

**RULE NO.: R161-17.03**

**POSTING DATE: January 4, 2017**

## **NOTICE OF PROPOSED RULE**

The Director of Watershed Protection Department proposes to adopt the following rule after November 6, 2016.

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](mailto:dana.mcgehee@austintexas.gov). To be considered, comments must be submitted before February 5, 2017, 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 February 5, 2017 (the 32nd day after the date of this notice) or not after March 15, 2017 (the 70th day after the date of this notice).

If a proposed rule is not adopted on or before March 15, 2017 it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.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**

**R161-17.03:** Revises the Environmental Criteria Manual as follows:

### **Section 1.4.4 – Plan Development and Implementation**

- **1.4.4.D.3 – D.3 – Procedures During Construction:** Clarified that E&S control inspections shall be performed by a licensed engineer or certified inspector, which includes a licensed EIT, CPESC-IT, CISEC-IT, or CESSWI-IT. Removed language that allows the owner to perform these type of inspections. Corrected reference to inspection log template in Appendix P-8. Added language that clarifies that silt accumulation upstream of a temporary control measure must be removed when the depth reaches 6 inches or 1/3 of the installed height of the control whichever is less.

### **Appendices**

- **P-1 - Erosion Control Notes**
  - 1. Added “conduct pre construction tree fertilization (if applicable)”
  - 4. Added “pre construction tree fertilization (if applicable)” to pre-con requirements, updated department name, added EV inspection email to contact information.
  - 6. Clarified that E&S control inspections shall be performed by a licensed engineer or certified inspector, which includes a licensed EIT, CPESC-IT, CISEC-IT, or CESSWI-IT. Updated department name. Added language that clarifies that silt accumulation upstream of a temporary control measure must be removed when the depth reaches 1/3 of the installed height of the control.
  - 9. Permanent Vegetation 2.D – updated the bare spot requirement to match current ECM (10 square feet)
  - 11. Updated department name.
  
- **P-4 - Standard Sequence of Construction:** Updated the language in items 1, 3, and 5 clarifying that compliance with the Erosion Sedimentation Control Plan (ESC) in addition to the Storm Water Pollution Prevention Plan is also required.

## **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 R161-17.03, 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**

\_\_\_\_\_  
Joe Pantalio, P.E., Director  
Watershed Protection Department

Date: \_\_\_\_\_

\_\_\_\_\_  
Anne Morgan  
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.