

RULE NO.: R161-14.25

POSTING DATE: October 7, 2014

NOTICE OF PROPOSED RULE

The Director of Watershed Protection Department proposes to adopt the following rule after November 8, 2014.

Comments on the proposed rule are requested from the public. Comments should be submitted to Dana McGehee, 505 Barton Springs Road, Suite 1200, Austin Texas, 78704, 974-2634, or via email at dana.mcgehee@austintexas.gov. To be considered, comments must be submitted before November 8, 2014, the 32nd day after the date this notice is posted. A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

An affordability impact statement regarding the proposed rule has been obtained and is available for inspection or copying at the address noted in the preceding paragraph.

EFFECTIVE DATE OF PROPOSED RULE

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before November 8, 2014 (the 32nd day after the date of this notice) or not after January 5, 2015 (the 90th day after the date of this notice).

If a proposed rule is not adopted on or before January 5, 2015 it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

TEXT OF PROPOSED RULE

A copy of the complete text of the proposed rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

Watershed Protection Department, located at 505 Barton Springs Road, Suite 1200, Austin, TX, 78704; and

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

BRIEF EXPLANATION OF PROPOSED RULE

R161-14-25: Revisions to the Environmental Criteria Manual as follows:

Environmental Criteria Manual Section 1.3.0 – Environmental Assessment

- **1.3.0 Environmental Assessment**
 - Changed the words ‘Environmental Assessment’ to ‘Environmental Resource Inventory’. Revised and moved existing language to EMC 1.10.0.
 - Added guidance for completing a standardize Environmental Resource Inventory (ERI) report instead of submission of an Environmental Assessment without a fixed format.
- **1.3.1 Hydrogeologic Element**
 - This section is repealed and replaced with the new Standardized Environmental Resource Inventory Report Form. The original text of this section has been revised and moved to 1.3.0 (B) 10 and included in ERI Form 1.3.1
- **1.3.2 Vegetation Element**
 - This section is repealed and replaced with the new Environment Resource Inventory Waiver Request form. The original text of this section has been moved to 1.3.0 (B) (11) and included in ERI Form 1.3.1.
- **1.3.3 Utilities Element**
 - This section is repealed and replaced with the new Administrative Variance Form for LDC 25-8-281. The original text of this section is 1.3.0 (B) (12) and this section of the ERI formed is renamed to Wastewater Utilities Report of the ERI form in ECM 1.3.1.
- **1.3.4 Pollution Attenuation Plan**
 - Revisions to code citations made to reflect current code requirements.

Environmental Criteria Manual Section 1.10.0 – Point Recharge Identification Criteria

- **1.10.0 – Point Recharge Identification**
 - Critical Environmental Feature Identification methods are revised in this section. Information from current ECM 1.3.0 is moved to this section.
- **1.10.1 – Statement of Intent**
 - Minor revision to text to clarify intentions and reference the new Environmental Resource Inventory Form proposed to replace the current Environmental Assessment.

- **1.10.2-Background**
 - Minor revision to text to clarify background. New 1.10.2 B(3) added to reflect need to protect quality of surface water runoff.
- **1.10.3 Special Submittal Requirements**
 - Revised and renamed this section to Critical Environmental Feature (CEF) Identification.
 - Incorporated requirement into new Environmental Resource Inventory Form in ECM 1.3.0 and EMC 1.3.1
 - Added information for all CEFs identification to this section that include information in 1.3.0 and provides more detail indicators for each CEF. Definition for Faults, Fractures, Joints, and Other Features added.
- **1.10.4 – Evaluation Karst Features for Evidence of Significant Recharge and Other Environmental Significance.**
 - Revised and renamed this section to Determining Size of Critical Environmental Feature Protective Buffers.
 - Added language in regards to water quality and quantity reason for buffering each type of CEF.
 - Added CEF buffering criteria for bluffs, canyon rimrocks, springs and seep to this section.
 - Revised Wetland and point recharge feature buffering in this section.
- **1.10.5 – Protection of Point Recharge Features.**
 - This section is renamed to Critical Environmental Feature Buffer Maintenance and Inspection.
 - Existing information in this section moved to ECM 1.10.4.
 - Existing information in ECM 1.14 Critical Environmental Features Buffer Maintenance and Inspection moved to this section.
- **1.10.6 - Guidelines for Review of Innovative Management Practices Proposing Transfer of Recharge Sites**
 - A new subsection (D) added to this section to describe potential restoration of karst features.
- **1.10.7 – Evaluation Flow Chart for Karst and Point Recharge Features**
 - This section was deleted because it is no longer necessary with the proposed revisions to the other sections of 1.10.

Environmental Criteria Manual Section 1.12.0 – Void and Water Flow Mitigation

- **1.12.1 – Description**
 - Reference to LDC 25-8-281 requirements added.
- **1.12.2 – Definitions**
 - Added this section.
- **1.12.3 – Note Required**
 - Adds a requirement to place a note on subdivisions or site plans.

- **1.12.4 - Materials to be Used for Mitigation**
 - Minor revision to how standard specifications are referenced.
 - 1.12.4.D Allows 2500 psi concrete for compliance with TCEQ concrete criteria, on a case-by-case basis.
- **1.12.5 – Procedures for Investigating Voids and Water Flow Features**
 - Minor revisions to how standard specifications are referenced.
 - Changed separation distance from 25 feet to 50 feet for resuming work in the vicinity of a void.
 - Minor revision to allow mitigation of small voids above the utility pipe prior to receiving approval of a site plan correction.
 - Added requirement to notify to Watershed Protection Department geologist
 - Added requirement that the owner’s Geologist observe and report installation of mitigation measures
- **1.12.6 – Selection of Appropriate Void or Water Flow Mitigation Measures**
 - Minor revisions to how standard specifications are referenced.
 - Adds requirement for a geotechnical or structural engineer to provide cave-roof stability analysis of voids measuring 160 cubic feet or more.
 - Adds descriptors of potential biological habitat
 - Adds void mitigation area for voids measuring 160 cubic feet or more as a potential mitigation measure
 - Adds a reference table for void mitigation measures
 - Adds provision for additional temporary mitigation measures, when necessary
 - Adds requirement for the Engineer to stamp submittals for site plan corrections
- **1.12.7 – Penalties**
 - Adds provision for financial penalties for failure to comply with the rule.
- **Attachment A**
 - Revised form and content of the Geologist Void Description and Documentation Log Sheet.
- **Attachment B**
 - New section describing protocol for cave-roof stability analysis

Environmental Criteria Manual Section 1.14 - Critical Environmental Feature Buffer Maintenance and Inspection

- This section is deleted, and it’s content has been moved into ECM 1.10.5

AUTHORITY FOR ADOPTION OF PROPOSED RULE

The authority and procedure for the adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is established in Chapter 1-2 of the City Code. The authority to regulate water quality is established in Chapter 25-8 of the City Code.

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Proposed Rule R161-14.25, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director’s administrative authority.

REVIEW AND APPROVED

Victoria J. Li, P.E., Director
Watershed Protection Department

Date: _____

Karen Kennard
City Attorney

Date: _____

This Notice of Proposed Rule was posted on a central bulletin board at City Hall by the City Clerk. Date and time stamp is on the front of the notice.