

RULE NO.: R161-20.11**NOTICE OF RULE ADOPTION****ADOPTION DATE: August 14, 2020**

By: Greg Meszaros, Director
Austin Water

The Director of the Department of Austin Water has adopted the following rule. Notice of the proposed rule was posted on July 13, 2020. Public comment on the proposed rule was solicited in the July 13, 2020 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

This Notice of Rule Adoption was posted on the City website by the City Clerk. Date and time stamp is on the front of the notice.

EFFECTIVE DATE OF ADOPTED RULE

A rule adopted by this notice is effective on August 14, 2020.

TEXT OF ADOPTED RULE

The adopted rule contains no changes from the proposed rule.

R161-20.11: Proposed revision to the UCM 2.5, 2.9.0, 2.9.1, 2.9.2, 2.9.3, 2.9.4

UCM 2.5, 2.9.0, 2.9.1, 2.9.2, 2.9.3, 2.9.4

- Section 2.5.1.F.19 – This language is being added to ensure the plans contain a Key Map when needed because of long lines in multiple sheets.
- Section 2.9.0 – We are moving all the information in 2.9.1 to 2.9.0. The new section 2.9.1 will now be called General Criteria for Water, Reclaimed Water, and Wastewater Systems, and will house information that is the same for Water, Reclaimed Water, and Wastewater instead of placing that information in all three sections. In the second paragraph, we are updating the name to Austin Water. In the new third paragraph, in response to new legislation, we have decided to propose a change to our UCM. We did this to align our criteria manual with state regulations, improve transparency to external stakeholders, and provide necessary guidance for a more efficient plan review process. In the fourth paragraph, "Registered" is redundant as Professional Engineer implies that they are Registered. In the fourth paragraph, we are creating more acronyms in ETJ, TCEQ, and AULCC and correcting the sentence by using "by" instead of "in". Section H is being added as required.

- Section 2.9.1.A.1&2 – This language was taken from 2.9.2.G.1&2, 2.9.3.E.1&2, and 2.9.4.H.1&2. This section was created to place all information that is the same for Section 2.9.2 Water Systems, 2.9.3 Reclaimed Water Systems, and 2.9.4 Wastewater Systems.
- Section 2.9.1.A.3 – This language is being added to inform Engineers and Developers that private utility lines will not be allowed to run inside a PUE or specific public utility easement. It will only be allowed to cross the easement.
- Section 2.9.1.B - Section 1 & 2 are being relocated here from Sections 2.9.2.B.2, 2.9.3.B.3 & 4, and 2.9.4.C.4. Section 3 is to establish requirements for vertical separation between AW and all other utilities.
- Section 2.9.1.C - This language is being relocated here from Sections 2.9.2.B.20, 2.9.3.B.15, and 2.9.4.C.10.
- Section 2.9.2.A.3.b – This is being changed because adding specific chapter numbers to the UCM will cause us to go through the rules posting process when the number changes in the future.
- Section 2.9.2.B.2 – This language is being edited and relocated to 2.9.1.B.1 & 2.
- Section 2.9.2.B.4 – This is being changed because the Section number has changed.
- Section 2.9.2.B.20 – This language is being relocated to 2.9.1.C.
- Section 2.9.2.C.9 – Austin Water wants to pull this requirement for now so we can come up with more detailed language that represents when we want this to occur and to include a Standard Detail. We are adding new language to require all valves 24" and larger to be supported by a concrete foundation. Currently, Standard Detail 511-AW-01 already requires this for valves up to 16".
- Section 2.9.2.F.1 – This is being changed because adding specific chapter numbers to the UCM will cause us to go through the rules posting process when the number changes in the future.
- Section 2.9.2.G.1&2 – The language is being relocated to 2.9.1.A.1 & 2.
- Section 2.9.3.B.1 – This is being removed because the 4" line size is rarely used and has a maximum length of 200'. The removal may prevent or minimize the generation of water hammers and will reduce the number of fittings and appurtenances stocked by the warehouse. The minimum pipe diameter (6") for reclaimed water is less than the minimum pipe diameter (8") for the drinking water system.
- Section 2.9.3.B.3 & 4 – This language is being relocated to 2.9.1.B.1 & 2.
- Section 2.9.3.B.15 – This language is being relocated to 2.9.1.C.

- Section 2.9.3.C.9 – Austin Water wants to pull this requirement for now so we can come up with more detailed language that represents when we want this to occur and to include a Standard Detail. We are adding new language to require all valves 24" and larger to be supported by a concrete foundation. Currently, Standard Detail 511-AW-01 already requires this for valves up to 16".
- Section 2.9.3.E.1&2 – The language is being relocated to 2.9.1.A.1 & 2.
- Section 2.9.4.C.4 – This language is being relocated to 2.9.1.B.1 & 2.
- Section 2.9.4.C.8 – This reference is being removed so we don't add specific chapter number to the LDC that will be changed soon.
- Section 2.9.4.C.10 – This language is being relocated to 2.9.1.C.
- Section 2.9.4.D.1.i – This is being changed because adding specific chapter numbers to the UCM will cause us to go through the rules posting process when the number changes in the future.
- Section 2.9.4.G.4 – The information is being changed to reflect our new TCEQ requirements and the new Standard Detail 520-AW-01A.
- Section 2.9.4.G.5 – The last sentence is being deleted. AW does not want to specify that every item can be allowed by variance. It is understood that every rule may be able to be altered by a variance.
- Section 2.9.4.H.1&2 – The language is being relocated to 2.9.1.A.1 & 2.

The adopted rule contains no changes from the proposed rule. This Notice of Rule Adoption was posted on the City website by the City Clerk. Date and time stamp is on the front of the notice.

SUMMARY OF COMMENTS

Austin Water did not receive comments regarding the rule adopted in this notice.

AUTHORITY FOR ADOPTION OF RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate the installation of water and wastewater facilities is established in the Texas Local Government Code Section 552.001 and Title 15 of the City Code.

APPEAL OF ADOPTED RULE TO CITY MANAGER

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the City Clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.

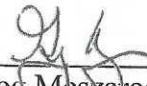
Notice that an appeal was filed and will be posted by the city clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City manager shall make a decision.

CERTIFICATION BY CITY ATTORNEY


By signing this Notice of Rule Adoption R161-20.11, the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEWED AND APPROVED



Greg Meszaros, Director
Austin Water

Date: 07/30/2020



Anne L. Morgan
City Attorney

Date: 7/3/2020