



**Water & Wastewater Commission
Review and Recommendation**

Commission Meeting Date:	November 17, 2020	COA Strategic Direction:	Health and Environment
Council Meeting Date:	December 10, 2020		
Department:	Austin Water		
Client:	Kevin Critendon, Mark Jordan		
SUBJECT			
<p>Recommend approval of an ordinance amending City Code Chapter 6-4 (Water Conservation) and City Code Section 15-9-241 (Utility Regulations) related to commercial and industrial cooling tower water efficiency performance standards, operations, registration, inspection and administrative requirements and penalties.</p>			
AMOUNT AND SOURCE OF FUNDING			
<p>Funding for the administration of these code changes is included in Austin Water's Fiscal Year 2020-2021 Approved Operating Budget.</p>			
Purchasing Language:	N/A		
Prior Council Action:	November 29, 2018 – City Council approved the Water Forward Plan on a 10-0 vote		
Boards and Commission Action:	<p>November 17, 2020 - To be reviewed and Resource Management Commission. November 17, 2020 – To be reviewed by Water and Wastewater Commission.</p>		
MBE/WBE:	N/A		

The 2018 Austin Integrated Water Resources Plan – Water Forward – recommended the adoption of ordinances that would increase water use efficiency by the commercial, industrial and institutional (CII) water use sectors, specifically including cooling towers.

The proposed ordinance language would amend Chapter 6-4 (Water Conservation) by imposing administrative penalties of up to \$500 for failure to submit required cooling tower registration and annual inspection reports to ensure towers are meeting all water efficiency standards and equipment requirements. Assessment of administrative penalties for this program would be consistent with the current assessment of penalties under the Commercial Irrigation System Evaluation and Commercial Car Wash Certification programs. The proposed ordinance also includes an offense for submitting a false report or tampering with readout and reporting devices.

The proposed ordinance would also amend the inspection report requirements to include whether the tower is meeting additional water efficiency standards for drift eliminators and the addition of biocides to cooling tower recirculating water to prevent algae growth, thereby increasing water efficiency as well as protecting public health by preventing airborne bacteria. These measures are consistent with 1126.1 and E 403.5.2, respectively, of the 2015 Uniform Mechanical Code, International Association of Plumbing and Mechanical Officials (IAMPO), and Standard 189.1, International Green Construction Code, of the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE).

Finally, the proposed ordinance would amend City Code Section 15-9-241 (Utility Regulations) by providing that those who do not submit required registration and inspection reports would be ineligible to receive the evaporative loss credit on their wastewater bills.

A virtual stakeholder workshop was held on September 23, 2020, to present the proposed code changes and solicit feedback from affected parties. The workshop was attended by over 50 individuals. Additionally, the proposed code changes were posted to a Speakup Austin website. Staff received only limited feedback and input through these events and have addressed the questions presented in the outreach.

- 33 (1) ACTION OF THE UTILITY means an action taken by Austin Water
34 pursuant to this chapter.
- 35 (2) AQUATIC LIFE means a vertebrate organism dependent upon an
36 aquatic environment to sustain its life.
- 37 (3) AUTOMATIC IRRIGATION SYSTEM means any irrigation system
38 connected to and being operated by a programmable controller,
39 including a permanently or temporarily installed irrigation system.
- 40 (4) AUSTIN WATER, AW, AWU, and the Utility mean the Austin
41 Water Utility.
- 42 (5) AUXILIARY WATER means a water supply from a source other than
43 Austin Water's potable water supply.
- 44 (6) AUSTIN WATER AUTHORIZED IRRIGATION INSPECTOR
45 means an Irrigation Inspector licensed by the Texas Commission on
46 Environmental Quality who has also both passed a director-approved
47 class in landscape irrigation and has been awarded Austin Water
48 Authorized Irrigation Inspector status in accordance with rules
49 adopted pursuant to this chapter.
- 50 (7) BLEED-OFF (BLOWDOWN) means the circulating water in a
51 cooling tower which is discharged to help keep the dissolved solids
52 concentrating in the water below a maximum allowable limit.
- 53 (8) BLOWDOWN METER or discharge meter means a meter that tracks
54 the amount of water discharged from a cooling tower system.
- 55 (9) COMMERCIAL FACILITY means a site with five or more dwelling
56 units, or a municipal, business, or industrial building and the
57 associated landscaping, but does not include the fairways, greens, or
58 tees of a golf course.
- 59 (10) COMMERCIAL NURSERY means a facility where plant nursery
60 stock, trees, seedlings, turf, shrubs, flowers, herbs, crops or other plant
61 materials are cultivated, grown, stored, or maintained prior to retail
62 consumer, installer, or reseller purchase, use, consumption, or
63 installation of the materials at any location other than the commercial
64 nursery.
- 65 (11) COMMON AREA means an area held, designed, or designated for the
66 common use of the owners or occupants of a townhouse project,
67 planned unit development, apartment, condominium, mobile home
68 park, or subdivision.

- 69 (12) CONCENTRATION means re-circulated water in a cooling tower
70 that has elevated levels of total dissolved solids as compared to the
71 original make-up water.
- 72 (13) CONDUCTIVITY CONTROLLER means a device used to measure
73 the conductivity of total dissolved solids in the water of a cooling
74 system and control the discharge of water in order to maintain
75 efficiency.
- 76 (14) COOLING TOWER means an open water recirculation system that
77 uses fans or natural draft to draw or force air to contact and cool water
78 through the evaporative process that removes heat from water-cooled
79 air conditioning systems and from industrial processes.
- 80 (15) COSMETIC POWER WASHING means treatment or cleaning of a
81 surface with specialized equipment that uses a spray of or directed
82 water for the cosmetic cleaning of buildings, vehicles or other mobile
83 equipment, or outdoor surfaces. It does not include industrial cleaning,
84 cleaning associated with manufacturing activities, hazardous or toxic
85 waste cleaning, or cleaning necessary to remove graffiti.
- 86 (16) CYCLES OF CONCENTRATION means the ratio of the dissolved
87 solids in recirculating water to the dissolved solids in the make-up
88 water
- 89 (17) DESIGNATED OUTDOOR WATER USE DAY means the day
90 during which a person is permitted to irrigate outdoors as prescribed
91 in City Code Section 6-4-13(E) (*Water Conservation Guidelines*).
- 92 (18) DIRECTOR means the Director of Austin Water.
- 93 (19) DRIFT ELIMINATOR means a device that captures large water
94 droplets caught in the cooling tower air stream to prevent the water
95 droplets and mist from escaping the cooling tower.
- 96 (20) DRIP IRRIGATION means a method of irrigation which is typically
97 installed below ground and consists of porous piping that allows the
98 application of water at a slow and constant rate.
- 99 (21) DROUGHT CONTINGENCY PLAN means a strategy or
100 combination of strategies for temporary supply management and
101 demand management responses to temporary and potentially recurring
102 water supply shortages and other water supply emergencies required
103 by Texas Administrative Code Title 30, Chapter 288, Subchapter B.

- 104 (22) FOUNDATION WATERING means an application of water to the
105 soils directly abutting the foundation of a building, structure, or
106 improvement on land.
- 107 (23) GOVERNMENT PROPERTY means property owned or operated by
108 a federal, state, or local governmental unit, entity, agency, or
109 subdivision for a public purpose.
- 110 (24) HOSE-END SPRINKLER means an above-ground water distribution
111 device that may be attached to a garden hose.
- 112 (25) MAKE-UP means the amount of water required to replace normal
113 losses caused by bleed-off (blowdown), drift, and evaporation.
- 114 (26) MAKE-UP METER or intake meter means a meter that measures the
115 amount of water entering a cooling tower system.
- 116 (27) MANUAL IRRIGATION SYSTEM means an irrigation system
117 designed to require the manual operation of valves or the attachment
118 of a quick-coupling device.
- 119 (28) MULTI-FAMILY PROPERTY means property containing five or
120 more dwelling units.
- 121 (29) NEW LANDSCAPE means vegetation:
- 122 (a) installed at the time of the construction of a residential or
123 commercial facility;
- 124 (b) installed as part of a governmental entity's capital improvement
125 project;
- 126 (c) installed to stabilize an area disturbed by construction; or
127 (d) that alters more than 500 contiguous square feet of an existing
128 landscape.
- 129 (30) ONSITE ALTERNATIVE WATER SOURCE means a water source
130 including recycled manufacturing process water, air conditioner
131 condensate, rainwater, stormwater, graywater, black water, cooling
132 tower blow down, and foundation drain water.
- 133 (31) ORNAMENTAL FOUNTAIN means an artificially created structure
134 from which a jet, stream, or flow of water emanates and the water is
135 not used for the preservation of aquatic life.
- 136 (32) OVERFLOW ALARM means a system that includes a level switch
137 and an electronic signaling device that sends an audible signal or

- 138 provides an alert via the energy management control system to
139 the tower operator in case of sump overflow.
- 140 (33) PERMANENTLY INSTALLED IRRIGATION SYSTEM means a
141 custom- made, site-specific system of delivering water generally for
142 landscape irrigation via a system of pipes or other conduits installed
143 below ground.
- 144 (34) PERSON means any natural person or legal entity such as an
145 individual, business, partnership, association, firm, corporation,
146 governmental, or other natural, business, or legal entity that receives,
147 requests, manages, uses, maintains, or is responsible for water utility
148 service at a service address, whether or not the person or entity is a
149 customer or account holder of Austin Water.
- 150 (35) PREMISE means the outdoor area of property not enclosed by fencing
151 or walls or containing living areas, and not including areas for storing
152 vehicles or other motorized equipment.
- 153 (36) RECLAIMED WATER means reclaimed municipal wastewater that
154 is under the direct control of the City treatment plants, satellite
155 facilities, or a treatment plant with which the City contracts, and that
156 has been treated to a quality that meets or exceeds the minimum
157 standards of the 30 Texas Administrative Code, Chapter 210.
- 158 (37) RESIDENTIAL FACILITY means a site with four or fewer dwelling
159 units.
- 160 (38) SOAKER HOSE means a perforated or permeable garden-type hose
161 or pipe that is laid above ground that provides irrigation at a slow and
162 constant rate.
- 163 (39) TEMPORARILY INSTALLED IRRIGATION SYSTEM means a
164 universally applicable above ground irrigation system that uses a
165 flexible hose or hardened pipe to deliver water to a moveable water
166 distribution device.
- 167 (40) TON means an evaporative cooling ton of 15,000 British Thermal
168 Units (BTUs) per hour.
- 169 (41) VEHICLE WASH FACILITY means a permanently-located business
170 that washes vehicles or other mobile equipment with water or water-
171 based products, including but not limited to self-service car washes,
172 full service car washes, roll-over/in-bay style car washes, and
173 facilities managing vehicle fleets or vehicle inventory.

174 (42) XERISCAPE means a landscape which employs certain principles of
175 design and installation which conserve water and energy and where
176 the plant material, at mature growth, will provide at least 50% of the
177 new landscape's areal coverage. The plant material must consist of
178 plants identified on a plant list provided by Austin Water that are very
179 low water usage and low water usage plants.

180 **PART 3.** City Code Section 6-4-3 (*Applicability of Regulations; Affirmative*
181 *Defenses*) is amended to read as follows:

182 **§ 6-4-3 - APPLICABILITY OF REGULATIONS; AFFIRMATIVE**
183 **DEFENSES.**

184 (A) This chapter applies to a person who uses, directs, manages, or allows the
185 use of potable water supplied by Austin Water [Utility]. The chapter does
186 not apply to a person [who] when the person only uses, directs, manages,
187 or allows the use of auxiliary water or reclaimed water. [~~unless the~~
188 ~~auxiliary water or reclaimed water is mixed with potable water supplied by~~
189 ~~Austin Water Utility~~].

190 (B) It is an affirmative defense to a violation of this chapter that the use of
191 water that gave rise to the violation was consistent with the agreed upon
192 terms and conditions of a water service contract with a wholesale water
193 customer and that the use did not constitute water waste.

194 (C) It is an affirmative defense to a violation of this chapter that the use of
195 water that gave rise to the violation properly utilized solely auxiliary water,
196 and did not endanger public health, safety, or property.

197 (~~D~~[~~E~~]) It is an affirmative defense to a violation of this chapter that the use of
198 water that gave rise to the violation properly utilized solely reclaimed
199 water, did not endanger public health, safety, or property, and did not
200 constitute water waste in accordance with 6-4-12 (*Water Waste*
201 *Prohibited*).

202 (~~E~~[~~D~~]) It is an affirmative defense to a violation of this chapter that the act or
203 omission that gave rise to the violation occurred solely because a
204 documented emergency that prevented strict compliance, and that the act
205 or omission did not disrupt the availability of adequate water for other
206 public emergency response or fire fighting or fire suppression purposes.

207 **PART 4.** City Code Section 6-4-7 (*Administrative Rules*) is repealed and replaced
208 with a new Section 6-4-7 to read as follows:

209 **§ 6-4-7 - ADMINISTRATIVE RULES.**

- 210 (A) The director may adopt administrative rules as necessary for the
211 implementation of this chapter.
- 212 (B) Before the director may adopt or amend a nonemergency rule, the director
213 shall present the proposed rule to the Water and Wastewater Commission
214 and the Resource Management Commission. In cases of emergency rule
215 adoption, the director shall present the rule to the Water and Wastewater
216 Commission and the Resource Management Commission as soon as
217 practicable following emergency rule adoption.
- 218 (C) The rules shall be available for inspection on Austin Water's website or at
219 the Austin Water administrative offices during normal business hours.

220 **PART 5.** City Code Section 6-4-10 (*Facilities Regulated*) is repealed and replaced
221 with a new Section 6-4-10 to read as follows:

222 **§ 6-4-10 - FACILITIES REGULATED.**

- 223 (A) The owner or water account holder of a commercial, or multi-family
224 residential situated on property equal to or greater than 1.0 acre in size
225 shall obtain an evaluation of any permanently installed automatic irrigation
226 system conducted at a frequency prescribed by rules adopted pursuant to
227 this chapter. The irrigation evaluation shall, at a minimum:
- 228 (1) be conducted by an Austin Water Authorized Irrigation Inspector;
229 identified in rules adopted pursuant to this chapter and records
230 maintained by Austin Water;
- 231 (2) be documented on forms provided by Austin Water; and
- 232 (3) verify that the irrigation system operating on the property complies
233 with all applicable requirements of this chapter, rules adopted
234 pursuant to this chapter, and other applicable technical codes.
- 235 (B) The owner or water account holders of vehicle washing facilities shall
236 provide an evaluation of all vehicle washing equipment conducted at a
237 frequency prescribed by rules adopted pursuant to this chapter. The vehicle
238 washing facility evaluation shall, at a minimum:
- 239 (1) be conducted by a Texas-licensed plumber of the vehicle washing
240 facility's choice;
- 241 (2) be documented on forms provided by Austin Water; and
- 242 (3) establish that the equipment is operating in compliance with equipment
243 standards prescribed by rules adopted pursuant to this chapter.
- 244 (C) The owner or water account holder of a cooling tower must:

- 245 (1) register the tower with Austin Water using a form provided by Austin
246 Water;
- 247 (2) register a new or replacement tower prior to operation; and
- 248 (3) submit a fully completed annual inspection of the tower to Austin
249 Water by March 1 of each year using a form provided by Austin
250 Water and verifying that the cooling tower is properly permitted and
251 complies with all applicable requirements of this chapter, rules
252 adopted pursuant to this chapter, and applicable technical codes. The
253 inspection must:
- 254 (a) be performed by an independent third-party Texas-licensed
255 mechanical or chemical engineer, or a person holding a Texas
256 Department of Licensing and Regulations Air Conditioning and
257 Registration License (Class A) with a combined endorsement for
258 process cooling and refrigeration; and
- 259 (b) be performed not more than 90 days before the March 1 due date.
- 260 (D) A facility with 100 tons or greater of combined cooling capacity using an
261 evaporative cooling tower must:
- 262 (1) have the make-up and blowdown meters and overflow alarm
263 connected to the building's central energy management system or
264 utility monitoring dashboard; and
- 265 (2) offset a minimum of 10% of the make-up water with reclaimed or
266 onsite alternative water sources.
- 267 (E) Restaurants, bars, and other commercial food or beverage establishments
268 may not provide drinking water to customers unless a specific request is
269 made by the customer for drinking water.
- 270 (F) The owner or operator of a hotel, motel, short term rental or other
271 establishment that offers or provides lodging or rental accommodations for
272 compensation shall offer a towel and linen reuse water conservation option
273 to its lodgers, renters, or customers and maintain in each applicable guest
274 room, suite, or property informational signage to communicate information
275 relating to this requirement and to offer the opportunity for guest
276 participation.

277 **PART 6.** City Code Section 6-4-11 (*General Regulations*) is amended to add new
278 Subsections (G) and (H) to read:

- 279 (G) The owner or water account holder of a cooling tower must:

- 280 (1) operate the cooling tower in a manner to achieve a minimum of five
281 cycles of concentration if the cooling tower utilizes potable water as
282 its primary source of make-up water;
- 283 (2) equip the cooling tower with:
- 284 a. overflow sensors and alarms connected to the building's central
285 energy management system or utility monitoring dashboard;
- 286 b. make-up water and blowdown meters to manage water
287 consumption;
- 288 c. conductivity controllers;
- 289 d. drift eliminator with a drift rate of not more than 0.005% of the
290 circulated water flow rate for crossflow towers and 0.002% for
291 counter flow towers;
- 292 (H) The owner or water account holder of a cooling tower shall use a biocide to
293 treat the cooling system recirculation water to minimize the growth of
294 Legionella and other microorganisms.

295 **PART 7.** Subsection (B) of City Code Section 6-4-12 (*Water Waste Prohibited*) is
296 amended to read as follows:

- 297 (B) A person may not:
- 298 (1) fail to repair a controllable leak, including [~~but not limited to~~] a
299 broken sprinkler head, a broken pipe or a leaking valve; or
- 300 (2) operate an irrigation system with:
- 301 (a) a broken head; or
- 302 (b) a head that is out of adjustment and the arc of the spray head is
303 over a street, parking area, or other impervious surface; or
- 304 (c) a head that is misting because of high water pressure; or
- 305 (3) allow water flow during irrigation that:
- 306 (a) runs, flows, or streams in a way that extends into a street, parking
307 area, or other impervious surface for a distance of 50 feet or greater;
308 or
- 309 (b) allows water to pond to a depth greater than 0.25 inch in a street,
310 parking area, or on other impervious surfaces.
- 311 (4) operate a cooling tower:

312 (a) in a manner that allows an overflow from the cooling tower basin
313 to occur; or

314 (b) without a functioning drift eliminator.

315 **PART 8.** Subsections (D) and (E) of City Code Section 6-4-13 (*Water*
316 *Conservation Guidelines*) are amended to read as follows:

317 **§ 6-4-13 - WATER CONSERVATION GUIDELINES.**

318 (
319 (D) Water use regulations of the Water Conservation Stage (Section 6-4-15)
320 remain in effect until such time as the city manager orders termination of
321 the stage in accordance with section 6-4-13(C), (*Water [Use] Conservation*
322 *Guidelines*). Unless a drought or emergency stage is expressly declared by
323 order of the City Manager, water use regulations of the Water
324 Conservation Stage (section 6-4-15) automatically resume by default
325 immediately upon any ordered termination of any drought or emergency
326 stage.

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

Conservation Stage and Drought Response Stage 1 Watering Schedule	
Property Type	Watering Day
Residential Property - Hose-end EVEN	Sunday and Thursday
Public Schools	Monday
Commercial/Multi family - Automatic <u>& Manual</u> EVEN	Tuesday
Residential – Automatic <u>& Manual</u> ODD	Wednesday

Residential - Automatic <u>& Manual</u> EVEN	Thursday
Commercial/Multi Family - Automatic <u>& Manual</u> ODD	Friday
Residential Property - Hose-end ODD	Wednesday and Saturday
Drought Response Stage 2 and Stage 3 Watering Schedule	
Property Type	Watering Day
Residential Property - Hose-end EVEN	Sunday
Public Schools	Monday
Commercial/Multi family - Automatic <u>& Manual</u> EVEN	Tuesday
Residential - Automatic <u>& Manual</u> ODD	Wednesday
Residential - Automatic <u>& Manual</u> EVEN	Thursday
Commercial/Multi Family - Automatic <u>& Manual</u> ODD	Friday
Residential Property - Hose-end ODD	Saturday

336

337 **PART 9.** Subsections (B) and (C) of City Code Section 6-4-14 (*Exemptions*) are
338 amended to read as follows:

339 (B) The following activities shall be exempt from the application of Section 6-
340 4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage*
341 *One Regulations*), Section 6-4-17 (*Drought Response Stage Two*
342 *Regulations*), and Section 6-4-18 (*Drought Response Stage Three*
343 *Regulations*):

344 (1) Outdoor irrigation:

345 (a) using a hand-held hose or refillable watering vessel;

346 (b) using drip irrigation;

347 (c) of trees using an automatic bubbler system or soaker hose
348 placed within the drip-line of the tree canopy;

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

361 (2) Water use:

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

369 (C) The following activities shall be exempt from the application of Section 6-
370 4-15 (*Water Conservation Stage*), Section 6-4-16 (*Drought Response Stage*
371 *One Regulations*) requirements:

- 372 (1) Water use necessary to comply with federal, state, or local land
373 development permits requiring the establishment of new landscaping
374 between the hours of midnight and 10:00 a.m and 7:00 p.m and
375 midnight; and
376 (2) Irrigation of areas documented on a City approved and released site
377 plan as golf course fairways, greens, or tees.

378 **PART 10.** Subsection (D) of City Code Section 6-4-16 (*Drought Response Stage*
379 *One Regulations*) is amended to read as follows:

- 380 (D) A person may not irrigate outdoors at a residential facility or a commercial
381 facility with a hose-end or manual sprinkler system between the hours of
382 10:00 a.m. and 7:00 p.m., even if the irrigation occurs on the designated
383 outdoor water use day for the location.

384 **PART 11.** Subsection (D) of City Code Section 6-4-17 (*Drought Response Stage*
385 *Two Regulations*) is amended to read as follows:

386 (D) A person may not irrigate outdoors at a residential facility or a commercial
387 facility with a hose-end or manual sprinkler system between the hours of
388 10:00 a.m. and 7:00 p.m. even if the irrigation occurs on the designated
389 outdoor water use day for the location.

390 **PART 12.** Subsection (D) of City Code Section 6-4-18 (*Drought Response Stage*
391 *Three Regulations*) is amended to read as follows:

392 (D) A person may not irrigate outdoors at a residential facility or a commercial
393 facility with a hose-end or manual sprinkler system except between the
394 hours of 7:00 a.m. and 10:00 a.m. or between the hours of 7:00 p.m. and
395 10:00 p.m. even if the irrigation occurs on the designated outdoor water
396 use day for the location.

397 **PART 13.** Subsection (B) of City Code Section 6-4-19 (*Drought Response Stage*
398 *Four Regulations*) is amended to read as follows:

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

402 **PART 14.** Subsection (A) of City Code Section 6-4-30 (*Variance*) is amended to
403 read as follows:

404 (A) The director may grant a variance from a requirement of this chapter if the
405 director determines that special circumstances exist and that:

- 406 (1) strict compliance with the provisions at issue adversely affects the
407 health, safety, welfare or sanitation of the public, the applicant, or the
408 environment; or
- 409 (2) strict compliance with the provisions at issue substantially threatens
410 the applicant's primary source of income, the applicant is employing
411 all reasonable water conservation measures, and approval of the
412 variance will not result in water waste in accordance with Section 6-4-
413 12 (*Water Waste Prohibited*).

414 **PART 15.** A new Subsection (B) and an amendment to Subsection (C) are added
415 to City Code Section 6-4-42 (*Penalty*), and existing Subsections (C) and (D) are
416 deleted to read as follows:

417 **§ 6-4-42 - PENALTY.**

418 (A) A person commits an offense if the person directs, performs, authorizes,
419 requests, allows, assists, facilitates, or permits an act prohibited by this
420 chapter or fails to perform an act required by this chapter. Each instance of
421 a violation of this chapter is a separate offense.

422 (B) A person commits an offense if the person:

423 (1) makes or transmits to the director a false registration, log, inspection,
424 report or other document required by this chapter;

425 (2) tampers with a conductivity controller, intake or discharge meter,
426 readout device, read data transmittal equipment, or attached plumbing
427 or electrical connections in a manner that causes inaccurate or false
428 readings or reports of the water use or system operation to meet any
429 inspection, evaluation or assessment required by this chapter;

430 (C[B])An offense under this chapter may be enforced as an administrative
431 violation as authorized by Texas Local Government Code Chapter 54 and
432 all penalties related to administrative liability for such violations at the
433 service location automatically added to the water service account pursuant
434 to the approved fee schedule published by the director, or approved
435 pursuant to Section 6-4-44 (*Non-Administrative Enforcement*), unless the
436 account holder opts out of the automatic administrative fee additions to the
437 account on a form provided by the director not later than January 1 of each
438 year or within 30 days of establishing an account with Austin Water
439 [Utility], whichever is sooner.

440 [~~(C) A person alleged to be in violation of a requirement of this chapter shall~~
441 ~~receive notice in writing that shall, at a minimum, contain:~~

442 ~~(1) the name of the responsible person;~~

443 ~~(2) the address of the alleged violation;~~

444 ~~(3) a description of the alleged violation;~~

445 ~~(4) notice of the administrative penalty assessment to the next monthly~~
446 ~~utility statement; and~~

447 ~~(5) information on the appeal process.~~

448 ~~(D) Notice shall be delivered via United States Postal Service first class mail or~~
449 ~~the customer's email address if the customer consents to service of such~~
450 ~~administrative assessment notices by email. Notice is presumed valid and~~
451 ~~received when forwarded to the postal or email address on file with Austin~~
452 ~~Water Utility for the water service account holder.]~~

453 **PART 16.** Subsections (A) and (B) of City Code Section 6-4-43 (*Administrative*
454 *Process*) are amended, and new Subsections (C), (D), and (E) are added to read as
455 follows:

456 **§ 6-4-43 - ADMINISTRATIVE PROCESS.**

457 (A) A person appealing an enforcement action of Austin Water [Utility] may
458 request an administrative review conducted by the director. A request for
459 an administrative review must be made in writing to Austin Water [Utility]
460 on or before the 20th day following the date of the notice of violation. The
461 review shall take place on or before the 10th day following a request for
462 appeal. The person shall be notified of Austin Water [Utility]'s
463 determination including the results of the review and instructions on how
464 to request an administrative hearing.

465 (B) A person appealing an administrative review decision may request a
466 hearing conducted by a hearing officer appointed by the city manager.

467 (1) The person must request the administrative hearing in writing to the
468 director on or before the 10th day following notice of the
469 administrative review determination.

470 (2) Not later than the 10th day following a request for an administrative
471 hearing, Austin Water [Utility] shall provide the person with
472 information as to the time and place of the hearing. If the person fails
473 to appear at the hearing, the person will be considered to admit
474 liability and will be charged accordingly.

475 (3) A person who is found by a hearing officer to be liable for a violation
476 of this chapter may appeal the liability finding by filing a petition in
477 municipal court no later than the 31st day after the date of the hearing
478 officer's determination. An appeal does not stay enforcement and
479 collection of the judgment unless the person, before filing the appeal,
480 posts a bond with Austin Water [Utility] in an amount equal to the
481 amount of the liability assessment plus the appeal fee.

482 (4) If upon hearing the appeal from the hearing officer's liability finding
483 the municipal court affirms or substantially affirms the liability
484 finding, the utility will retain the appeal fee and apply the bond to the
485 liability assessment previously determined. If the municipal court
486 reverses the hearing officer's liability finding, the appeal fee and
487 administrative assessment bond will be refunded to the account
488 holder.

489 (C) A person alleged to be in violation of a requirement of Chapter 6-4, Water
490 Conservation, who fails to meet any administrative enforcement review,
491 hearing, or appeal deadline or filing, request, appearance, or other
492 requirement of City Code Section 6-4-43 (*Administrative Process*) is
493 considered to admit liability for the violation administratively charged by
494 the Austin Water and to waive the person's right for further review,
495 hearing, or appeal in the administrative enforcement process.

496 (D) A person alleged to be in violation of a requirement of this chapter shall
497 receive notice in writing that shall, at a minimum, contain:

- 498 (1) the name of the responsible person;
499 (2) the address of the alleged violation;
500 (3) a description of the alleged violation;
501 (4) notice of the administrative penalty assessment to the next monthly
502 utility statement; and
503 (5) information on the appeal process.

504 (E) Notice shall be delivered via United States Postal Service first class mail or
505 the customer's email address if the customer consents to service of such
506 administrative assessment notices by email. Notice is presumed valid and
507 received when forwarded to the postal or email address on file with Austin
508 Water for the water service account holder.

509 **PART 17.** The title to Article 2, Division 1 of City Code Chapter 6-4 (*Water*
510 *Conservation*) is amended to read as follows:

511 **ARTICLE 2. - WATER USE MANAGEMENT[.]; REGULATED**
512 **ACTIVITIES.**

513 [~~Division 1. — Regulated Activities.~~]

514 **PART 18.** City Code Chapter 6-4 (*Water Conservation*) is amended to reclassify a
515 portion of the existing chapter as a new Article 3 by inserting a new title for Article
516 3 and Division 1 prior to existing Section 6-4-13 (*Water Conservation Guidelines*),
517 to read as follows:

518 **ARTICLE 3. – DROUGHT CONTINGENCY PLAN.**

519 **Division 1. – General Provisions.**

520 **PART 19.** City Code Chapter 6-4 (*Water Conservation*) is amended to reclassify a
521 portion of the existing chapter as a Division 2 by inserting a new title Division 2
522 prior to existing Section 6-4-15 (*Water Conservation Stage*) to read as follows:

523 **Division 2. – Conservation Stages.**

524 **PART 20.** City Code Chapter 6-4 (*Water Conservation*) is amended to reclassify a
525 portion of the existing chapter as a new Article 3, Division 3 (*Additional*
526 *Restrictions*) by amending the existing title to Article 2, Division 2 prior to existing
527 Section 6-4-20 (*Director’s Authority to Impose Additional Restrictions*) to read as
528 follows:

529 **Division [2]3. - Additional Restrictions.**

530 **PART 21.** City Code Chapter 6-4 (*Water Conservation*) is amended to reclassify a
531 portion of the existing chapter as a new Article 4 by inserting a new title for Article
532 4 and deleting a title for Article 3, Division 3 prior to existing Section 6-4-30
533 (*Variance*), to read as follows:

534 **ARTICLE 4: - VARIANCES AND ALTERNATIVE COMPLIANCE.**

535 **~~[Division 3. — Variances; Alternative Compliance.]~~**

536 **PART 22.** City Code Chapter 6-4 (*Water Conservation*) is amended to reclassify a
537 portion of the chapter as a new Article 5 (*Enforcement*) by amending existing
538 Article 3 to renumber as Article 5 to read as follows:

539 **ARTICLE 5[3]: - ENFORCEMENT.**

540 **PART 23.** City Code Chapter 6-4 (*Water Conservation*) is amended to reclassify a
541 portion of the existing chapter as a new Article 6 by inserting a title for the new
542 Article 6 prior to existing Section 6-4-45 (*Severability*) to read as follows:

543 **ARTICLE 6: - SEVERABILITY.**

544 **PART 24.** City Code Section 15-9-241 (*Definitions*) is repealed and replaced with
545 a new Section 15-9-241 to read as follows:

546 **§ 15-9-241 - EVAPORATIVE LOSS ADJUSTMENT FOR EVAPORATIVE**
547 **COOLING TOWERS.**

548 (A) In this section, "director" means the director of Austin Water.

549 (B) A retail customer of Austin Water who takes water from the City's public
550 water system for operation of one or more evaporative cooling towers may

551 receive an adjustment in the calculation of the monthly wastewater billing
552 for the amount of evaporated water not returned to the City's wastewater
553 system (Evaporative Loss Adjustment) provided that all of the following
554 conditions are met:

- 555 (1) Written application required. For each customer utility account for
556 which the customer desires to receive the evaporative loss adjustment,
557 the customer must make written application to the director and receive
558 written approval from the director in accordance with this article. The
559 customer application for approval to receive the evaporative loss
560 adjustment shall be made on a form provided by the director for this
561 purpose.
- 562 (2) Application and processing fee. The application shall be accompanied
563 by the customer's payment to Austin Water of a non-refundable
564 processing fee for handling, analysis and processing of the application
565 and appurtenant materials for the premises housing the subject cooling
566 tower installation. Payment of a fee under this section does not excuse
567 the payment of fees required by other city codes and ordinances for
568 permits, inspections, or other approvals necessary for lawful
569 installation of facilities required by this chapter. The fee is set by
570 separate ordinance.
- 571 (3) Submeter installation by customer required. An applicant desiring to
572 receive the evaporative loss adjustment must install, at the customer's
573 sole expense, for each cooling tower or set of cooling towers,
574 submetering equipment of a size, type, design, number, location and
575 configuration approved by the director to measure accurately both the
576 amount of water that is taken into the cooling tower or set of towers
577 (commonly referred to as a "makeup meter," referred to in this section
578 as the "intake meter") and to measure the amount of water that is
579 discharged from the cooling tower(s) into the City's wastewater
580 system (commonly referred to as a "blowdown meter," here referred
581 to as the "discharge meter").
- 582 (4) Authority to require electronic readout, radio or computer controlled
583 data transmittal equipment. In addition to intake and discharge
584 submeters conforming to this section, a customer desiring approval to
585 receive the evaporative loss adjustment shall install, at the customer's
586 sole expense, the readout equipment or data transmittal equipment of
587 a size, type, design, number, location and configuration as the director
588 may determine to be necessary for the safe, accurate and efficient

589 reading of the intake and discharge meters required to be installed by
590 the customer.

591 (5) Special conditions. The director may prescribe special conditions for
592 approval of the evaporative loss adjustment that the director
593 determines are necessary because of particular circumstances relating
594 to the nature of the cooling tower installation or other operations
595 conducted on the subject premises including special conditions
596 concerning:

- 597 a) the number, size, design, location, configuration or security of
598 intake and discharge meters,
- 599 b) installation of readout and data transmittal equipment,
- 600 c) reconfiguration of plumbing servicing the subject premises or
601 cooling tower installation,
- 602 d) access to submetering, readout and data transmittal facilities,
- 603 e) conditions for proper recording and reporting of water
604 consumption and discharge to the sewer system,
- 605 f) submeter read date(s),
- 606 g) elimination or metering of bypass plumbing,
- 607 h) securing or sealing of bypass plumbing,
- 608 i) meter reading and billing protocols,
- 609 j) meter maintenance protocols,
- 610 k) safety of applicant personnel, city personnel and third persons,
- 611 l) installation of backflow prevention devices or other measures
612 for protection of the potable water supply, and
- 613 m) other special conditions that the director determines are
614 necessary for the safe, proper and efficient installation,
615 operation and maintenance of the submetered installation and
616 the proper documentation, reporting, calculation and
617 administration of wastewater billings for the subject premises.

618 The evaporative loss adjustment shall be granted only in accordance
619 with the general conditions stated in this article and the special
620 conditions prescribed by the director. The director may reject an
621 application or revoke approval for receipt of the evaporative loss
622 adjustment for failure to comply with the special conditions

623 prescribed and the adjustment shall not be granted for any portion of
624 the billing cycle in which the customer has failed to comply with any
625 of the special conditions.

626 (6) Information required. The customer application for approval of the
627 evaporative loss adjustment shall:

628 (a) describe the processes or operations conducted on the subject
629 premises;

630 (b) describe the subject cooling tower installation, its location and
631 the location of primary city water meters;

632 (c) describe the size, type, design, number and location of backflow
633 prevention devices existing or proposed to be installed on the
634 subject premises;

635 (d) describe the size, type, design, number, location and
636 configuration of intake and discharge meters and appurtenances
637 proposed to be installed;

638 (e) describe the readout and data transmittal equipment and
639 appurtenances proposed to be installed by the applicant;

640 (f) demonstrate the feasibility of submetering the cooling tower
641 installation in accordance with all requirements of this section,
642 other applicable city codes and ordinances and sound
643 engineering, utility and billing practices;

644 (g) be accompanied by electronic copies, compatible with City of
645 Austin Development Services requirements, of the following
646 plumbing diagrams:

647 (i) water diagram plan view of the proposed installation;

648 (ii) water diagram elevation view of the proposed
649 installation;

650 (iii) drainage diagram plan view of the proposed installation;
651 and

652 (iv) drainage diagram elevation view of the proposed
653 installation;

654 (h) where the director determines the same to be necessary, the
655 applicant shall prepare and submit for review and approval by
656 the director plans and specifications for installation of readout

657 or data transmittal equipment required by the director to be
658 installed; and

659 (i) provide other and further information as the director shall
660 determine to be necessary for proper review and consideration
661 of the application.

662 (7) Review by director; grounds for rejection; proceedings upon rejection.
663 The director shall review and may reject an application that the
664 director determines is false, inaccurate, incomplete, fails to
665 demonstrate the feasibility of submetering the cooling tower
666 installation in accordance with this article, other applicable City codes
667 and ordinances and sound engineering, utility and billing practices, or
668 otherwise fails to conform to this article. If the director rejects the
669 application, the director shall notify the applicant in writing of the
670 rejection of the application and the reasons for rejection. If the
671 application is rejected, the applicant may, at its option, submit a
672 revised application conforming to this article for review and approval
673 without payment of another application and processing fee provided
674 that the revised application is received by the director within 90 days
675 of the initial rejection by the director. The director may extend the
676 time for resubmittal of the application upon written request by the
677 applicant demonstrating that good cause exists for the extension.

678 (8) Access for site review. If the director determines that a site review of
679 the cooling tower installation is necessary for proper consideration of
680 the application, the applicant shall provide the director access to the
681 subject cooling tower installation.

682 (9) Documentary requirements for reapplications or renewals under this
683 article, applications by customers whose previous agreement is
684 terminated, or applications in process prior to effective date of this
685 article. Where a customer had requested approval for receipt of the
686 evaporative loss adjustment prior to the effective date of this article
687 but no written agreement was executed, or where an application is
688 submitted by a customer who has received notice of the termination of
689 a prior written agreement for receipt of the evaporative loss
690 adjustment, or in the case of reapplications or renewal applications
691 under this article, the director may modify or waive the documentary
692 submittal requirements set forth above in a manner the director shall
693 determine to be just and equitable so long as:

- 694 (a) the director determines that information describing the cooling
695 tower installation, submeter facilities and appurtenances
696 sufficient for processing the application has been obtained from
697 the applicant;
- 698 (b) the director has conducted a site inspection of the submeter
699 facilities previously installed;
- 700 (c) the applicant has paid all applicable fees for processing the
701 application; and
- 702 (d) the applicant complies with all other requirements of this article
703 for receipt of the evaporative loss adjustment.
- 704 (10) Compliance with plumbing, electrical, cross-connection, mechanical,
705 conservation, and other ordinances. The applicant shall obtain all
706 permits, inspections, and approvals and otherwise comply with the
707 terms of the city's Plumbing Code, Electrical Code, Chapter 15-1
708 (*Cross Connection Regulations*), Industrial Waste Ordinance,
709 Mechanical Code, and other ordinances applicable to the installation
710 of the intake and discharge meters, readout and data transmittal
711 equipment, the discharge from the cooling tower installation, or water
712 efficiency standards and equipment.
- 713 (11) Unmetered bypass piping to be sealed. Any piping constituting or
714 capable of being utilized as an unmetered bypass of the discharge
715 meter installed (the unmetered bypass piping or unmetered bypass)
716 must be sealed in a manner specified by the director and the seal so
717 affixed thereon shall not be broken except following written or
718 telephonic notice to the director indicating the intent of the customer
719 to utilize the unmetered bypass piping and providing an estimate of
720 the time for completion of meter maintenance or other activity
721 requiring utilization of the unmetered bypass piping.
- 722 (12) Calibration and testing of intake and discharge meters and
723 appurtenances required prior to final approval of evaporative loss
724 adjustment. Prior to final approval by the director, the customer shall
725 retain a qualified independent meter calibration and testing firm
726 approval by the director to calibrate and test the intake and discharge
727 meters, and readout or data transmittal equipment if the installation of
728 same is required by the director, to ensure the proper calibration and
729 performance in accordance with American Water Works Association
730 standards for meter accuracy. The written results evidencing proper
731 calibration and performance of the equipment shall be forwarded to

732 the director as a condition for final approval to receive the evaporative
733 loss adjustment.

734 (13) Written notification by director of completion of requirements and
735 final approval for receipt of evaporative loss adjustment. The director
736 shall notify the applicant in writing of the completion of all
737 requirements for final approval for application of the evaporative loss
738 adjustment to wastewater billings for the subject cooling tower
739 installation.

740 (14) Approval for five year term; reapplication to receive evaporative loss
741 adjustment. Approval to receive the evaporative loss adjustment shall
742 be valid for a period of five years following which the applicant must
743 reapply under the then existing conditions for application and
744 approval of the evaporative loss adjustment. If the customer fails to
745 reapply for approval to receive the evaporative loss adjustment on or
746 before the expiration of the prior approval, wastewater billings to the
747 premises will be based on the standard wastewater billing method for
748 that premises metered water consumption, until the customer
749 reapplies and is again granted approval to receive the evaporative loss
750 adjustment.

751 (15) Adjustment effective first complete billing period following final
752 approval of submeter installation. Application of the evaporative loss
753 adjustment to customer billings shall commence with the first
754 complete billing cycle following inspection, testing and final approval
755 of the submetered installation and the director's issuance of a letter to
756 the customer acknowledging that all requirements for approval of the
757 evaporative loss adjustment have been completed and accepted.

758 (16) Annual calibration and testing of submeter installation required. In
759 order to continue receipt of the evaporative loss adjustment for each
760 calendar year in the five year period following final approval by the
761 director, the customer must have the intake and discharge meters
762 calibrated and tested for accuracy at least annually and forward
763 written evidence of the completion of same to the director on or
764 before the expiration of one calendar year from the date of the
765 previous calibration and testing.

766 (17) Operation and maintenance in accordance with manufacturer's
767 specifications. The applicant shall, at all times, operate and maintain
768 the intake and discharge meters, readout and data transmittal
769 equipment in accordance with the manufacturer's specifications for

770 same and in accordance with American Water Works Association
771 standards for meter accuracy. A submeter not meeting the above
772 standards for accuracy must be repaired or replaced and recalibrated
773 to conform to the American Water Works Association standards for
774 accuracy. In the event that a submeter stops registering or otherwise
775 becomes inaccurate, the evaporative loss adjustment shall be adjusted
776 back to the beginning of the inaccuracy. If the beginning date of the
777 inaccuracy cannot be determined, the adjustment period will be one-
778 half the time from the last submeter test date.

779 (18) Submetered installation subject to inspection and testing by the city.
780 The intake and discharge meters, readout and read data transmittal
781 equipment installed by the customer shall be subject to inspection and
782 testing by the director at any time. The customer shall ensure access
783 for the purpose of the inspection and testing without delay at all times.

784 (19) Monthly customer submeter reading and transmittal of submeter
785 reading data to director. In order to receive the evaporative loss
786 adjustment for each monthly billing cycle, the customer approved to
787 receive the evaporative loss adjustment must read correctly the intake
788 and discharge meters on the same day that the city meter readers read
789 the city water meters for the subject premises (the city meter read
790 date) and before the close of business on the city meter read date, the
791 customer shall transmit the submeter reading data to the director by
792 the method designated by the director, which may include telephone,
793 telefax, email, radio, or computer controlled data transmittal
794 equipment. The director shall notify the customer in writing of the
795 approved city meter read date on which the intake and discharge
796 meters must be read and reported to the director.

797 (20) No evaporative loss adjustment in which customer fails to transmit
798 submeter read data on city meter read date, unless exception
799 authorized. The evaporative loss adjustment shall not be granted for
800 any monthly billing cycle in which the customer has failed to read the
801 intake and discharge meters and transmit the submeter readings to the
802 director before the close of business on the city meter read date,
803 unless the customer has been granted an exception by the director
804 under other ordinance or City Code provisions. In addition, in the
805 event of the failure by the customer to report or transmit the required
806 submeter readings on the city meter read date, the customer's
807 wastewater bill for the monthly billing cycle in question shall be

808 determined on the basis of the standard wastewater billing method for
809 the premises.

810 (21) Calculation of wastewater bill for premises for which the evaporative
811 loss adjustment has been approved. The following rules shall apply to
812 the calculation of the wastewater bill for premises for which the
813 evaporative loss adjustment has been approved:

814 (a) The amount of evaporative loss shall be determined for each
815 monthly billing cycle by the readings of the intake and
816 discharge meter(s) reported to the director in accordance with
817 this article unless the director determines that the meter
818 readings are false, inaccurate or otherwise unreliable in which
819 case the evaporative loss adjustment shall not be granted for the
820 subject billing period.

821 (b) Nothing in this section shall be construed to permit or require
822 the retroactive application of this article or the adjustment or
823 recalculation of the wastewater bill of a customer for any
824 monthly billing cycle or portion occurring prior to final
825 approval by the director of the customer's application for receipt
826 of the evaporative loss adjustment.

827 (c) The amount of evaporative loss determined by readings of the
828 intake and discharge meters shall not be subtracted from the
829 winter average water consumption in the calculation of the
830 wastewater bill for the customer premises for which the
831 evaporative loss adjustment has been approved.

832 (d) Subject to any special billing conditions or protocol approved
833 by the director, and subject to this article, for customers having
834 a City water meter used to service the building (including the
835 cooling towers) and an irrigation system, the wastewater bill for
836 the premises for which the evaporative loss adjustment has been
837 approved shall be calculated as follows:

838 (i) For each year following approval of the customer
839 application for receipt of the evaporative loss adjustment,
840 a revised wastewater average for the customer premises
841 housing the approved cooling tower installation (Revised
842 Wastewater Average) shall be established. The Revised
843 Wastewater Average shall be the daily average of the
844 differences between the readings of the City water meter
845 and the readings of the customer's intake meter for the

846 months during the standard wastewater averaging period,
847 multiplied by 30.4, the average number of days in a
848 month.

849 (ii) Once the revised wastewater average for the customer
850 premises is established in the above manner, the
851 wastewater volume for the ensuing months will be the
852 revised wastewater average so established or the actual
853 water consumption determined by the readings of the
854 City water meter(s) for each billing cycle, whichever is
855 less, plus the volume of cooling tower blowdown
856 determined by the discharge meter reading(s) for each
857 monthly billing cycle.

858 (iii) The volume of wastewater derived in accordance with
859 (ii) above shall then be multiplied by the wastewater rate
860 for the applicable customer class and the monthly
861 charges established by the city council shall be added to
862 the total to derive the wastewater bill for the customer
863 premises.

864 (iv) A revised wastewater average for the customer premises
865 shall be established as set forth above in the winter
866 months for each year of the five year term that the
867 approval for the evaporative loss adjustment is in effect.

868 (v) For any year in which a revised wastewater average for
869 the customer premises cannot be derived as set forth
870 above due to the timing of the application or approval of
871 the evaporative loss adjustment, the wastewater volume
872 will be based on the actual water consumption for
873 customer premises determined by the reading of the city
874 water meter for each monthly billing cycle less the
875 volume of cooling tower makeup water determined by
876 the intake meter in the monthly billing cycle plus the
877 volume of cooling tower blowdown water discharged to
878 the city's wastewater system determined by the discharge
879 meter reading for the monthly billing cycle.

880 (e) Subject to any special conditions or billing protocol approved by
881 the director, wastewater billings for those utility customers
882 having one or more city water meters to service the building

883 (including the cooling towers) and one or more separate city
884 water meters used solely to service an irrigation system will not
885 be based on the standard wastewater average method or the
886 revised wastewater average calculation described in
887 Subparagraph (d) but will be calculated as follows:

888 (i) for each billing period following approval of the
889 customer application for receipt of the evaporative loss
890 adjustment, the difference between the intake meter
891 reading and the discharge meter reading shall be
892 subtracted from the actual water consumption for the
893 building (including the cooling towers) determined by the
894 readings of the city meters servicing the building (and
895 cooling towers) for each monthly billing cycle; and

896 (ii) the volume of wastewater derived in accordance with
897 Subdivision (i) shall be multiplied by the wastewater rate
898 for the applicable customer class and the monthly
899 charges established by the city council shall be added to
900 the total to derive the wastewater bill for the building
901 utility account.

902 (f) Subject to any special billing conditions or protocol approved by the
903 director, for customer premises that have one or more separate city
904 water meters that service both an irrigation system as well as one or
905 more cooling towers (but not the building proper), or for customer
906 premises having one or more separate city water meters used solely to
907 service the cooling tower(s) (but not the building proper), the
908 wastewater bill for the utility account(s) servicing the cooling tower(s)
909 shall be calculated by multiplying the wastewater volume determined
910 by the discharge meter reading for each monthly billing period by the
911 rate for the applicable customer class and the customer account charge
912 established by the city council shall be added to the total to derive the
913 wastewater bill for the utility account.

914 (22) Flow metered installations not eligible. Customer premises whose
915 total wastewater discharge to the City's wastewater system (meaning
916 the discharge from all buildings, cooling towers and other installations
917 on the site) is monitored by one or more wastewater flow meters
918 whose installation has been separately approved by the director are
919 not eligible to receive the evaporative loss adjustment.

