18 (A) The director may implement mandatory water restrictions in addition to those
19 prescribed by Article II, Division 1 (*Regulated Activities*) to protect public health,
20 safety, welfare, infrastructure or available resources in the event of an unusual
21 water system operational event, catastrophic occurrence, severe weather event, or
22 other emergency, disaster situation, or occurrence necessitating additional
23 restrictions.
24 (B) The director may require municipal wholesale customers to curtail water use on a
25 pro rata basis, in accordance with Section 11.039 (*Distribution of Water During*
26 *Shortage*) of the Texas Water Code and as determined by any rules or plans
27 adopted pursuant to this chapter.
28 (C) The director may implement additional mandatory water use restriction
29 effective immediately upon official public notice.
30
31

32 **Division 3. Variances; Alternative Compliance.**

33 **§ 6-4-30 VARIANCE.**

- 34 (A) The director may grant a variance from a requirement of this chapter if the director
35 determines that special circumstances exist and that:
36 (1) strict compliance with the provisions at issue adversely affects the health,
37 safety, welfare or sanitation of the public, the applicant, or the environment;
38 or
39 (2) strict compliance with the provisions at issue substantially threatens the
40 applicant's primary source of income, the applicant is employing all
41

reasonable water conservation measures, and approval of the variance will not result in water waste.

(B) The director may not grant a variance from a requirement of this chapter based on an alleged adverse impact to the environment unless the applicant submits an environmental impact study, hydrological analysis, and additional data or documentation as required by the director to establish that the specific variance requested is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature.

(C) The director may grant a variance from a requirement of Section 6-4-15(*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*), or Section 6-4-18 (*Drought Response Stage Three Regulations*) only if the applicant establishes at least one of the following:

- (1) an AWU Authorized Irrigation Inspector has determined that, due to its site-specific conditions, a site cannot be watered with an average coverage of 0.5 inches within the time limits prescribed by this chapter; and as applicable, a current irrigation system evaluation required pursuant to Section 6-4-10(A) (*Facilities Regulated*) is on file with Austin Water Utility; or
- (2) the property owner or operator has a documented medical hardship or qualifying disability that prevents the person's strict adherence to a requirement of this chapter; or
- (3) watering in a manner or at a time inconsistent with a requirement of this chapter is necessary for treatment of tree diseases or for pest control prescribed by a licensed arborist or pest control professional.

(D) The director may grant a variance from a requirement of Section 6-4-15(*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), for a newly installed landscape. If the landscape installation is required in order to obtain a certificate of occupancy for a newly constructed single family home, the applicant shall provide a completed notice to the director on the form provided by Austin Water at least one full business day before the landscape is installed. All landscapes installed pursuant to this section shall comport with the xeriscape landscape provisions in subsection (E)
~~(E) A variance granted under Subsection 6-4-30(D)(Variance) is subject to and shall include the following conditions:~~

- ~~(1) the applicant may water a newly installed landscape no more than 0.5 inches in one day; and~~
- ~~(2) watering of the newly installed landscape must comply with the following schedule:~~
 - ~~(a) for the first 10 days after installation, watering is permitted daily;~~
 - ~~(b) for the 11th through 20th day after installation, watering is permitted every other day before 10:00 a.m. and after 7:00 p.m.; and~~

(e)(a) ~~for the 21st through 30th day after installation, watering is permitted every third day before 10:00 a.m. and after 7:00 p.m.~~

(FE) The director may grant a variance from a requirement of Section 6-4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage One Regulations*), Section 6-4-17 (*Drought Response Stage Two Regulations*) or Section 6-4-18 (*Drought Response Stage Three Regulations*) for a newly installed landscape if

- (1) the new landscaping is classified as Xeriscape in accordance with this chapter; and
- (2) irrigation for the establishment of the Xeriscaping complies with the following:
 - (a) for the first 10 days following installation, irrigation is permitted daily before 10:00 a.m. and after 7:00 p.m.; and
 - (b) for the 11th through the 40th day following installation, irrigation is permitted twice per week before 10:00 a.m. and after 7:00 p.m.; and
 - (c) if the landscape installation is required in order to obtain a certificate of occupancy for a newly constructed single family home, the applicant shall provide a completed notice of irrigation variance to the director on the form provided by Austin Water at least one full business day before the landscape is installed.
- (3) A one-time extension of the approved variance may be granted by the director only upon the submittal by the applicant of a written request which demonstrates a clear need for the extension to establish the new landscaping.

(G) The director may grant a variance to Section 6-4-19 (*Emergency Stage Four Regulations*) when:

- (1) Watering is required to prevent or address foundation cracking. A variance approved pursuant to this subsection will specify a designated day for foundation watering and shall require the foundation watering to occur before 7:00 a.m. or after 7:00 p.m.
- (2) Watering is necessary for the prescribed treatment of tree diseases or for pest control.
- (3) Irrigation of athletic fields when irrigation is necessary to protect the health and safety of players and game officials.

(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.

(I) A person may seek a variance by filing an application with the director and paying the associated fees established by separate rule. The director may require the applicant to provide information the director determines is necessary to evaluate the variance request. If the director approves a variance, the applicant shall keep a copy of the approval provided in a location on the subject property that is accessible and visible to the public.

1 (J) A variance approved by the director must comply with Section 6-4-12 (*Water*
2 *Waste Prohibited*).

3 (K) A variance following its approval by the director may be immediately suspended
4 or revoked by Austin Water Utility if the director or director's designee determines
5 any of the following:

- 6 (1) a violation of the terms of the variance occurs at the location during the
7 effective period of the variance;
- 8 (2) the application submitted to the director upon which the variance approval
9 was based included false, misleading, incomplete, or inaccurate information
10 or attachments or
- 11 (3) the director declares an emergency recall of variances to control use or
12 preserve supply based on protracted drought, unusual operational event, or
13 other public necessity.

14
15 **§ 6-4-31 EXPIRATION OF VARIANCE.**

16
17 A variance from a requirement of this chapter expires immediately upon the
18 termination, completion, or resolution of the event, occurrence, condition, or activity
19 for which the variance is granted or at a time specified by the director or director's
20 designee.

21
22 **§ 6-4-32 ALTERNATIVE COMPLIANCE.**

23
24 (A) The director may permit a person to comply with alternative water use restrictions
25 after determining that:

- 26 (1) the alternative compliance meets or exceeds the intent of this chapter;
- 27 (2) the alternative compliance is specifically requested by the applicant in
28 writing and the request demonstrates how compliance will be achieved
29 through the alternative methods; and,
- 30 (3) the alternative compliance is expressly approved by the director.

31
32 (B) Alternative compliance approved by the director must comply with Section 6-4-12
33 (*Water Waste Prohibited*).

34 (C) If the director approves alternative compliance water use restrictions, the applicant
35 shall keep a copy of the approval in a location on the subject property that is
36 accessible and visible to the public.

37
38 (D) Alternative compliance approved by the director may be suspended or revoked if the
39 director finds any of the following:

- 40 (1) violation of a term or condition of the approved alternative compliance
41 authorization;

- 1 (2) false, misleading, incomplete, or inaccurate information or documentation
2 was submitted by the applicant in connection with the alternative
3 compliance request and approval; or
4 (3) emergency conditions or unusual operational event or weather situation
5 requires immediate suspension or revocation of the approved alternative
6 compliance.
7

8 **ARTICLE 3: ENFORCEMENT.**

9 **§ 6-4-40 APPLICABILITY.**

10 This article is applicable to all parts of this chapter
11

12 **§ 6-4-41 PRESUMPTION OF VIOLATION.**

13 A person in whose name a water service account is held is presumed to be responsible for
14 a violation of this chapter that occurs at the water service account location.
15

16 **§ 6-4-42 PENALTY**

- 17 (A) A person commits an offense if the person directs, performs, authorizes, requests,
18 allows, assists, facilitates, or permits an act prohibited by this chapter or fails to
19 perform an act required by this chapter. Each instance of a violation of this chapter
20 is a separate offense.
21
- 22 (B) An offense under this chapter may be enforced as an administrative violation as
23 authorized by Texas Local Government Code Chapter 54 and all penalties related to
24 administrative liability for such violations at the service location automatically
25 added to the water service account pursuant to the approved fee schedule published
26 by the director, or approved pursuant to Section 6-4-44 (*Non-Administrative*
27 *Enforcement*), unless the account holder opts out of the automatic administrative fee
28 additions to the account on a form provided by the director not later than January 1
29 of each year or within 30 days of establishing an account with Austin Water Utility,
30 whichever is sooner.
31
- 32 (C) A person alleged to be in violation of a requirement of this chapter shall receive
33 notice in writing that shall, at a minimum, contain:
34 (1) the name of the responsible person ;
35 (2) the address of the alleged violation;
36 (3) a description of the alleged violation;
37
38
39
40

- 1 (4) notice of the administrative penalty assessment to the next monthly utility
2 statement; and
3 (5) information on the appeal process.
4

- 5 (D) Notice shall be delivered via United States Postal Service first class mail or the
6 customer's email address if the customer consents to service of such administrative
7 assessment notices by email. Notice is presumed valid and received when
8 forwarded to the postal or email address on file with Austin Water Utility for the
9 water service account holder.
10

11 **§ 6-4-43 ADMINISTRATIVE PROCESS**
12

- 13 (A) A person appealing an enforcement action of Austin Water Utility may request an
14 administrative review conducted by the director. A request for an administrative
15 review must be made in writing to Austin Water Utility on or before the 20th day
16 following the date of the notice of violation. The review shall take place on or
17 before the 10th day following a request for appeal. The person shall be notified of
18 Austin Water Utility's determination including the results of the review and
19 instructions on how to request an administrative hearing.
20
21 (B) A person appealing an administrative review decision may request a hearing
22 conducted by a hearing officer appointed by the city manager.
23 (1) The person must request the administrative hearing in writing to the director
24 on or before the 10th day following notice of the administrative review
25 determination.
26 (2) Not later than the 10th day following a request for an administrative
27 hearing, Austin Water Utility shall provide the person with information as to
28 the time and place of the hearing. If the person fails to appear at the hearing,
29 the person will be considered to admit liability and will be charged
30 accordingly.
31 (3) A person who is found by a hearing officer to be liable for a violation of
32 this chapter may appeal the liability finding by filing a petition in municipal
33 court no later than the 31st day after the date of the hearing officer's
34 determination. An appeal does not stay enforcement and collection of the
35 judgment unless the person, before filing the appeal, posts a bond with
36 Austin Water Utility in an amount equal to the amount of the liability
37 assessment plus the appeal fee.
38 (4) If upon hearing the appeal from the hearing officer's liability finding the
39 municipal court affirms or substantially affirms the liability finding, the
40 utility will retain the appeal fee and apply the bond to the liability
41 assessment previously determined. If the municipal court reverses the

1 hearing officer's liability finding, the appeal fee and administrative
2 assessment bond will be refunded to the account holder.

3
4 **§ 6-4-44 NON-ADMINISTRATIVE ENFORCEMENT**

- 5
6 (A) An offense under this chapter may alternatively be prosecuted in the Municipal
7 Court as a Class C Misdemeanor:
8 (1) An offense that does not present a threat to health and safety or that is pled as
9 a strict liability offense is subject to a fine of \$500.00 or less. Proof of a
10 culpable mental state is not required;
11 (2) An offense that presents a threat to the health and safety of a person or the
12 general public that is committed with criminal negligence is subject to a fine
13 not to exceed \$2,000.00.
14
15 (B) Proof of a higher degree of culpability than criminal negligence constitutes proof
16 of criminal negligence.
17
18 (C) Each day that a violation occurs or continues is a separate offense.
19
20 (D) Prosecution of an offense and enforcement of other remedies under this chapter
21 are cumulative.
22

23 **§6-4-45 SEVERABILITY**

24
25 It is hereby declared to be the intention of the city that the sections, subsections,
26 paragraphs, sentences, clauses, and phrases of this chapter are severable and, if any
27 phrase, clause, sentence, paragraph, subsection or section of this chapter shall be revoked
28 or declared unconstitutional or unlawful by the valid judgment or decree of any court of
29 competent jurisdiction, such declaration shall not affect any of the remaining phrases,
30 clauses, sentences, paragraphs, subsection and sections of this chapter, since the same
31 would not have been enacted by the city without the incorporation into this chapter of any
32 such phrase, clause, sentence, paragraph, subsection or section declared or determined
33 unconstitutional or unlawful.

34
35
36 **PART 3.** This ordinance takes effect on _____, 2012.
37

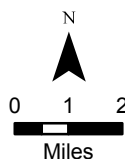
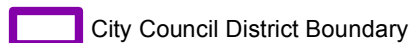
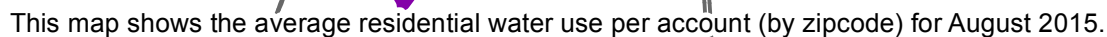
PASSED AND APPROVED

_____, 2012 § _____
Steve Adler
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

DRAFT

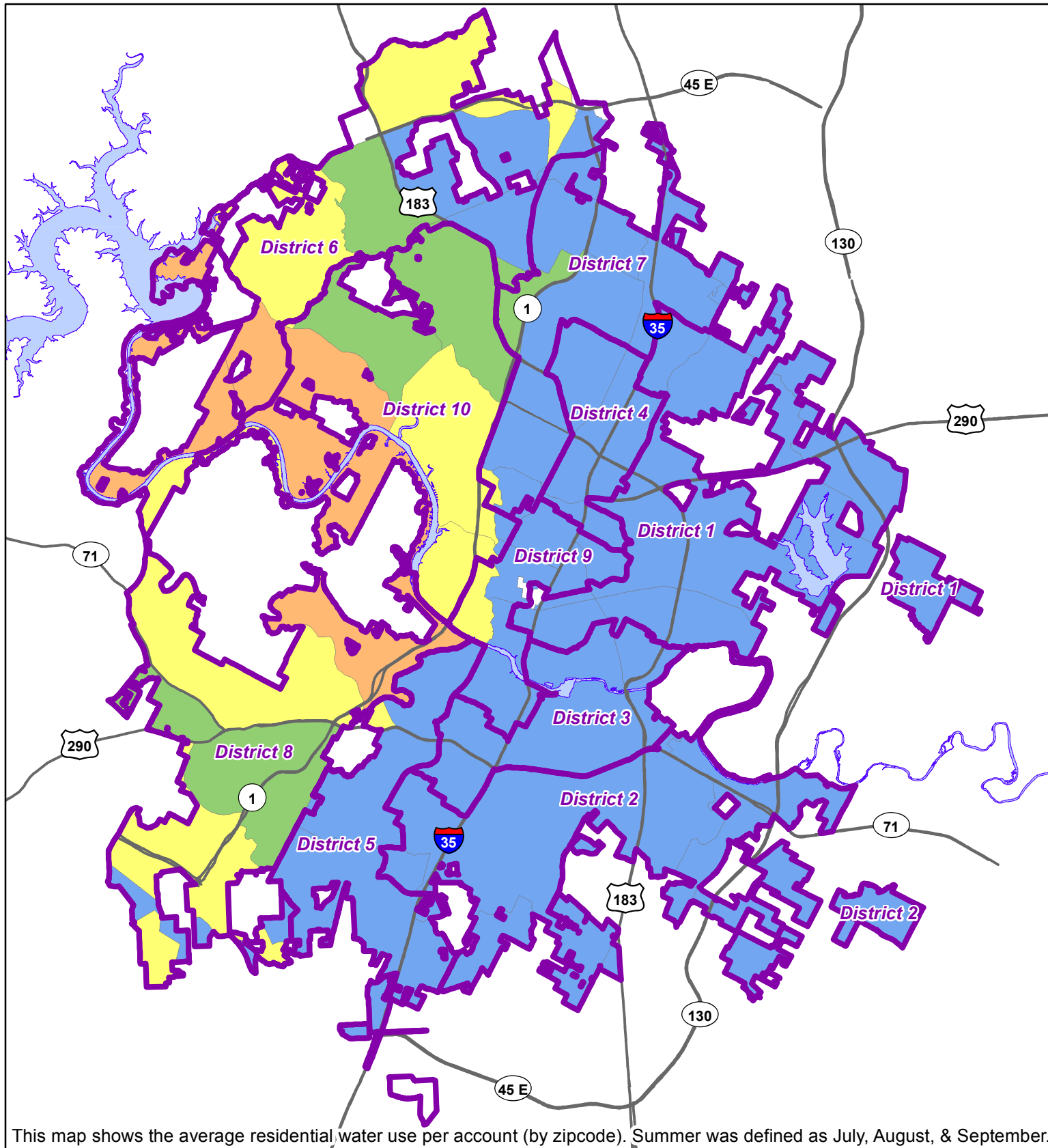


Austin
WATER

Average Water Usage August 2015

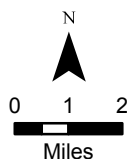
Produced by GIS Services [5895]

This map has been produced by the City of Austin for its needs and purposes and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.



- Less than 8,400 gallons used on average
 - 8,400 to 12,000 gallons used on average
 - 12,000 to 16,000 gallons used on average
 - 16,000 to 23,000 gallons used on average
 - More than 23,000 gallons used on average
- (No color indicates no customers.)

City Council District Boundary



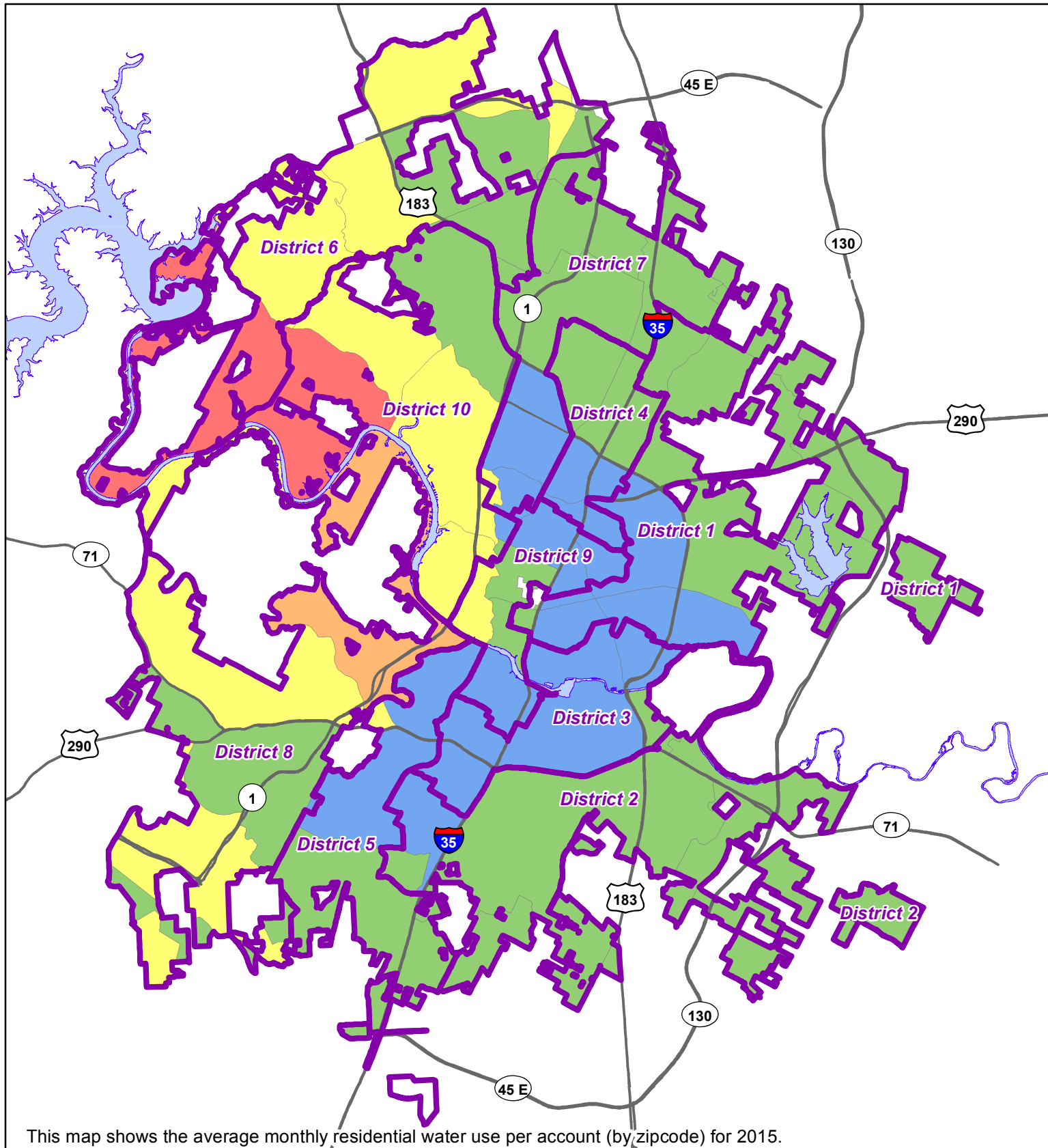
City of Austin
Austin Water Utility
March 2016



Average Water Usage Summer 2015

Produced by GIS Services [5895]

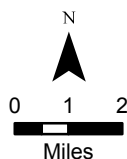
This map has been produced by the City of Austin for its needs and purposes and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.



- Less than 5,000 gallons used on average
- 5,000 to 7,000 gallons used on average
- 7,000 to 10,000 gallons used on average
- 10,000 to 13,000 gallons used on average
- 13,000 to 16,000 gallons used on average

(No color indicates no customers.)

City Council District Boundary



City of Austin
Austin Water Utility
March 2016



Average Monthly Water Usage - 2015

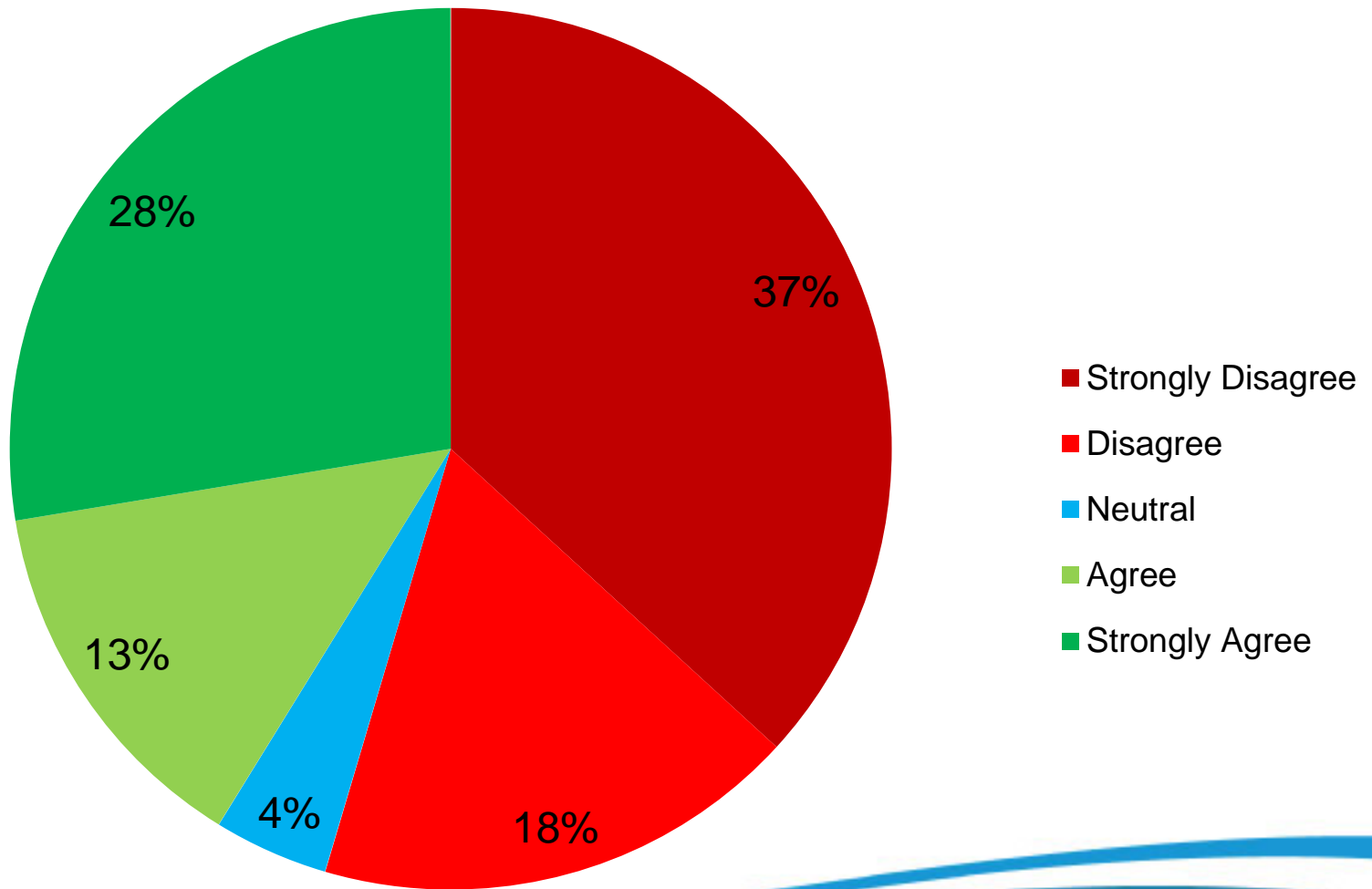
Produced by GIS Services [5895]

This map has been produced by the City of Austin for its needs and purposes and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

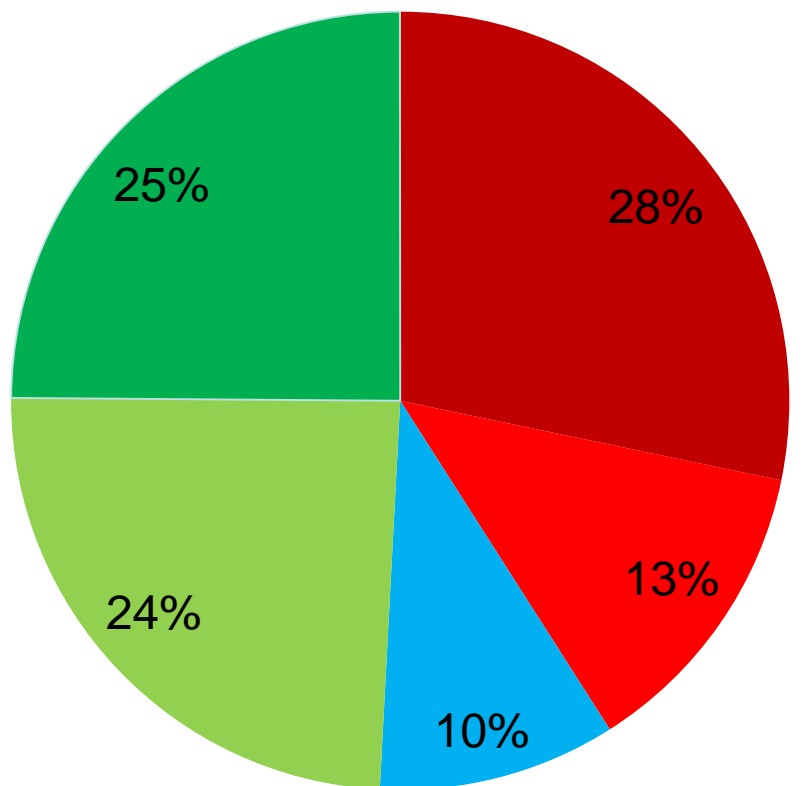
Public Process- Speak Up Austin

Survey Results Winter 2015-16

One Day Watering Is Enough For My Needs

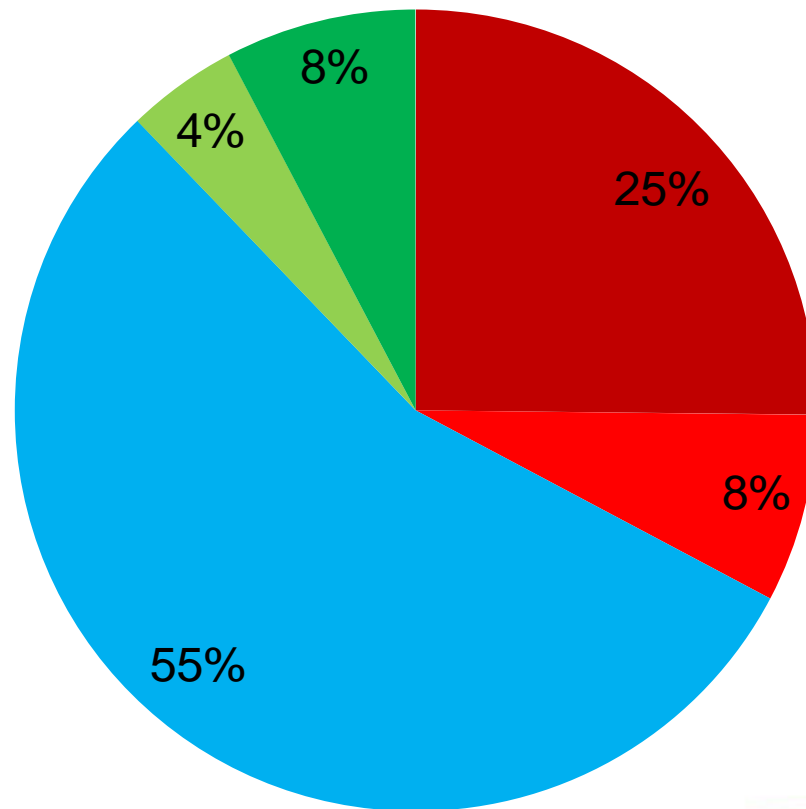


Once a Week Has Negatively Affected Me/My Family

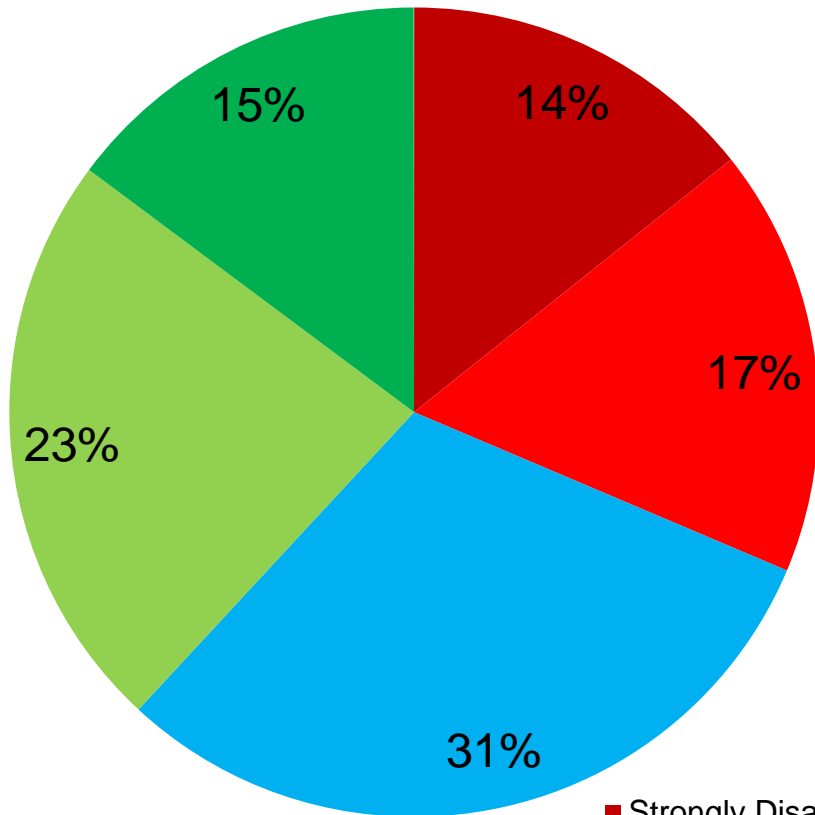


- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

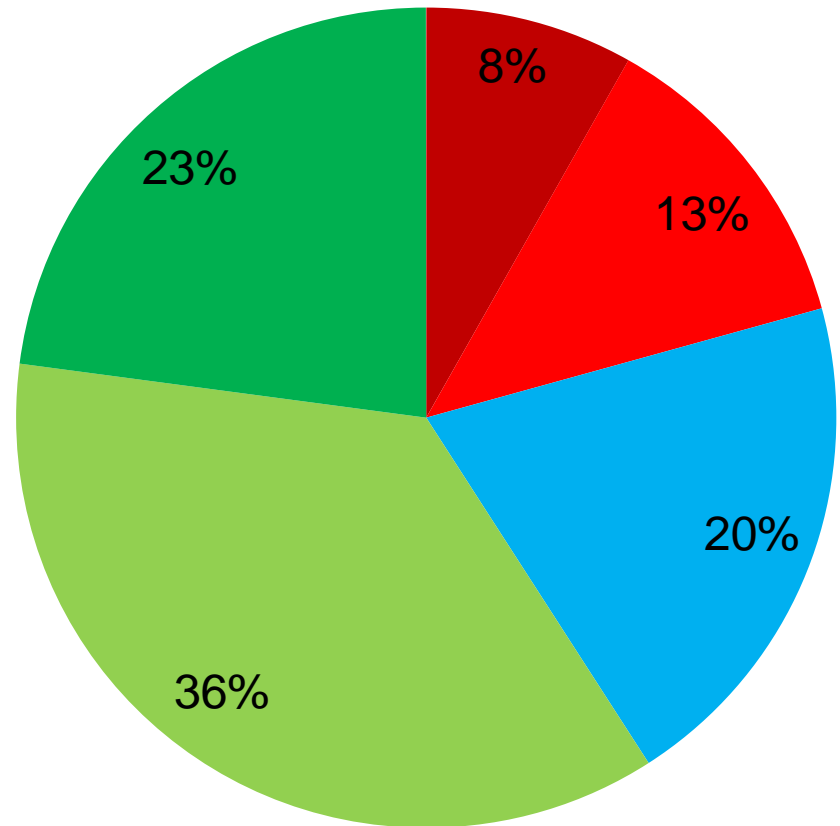
Once Per Week Has Negatively Affected My Business



I Have Made Irrigation Upgrades Because of Restrictions

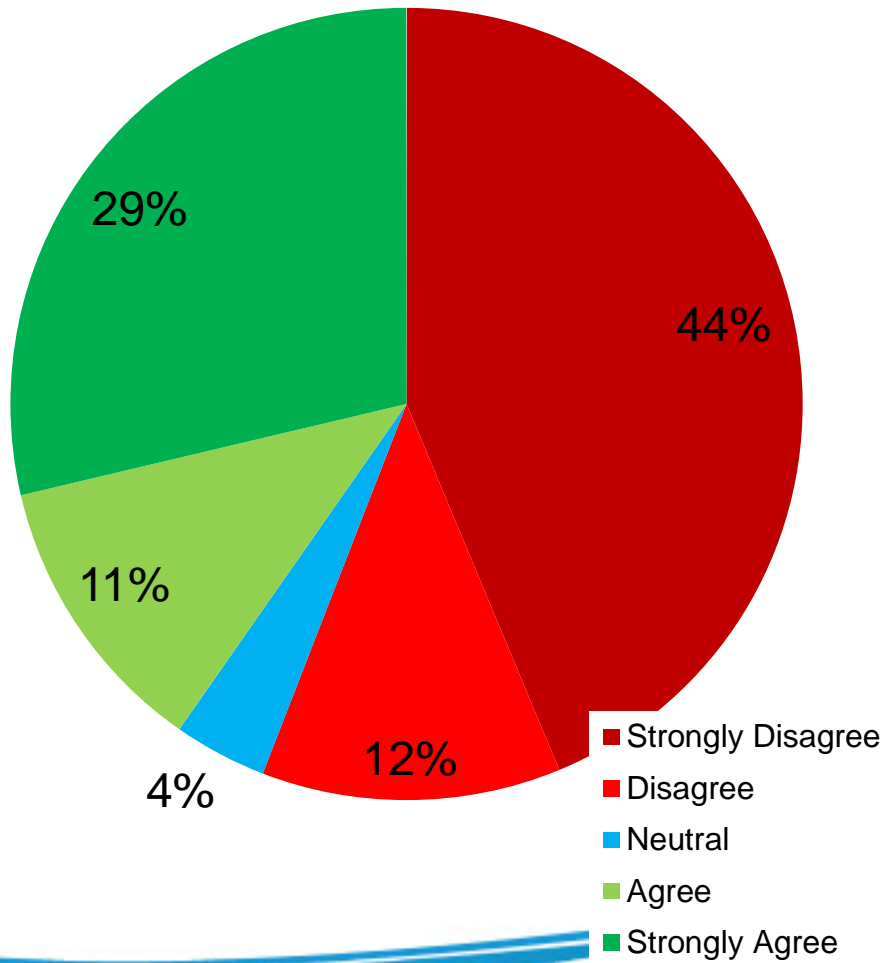


I Have Made Landscaping Changes Because of Restrictions

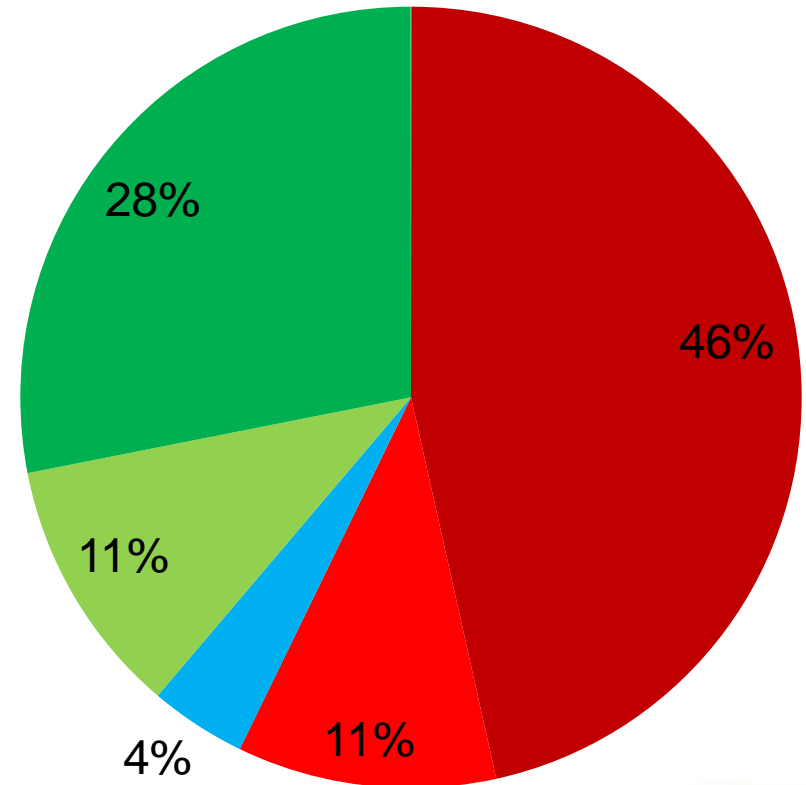


- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

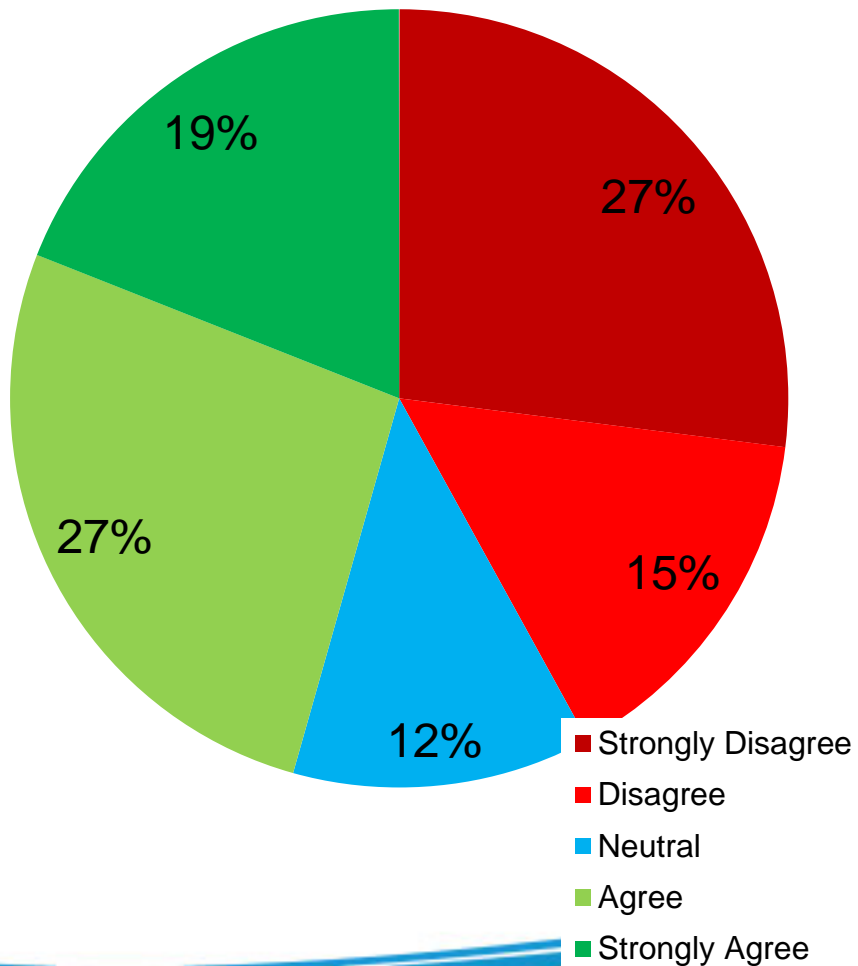
I Support A Permanent One Day Per Week Schedule To Conserve the Region's Water Supply



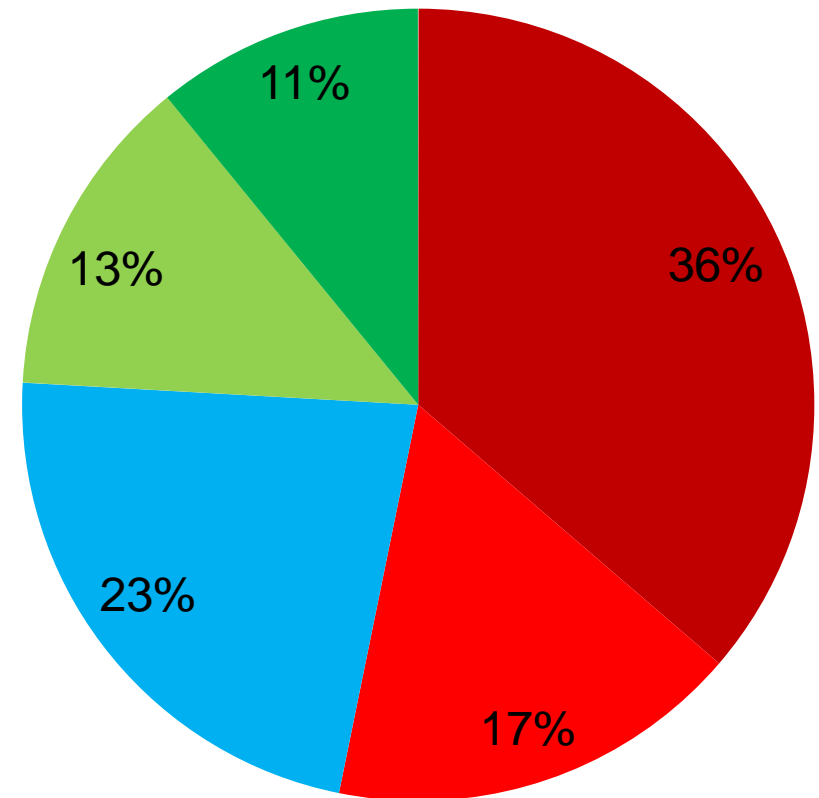
I Would Support Permanent, Year-Round One Day Per Week Watering Restrictions



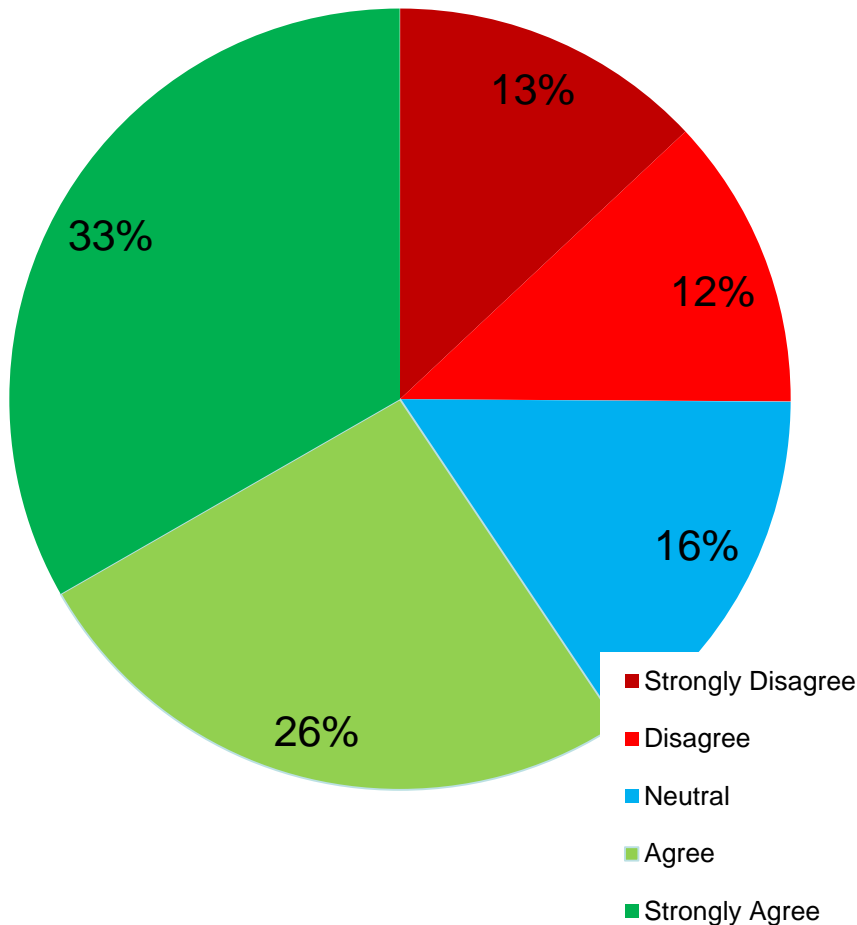
I Would Support Seasonal Once per Week Restrictions



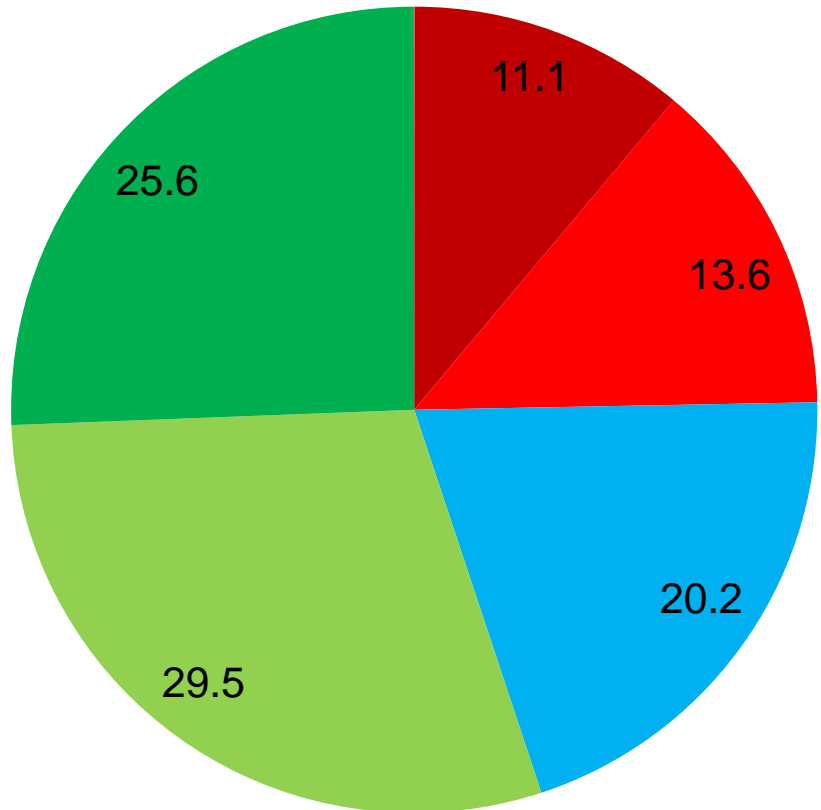
I Would Support Once per Week if Other Restrictions Loosened



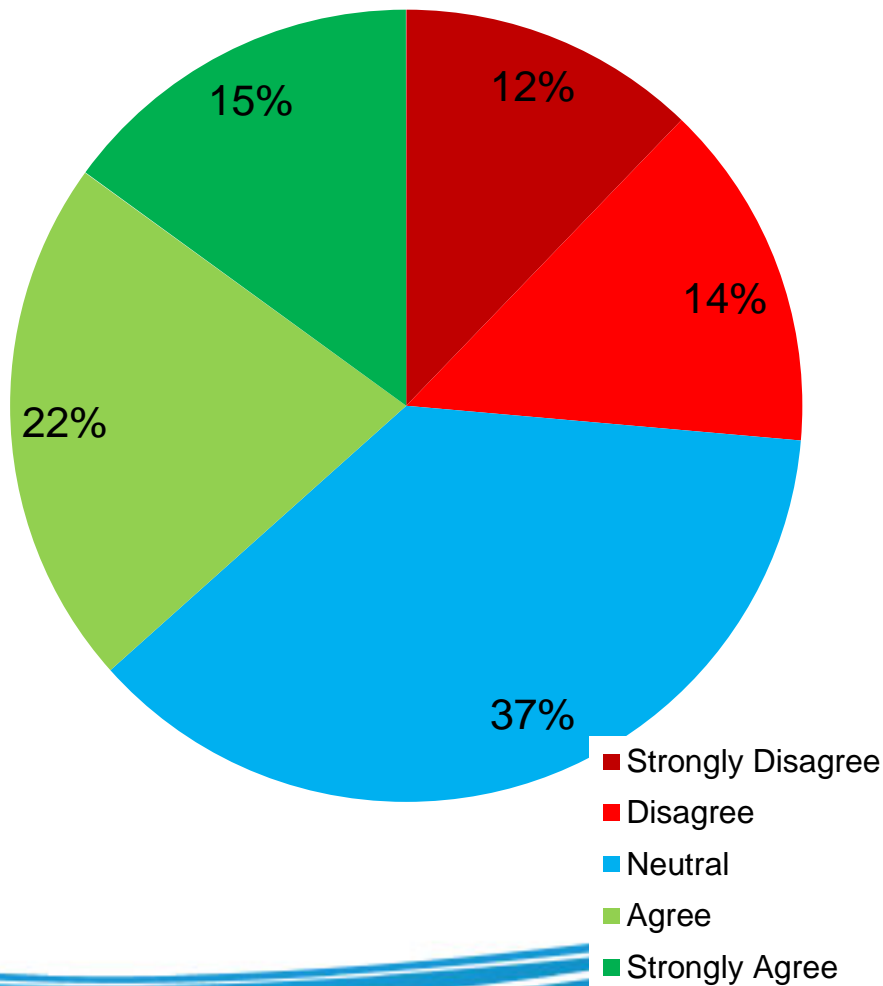
Support Looser Restrictions on At-Home Car Washing



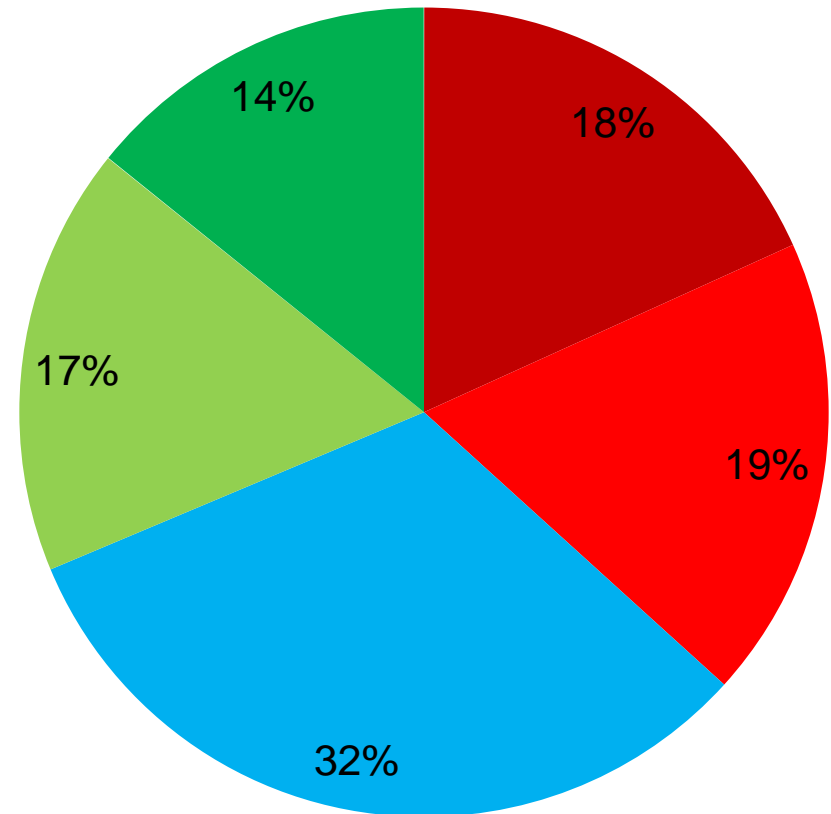
Support Looser Restrictions on Hose-End Sprinklers



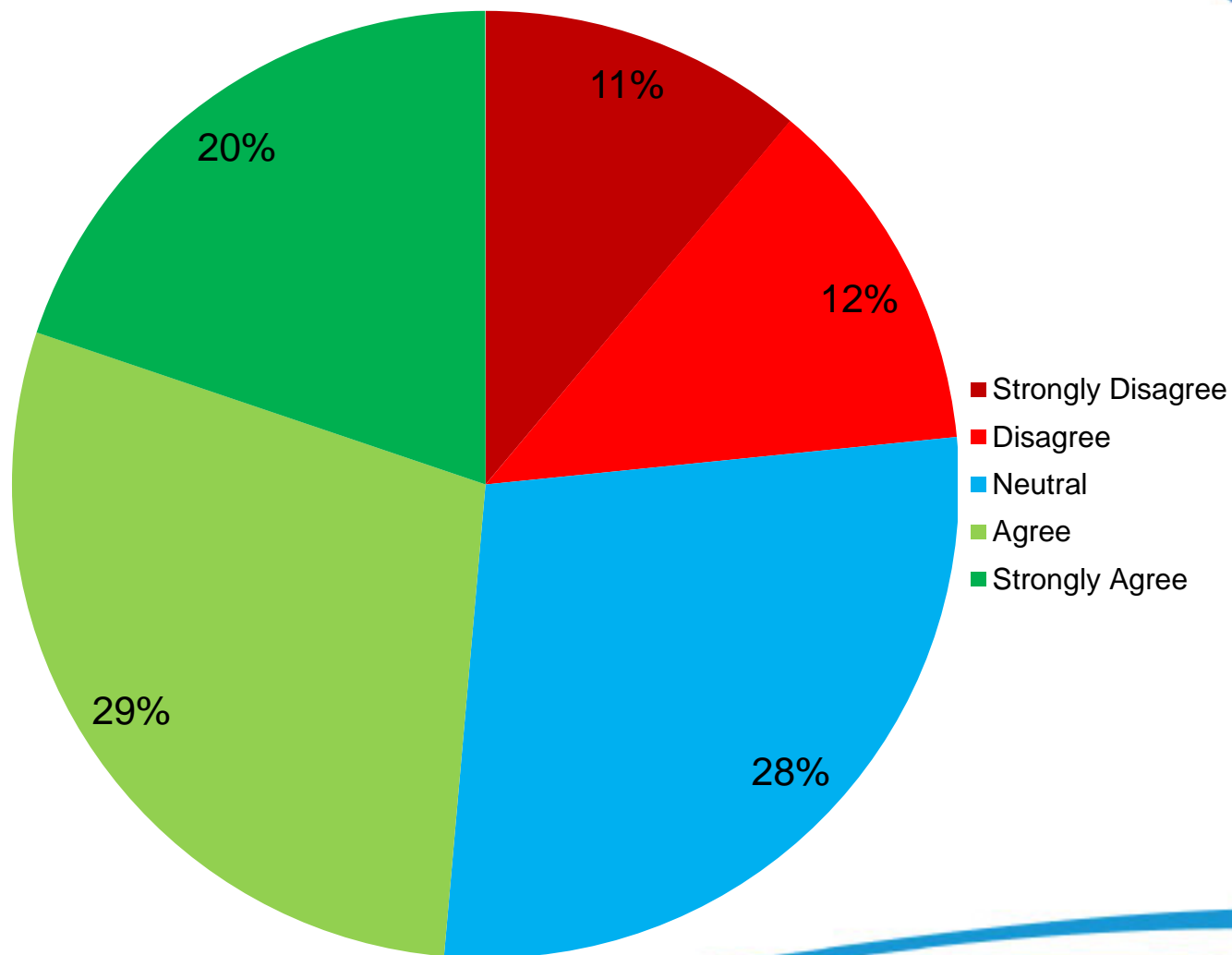
Support Looser Restrictions on Patio Misters



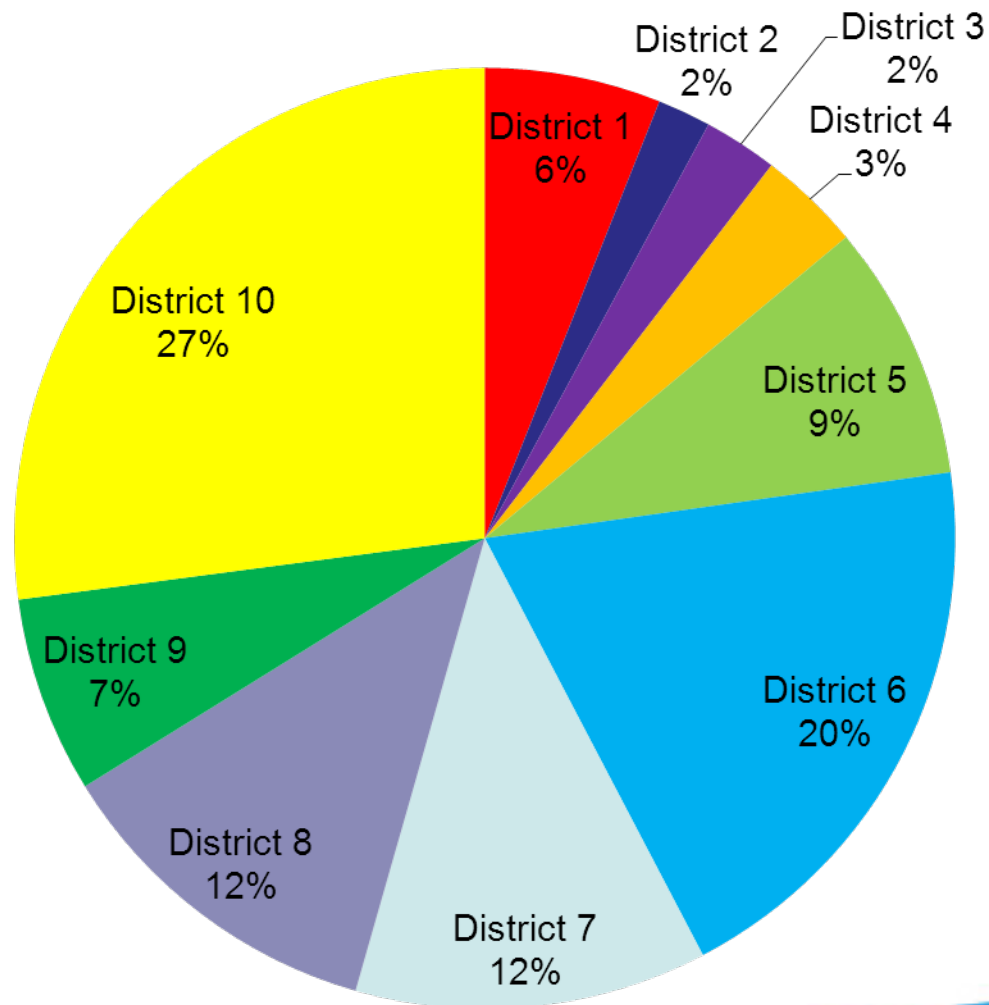
Support Looser Restrictions on Ornamental Fountains



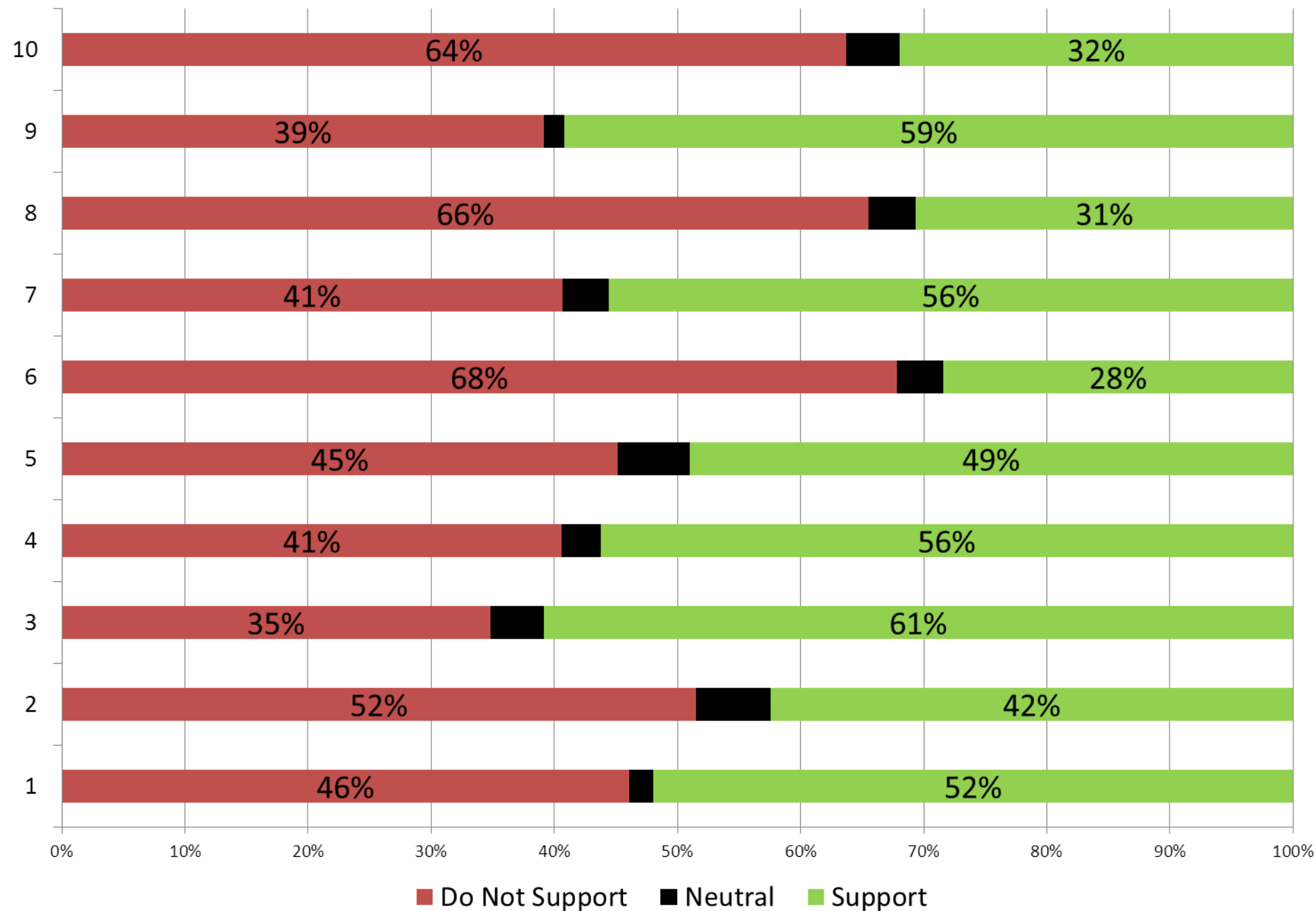
Support Looser Restrictions on Pressure Washing



Survey Responses by District



Results by District: Once-per-Week Watering



RESTRICTIONS					
Measure	Current Code	Proposed Code	Proposed Irrigation Schedule (based on last digit of property address)		
Conservation Stage Trigger: Lakes above 1.4 million acre-ft	2x/wk Auto: mid-10am / 7pm-mid Hose: mid-10am / 7pm-mid (30-hr Auto / 30-hr Hose)	1x/wk Auto: mid-10am / 7pm-mid 2x / wk Hose: mid-10am / 7pm-mid (15-hr Auto / 30-hr Hose)	Monday	Public Schools	
			Tuesday	Commercial/MF Even	
			Wednesday	Residential Odd Auto and Hose	
			Thursday	Residential Even Auto and Hose	
			Friday	Commercial/MF Odd	
			Saturday	Hose Even	
			Sunday	Hose Odd	
Irrigation Stage 1 Trigger: Lakes drop below 1.4 million acre-ft	2x/wk Auto: mid-5am / 7pm-mid Hose: mid-10am / 7pm-mid (20-hr Auto / 30-hr Hose)	1x/wk Auto: mid-8am / 7pm-mid 2x/wk Hose: mid-10am / 7pm-mid (13-hr Auto / 30-hr Hose)	Monday	Public Schools	
			Tuesday	Commercial/MF Even	
			Wednesday	Residential Odd Auto and Hose	
			Thursday	Residential Even Auto and Hose	
			Friday	Commercial/MF Odd	
			Saturday	Hose Even	
			Sunday	Hose Odd	
Irrigation Stage 2 Trigger: Lakes drop below 900,000 acre-ft	1x/wk Auto: mid-5am / 7pm-mid Hose: mid-10am / 7pm-mid Hose-end on weekends Automatic on weekdays (10-hrAuto / 15-hr Hose)	1x/wk Auto: mid-5am / 7pm-mid Hose: mid-10am / 7pm-mid Hose-end on weekends Automatic on weekdays (10-hr Auto /15-hr Hose)	Monday	Public Schools	
			Tuesday	Commercial/MF Even	
			Wednesday	Residential Odd Auto and Hose	
			Thursday	Residential Even Auto and Hose	
			Friday	Commercial/MF Odd	
			Saturday	Hose Even	
			Sunday	Hose Odd	
Emergency Response Stage 4	Outdoor irrigation prohibited	Outdoor irrigation prohibited		Allowed Water Use Conservation Stage & Stage 1 Irrigation methods with no restrictions (Conservation Stage - Stage 3) <ul style="list-style-type: none"> Drip irrigation Hand-held watering with a hose Watering trees with automatic bubblers, automatic drip irrigation, or with a soaker hose beneath the tree canopy Two-days-per-week <ul style="list-style-type: none"> Hose-end sprinklers (Conservation Stage and Stage 1) One day-per-week <ul style="list-style-type: none"> Automatic irrigation systems (Conservation Stage - Stage 3) 	
Golf Course Watering	Limited in Stages 2 & 3 Prohibited in Stage 4	Limited in Stages 2 & 3 Prohibited in Stage 4			
Restaurant Water	Prohibited in all stages	Prohibited in all stages			
Car Washes	All stages: Commercial must be certified efficient Charity carwash only at commercial carwash Stages 1-4: Home carwash prohibited Stage4: All vehicle washing prohibited	All stages: Commercial must be certified efficient Charity carwash only at commercial carwash Stage 1: Home carwash permitted with positive shut-off or bucket Stages 2- 3: Home carwash with bucket only Stage4: All vehicle washing prohibited			
Commercial Irrigation Evaluation	All stages: Must be inspected by AW authorized Irrigation Inspector every 2 yrs	All stages: Must be inspected by AW authorized Irrigation Inspector every 2 yrs			
Ornamental Fountains	All stages: Must recirculate Stages 2-3: Fountains with fall/ emission > 4 inches prohibited Stage 4: Prohibited unless aquatic life	All stages: Must recirculate Stages 2-3: Fountains with fall/ emission > 4 inches prohibited Stage 4: Prohibited unless aquatic life			
Commercial Patio Mistrs	Conservation Stage - through Stage 2: 4pm-midnight Stage 3: 4pm-8pm Stage 4: Prohibited	Conservation Stage - Stage 2: 4pm-midnight Stage 3: 4pm-8pm Stage 4: Prohibited		Water Waste Prohibited At All Times <ul style="list-style-type: none"> Failure to repair a controllable leak Operation of an automatic irrigation system with a broken head or broken pipe Operation of an automatic irrigation system with a head out adjustment such that water sprays onto the street Allowing water to form a stream and exit the property Allowing water to pond Operation of an irrigation system that is misting due to high pressure 	
Pools/Ponds	Stage 4: No filling pools/ponds	Stage 4: No filling pools/ponds			
Spas/Splash pads/ Recreational Water Use	Stage 3: No filling spas Splash pads operate 9am-8pm Stage 4: Prohibited	Stage 3: No filling spas Splash pads operate 9am-8pm Stage 4: Prohibited			
Power Washers	All stages: Nozzles must be 3.5 gpm or less Stage 4: Prohibited for all outdoor areas	All stages: Nozzles must be 3.5 gpm or less Stage 4: Prohibited for all outdoor areas			
Chemical Lawn Treatment	Stage 4: Prohibited unless by variance for pest and treatment of tree disease	Stage 4: Prohibited unless by variance for pest and treatment of tree disease			
Foundation Watering	Stage 4: Prohibited unless by variance, before 7am or after 7pm	Stage 4: Prohibited unless by variance, before 7am or after 7pm			
Commercial Nursery	Conservation Stage - Stage 3: Exempt, Prohibited in Stage 4	Conservation Stage - Stage 3: Exempt, Prohibited in Stage 4			
New Landscape Irrigation	Conservation Stage – Stage 1: Traditional landscape variances Conservation Stage - Stage 3: Xeriscape variances	Conservation Stage-Stage 1: Traditional landscape variances Conservation Stage - Stage 3: Xeriscape variances only			



AFFORDABILITY IMPACT STATEMENT

NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT

CITY COUNCIL AGENDA: MAY 5, 2016

PROPOSED CODE AMENDMENT:	PROPOSED AMENDMENT TO THE WATER CONSERVATION CODE CHAPTER 6-4 RELATING MAKING ONCE PER WEEK IRRIGATION A PERMANENT WATER CONSERVATION TOOL CASE NO.
IMPACT ON IMPLEMENTATION OF IMAGINE AUSTIN VISION, GOALS AND PRIORITIES RELATED TO HOUSEHOLD AFFORDABILITY	<input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> NEUTRAL THE PROPOSED AMENDMENT STRENGTHENS THE AUSTIN WATER UTILITY'S WATER CONSERVATION GOALS AND SHOULD NOT HAVE ANY IMPACT ON IMPLEMENTATION OF IMAGINE AUSTIN VISION, GOALS AND PRIORITIES RELATED TO HOUSEHOLD AFFORDABILITY.
IMPACT ON REGULATORY BARRIERS TO AFFORDABLE HOUSING DEVELOPMENT	<input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> NEUTRAL THE PROPOSED AMENDMENT STRENGTHENS THE AUSTIN WATER UTILITY'S WATER CONSERVATION GOALS AND SHOULD NOT HAVE ANY IMPACT ON BARRIERS TO AFFORDABLE HOUSING DEVELOPMENT
LAND USE / ZONING OPPORTUNITIES FOR AFFORDABLE HOUSING DEVELOPMENT	<input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> NEUTRAL THE PROPOSED AMENDMENT DOES NOT IMPACT LAND USE OR ZONING.
IMPACT ON COST OF DEVELOPMENT	<input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> NEUTRAL THE PROPOSED AMENDMENT IS NOT RECOMMENDING ANY INCREASE IN RATES. THE RATES HAVE ALREADY BEEN SET AND THIS WILL NOT CHANGE THIS; FINES WERE ESTABLISHED IN 2012 AND THEY ARE NOT CHANGING; AND THE ESTABLISHED COST OF SERVICE WILL REMAIN THE SAME.
IMPACT ON PRODUCTION OF AFFORDABLE HOUSING	<input type="checkbox"/> POSITIVE <input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> NEUTRAL THE PROPOSED AMENDMENT SHOULD NOT HAVE ANY IMPACT ON PRODUCTION OF AFFORDABLE HOUSING.
PROPOSED CHANGES IMPACTING HOUSING AFFORDABILITY:	THE PROPOSED AMENDMENT SHOULD NOT HAVE ANY IMPACT ON HOUSING AFFORDABILITY.

ALTERNATIVE LANGUAGE TO MAXIMIZE AFFORDABLE HOUSING OPPORTUNITIES:	NONE
OTHER HOUSING POLICY CONSIDERATIONS:	NONE
DATE PREPARED:	APRIL 5, 2016
DIRECTOR'S SIGNATURE: <u>Bly Copic for Betsy Spencer</u>	



Recommendation for Resource Management Commission

Commission Meeting Date:	April 19, 2016
Council Meeting Date:	May 5, 2016
Department:	Austin Water
SUBJECT	
Recommend approval of a resolution repealing Resolution No. 20120816-004 and adopting the Revised 2016 Drought Contingency Plan for Retail & Wholesale Public Water Suppliers. This plan is a requirement of the Texas Commission on Environmental Quality (TCEQ).	
AMOUNT AND SOURCE OF FUNDING	
There is no unanticipated financial impact. A financial note is not required.	
Purchasing Language:	N/A
Prior Council Action:	<p>August 16, 2012- Water Use Management (Ordinance 20120816-004)</p> <p>September 27, 2007- Water Use Management (Ordinance 20070927-006)</p> <p>August 8, 2007 – Water Use Management (Ordinance 20070809-002)</p> <p>April 26, 2001 – Emergency and Peak Day Water Use Management (Ordinance 010426-17)</p> <p>August 26, 1999 – Emergency and Peak Day Water Use Management (Ordinance No. 990826-066)</p> <p>December 11, 2003- Readopting Offenses and Providing Penalties (Ordinance 031211-11)</p> <p>October 23, 2003- Repealing and Replacing code relating to Environmental Control and Conservation</p>
For More Information:	Drema Gross, Water Conservation Division Manager, 974-2787; Natasha Goodwin, 972-0115
Boards and Commission Action:	<p>April 12, 2016 – Approved by the Austin Integrated Water Resource Planning Community Task Force (vote passed 9:0).</p> <p>April 13, 2016 – Approved by the Water & Wastewater Commission (vote passed 10:1)</p> <p>April 19, 2016 – To be reviewed by Resource Management Commission.</p>

MBE/WBE:	
----------	--

Austin is required by the Texas Commission on Environmental Quality (TCEQ) to file a Drought Contingency Plan (DCP) every five years. Austin is also required by its 2007 agreement with the Lower Colorado River Authority (LCRA) to develop a DCP that reflects consideration of the targets and goals of LCRA's Drought Contingency Plan.

Austin is not currently due to update its DCP, but the changes outlined here are being made at this time to reflect the changes being proposed to Chapter 6-4 of the City Code related to Water Use Management which are coming forward in a companion, but separate item.

These proposed revisions to the DCP update the previously adopted 2012 DCP and fulfills TCEQ requirements under 30 TAC §288.20 and §288.22.

The proposed DCP specifies the triggers used to initiate implementation of specific water use reduction measures contained in Chapter 6-4 of the City Code related to Water Use Management. These triggers are demand based (how much water is consumed), supply based (how much water is available) and emergency based (man-made or natural disaster).

Changes from the 2012 Drought Contingency Plan:

- Replaces Chapter 6-4 of the City Code related to Water Use Management in Appendix A with an amended version.
- Updates Table 1, City of Austin Treatment Plants and Capacity, to include Water Treatment Plant 4
- Updates the number of customers
- Deletes language that refers specifically to the 2012 DCP update
- Updates Austin's water usage numbers



*Developed to Meet Requirements
Outlined in 30 TAC § 288.20 and § 288.22*

City of Austin

Drought Contingency Plan

May 2016

**Austin Water
Water Conservation Division
City of Austin, Texas
PWS # 2270001**

TABLE OF CONTENTS

SECTION I: DECLARATION OF POLICY, PURPOSE AND INTENT1

SECTION II: BACKGROUND.....1

 A. CITY OF AUSTIN WATER SUPPLY, PROJECTED DEMAND, AND WATER SUPPLY CONTRACTS 1

 B. DROUGHT CONDITIONS AND MANAGEMENT ACTIONS3

 C. WATER SYSTEM CAPACITY3

SECTION III: TRIGGER CONDITIONS AND GOALS4

SECTION IV: WHOLESALE CONTRACT PROVISIONS5

SECTION V: PUBLIC INVOLVEMENT.....6

SECTION VI: PUBLIC NOTIFICATION AND EDUCATION.....6

SECTION VII: COORDINATION WITH REGIONAL PLANNING GROUPS (RPG)6

SECTION VIII: TCEQ NOTIFICATION7

SECTION IX: PLAN REVIEW AND UPDATES7

APPENDIX A: WATER CONSERVATION CODE.....8

APPENDIX B: WATER USE TRIGGERS FOR WATER USE MANAGEMENT ORDINANCE9

APPENDIX C: RESOLUTIONS IN SUPPORT OF ADOPTION OF THE DROUGHT CONTINGENCY PLAN.....11

APPENDIX D: TRANSMITTAL LETTER TO REGIONAL PLANNING GROUP12

DROUGHT CONTINGENCY PLAN

City of Austin, Texas

May 2016

Section I: Declaration of Policy, Purpose and Intent

The City of Austin (the City) adopted this Drought Contingency Plan (the Plan) to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage during drought or other emergency water supply conditions. This Plan is designed to meet Section 11.1272 of the Texas Water Code and Chapter 288 of Title 30 of the Texas Administrative Code. These regulations require all Texas wholesale public water suppliers and all retail public water suppliers providing water service to 3,300 or more connections to update Drought Contingency Plans by May 1, 2014 and every five years thereafter. If revisions to the Plan are needed before the scheduled five-year update, they must be submitted to TCEQ within 90 days of adoption. Additionally, as part of its water agreements with the Lower Colorado River Authority (LCRA), the City is required to have a Drought Contingency Plan that reflects consideration of the targets and goals set forth in the LCRA Drought Contingency Plan.

The Plan specifies how the City will respond to and manage the water system during demand and infrastructure constraints as well as during drought, including a repetition of the critical drought of record. The City will coordinate with LCRA and the policies set forth in its Water Management Plan, if and when a drought or other shortage of water supply should occur. Water management actions are codified in the City of Austin's Municipal Code, Title VI Environmental Control and Conservation, Chapter 6-4 Water Conservation, Article II Water Use Management, last revised in May 2016. This Drought Contingency Plan reflects those revisions and serves as a water conservation guideline as described therein. The amended Water Conservation Code is included in Appendix A.

Section II: Background

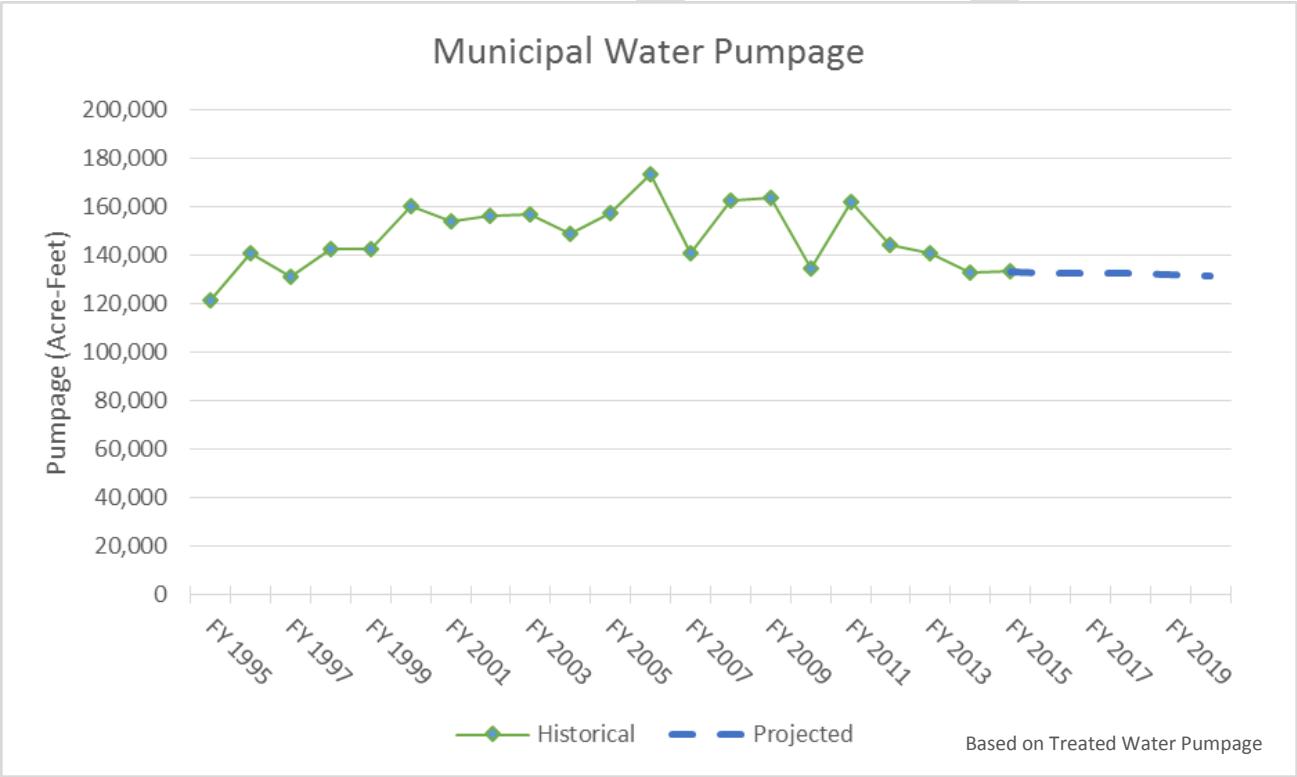
A. City of Austin Water Supply, Projected Demand, and Water Supply Contracts

The City holds permitted municipal water rights granted by the State of Texas to divert a maximum of 292,703 acre-feet per year (AF/yr) from the Colorado River for municipal use. These water rights are run-of-river rights in the State's priority water rights system. This means that the City is permitted to divert water under these rights if the water is available for diversion after other more senior water rights are first fulfilled. While Austin's water rights include some of the most senior water rights in the river basin, there are various conditions, typically during dry weather, under which this run-of-river water would not reliably be available to the City of Austin's water rights. Therefore, Austin has entered into water supply contract

agreements with LCRA to further ensure water availability under a wide range of hydrologic conditions, including droughts.

In 1999, the City of Austin secured a firm water supply of 325,000 AF/yr through a contract with LCRA using stored water in the Highland Lakes and other sources to back up Austin’s senior water rights. This contract is renewable by the City of Austin through the year 2100. In 2007, Austin entered into a supplemental water supply agreement with LCRA to provide Austin with an additional 250,000 AF/yr of firm water to be jointly planned incrementally for future needs beyond the 1999 contract’s 325,000 AF/yr level. The 325,000 AF/yr component of the City’s firm municipal water supply described above (from Austin’s senior water rights backed by contract with LCRA) is roughly double the peak annual diversion level of 170,122 AF/yr, which occurred in 2008. The most recent five-year average is approximately 147,776 AF/yr. Figure 1 illustrates the amount of the City of Austin’s current and projected municipal demand for that water through 2021.

Figure 1



According to its 2015 Water Management Plan, LCRA plans to manage water supplies in the Colorado River to ensure that stored water for firm demands is available without shortage through a repeat of the Drought of Record (DOR). When LCRA’s Board declares a Drought Worse than the Drought of Record (DWDR), then LCRA requires mandatory pro-rata curtailment of firm water demand. A declaration of a DWDR includes evaluation of hydrologic and water supply conditions based on set criteria which include drought duration, inflow

volumes, and combined storage conditions. LCRA may require mandatory curtailments of firm water demand under some other water emergency that drastically reduces the available firm water supply. If a DWDR declaration is made, LCRA may, after notification and pro-rata curtailment plan approval, impose mandatory curtailment of firm customers. The City has adopted a Water Conservation Code (Appendix A) authorizing the City to consider and implement emergency conservation measures if the City were required to curtail water use during a DWDR declaration.

B. Drought Conditions and Management Actions

LCRA manages the Highland Lakes, including its water supply reservoirs lakes Travis and Buchanan, as a system, resulting in a maximum combined storage capacity of just over 2.0 million acre-feet. LCRA uses combined storage levels in lakes Travis and Buchanan, inflows to the Highland Lakes, and other hydrologic factors as indicators of water supply conditions, including possible severe, long-term drought conditions, and to trigger drought contingency plan stage implementation. The historical drought of record for the Colorado River basin region, which includes the City of Austin, is the one which occurred during the years 1947-1957, when the combined water storage levels of lakes Travis and Buchanan fell to a low of 621,221 acre-feet. Over the recent past, drought conditions have been severe. Based on the unprecedented conditions of the current drought, LCRA in February 2015 announced that the basin is in a new “critical period”, which LCRA defines as the time period with the driest conditions and lowest inflows. The current drought, which began in early 2008, is eclipsing the 1950’s drought as the worst on record for the region.

In order to minimize negative effects from periods of severe water shortages, the Water Conservation Code (Section 6-4) outlines the City’s stages for taking action in its retail service area during such periods caused by drought, water supply contamination, system outage due to failure or damage of water system, or other emergency conditions. In addition, if the available supply is less than the anticipated demand, the City will consider and implement additional emergency demand management measures, as outlined in the Water Conservation Code (Appendix A). All measures promulgated in the Water Conservation Code are considered part of this Plan.

C. Water System Capacity

Austin Water currently serves approximately 225,000 connections with over 3,800 miles of water mains. In 2015, Austin Water served an approximate retail service area population of 921,000 and a wholesale customer population of 56,000, for a total service population of approximately 977,000. All of Austin’s drinking water comes from the Colorado River. Two water treatment plants, with a combined capacity to treat and distribute 285 million gallons per day (MGD), draw water from Lake Austin. A third water treatment plant, which has a capacity of 50 MGD, draws from Lake Travis. Table 1 has a summary of the current plant capacities.

Table 1. City of Austin Water Treatment Plants and Capacity

Plant Name	Year Constructed	Treatment Capacity (million gallons/day)
Davis	1954	118 ^a
Ullrich	1969	167 ^b
Water Treatment Plant 4	2014	50 ^c
<i>Total</i>		335

a) Expanded in 1963, 1977, 1987, and 1999.

b) Modernized in 1993 to meet the higher standards of the Safe Drinking Water Act and expanded in 1987 and 2000. Capacity expansion from 100 to 167 MGD was completed in 2008.

c) Capacity can be expanded to 300 MGD over time.

Section III: Trigger Conditions and Goals

The City of Austin has established a Conservation Stage containing year-round water conservation measures that apply to its retail water customers. Residential and commercial facilities may irrigate either before 10:00 a.m. or after 7:00 p.m. only on a designated outdoor water use day. Automatic irrigation systems are limited to no more than one designated outdoor water use day per week, which allows up to fifteen hours of irrigation. Hose-end sprinklers are allowed up to two designated outdoor water use days per week, for a total of thirty hours of irrigation. Irrigation systems at commercial properties over one acre in size must submit an irrigation evaluation every two years. All commercial car washes must be certified efficient. Commercial patio misters may operate only between 4:00 p.m. and midnight.

The City Manager or his/her designee monitors water supply, water system capacity and demand conditions to determine when to consider implementing additional conservation actions for the City's retail water customers as outlined in the demand, supply, and emergency triggers listed in Table 2.

Table 2. Demand, Supply and Emergency Triggers

	Trigger	Goal	Action ^a	Irrigation Restriction ^a	End Condition
Demand Triggers	300 million gallons per day (MGD) for 3 consecutive days	Reduce water use by 15% of 300 MGD	City Manager may order Drought Response Stage Two Regulations	1x/week (10-15 hours)	City Manager ends based on daily supply and demand of water
	320 MGD for one day	Reduce current water use by 15% of 320 MGD	City Manager may order Drought Response Stage Two Regulations	1x/week (10-15 hours)	City Manager ends based on daily supply and demand of water

Supply Triggers	Combined lake storage falls below 1.4 million acre-feet (MAF)	Reduce current water use by 5%	City Manager may order Drought Response Stage One Regulations	1x/week (13 hours automatic) 2x/week (30 hours hose-end)	Considered when combined storage reaches 1.4 MAF and expected to remain above 1.4 MAF for four months
	Combined lake storage falls below 900,000 acre-feet (AF)	Reduce current water use by 10 to 20%	City Manager may order Drought Response Stage Two Regulations	1x/week (10-15 hours)	Considered when combined storage reaches 1.1 MAF and projected to stay above 900,000 AF for four months ^b
	Combined lake storage falls below 600,000 AF or a drought worse than the drought of record is declared	Reduce water use by a minimum of 20% from a baseline approved by LCRA, which may account for City's conservation measures	City Manager may order Drought Response Stage Three Regulations or Additional Restrictions as necessary to meet pro rata curtailment requirements	1x/week (6 hours)	City Manager determines that condition is no longer required to meet mandatory curtailment targets; combined storage expected to remain above 600,000 AF for four months
Emergency Triggers	As determined by City Manager, system outage, equipment failure, contamination of water source or other emergencies	Reduce water use to levels deemed necessary	City Manager may order Emergency Stage Four Regulations or Additional Restrictions	Prohibited	City Manager ends based on daily water demand or the end of supply constraints

^a Detailed information about the watering schedule and additional conservation measures for each stage can be found in Appendix A

^b The City Manager may also base a determination to end regulations on other conditions and an assessment of all relevant circumstances which in the judgment of the City Manager merit such action.

Procedures for the granting of variances to the watering regulations are contained in the City of Austin Water Conservation Code and may be authorized if necessary to protect the public health and safety. Violations are subject to criminal and administrative penalties as provided in the Code.

Section IV: Wholesale Contract Provisions

New wholesale contracts include standard language requiring that the customer adhere to the City's peak water management ordinance. Generally, wholesale customers in a new contract are also required to establish a water conservation program similar to the one administered by the City. Customers with older contracts not requiring water conservation provisions are requested to voluntarily implement water conservation measures similar to those imposed by the City.

Pro rata curtailment shall be done in accordance with Texas Water Code §11.039. All new, renewed, or extended wholesale supply contracts will also include a provision that water shall be distributed on a pro rata basis in the event of a water shortage resulting from drought.

Enforcement actions for non-compliance with either the peak water management ordinance or pro rata water reductions by wholesale customers will vary according to the specifics of each wholesale customer's contract.

Section V: Public Involvement

Opportunities for Austin Water's retail and wholesale water customers to offer input into the development of revisions to the Water Conservation Code, including those relating to drought management included:

- A series of five public workshops to gather citizen, wholesale customer, and stakeholder feedback on potential changes to the current Water Conservation Code (Chapter 6-4 of City Code) and drought response measures to better regulate water use during future droughts. Input received during these workshops was used in revising the Water Conservation Code and developing the Plan,
- A survey at SpeakUpAustin.org for interested parties to leave feedback on revisions to the Water Conservation Code, and
- Presentations at meetings of the Austin Integrated Water Resource Planning Community Task Force, and the following City advisory boards: the Water and Wastewater Commission, and the Resource Management Commission. Their resolutions supporting the Plan are in Appendix C.

Section VI: Public Notification and Education

The City will provide its wholesale and retail water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press releases, newspaper advertisements, web page updates, presentations to community organizations and neighborhood groups, meetings with wholesale customers, and other outreach methods as appropriate. The City will also make water conservation-related public information materials, including brochures and program information, available to its wholesale water customers for distribution to their retail customers.

Section VII: Coordination with Regional Planning Groups (RPG)

The City of Austin has provided a copy of this Plan to the Lower Colorado Regional Planning Group (Region K). A copy of the transmittal letter to the planning group is provided in Appendix D.

Section VIII: TCEQ Notification

The City shall notify the executive director of the Texas Commission on Environmental Quality within five (5) business days of the implementation of any mandatory provisions of the Drought Contingency Plan.

Section IX: Plan Review and Updates

This Plan was developed to meet the requirements in 30 TAC § 288.20 and § 288.22 to submit a Drought Contingency Plan and provide the community and water customers with essential drought contingency response information, regulations, and services. The Plan will be reviewed at minimum every five (5) years and updated as needed based on major developments in Austin's water service area. The next scheduled plan review will occur in 2019.

APPENDIX A: Water Conservation Code

Revised Water Conservation Code will be inserted in Appendix A once approved by City Council

DRAFT

APPENDIX B: Water Use Triggers for Water Use Management Ordinance

DRAFT



MEMORANDUM

TO: Greg Meszaros, Director

FROM: Jane Burazer, Assistant Director, Austin Water

DATE: March 23, 2016

SUBJECT: Conservation Triggers

The purpose of this memo is to recommend water usage triggers for this summer under the Water Conservation Ordinance. As Stage I of the Water Use Management Plan mandates a twice/week outdoor watering schedule, Stage II will mandate a one day per week outdoor watering following the prescribed schedule in the rule.

Prior to the recent drought when the combined storage for the highland lakes triggered Stage II Water Use Restrictions, the conservation triggers had been based upon system capacities. The recommended triggers for Stage II Mandatory Water Use Restrictions for this summer are based on a system capacity of 335 MGD. The recommended triggers are:

3 consecutive days of water usage	300 MGD
1 day of water usage	320 MGD

Additional restrictions due to demand conditions will be at the discretion of the Director of Austin Water.

If you have any questions or need additional information, please call me


Jane Burazer, Assistant Director
Water & Wastewater Treatment Program
Austin Water

Concurrence:



Greg Meszaros, Director



Date

APPENDIX C: Resolutions in Support of Adoption of the Drought Contingency Plan

DRAFT

APPENDIX D: Transmittal Letter to Regional Planning Group

DRAFT

John Burke, Chair
Lower Colorado River Authority (LCRA)
Attn: Region K
Mailstop L211
P.O. Box 220
Austin, TX 78767-0220

May 5, 2016

Dear Mr. Burke:

The enclosed Drought Contingency Plan, which updates the previously adopted 2012 Drought Contingency Plan, was developed by the City of Austin to fulfill Texas Commission on Environmental Quality (TCEQ) requirements for retail and wholesale water providers as outlined in Texas Administrative Code Title 30, Chapter 288. It is being forwarded to TCEQ.

If you have any questions on the enclosed plan please contact me at 512-974-2787.

Sincerely,

Drema Gross
Austin Water
Water Conservation Division Manager