



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, Katherine Jashinski, Teresa Lutes		
Agenda Item			
Recommend approval of an ordinance to establish Chapter 15-13 of the Austin City Code and amend City Code Chapter 2-13 regarding treatment, monitoring, and reporting regulations for Onsite Water Reuse Systems to encourage the development of local, sustainable water supplies using alternative source waters in commercial buildings for non-potable uses.			
Amount and Source of Funding			
Funding for the administration of these code changes is included in Austin Water’s Fiscal Year 2020-2021 Approved Operating Budget.			
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:	November 17, 2020 – To be reviewed by the Resource Management Commission November 17, 2020 – To be reviewed by the Water and Wastewater Commission		
MBE/WBE:	N/A		

The 2018 Austin Integrated Water Resources Plan – Water Forward – includes strategies that require adoption of ordinances and incentives that would encourage and eventually require development of local, sustainable water supplies using alternative source waters (including rainwater, stormwater, A/C condensate, foundation drain water and graywater) for large commercial buildings for non-potable uses.

The proposed ordinance language establishes regulations for the treatment, monitoring, and reporting requirements for onsite water reuse systems. These regulations are based on the model local ordinance from the National Blue Ribbon Commission for Onsite Non-potable Water Systems, which is supported by a risk-based public health framework that was developed by an expert panel of researchers, practitioners and public health officials. The proposed regulations are necessary to ensure the reuse systems are designed, operated and maintained in a manner that is protective of public health, thereby increasing their acceptance and adoption in new development.

Along with these regulations, Austin Water is planning to administer a pilot onsite non-potable reuse incentive program. Grant awards are intended to help offset the installation costs of systems for development projects that voluntarily install and use onsite water reuse systems for non-potable water uses such as toilet flushing, cooling tower make-up water and irrigation. Through a proposed incentive program, projects that are able to offset at least 1,000,000 gallons of potable water each year will be eligible for \$250,000 in grant funding and projects that are able to offset at least 3,000,000 gallons per year will be eligible for \$500,000 in grant funding. The objectives of the pilot incentive program are to: 1) collect data on the costs to install and maintain an onsite water reuse system; 2) encourage adoption of onsite water reuse in new development under the new regulatory framework; and 3) help to establish an efficient permitting process within the City's development review process in anticipation of future ordinances requiring on-site non-potable reuse in large commercial buildings. In accordance with City financial policy, for grant awards exceeding administrative authority levels, Austin Water will seek future Council approvals for individual grant awards under this pilot grant program.

Separately, staff anticipates future Land Development Code (LDC) revisions that would include provisions to require large development projects to install an Onsite Water Reuse System. The proposed ordinance that is the subject of this RCA would establish Chapter 15-13 of the Austin City Code regarding treatment, monitoring, and reporting regulations for Onsite Water Reuse Systems. In addition, the planned pilot grant that is the subject of this RCA would establish an incentive program for large development projects to voluntarily install an Onsite Water Reuse System prior to implementing mandatory requirements for large-scale developments.

Two public stakeholder workshops were held in the Summer of 2019 to develop a phased regulatory approach. Phase 1 includes a voluntary, incentivized program to address stakeholder concerns related to system costs, streamlined permitting and successful project implementation prior to entering Phase 2. Phase 2, anticipated to be implemented three years after Phase 1, includes a mandatory program where development projects over 250,000 square feet in gross floor area will be required to install and use an Onsite Water Reuse System. Phase 2 is dependent on adoption of the Land Development Code revisions, or another ordinance specifying future mandatory use of Onsite Water Reuse Systems.

A more recent 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.

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- (B) This chapter does not apply to Alternative Water Source systems:
- (1) on properties where retail water service is provided by an entity other than Austin Water or successor department;
 - (2) on properties containing only one- or two-family dwellings which includes detached one- and two-family dwellings and multiple single-family dwellings (townhouses);
 - (3) constructed for industrial process wastewater reuse regulated under Chapter 210 Subchapter E (*Special Requirements for Use of Industrial Reclaimed Water*) of Title 30 of the Texas Administrative Code; or
 - (4) constructed for blackwater or domestic wastewater reuse that are regulated under Chapters 210 (*Use of Reclaimed Water*) and 321 (*Control of Certain Activities by Rule*) of Title 30 of the Texas Administrative Code.

§ 15-13-2 – RULEMAKING.

- (A) The director may promulgate regulations and procedures to implement and interpret this chapter in accordance with applicable state and federal law.
- (B) The director shall adopt the rules according to the procedure of Chapter 1-2 (*Adoption of Rules*) of the Code.
- (C) Rules and procedures adopted under this chapter may regulate:
- (1) the usage, permitting, treatment, monitoring, reporting, and compliance requirements of Onsite Water Reuse Systems (OWRS); and
 - (2) other factors the director believes are necessary for the safe and effective use of OWRS.

§ 15-13-3 – AUTHORITY.

The director shall administer, implement, and enforce provisions of this chapter.

§ 15-13-4 – DEFINITIONS.

The following terms are applicable to this chapter:

- (1) AIR GAP means a physical separation between the free flowing discharge end of a potable water system pipeline and an open or non-pressure receiving vessel as defined in Section 290.38 (*Definitions*) of Title 30 of the Texas Administrative Code.
- (2) ALTERNATIVE WATER SOURCE means a source of non-potable water that may include any of the following: condensate water, graywater, rainwater, stormwater, foundation drain water, and any other source approved by the director.
- (3) BLACKWATER means the same thing as DOMESTIC WASTEWATER.
- (4) CERTIFIED LABORATORY means an environmental testing laboratory certified by an accepted state accreditation program or the National Environmental Laboratory Accreditation Program. Laboratories must be certified to perform each test for which they are providing results.
- (5) CONDENSATE WATER means water produced in a heating, ventilation and air conditioning (HVAC) system as the result of evaporative cooling.
- (6) CONTINUOUS MONITORING means ongoing confirmation of system performance using sensors for continuous observation of selected parameters, including surrogate parameters that are correlated with pathogen log reduction targets (LRTs).
- (7) COOLING TOWER MAKEUP WATER means water added to a cooling tower to replace water lost to evaporation or blow-down.
- (8) CROSS CONNECTION means an actual or potential connection to a public or private water system through which it is possible to introduce contamination or pollution.
- (9) DIRECTOR means the director, or their designee, of Austin Water or successor department.

- (10) DISINFECTION means a physical or chemical process, including, but not limited to, ultraviolet radiation, ozonation, and chlorination that is used for removal, deactivation, or killing of pathogenic microorganisms.
- (11) DISTRICT-SCALE PROJECT means an OWRS for a defined service area that covers two or more lots, tracts, land uses, or site plans and may cross public rights-of-way.
- (12) DOMESTIC WASTEWATER means wastewater which originates primarily from kitchen, bathroom, and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers, and sinks of a residential dwelling. Domestic wastewater may contain commercial wastewater contributions.
- (13) EFFLUENT means water leaving one or more of the treatment unit processes in an OWRS.
- (14) ENFORCEABLE LEGAL AGREEMENT means a legally enforceable agreement defining the roles and responsibilities of each property owner or entity acting as a permittee, Supplier, or User of an OWRS.
- (15) FIRST FLUSH DIVERTER means a device operated by mechanical float valves or other types of automatic control that diverts a quantity of roof runoff collected from a surface following the onset of a rain event.
- (16) FOUNDATION DRAIN WATER means groundwater that is extracted to maintain a building's or facility's structural integrity and would otherwise be discharged to the storm sewer. Foundation drain water does not include groundwater extracted for a beneficial use that is subject to City groundwater well regulations or to regulation by a groundwater district.
- (17) GRAYWATER means wastewater from showers, bathtubs, handwashing lavatories, sinks that are used for disposal of household or domestic products, sinks that are not used for food preparation or disposal, and clothes-washing machines. Graywater does not include wastewater from the washing of material, including diapers, soiled with human excreta or wastewater that has come into contact with toilet waste.

- (18) LEGACY SYSTEM means an OWRS installed prior to the effective date of this chapter.
- (19) LOG REDUCTION means the removal of a pathogen or surrogate in a unit process expressed in log units. A 1-log reduction equates to 90% removal, 2-log reduction to 99% removal, 3-log reduction to 99.9% removal, and so on.
- (20) LOG REDUCTION CREDIT means the log reduction value credited to a treatment technology based on the technology's ability to remove or inactivate pathogens and proposed surrogate parameter for continuous monitoring.
- (21) LOG REDUCTION TARGET (LRT) means the required removal efficiency for the specified pathogen group (e.g., viruses, bacteria, or protozoa) to achieve the identified level of risk to individuals (e.g., 10⁻⁴ infections per year).
- (22) MONITORING REPORT means a report documenting the operation and water quality results of an OWRS permitted under this chapter.
- (23) NON-POTABLE WATER means water that is not of drinking water quality, but which may be treated to be used for many other purposes such as irrigation/landscaping and toilet/urinal flushing.
- (24) OPERATIONS AND MAINTENANCE MANUAL means a document providing comprehensive information about the OWRS operation, maintenance, and repair.
- (25) OWRS means an onsite water reuse system in which water from local sources is collected, treated, and used for non-potable uses at the building to district/neighborhood scale, generally at a location near the point of generation.
- (26) OWRS ANNUAL REPORT means a report form or template developed by the director identifying and describing the compliance of the OWRS with this chapter and the limits and conditions established by the permit.
- (27) OWRS ENGINEERING REPORT means a report form or template developed by the director which is submitted by a project applicant

describing the OWRS in accordance with the program rules adopted by Austin Water.

(28) PERMIT means a City permit to operate an OWRS.

(29) PERMITTEE means the person(s) who holds a City permit to operate an OWRS. A permittee must hold legal possession or ownership of a total or partial interest in the structure or property served by the OWRS.

(30) PROCESS WATER means water used during manufacturing or processing that is not required to be of drinking water quality.

(31) PROJECT APPLICANT means the person or entity applying for initial authorization to install an OWRS.

(32) RAINWATER means precipitation or diffused surface water collected from roof surfaces or other above ground structures.

(33) RECLAIMED WATER means domestic or municipal wastewater which has been treated to a quality suitable for a beneficial use, but that is not suitable for drinking.

(34) SITE SUPERVISOR means in a district-scale project, the qualified person or entity designated by a user and/or a supplier to oversee the operation and maintenance of the on-site distribution system and/or collection system and to act as a liaison to the treatment system manager and/or permittee.

(35) STORMWATER means precipitation or diffused surface water collected from surfaces at or below grade before it enters the bed and banks of a state watercourse or state water body.

(36) SUPPLIER means an entity that supplies an untreated alternative water source to the OWRS for treatment and reuse. A supplier may also be a permittee or user.

(37) SURROGATE PARAMETER means a measurable physical or chemical property that has been demonstrated to provide a direct correlation with the concentration of an indicator compound, can be used to monitor the efficiency of trace organic compounds removals

by a treatment process, and provide indication of a treatment process failure.

(38) TREATMENT UNIT PROCESS means a physical, chemical or biological system that is intended to improve water quality. Examples include filtration, oxidation, adsorption, disinfection, and membrane filtration.

(39) TREATMENT SYSTEM MANAGER means the qualified person or entity responsible for the daily management and oversight of the OWRS.

(40) USER means an entity that accepts treated water from an OWRS for beneficial purposes within its area of occupancy. A user may also be a permittee or supplier.

(41) VALIDATION REPORT means a report documenting a detailed technology evaluation study that was conducted to challenge the treatment technology over a wide range of operational conditions.

(42) WATER BALANCE CALCULATOR means the calculator tool approved by the director that provides for the assessment of both potable and non-potable water demands as well as alternative water supplies for a development project.

§ 15-13-5 – ALLOWED ALTERNATIVE WATER SOURCES.

(A) Under this chapter, the following alternative water sources may be used to supply an onsite water reuse system:

(1) Condensate water;

(2) Rainwater;

(3) Stormwater;

(4) Graywater; and

(5) Foundation drain water.

(B) Other alternative water sources may be permitted if approved under the variance procedure described in division 7 of this chapter (*Variances and Permit Modifications*).

220 **§ 15-13-6 – ALLOWED USES.**

221 (A) Under this chapter, the following non-potable end uses may be met by
222 an onsite water reuse system:

223 (1) Indoor Use:

- 224 (a) Toilet and urinal flushing;
- 225 (b) Clothes washing in washing machines;
- 226 (c) Trap priming;
- 227 (d) Indoor decorative water features; and
- 228 (e) Fire protection.

229 (2) Outdoor Use:

- 230 (a) Subsurface irrigation;
- 231 (b) Drip or other surface non-spray irrigation;
- 232 (c) Spray irrigation;
- 233 (d) Outdoor decorative water features;
- 234 (e) Cooling applications; and
- 235 (f) Dust control or street cleaning.

236 (B) Other uses of alternative water sources may be permitted if approved
237 under the variance procedure described in division 7 of this chapter
238 (*Variances and Permit Modifications*).

239 **§ 15-13-7 – GENERAL REQUIREMENTS.**

240 (A) Before initiating installation of any OWRS, a project applicant shall
241 submit to the director an application for a permit to operate an OWRS.
242 The application shall comply with the requirements of this chapter and
243 rules promulgated by the director. Project applicants shall pay a non-
244 refundable permit application fee to cover the costs of reviewing the
245 application, processing the application, and issuing the permit.

(B) A project applicant shall also obtain an appropriate plumbing permit and any other building or installation permit required to construct, install, or alter an OWRS. Each parcel within a district-scale project shall obtain appropriate plumbing, mechanical, or any other building or installation permits required by applicable law.

(C) A project applicant shall also obtain appropriate authorization for placement of any piping or other portions of an OWRS within the public right-of-way.

§ 15-13-8 – PERMIT REQUIREMENTS.

(A) A permit from the director is required for the operation of an OWRS with the following exceptions:

(1) A permit is not required for an OWRS that serves one- or two-family dwellings, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress, and the dwelling's accessory structures.

(2) A permit is not required for condensate water, rainwater, stormwater, graywater, or foundation drain water sourced systems constructed in accordance with applicable plumbing codes and used solely for subsurface irrigation, or for surface non-spray irrigation.

(3) A permit is not required for a legacy system until and unless the OWRS is modified or expanded to include a new allowable alternative water source or new allowable end use. Legacy systems that are modified or expanded are required to be permitted in accordance with this chapter.

(B) A person operating a system without a valid permit shall be subject to penalty.

(C) A person installing an OWRS which is exempt from the permitting requirements in Subsection (A)(2) shall not install the OWRS until the person has submitted to the director a water balance calculator, and other applicable project information, and has received approval by the director for the installation of the OWRS.

280 § 15-13-9 – PERMIT APPLICATION.

281 (A) Any person submitting a permit application for an OWRS must
282 provide the following elements to the director:

283 (1) Water balance calculator:

284 (a) Project applicants shall submit a water balance calculator
285 to the director for review and approval.

286 (b) The water balance calculator shall include a description
287 and location of the proposed or existing OWRS, project
288 summary of water demands and supplies, and other
289 applicable information.

290 (c) The water balance calculator must identify any and all
291 user and supplier data.

292 (2) Application for a permit and fee:

293 (a) Project applicants shall submit an application for a permit
294 to operate an OWRS to the director accompanied by the
295 appropriate fee. The fee shall be set by separate
296 ordinance.

297 (3) Engineering report:

298 (a) Project applicants shall submit an OWRS engineering
299 report to the director for review and approval.

300 (b) The engineering report shall be prepared by a qualified
301 engineer licensed in Texas and experienced in the field of
302 water and wastewater treatment and shall include all
303 items prescribed by the director for the OWRS.

304 (c) The engineering report will not be reviewed unless and
305 until all applicable fees have been paid.

306 (d) The director may request revisions to initial and
307 subsequent engineering report submittals.

(e) The director shall provide a response to project applicants within 30 days of receipt of an initial or revised engineering report.

(B) An OWRS permit application expires one year from the date of submittal if the engineering report has not been approved. A new application will be required for a permit.

§ 15-13-10 – PERMIT ISSUANCE.

(A) The following are required documents for a permit to operate an OWRS:

- (1) A finalized operations and maintenance manual that complies with the requirements set forth in section 15-13-36 (*Operations and Maintenance Manual*);
- (2) An affidavit signed by the designated treatment system manager that verifies knowledge, skills, abilities, and training to operate the permitted system;
- (3) Evidence of a contract with a certified laboratory to perform water quality analysis;
- (4) Evidence of satisfactory performance of an initial cross connection test overseen by certified personnel from Austin Water's Special Services Division or other certified personnel as determined by the director;
- (5) Valid business registration;
- (6) Proof of payment of annual license fee; and
- (7) For district-scale projects only, an executed enforceable legal agreement as described in Section 15-13-39 (*Enforceable Legal Agreement*);

(B) If the OWRS differs in any way from the approved engineering report, the project applicant must submit an updated engineering report to the director. Any modifications to the system are subject to review and approval by the director.

- 338 (C) The engineer who received approval for the OWRS engineering report
339 must conduct a construction verification inspection in the presence of
340 the director. Any deficiencies noted at the time of inspection must be
341 corrected in accordance with the approved engineering report.
- 342 (D) After the construction verification inspection is finished and any
343 deficiencies corrected, the licensed engineer must submit to the
344 director on company letterhead, a signed and stamped certification
345 letter stating that the OWRS was constructed in accordance with the
346 approved engineering report, professionally certified plans,
347 specifications, and applicable sections of state and local code. The
348 letter must also address how any deficiencies noted during the
349 construction verification inspection were corrected.
- 350 (E) When the director determines the applicant has satisfied all the
351 requirements of this chapter, the director will issue a permit for the
352 operation of the OWRS to the permittee. A permit to operate will be
353 valid for one year from the date of issuance. Permits must be renewed
354 annually by the permittee as specified in section 15-13-13 (*Permit*
355 *Renewal*) of this chapter.
- 356 (F) The permittee must comply with all the requirements of this chapter to
357 maintain a valid permit, these requirements include applicable
358 sampling, analysis, and reporting requirements.

359 **§ 15-13-11 – CONDITIONAL STARTUP MODE PERMIT CONDITIONS.**

360 The conditional startup mode allows for an initial system start-up period to
361 operate the OWRS and confirm the system is performing per the approved
362 engineering report.

- 363 (1) The duration of the conditional startup mode period shall be 90 days,
364 unless the director determines that a shorter or longer start-up period
365 will best serve public health. The conditional startup mode allows for
366 field verification of the OWRS treatment processes, instrumentation,
367 water quality sampling, and any other criteria or aspects related to the
368 OWRS and its operation that the director deems necessary to include
369 in the field verification. If conditional startup requirements are not
370 met 366 days from permit issuance, the permit will expire, and a new
371 application must be submitted and approved.

(2) During the conditional startup mode period, the permittee shall monitor applicable surrogate parameters, and send water samples for analysis by a certified laboratory at the applicable frequencies required in division 4 (*Monitoring, Sampling, Reporting, and Notification Requirements*). The permittee shall submit results of laboratory analysis along with a finished and signed monitoring report to the director at the frequencies required in division 4.

(3) During conditional startup mode, systems must comply with all requirements of the permit as set forth in this chapter.

§ 15-13-12 – FINAL USE MODE PERMIT CONDITIONS.

The final use mode allows for ongoing operation of the OWRS after conditional startup mode.

(1) On completion of the conditional startup mode period, the director will revise the permit to final use mode. The final use mode applies only if all permit conditions and requirements are met.

(2) During final use mode, the permittee shall monitor applicable surrogate parameters, and submit water samples for analysis by a certified laboratory as applicable at the frequencies required in division 4 (*Monitoring, Sampling, Reporting and Notification Requirements*). The permittee shall submit results of laboratory analysis along with a finished and signed monitoring report to the director at the frequencies required in division 4. Subject to the treatment processes used in the OWRS, it may be possible to minimize or eliminate water quality sampling requirements after the conditional startup mode by continuously monitoring treatment system performance via surrogate parameters as detailed in division 4 (*Monitoring, Sampling, Reporting and Notification Requirements*).

(3) Applicable sampling, analysis, and reporting requirements must be continually met for the permit to remain valid.

(4) During final use mode, systems must comply with all requirements of the permit as set forth in this chapter.

§ 15-13-13 – PERMIT RENEWAL.

A permittee shall renew their permit annually by submitting a renewal application and paying the annual license fee. In reviewing the application, the director may require additional information or require the renewal applicant to take actions to comply with the requirements of this chapter. If a permittee fails to take required actions or pay the annual license fee, the permit is suspended and the permittee shall stop operation of the OWRS until the permittee takes the required actions or pays the fees. Regarding any non-compliance with this chapter the director may also take other enforcement actions the director deems necessary.

§ 15-13-14 – PERMIT MODIFICATION.

(A) The director may modify a permit issued under this chapter when::

- (1) a permittee submits a written request to modify the permit; or
- (2) the director determines that a modification is required to protect the public health and safety.

For a district-scale project, the director may modify a permit issued under this chapter if a supplier, permittee, or user changes. A written request for a permit modification must be on a form approved by the director and include a fee that is set by separate ordinance.

§ 15-13-15 – PERMIT TRANSFER FOR CHANGE OF OWNERSHIP.

Before a permittee transfers the property with the permitted OWRS, they must notify the director of the proposed transfer 30 days before the date of transfer. The permittee must also inform the buyer of the property of the requirements for maintaining the OWRS. A permit may be transferred if the new owner submits a complete change of ownership form and the director finds that the new owner will operate consistent with prior approvals. A request to transfer a permit must include a new water balance calculator if the existing system will not be operated consistent with a previously accepted engineering report.

§ 15-13-16 – FEES AND CHARGES.

Fees and charges assessed under this chapter shall be set by council under a separate ordinance.

Division 2 – System Design Requirements.

§ 15-13-17 – CROSS-CONNECTION CONTROL AND MAKE-UP WATER SUPPLY.

(A) The permittee shall finish cross-connection testing in accordance with Chapters 15-1 and 25-12 prior to initial operation of the system and at intervals thereafter as mandated.

(B) The permittee must protect the municipal water connection serving properties with OWRS by installing a containment Reduced Pressure Principle Backflow Prevention Device (RP) immediately downstream of the point of connection or water meter to protect the public water or recycled water system.

(C) For an OWRS the permittee must provide for a municipally supplied make-up water supply protected by either an air gap for graywater sourced systems, or a RP for non-sewage sourced systems.

§ 15-13-18 – FAIL-SAFE MECHANISMS.

The permittee must equip all systems with features that result in a controlled and non-hazardous automatic shutdown of the process in the event of a malfunction.

§ 15-13-19 – FLOW METER.

For all properties collecting, treating, receiving, or distributing water from an OWRS the permittee shall include a flow meter on the treated OWRS distribution system and a flow meter on the potable make-up water pipeline to the OWRS.

§ 15-13-20 – OVERFLOW.

The permittee shall design and construct facilities on all properties treating and storing water from an OWRS to include overflow connections to the sanitary or storm sewer system as follows:

- (1) a permittee shall only permit overflow of graywater to drain to the sanitary sewer and shall ensure the graywater enters the sanitary sewer through an approved backwater valve;
- (2) A permittee may permit condensate water to overflow to the sanitary sewer or to another approved discharge location. The permittee shall ensure the condensate water enters the sanitary sewer through an approved backwater valve; and
- (3) A permittee shall ensure that rainwater, stormwater and foundation drain water only overflow to the storm sewer through an approved backwater valve and do not enter the sanitary sewer.

§ 15-13-21 – PLUMBING CODE COMPLIANCE.

For all properties collecting, treating, receiving, or distributing water from an OWRS the permittee shall include components or design features as required by applicable local and state plumbing codes, including:

- (1) required signage maintained in good condition and free from damage or removal;
- (2) for rainwater systems, a first flush diverter or debris excluder;
- (3) tanks that receive or store untreated graywater which are properly vented; and
- (4) a filter permitting the passage of particulates no larger than 100 microns for OWRS supplying non-potable water to toilets, urinals, trap primers, and drip irrigation systems.

§ 15-13-22 – IRRIGATION SYSTEM REQUIREMENTS.

For an OWRS providing non-potable water for irrigation purposes the permittee shall design and operate the OWRS in accordance with the following:

- (1) a permittee shall not apply treated alternative water sources to designated irrigation areas during periods when soils are saturated and could lead to runoff;

- 490 (2) a permittee shall not allow treated alternative water sources to
491 escape the designated irrigation areas as surface flow or spray
492 that would either pond or enter surface waters;
- 493 (3) a permittee shall not allow irrigation spray or runoff caused by
494 irrigation to enter a dwelling or food handling facility, or
495 contact any drinking water fountain, unless specifically
496 protected with a shielding device; and
- 497 (4) a permittee shall not use graywater sourced systems for outdoor
498 irrigation within the Edwards Aquifer Recharge Zone or within
499 critical water quality zones.

500 **§ 15-13-23 – COOLING APPLICATION REQUIREMENTS.**

501 For any OWRS that serves a cooling tower, or other process that could
502 create a mist which could contact employees, members of the public, or building
503 occupants, a permittee shall comply with the following:

- 504 (1) A permittee shall use a drift eliminator whenever the cooling
505 system is in operation;
- 506 (2) A permittee shall use chlorine or other biocide to treat the
507 cooling system recirculating water to minimize the growth of
508 Legionella and other microorganisms; and
- 509 (3) A permittee shall include a management plan in the approved
510 operations and maintenance manual.

511 **§ 15-13-24 – VECTOR AND ODOR CONTROL.**

- 512 (A) A permittee shall construct and maintain an OWRS to prevent
513 mosquito harborage. A permittee shall screen all drains, vents, and
514 other conduits that lead to the system reservoir with a durable fine
515 mesh sized not greater than one sixteenth of an inch. A permittee shall
516 firmly install the mesh in an area that is easily accessible for cleaning,
517 inspection and replacement. The permittee shall ensure no gaps exist
518 around the mesh.
- 519 (B) A permittee shall seal with a durable, waterproof, non-porous material
520 all annular gaps around pipes feeding the reservoir. A permittee shall
521 install a durable gasket with no gaps around the door openings to the

reservoir. A permittee shall either seal or screen other gaps to the reservoir as specified above.

(C) A permittee shall ensure that all systems control odors.

(D) A permittee shall ensure that the treatment, storage, distribution, reuse, or discharge of alternative water sources does not create a nuisance or threaten human health by discharging or exposing alternative water sources in a manner that makes them a potential instrument or medium in the transmission of disease to or between persons.

Division 3. – Water Quality Requirements.

§ 15-13-25 – WATER QUALITY REQUIREMENTS.

(A) A permittee shall design and operate an OWRS to achieve the water quality requirements in this division.

(B) To meet the pathogenic microorganism control requirements for enteric virus, parasitic protozoa, and bacteria, a permittee must install treatment processes that achieve LRTs as shown in Table 1.

Table 1: Pathogen Log Reduction Targets

Alternate Water Source	Enteric Virus	Parasitic Protozoa	Bacteria
Condensate Water	--	--	--
Rainwater	--	--	3.5
Stormwater	3.5	3.5	3.0
Stormwater Outdoor Use Only	3.0	2.5	2.0
Foundation Drain Water	3.5	3.5	3.0
Foundation Drain Water Outdoor Use Only	3.0	2.5	2.0
Graywater	6.0	4.5	3.5

Graywater Outdoor Use Only	5.5	4.5	3.5
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- (C) A permittee shall design, operate and maintain an OWRS to meet the total Coliform limits in Table 2, as well as the LRTs for bacteria during conditional startup mode. If the LRTs for bacteria cannot be achieved, the permittee shall design, operate and maintain the OWRS to meet total Coliform sampling requirements during final use mode.

Table 2: Water Quality Limits for Total Coliform

Sample Type	Water Quality Limit	Required U.S. EPA Standard Method
7-sample median	2.2 MPN / 100 mL	SM9223B
30-day maximum	23 MPN / 100 mL	
Absolute maximum	240 MPN / 100 mL	

- (D) The permittee shall disinfect with chlorine, ozone, ultraviolet radiation, or other approved agent for all uses with potential for human contact.
- (E) For OWRS effluent used for indoor uses the permittee must maintain a minimum chlorine residual of 0.5 mg/L at or after entry to the plumbing of the distribution system.

§ 15-13-26 – GRAYWATER TREATMENT SYSTEMS.

- (A) For graywater treatment systems the permittee must include a biological treatment process to remove particulate matter, biodegradable organics, and ammonia from graywater prior to use for non-potable applications.
- (B) In addition to achieving the LRTs in Table 1, the permittee shall operate all graywater treatment systems in a manner that meets the water quality requirements established in Table 3.

Table 3. Water Quality Requirements for Graywater Treatment Systems.

Parameter	Water Quality Limit	Required U.S. EPA Standard Method
Biochemical Oxygen Demand (BOD ₅)	25 mg/L	SM5210B
Total Suspended Solids (TSS)	30 mg/L	SM2540D

Division 4. – Monitoring, Sampling, Reporting, and Notification Requirements.

§ 15-13-27 – PATHOGENIC MICROORGANISM CONTROL LOG REDUCTION CREDITS AND CONTINUOUS MONITORING.

- (A) For treatment processes that are used to meet a log reduction target, the permittee shall ensure that each treatment process has continuous monitoring using the pathogenic microorganisms of concern or a microbial, chemical, or physical surrogate parameter(s) that verifies the performance of each treatment process's ability to achieve its credited log reduction.
- (B) The project applicant shall propose and include in their engineering report, for the director's review and approval, evidence that the treatment unit process can reliably and consistently achieve a specific log reduction value, including information on the required operating conditions and the type of continuous monitoring to be utilized. Table 4 summarizes the log reduction credits that will be granted for different unit processes and includes examples of required supporting information.
- (C) For unit processes which require a validation report, the permittee shall submit a validation report which includes evidence of the treatment technology's ability to reliably and consistently achieve the log reduction value, including information on the required operating conditions and surrogate parameters that require continuous monitoring. The permittee shall ensure submitted validation reports include a letter demonstrating the report has been accepted previously by a state public health official.

Table 4: Treatment Process Log Reduction Credits

Treatment Process	Maximum¹ Log Reduction Credits Virus/Protozoa/Bacteria	Information to be Included in an Engineering Report	Continuous Monitoring Requirements
Microfiltration or Ultrafiltration	0/4/0	Description and calculation of how the system defines an acceptable pressure decay test value per the EPA's Membrane Filtration Guidance Manual to detect 3.0 µm breach	Daily pressure decay test Effluent Turbidity
Membrane Biological Reactor (MBR)	1.5/2/4	Operation within the Tier 1 operating envelope ²	Effluent Turbidity
Reverse Osmosis	2/2/2 (Dependent on surrogate parameter)	Manufacturer's information indicating ability to reject sodium chloride and description of/rationale for surrogate parameter used to calculate log removal credits	Influent and Effluent Total Organic Carbon (TOC) Or Influent and Effluent Electrical Conductivity
Ultraviolet (UV) Light Disinfection	6/6/6 (Dose Dependent)	UV reactor's Validation Report following state-approved procedures ³ or	UV intensity Flow rate

		NSF/ANSI 55 Class A validated.	
Chlorine Disinfection	5/0/0 (CT dependent) Bacteria credit equivalent to virus credit can be granted if free chlorine is preceded by membrane filtration and up to 4-log removal for other filtration processes	Calculations demonstrating CT disinfection (CT = Chlorine Residual Concentration x Contact Time) Specifics on how concentration and contact time will be determined	Free chlorine residual Flow rate
Ozone Disinfection	4/3/4 ⁴ (CT dependent)	Calculations demonstrating CT disinfection (CT = Ozone Residual Concentration x Contact Time) Specifics on how concentration and contact time will be determined	Ozone residual Flow rate

¹ Projects may seek higher credit with site-specific validation, alternative surrogates, or other approved methods.

² Tier 1 operating envelope is defined in the AWRCE Membrane bio-reactor WaterVal validation protocol, Australian Water Recycling Center of Excellence (AWRCE), Brisbane.

³ UV Log Reduction Credits are reactor-specific and dose dependent. UV Validation Reports shall be prepared by a licensed engineer. Validation reports must provide evidence of reactor's ability to reliably and consistently achieve the log reduction value, including information on the required operating conditions and surrogate parameters that require continuous monitoring. The Validation Report shall document results based on validation testing finished utilizing one of the following: EPA UV Disinfection Guidance Manual (USEPA 2006), German

UV Devices for the Disinfection for Drinking Water Supply Standard (DVGW 2006), or NWRI UV Disinfection: Guidelines for Drinking Water and Water Reuse, 3rd edition (NWRI 2012). Submitted validation reports must include a letter demonstrating the report has been accepted previously by a state public health official.

⁴ Bacteria credit can be obtained for ozone according to the Tier 1 framework in the AWRCE Ozone WaterVal Validation protocol, which includes CT tables for waters with turbidity <0.15 NTU.

§ 15-13-28 – MONITORING AND SAMPLING.

(A) The permittee shall ensure that all operational water quality sampling and reporting requirements are undertaken by a qualified entity as approved by the director.

(B) The permittee shall perform water quality sampling for an OWRS in accordance with Table 5 and any other requirements listed in the permit to operate.

Table 5: Water Quality Sampling Requirements

Parameter	Rain/Condensate		Stormwater/Foundation Drain		Graywater	
	Startup	Final	Startup	Final	Startup	Final
Total Coliform ¹	Weekly for Rainwater	Monthly	Weekly	Monthly	Weekly	Monthly
Chlorine Residual	Continuously at entry to end-use plumbing					
LRTs	Continuously as specified in the approved engineering report					
BOD ₅	N/A	N/A	N/A	N/A	Weekly	Monthly
TSS	N/A	N/A	N/A	N/A	Weekly	Monthly

Flow	Continuously measuring alternative water treated by the OWRS
¹ Total coliform monitoring requirement may be eliminated after 12 consecutive months of consistent compliance.	

598

599 (C) For systems required to meet limits for total coliform, BOD or TSS
600 the permittee shall take samples from the disinfected effluent. The
601 permittee shall take chlorine residual measurements at or after entry to
602 the plumbing of the distribution system.

603 (D) The permittee shall collect water samples according to U.S. EPA
604 Wastewater Standard Methods for the Examination of Water and
605 Wastewater Method 9060B for analysis in a certified laboratory using
606 methods specified in Table 4, or through approved in-line monitoring
607 devices as detailed in the engineering report. The permittee shall
608 perform sample collection, transportation and analysis in a manner
609 that meets QA/QC standards of the labs, including maintenance of
610 required hold times and temperatures. The permittee shall ensure that
611 laboratory reports are signed by the laboratory director or a designee.
612 The permittee shall install instrumentation with continuous
613 monitoring capabilities when continuous monitoring is required.

614 (E) If a pathogen LRT or total coliform limit, as shown in Tables 1 and 2,
615 is not being met based on the continuous monitoring required, the
616 permittee shall notify the director in accordance with the malfunction
617 notification requirements as included in this chapter.

618 (F) On request, the permittee shall allow the director to be present during
619 required water quality sample collections.

620 **§ 15-13-29 – DIVERSION TO SEWER.**

621 (A) During conditional startup mode:

622 (1) The permittee shall divert treated graywater to the sanitary
623 sewer.

624 (2) The permittee shall divert treated condensate water to the
625 sanitary sewer or to another approved discharge location. The
626 director may allow condensate water treatment systems to

forego or end bypass conditions prior to the end of the conditional startup mode if the applicant submits a written request, and receives the director's approval in writing.

(3) The permittee shall divert treated rainwater, stormwater and foundation drainage to the storm sewer. The director may allow rainwater treatment systems to forego or end bypass conditions prior to the end of the conditional startup mode if the applicant submits a written request, and receives the director's approval in writing.

(4) The permittee shall ensure that all fixtures in the building are operated using the municipally supplied make-up water source.

(B) During final use mode, the permittee shall ensure that the OWRS is always be capable of diverting to sewer as prescribed in this section while still supplying makeup water to the end users in the event of a malfunction or water quality problem. Diversion to sewer is always required if a system fails to meet the required LRTs or limits for total Coliform in Tables 1 and 2.

§ 15-13-30 – ROUTINE REPORTING.

(A) The permittee shall submit monitoring reports to the director during conditional startup and final use modes in accordance with Table 6.

Table 6: Routine Reporting Frequency

Alternative Water Source	Routine Reporting Frequency ¹	
	Conditional Startup Mode	Final Use Mode
Rainwater/Condensate	Monthly	Annually
Stormwater	Monthly	Annually
Foundation Drain Water	Monthly	Annually
Graywater	Monthly	Annually

¹ Operational changes, system malfunctions, and/or monitoring results which are outside of the applicable water quality limits shall be reported within 24 hours.

- 648
- 649 (B) During conditional startup mode, on or before the 15th of each month,
- 650 the permittee shall report all required water quality laboratory results
- 651 and surrogate parameter instrumentation summaries from the previous
- 652 month. The permittee shall submit the data via a signed OWRS
- 653 monitoring report form provided by the director and shall include
- 654 attachments describing any breakdowns, upsets, bypasses, odors,
- 655 complaints, or other system operation anomalies.
- 656 (C) During final use mode, the permittee shall report annually,
- 657 notwithstanding notification requirements in section 15-13-32
- 658 (*Malfunction Notification*).

659 **§ 15-13-31 – ANNUAL REPORT.**

- 660 (A) The permittee shall submit an annual report to the director by January
- 661 15 for every year after the permit is issued and is effective. The annual
- 662 report shall include all items prescribed in the template for OWRS
- 663 annual reports, and will provide information regarding compliance of
- 664 the OWRS with this chapter and the limits and conditions established
- 665 by the permit.
- 666 (B) The annual report for systems that did not have a valid permit, but did
- 667 have an approved engineering report, shall include an analysis of the
- 668 feasibility of implementing changes to the existing treatment design or
- 669 instrumentation to conform to the LRTs and continuous monitoring
- 670 requirements of this chapter.
- 671 (C) The annual report shall be reviewed by, and signed by, the treatment
- 672 system manager and the permittee.

673 **§ 15-13-32 – MALFUNCTION NOTIFICATION.**

- 674 (A) The permittee shall notify the director of any malfunction that results
- 675 in, or is likely to result in, environmental harm, or increased public
- 676 risk. Malfunctions include, but are not limited to overflows,
- 677 unanticipated bypasses, or monitoring results outside of water quality
- 678 requirements for any of the parameters monitored.

679 (B) The permittee shall provide initial notification by email within 24
680 hours from the time the treatment system manager becomes aware of
681 the circumstances and include, as applicable:

682 (1) A description of the malfunction, including location
683 description;

684 (2) A description of any component involved in the malfunction;

685 (3) A description of the suspected causes;

686 (4) Planned diagnostic or mitigation steps; and

687 (5) The estimated date and time when the malfunction or the effects
688 of the malfunction began and stopped or will be stopped.

689 (C) The permittee shall provide follow-up notification by email within 5
690 calendar days and includes:

691 (1) The cause or suspected cause of the circumstance;

692 (2) Steps taken or planned to reduce, eliminate, and prevent
693 reoccurrence and a schedule of major milestones for those
694 steps;

695 (3) Steps taken or planned to mitigate the effects and schedule of
696 the major milestones for those steps; and

697 (4) Steps taken to notify users and anyone else who may be at risk
698 due to the malfunction.

699 **§ 15-13-33 – NOTIFICATION OF FACILITY CHANGES AND OTHER**
700 **CIRCUMSTANCES.**

701 (A) All changes to the OWRS and the facility or facilities it serves,
702 including expansion, production increase, change of end use or source
703 water, or process modification must be approved by the director. The
704 permittee shall submit a request in writing to the director as applicable
705 prior to any such modification.

706 (B) Changes to the OWRS, including but not limited to changes in source
707 water, end uses, treatment, or other system components, may require a

708 permit modification as described in section 15-13-14 (*Permit*
709 *Modification*).

710 (C) Changes to the treatment system process train that affect the
711 calculation of log reduction credits must be submitted by a qualified
712 engineer licensed in Texas.

713 (D) The permittee shall notify all users immediately of any circumstance
714 which indicates that treated water quality may not meet acceptable
715 standards.

716 **§ 15-13-34 – RECORDKEEPING.**

717 (A) The permittee shall maintain system records on premises and
718 available for inspection by the director, including but not limited to:

719 (1) current permit;

720 (2) current treatment system operations and maintenance manual;

721 (3) signed results delivered by the certified laboratory and evidence
722 of chain of custody;

723 (4) monitoring reports;

724 (5) annual reports;

725 (6) notifications as described in section 15-13-32 (*Malfunction*
726 *Notification*);

727 (7) a log of all calibrations, maintenance, and major changes in
728 operation; and

729 (8) a log of all system auto-generated alarms, causes, and
730 corrective actions.

731 (B) The permittee shall maintain records for at least two years.

732 **Division 5. – Treatment System Operation, Maintenance, and Equipment.**

733 **§ 15-13-35 – TREATMENT SYSTEM MANAGER CAPACITY.**

- 734 (A) The permittee shall directly employ or maintain a service contract
735 with a treatment system manager to supervise the operation of the
736 OWRS. The treatment system manager must:
- 737 (1) be qualified to carry out the operation, maintenance, and
738 monitoring requirements to ensure continuous compliance with
739 the conditions set forth in this chapter;
- 740 (2) sign an affidavit attesting that they possess sufficient
741 knowledge, skills, abilities, and training to operate the OWRS;
742 and
- 743 (3) have finished the most current Onsite Non-potable Water
744 System operator training or certification available through the
745 Water Environment Federation.
- 746 (B) The permittee shall notify the director in writing within 30 days of
747 replacement or re-designation of any treatment system manager
748 responsible for supervising system operation (including shifts). This
749 requirement is in addition to other reporting requirements contained in
750 this chapter.

751 **§ 15-13-36 – OPERATIONS AND MAINTENANCE MANUAL.**

- 752 (A) The permittee shall keep a current operations and maintenance manual
753 on premises and in other locations specified in the manual. The
754 permittee shall ensure that the manual is reviewed annually and
755 updated as appropriate. The permittee shall ensure that the manual
756 includes but is not limited to descriptions of the treatment system
757 operations, instrumentation, water quality and monitoring reporting
758 plan, troubleshooting, and emergency procedures.
- 759 (B) For district-scale systems, the permittee shall ensure that the
760 operations and maintenance manual include any special requirements
761 for users, suppliers, and permittees as agreed to in the enforceable
762 legal agreement described in Section 15-13-39 (*Enforceable Legal*
763 *Agreement*) of this chapter. The permittee shall ensure that a copy of
764 the enforceable legal agreement is appended to the operations and
765 maintenance manual.
- 766 (C) For systems with any cooling tower end use the permittee shall also
767 include a cooling tower water management plan as an appendix to the

operations and maintenance manual. The purpose of the cooling tower water management plan is to describe strategies for preventing the growth of legionella and other pathogens in the cooling tower system. The cooling tower water management plan shall include the following information specific to the cooling tower end use:

- (1) recordkeeping;
- (2) location of the cooling tower in relation to nearby HVAC intake fans or other equipment or receptors of concern;
- (3) description and maintenance schedule for drift eliminators; start-up and shutdown procedures;
- (4) disinfection and treatment;
- (5) procedures for monitoring control measures; and
- (6) procedures that will be followed if known or suspected legionellosis is associated with the building water system.

§ 15-13-37 – EQUIPMENT.

Permittee shall ensure that equipment and instruments used to comply with the treatment and monitoring requirements set forth in this chapter are calibrated, maintained, and operated consistent with manufacturer's recommendations.

Division 6. –District-Scale OWRS.

§ 15-13-38 – SPECIAL REQUIREMENTS FOR DISTRICT-SCALE OWRS.

- (A) A district-scale project entails the sharing of an OWRS across two or more parcels or for use in multiple structures, whether under the jurisdiction of one entity or several. District-scale projects are subject to additional permit requirements as outlined in this division.
- (B) An encroachment agreement as required by Chapter 14-11 (*Use of Right-of-Way*) of the Code must be obtained for an OWRS which has piping or any other components located in the City of Austin's right-of-way.

798 **§ 15-13-39 – ENFORCEABLE LEGAL AGREEMENT.**

799 Project applicants for district-scale projects shall provide to the director an
800 executed enforceable legal agreement defining the roles and responsibilities of
801 each property owner or entity in relation to the maintenance and use of the OWRs.
802 The permittee and each of the suppliers and users shall be included in, and be
803 signatories to, the agreement. The agreement shall be included in the approved
804 operations and maintenance manual.

805 **§ 15-13-40 – SPECIAL REQUIREMENTS FOR OPERATIONS AND**
806 **MAINTENANCE FOR DISTRICT-SCALE SYSTEMS.**

807 (A) The permittee shall conduct periodic inspections of all facilities to
808 monitor and ensure compliance with conditions of the permit. The
809 permittee shall take all necessary actions to ensure compliance as
810 outlined in the enforceable legal agreement, the operations and
811 maintenance manual, and this chapter.

812 (B) The owners of all properties where alternative water is collected,
813 treated, or used shall allow entry for inspection by the permittee,
814 treatment system manager, and the director.

815 (C) All permittees, treatment system managers, suppliers, and users shall
816 comply with this chapter and other regulations regarding the use of
817 alternative water sources and recycled water.

818 **§ 15-13-41 – SPECIAL REQUIREMENTS FOR NOTIFICATIONS AND**
819 **REPORTING FOR DISTRICT-SCALE SYSTEMS.**

820 (A) The permittee is responsible for all notifications, including those
821 which result from equipment failures or system malfunctions on
822 properties which are owned and operated by other entities named in
823 the legally enforceable agreement.

824 (B) The permittee shall notify the director prior to termination of system
825 operation by the permittee, termination of the approved water source
826 by the supplier, or termination of the acceptance of treated water by a
827 user.

828 **§ 15-13-42 – SPECIAL REQUIREMENTS FOR RECORDS AND**
829 **DOCUMENTATION FOR DISTRICT-SCALE SYSTEMS.**

(A) The permittee shall provide a copy of the permit to all suppliers and users in a district-scale system. The permittee, treatment system manager, suppliers, and users must have the permit available at all times for inspection by the director.

(B) The permittee shall ensure that copies of the current operations and maintenance manual must be kept on premise where each component resides.

§ 15-13-43 – SITE SUPERVISOR.

(A) Each user and supplier shall designate a site supervisor to oversee the operation and maintenance of the onsite distribution or collection systems and act as a liaison to the permittee or treatment system manager. The site supervisor must be an employee who is familiar with the plumbing system. The site may have more than one site supervisor, but must have a designated site supervisor available to be reached by phone 24 hours a day, seven days a week. The user and or supplier shall notify the permittee immediately of replacement or re-designation of any site supervisor. The permittee shall notify the director in writing within 30 days of replacement or re-designation.

(B) The permittee shall ensure that each site supervisor is adequately trained to operate and monitor all needed equipment to ensure continuous compliance with the conditions set forth in this chapter.

(C) Each site supervisor is responsible for:

(1) Overseeing the maintenance of the collection or distribution system;

(2) Overseeing repairs or modifications to the plumbing or sprinkler system to ensure it remains in compliance with all regulatory requirements;

(3) Maintaining all signs, labels, and tags on system components;

(4) Acting as a liaison between the actual users of the treated alternate water source and the treatment system manager and the director;

(5) Understanding, and implementing emergency procedures and protocols; and,

(6) Reporting system issues, non-functioning system components, and any other condition that jeopardizes public health or permit compliance to the treatment system manager and the director.

§ 15-13-44 – LOCKABLE VALVES.

All properties collecting, treating, receiving, or distributing water from an OWRS shall include lockable valves which can be activated to control the flow of water from any source originating from another property and lockable valves which can be activated to control the flow of water to any user located at another property.

Division 7. – Variances and Permit Modifications

§ 15-13-475 – WATER SOURCES OR END USES.

The director shall have the discretion to grant variances for additional alternative water sources and end uses as set forth in division 1 (*General Provisions*), if the project applicant provides the anticipated source water quality data and demonstrates that the treatment and end use are protective of public health. The determination is at the sole discretion of the director, and shall include appropriate water quality criteria and ongoing monitoring and reporting. A request for variance shall be in writing and submitted to the director.

§ 15-13-486 – SAMPLING REQUIREMENTS AND REPORTING FREQUENCIES.

(A) The director has the discretion to grant variances from the sampling requirements and the reporting frequencies specified in this chapter if the project applicant demonstrates that strict interpretation of a standard would cause practical difficulties or unnecessary hardship due to special circumstances and that the requested variances do not pose a threat to the public health. A request for a variance shall be in writing and submitted to the director. Determination is at the sole discretion of the director, and no variance shall be granted unless the director finds that the requested variance is consistent with the purposes of this chapter.

- (B) The director has the discretion to amend the permit requirements for sampling requirements and reporting frequencies on permits that are older than one year.

Division 8. – Enforcement

§ 15-13-497 – INSPECTION.

The director is authorized to inspect any OWRS governed by this chapter during normal business hours. This provision also applies all properties included in a district-scale project. Inspection is a physical inspection of any part of an OWRS and all documentation required under this chapter.

§ 15-13-48 - OFFENSE.

- (A) A person commits an offense if the person fails to comply with this chapter for an OWRS in operation on or before the date specified by the director in the director's written notice of the defect.

- (B) Each day or part of the day during which non-compliance occurs constitutes a separate offense.

§ 15-13-49 –PENALTY.

- (A) This chapter may be enforced using the administrative hearing process established in Chapter 2-13 (*Administrative Adjudication of Violations*) or in a civil action described in Subchapter B of Chapter 54 of the Texas Local Government Code.

- (B) An offense under this chapter may alternatively be prosecuted in the Municipal Court as a Class C Misdemeanor subject to the penalty prescribed by Section 1-1-99 (*Offenses; General Penalty*).

- (C) A culpable mental state is not required for fines of \$500 or less and need not be proved.

§ 15-13-50 – SUSPENSION AND REVOCATION OF PERMITS.

- (A) Any permit issued for an OWRS may be revoked, or suspended by the director, if the director determines that continued operation of the system poses unacceptable risk to public or environmental health for any reason, including but not limited to:

- 923 (1) the permit was issued in error;
- 924 (2) the permittee has not complied with the requirements of this
925 chapter;
- 926 (3) The treatment system manager, or any employee has violated
927 any provision of this chapter;
- 928 (4) The permittee has engaged in any material misrepresentation
929 when applying for a permit or when reporting water quality
930 sampling or monitoring activities required by permit;
- 931 (5) The OWRS is being managed, operated ~~conducted~~, or
932 maintained in a manner that:
- 933 (a) disregards public health or the health of patrons or employees;
- 934 (b) is inconsistent with the design or use approved by the City; or
- 935 (c) violates any state, local, or federal law.
- 936 (B) Except as provided in Subsection (C), the director must give notice to
937 the permittee of the director's intent to suspend or revoke the permit
938 before the director may suspend or revoke a permit issued under this
939 chapter. The notice must specify a reasonable time for compliance with
940 this chapter. The director may not suspend or revoke the permit before
941 the time for compliance expires.
- 942 (C) The director may immediately suspend a permit issued under this
943 chapter when in the opinion of the director, the public health or safety
944 requires such immediate suspension. The director must provide a
945 permittee or treatment system manager with written notice of the
946 immediate suspension.

947 **PART 3.** City Code Section 2-13-3(A) (*Violations Subject to Administrative*
948 *Adjudication*) is amended to add a new (6) to read as follows:

- 949 (A) The administrative hearing process established in this chapter may be used
950 to enforce ordinances:
- 951 (1) for the preservation of public safety, relating to the materials or
952 methods used to construct a building or improvement, including the

953 foundation, structural elements, electrical wiring or apparatus,
954 plumbing and fixtures, entrances, or exits;

955 (2) relating to the fire safety of a building or improvement, including
956 provisions relating to materials, types of construction or design,
957 warning devices, sprinklers or other fire suppression devices,
958 availability of water supply for extinguishing fires, or location,
959 design, or width of entrances or exits;

960 (3) relating to dangerously damaged or deteriorated buildings or
961 improvements;

962 (4) relating to conditions caused by accumulations of refuse, vegetation,
963 or other matter that creates breeding and living places for insects and
964 rodents; [øf]

965 (5) relating to a building code or to the condition, use, or appearance of
966 property in a municipality; or [-]

967 (6) relating to water conservation measures, including watering
968 restrictions.

969 **PART 4.** City Code Section 2-13-23 (*Establishing a Penalty*) is amended to amend
970 Subsection (I) to read as follows:

971 (I) A violator who has been found liable for a violation may request to pay
972 the penalty in equal installments during the six months from the date
973 the hearing officer issues an order. A violator must request to pay the
974 penalty in installments within 20 calendar days from the date the
975 hearing officer issues the order and must waive the appeal described in
976 Section 2-13-31 (*Appeal From a Hearing*). The Code Official is
977 authorized to grant a request to pay the penalty as described in this
978 subsection. This subsection does not apply to a violation of a provision
979 of Chapter 15-3 (*Onsite Water Reuse Systems*).
980

982 **PART 5.** This ordinance takes effect on _____.

983

984 **PASSED AND APPROVED**

985

986

987 _____, 2020

§

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§

988

Steve Adler

989

Mayor

990

991 **APPROVED:**

ATTEST:

992

Anne L. Morgan

Jannette S. Goodall

993

City Attorney

City Clerk

994