

RULE NO.: R161-13.15

NOTICE OF RULE ADOPTION

ADOPTION DATE: June 10, 2013

By: Greg Meszaros, Director
Austin Water Utility

The Director of the Department of Austin Water Utility has adopted the following rule. Notice of the proposed rule was posted on April 15, 2013. Public comment on the proposed rule was solicited in the April 15, 2013 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

A copy of the complete text of the adopted 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:

Department of Austin Water Utility, located at 625 E 10th St, 6th floor Ste. 615; and

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

EFFECTIVE DATE OF ADOPTED RULE

A rule adopted by this notice is effective on June 10, 2013.

TEXT OF ADOPTED RULE

R161-13.15: Commercial Facility Irrigation Assessment Program Rules, Policies and Application

The adopted rule contains no changes from the proposed rule.

Irrigation evaluations, as required by Chapter 6-4-10(A), shall be conducted in accordance with the following:

- A. Evaluations of automatic irrigation systems situated on an affected property must be completed every two years.
- B. Evaluations of permanently installed automatic irrigation systems on properties with odd number addresses shall be due on odd number calendar years. Evaluations of automatic irrigation systems on properties with even number addresses shall be due on even number calendar years.
- C. Evaluations of permanently installed automatic irrigation systems shall be due on a schedule determined by the zip code of the affected property where the zip code schedule is kept on file with Austin Water Utility and posted on the Austin Water website.
- D. Modifications to the zip code schedule made by Austin Water Utility shall be communicated to the service account holder of the affected property a minimum of six months prior to the submittal due date as described in Paragraph C.

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- E. Irrigation evaluations shall be considered valid for a period not to exceed 90 days from the final inspection date by an AWU Authorized Irrigation Inspector. Documentation of the evaluation must be submitted not later than the last day of the month during which the inspection is due.
- F. An irrigation inspection necessary for the issuance of the Certificate of Occupancy from the applicable land development jurisdiction shall satisfy the requirements of Chapter 6-4-10(A) for a period of two years from the date of issuance of the Certificate of Occupancy.
- G. Failure to provide the required documentation to Austin Water Utility in accordance with the required schedule shall result in enforcement action taken by Austin Water and will include, but is not limited to, the assessment of fees and fines in accordance with Chapter 6-4-5(B), *Fees and Charges*.
- H. The owner of a property with a system subject to the irrigation evaluation requirement that has not passed the required irrigation evaluation by the applicable due date for such evaluation shall notify Austin Water Utility in writing by the evaluation due date in accordance with the required zip code schedule. This notice at a minimum shall include a Compliance Plan proposal on a Compliance Plan form approved by the Austin Water Utility. Failure to provide the Compliance Plan proposal to the Austin Water Utility by the specified date will result in the daily assessment of fines until the date on which the Austin Water Utility receives such plan or written notice that the system has passed the required irrigation evaluation.
- I. At a minimum the Compliance Plan shall include the property owner's name, address, and a method to restore the system to compliance. Reinstatement of an irrigation zone rendered inoperable by the Compliance Plan will require documentation from an AWU Authorized Irrigation Inspector to be submitted to Austin Water Utility for approval prior to the zone being reinstated.

SUMMARY OF COMMENTS

Written comments (attached) were received from the following individuals regarding Rule R161-13.15:

Jody McDaniel- BOMA
Sandy Eckhard- Austin apartment Association
Rachel Fischer- Austin Apartment Association
Julie Lairson- CBRE, Inc.
Pam Moon- Stream Realty Partners
Ashley Preuss- Transwestern
Katherine Englund- Stream Realty Partners
Robbie Williams- BOMA
Mary Guerrero-McDonald
Ro Sipek- Stream Realty Partners
Camille Belcher- Association Management, Inc.
John Sutton- BOMA
Jennifer Choi
Kathy McDuffie
Lisa Hensley- Texas Medical Association

Don Roberts- Newmark Grubb Knight Frank
Chantal Nieft- Riverside Resources
Rob Ledbetter- Jones Lang LaSalle
Heather Haney- BOMA
Jasmine Porter
Kaley Kline Congress Holdings Group, Inc.
Michele Yule- Austin Contractors and Engineers Assoc.

Written comments (attached) were received from the individuals or organizations listed above regarding Rule R161-13.15, objecting to biennial facility irrigation assessments and requesting a triennial cycle. The Department of the Austin Water Utility has reviewed the comments and believes that significant cost savings and benefit to the facility, to the City, and to the environment will result from improved irrigation system efficiency and reduced water waste typically associated with noncompliant irrigation equipment. The Utility recommends a biennial cycle because such a schedule is sustainable, more easily understood by the public than a triennial cycle, and more likely to identify system defects and maintenance needs on a timely basis — before such issues result in extreme water waste, facility damage, or threaten availability of natural resources. In addition, during the public meetings held for the adoption of the revised Chapter 6-4, Water Conservation Code, the public indicated support for facility irrigation assessments to be conducted on a biennial schedule. Lastly, the Utility believes a biennial cycle for the assessments will better support local compliance with state-mandated water conservation requirements.

AUTHORITY FOR ADOPTION OF RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to regulate construction is established in Texas Local Government Code Section 552.001 and Section Title 6 of the Austin City Code.

APPEAL OF ADOPTED RULE TO CITY MANAGER

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

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


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

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

CERTIFICATION BY CITY ATTORNEY

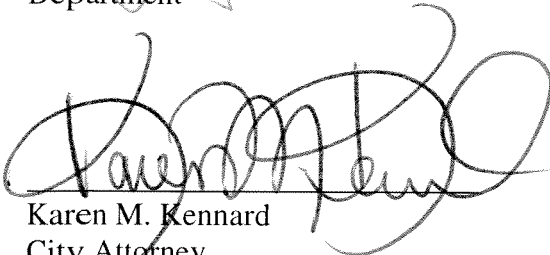
By signing this Notice of Rule Adoption (R161- 13.15), the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEWED AND APPROVED



Greg Meszaros, Director
Department

Date: 5/23/13



Karen M. Kennard
City Attorney

Date: June 10, 2013

Reynolds, Eric

From: Hines, Jadell
Sent: Monday, May 20, 2013 5:00 PM
To: Reynolds, Eric
Subject: FW: Jody McDaniel Comments on Inspection Rule Posting
Attachments: Jody McDaniel Letter to Jadell Hines.pdf

From: Jody McDaniel [<mailto:jmcdaniel@sunterralandscape.com>]
Sent: Thursday, May 16, 2013 1:31 PM
To: Hines, Jadell
Cc: Gross, Drema
Subject: Jody McDaniel Comments on Inspection Rule Posting

Jadell,

Please find my response to the posted Rule Number R161-13.15. I wanted to let you know that the letter that was sent to BOMA, dated April 22nd, was received on the 8th of May, twenty three days after the posting of the rule. I am disappointed that the rule was not posted electronically in the place that was confirmed by your email on the 11th of April, this has dramatically compressed the response time available to make comment on the posted rule.

I hope that in the future these issues will no longer arise.

Regards,

Jody McDaniel

Major Accounts Manager



Hines, Jadell

From: Kaley Kline <kaley@congressholdings.com>
Sent: Thursday, May 16, 2013 4:09 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

I am writing to express my opposition to the biennial irrigation inspections as being proposed in the posting of Rule Number: R161-13.15.

I am opposed to the biennial irrigation inspections. As a member of BOMA Austin, Building Owners & Managers Associations, we already follow best practices by having professional licensed landscapers and irrigators to conduct monthly irrigation checks and inspections on each property with an irrigation system. These inspections identify any leaks, over sprays, and inefficient heads. The deficiencies are immediately addressed and repaired in a timely fashion. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptable to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I truly urge you to change the rule to require inspections every third year, if at all.

Feel free to contact me if you have any questions.

Respectfully,

Kaley Kline
Senior Property Manager
Congress Holdings Group, Inc.
1005 Congress Ave., Suite 150
Austin, TX 78701
Ph: (512) 478-1005
Fax: (512) 478-1077
kaley@congressholdings.com

Hines, Jadel

From: Porter, Jasmine <JPorter@reitmr.com>
Sent: Thursday, May 16, 2013 8:40 AM
To: Hines, Jadel
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptably to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Jasmine Porter

Property Manager

Hines, Jadell

From: Lairson, Julie @ Austin <Julie.Lairson@cbre.com>
Sent: Wednesday, May 15, 2013 1:40 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptably to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Julie Lairson

Julie Lairson | Real Estate Manager
CBRE, Inc. | Asset Services
9442 Capital of Texas Highway North
Arboretum Plaza One, Ste 170 | Austin, TX 78759
T +1 512 343 4343 | F +1 512 343 4366 | C +1 512 775 5277
julie.lairson@cbre.com | www.cbre.com

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Please consider the environment before printing this email.

Hines, Jadell

From: Pam Moon <pmoon@streamrealty.com>
Sent: Wednesday, May 15, 2013 1:41 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptable to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Pam Moon

Pam Moon
Sr. Property Manager
pmoon@streamrealty.com

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M 512.415.0960

www.streamrealty.com | [@streamrealty](http://blog) | linkedin

Hines, Jadell

From: Ashley Preuss <Ashley.Preuss@transwestern.net>
Sent: Wednesday, May 15, 2013 1:43 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptable to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Ashley Preuss
Assistant Property Manager

TRANSWESTERN
901 South Mopac Expressway
Building 4, Suite 250
Austin, Texas 78746
Main: 512.328.5600 | Fax: 512.328.9309
Direct: 512.314.5209
www.transwestern.net/austin

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Hines, Jadell

From: Katherine Englund <kenglund@streamrealty.com>
Sent: Wednesday, May 15, 2013 1:44 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptable to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections which I believe is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year. Thank you for your time, and all you do.


Respectfully,

Katherine Englund, RPA, FMA
Senior Property Manager ~ Stonebridge Plaza I & II
kenglund@streamrealty.com

STREAM REALTY PARTNERS

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Hines, Jadell

From: Robbie Williams <robbie@bomaaustin.org>
Sent: Wednesday, May 15, 2013 1:52 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptable to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Robbie Williams
Executive Director
BOMA Austin

Hines, Jadell

From: Mary Guerrero-McDonald <mary@guerreromcdonald.com>
Sent: Wednesday, May 15, 2013 1:59 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15. I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified.

The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptable to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Mary Guerrero-McDonald
mary@guerreromcdonald.com

Hines, Jadell

From: Ro Sipek <rsipek@streamrealty.com>
Sent: Wednesday, May 15, 2013 2:04 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptably to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Ro Sipek, RPA
Sr. Property Manager Industrial
rsipek@streamrealty.com

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Hines, Jadel

From: Camille Belcher <cbelcher@amitx.com>
Sent: Wednesday, May 15, 2013 2:04 PM
To: Hines, Jadel
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptably to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Camille Belcher, PCAM
Director, **AMI-AUSTIN**
Association Management, Inc.
3103 Bee Cave Rd. - Suite 100
Austin, TX 78746
512.852.7623 Direct
cbelcher@amitx.com
512.327.2777 Main
512.327.2784 Fax

Hines, Jadel

From: Sutton, John <john.sutton@tgscl.org>
Sent: Wednesday, May 15, 2013 2:17 PM
To: Hines, Jadel
Cc: 'Jody McDaniel'
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15



May 15, 2013

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptably to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

John M. Sutton

Chair, BOMA Sustainability Task Force

Hines, Jadell

From: Jennifer Choi <jchoi@ausinterrace.net>
Sent: Wednesday, May 15, 2013 2:30 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptable to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Jennifer Choi

Hines, Jadell

From: McDuffie, Kathy <KMcduffie@reitmr.com>
Sent: Wednesday, May 15, 2013 2:39 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptable to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Kathy McDuffie

Hines, Jadel

From: Lisa Hensley <lisa.hensley@texmed.org>
Sent: Wednesday, May 15, 2013 2:56 PM
To: Hines, Jadel
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptable to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Improving the Health of All Texans

Texas Medical Association
www.Texmed.org
401 W. 15th Street
Austin, TX 78701

Hines, Jadell

From: Roberts, Don <drobotfs@ngkf.com>
Sent: Wednesday, May 15, 2013 3:01 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptably to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Don Roberts, CPM, LEED® AP
Associate Director, Management Services

Newmark Grubb Knight Frank
101 East Old Settlers Blvd., Suite 230
Round Rock, Texas 78664

Direct: 512.328.9792
Cell: 512.632.1712

drobotfs@ngkf.com
Please note new email address



Hines, Jadell

From: Chantal Niefert <cnieft@riversideresources.com>
Sent: Wednesday, May 15, 2013 3:36 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptable to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Chantal Niefert

RIVERSIDE RESOURCES

Hines, Jadell

From: Ledbetter, Robert (US) <Robert.Ledbetter@am.jll.com>
Sent: Wednesday, May 15, 2013 3:52 PM
To: Hines, Jadell
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15.

I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptable to me. The Citizens Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the Cities desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Rob Ledbetter RPA
Operations Manager
Highland Mall
Jones Lang LaSalle
6001 Airport Blvd., Ste #1199
Austin, Texas 78752
P 512.454.9656
F 512.452.1463

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Hines, Jadel

From: Heather Haney <HHaney@austinterrace.net>
Sent: Wednesday, May 15, 2013 9:19 AM
To: Hines, Jadel
Subject: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

SUBJECT: RESPONSE TO PROPOSED RULE NUMBER: R161-13.15

Dear Ms. Hines,

The purpose of this letter is to express my opposition to biennial irrigation inspections as proposed in the posting of Rule Number: R161-13.15. I am opposed to biennial irrigation inspections. As a member of BOMA Austin (Building Owners & Managers Association) we already follow best practices by conducting monthly irrigation inspections through the professional licensed landscapers/irrigators hired to service our properties. These inspections identify any leaks, overspray, etc. and the deficiencies are immediately rectified. The increased cost of compliance for additional biennial inspections with no commensurate savings in water is unacceptably to me. The City's Water Conservation Implementation Task Force originally suggested triennial inspections; this is a more reasonable accommodation of the City's desire for inspections versus the cost of compliance.

I ask that you reconsider the imposition of biennial inspections on commercial properties. I urge you to change the rule to require inspection every third year.

Respectfully,

Heather A. Haney
President, BOMA Austin

Vice President, Operations
The Terrace
2801 Via Fortuna, Suite 525
Austin, TX 78746
Phone 512.306.9093
Fax 512.306.9112



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www.austinaptassoc.com

17 May 2013

Ms. Jadell Hines
Austin Water Utility
Letter submitted via email to:
jadell.hines@austintexas.gov
watercon@austintexas.gov

Dear Jadell:

The purpose of this letter is to register concerns on behalf of the Austin Apartment Association (AAA), regarding the proposed Austin Water Utility (AWU) Water Use Rules currently posted for adoption, pursuant to the Water Conservation Code that was made law on 22 August 2012. Thank you for this opportunity.

We have two primary concerns. The first is with respect to the required frequency of irrigation inspections; the second is with respect to who can perform these inspections.

AAA understands required irrigation inspections will help limit water waste, mainly for irrigation system(s) not otherwise adequately managed. Even so, many properties do adequately manage their irrigation, including frequent inspections. We therefore appreciate and request policies that are as least onerous as possible while still meeting stated goals. We believe AWU irrigation inspections conducted every three years will meet this standard, and inspections every two years would not return (additional) water savings commensurate with the (increased) cost of more frequent inspections. Using a 12 year period for consideration: inspections at a cost of \$7,200 would amount to \$28,800 at three-year intervals or \$42,300 at two-year intervals. Under this example there is a 50% increase in expense, but we have seen no evidence that 50% more water would be saved, when comparing the two scenarios. Initial inspections can be expected to curtail water waste and return savings to the property; a three-year "reinspection" rate is adequate and fair. AWU presented the two-year scenario as more easily fitting the even/odd distribution of addresses and therefore easing implementation, but this does not justify the added cost described above. We are confident a communication and implementation system is possible under a three-year inspection scenario, and are ready to assist in this effort. Finally, this inspection rate would allow for more thorough enforcement and/or less administrative cost to The City.

Regarding who can perform inspections, AAA believes (TCEQ) Licensed Irrigators should be able to perform inspections; this activity should not be restricted to Licensed Irrigation Inspectors. We appreciate AWU's position inasmuch as the Texas Commission on Environmental Quality has given this guideline, and we have been in conversation with the TCEQ regarding same. In the spirit of full

disclosure and discussion, however, we are also registering our concern here. Given the AWU certification course, which we support, Licensed Irrigators are qualified to perform AWU inspections and could be held accountable through their training and licensure. Meanwhile, affected properties could use their current vendors and contracts, control costs and expedite the inspection process itself.

These concerns were previously expressed at length; verbally through the stakeholder process, in writing via email, and between AAA staff and yourself. We were advised the public comment period would be our best opportunity to have concerns vetted, so it is our hope that they are given full consideration. We look forward to your response and truly hope to help foster future water conservation efforts.

Yours truly,

Sandy Eckhardt
President
Austin Apartment Association

Reynolds, Eric

From: Hines, Jadell
Sent: Monday, May 20, 2013 5:00 PM
To: Reynolds, Eric
Subject: FW: TCEQ contact, timeline.

From: Rachel Fischer [mailto:rachel@austinaptassoc.com]
Sent: Friday, May 03, 2013 11:30 AM
To: Hines, Jadell
Cc: Kristan Arrona
Subject: RE: TCEQ contact, timeline.

Thank you for the explanation Jadell. I guess I was looking on the wrong AWU page. To be sure, I still don't know how to navigate to the link you sent (as opposed to just clicking it) and for what it is worth, I know that Jody also had an inaccurate url for seeing postings.

I do appreciate your notification, as I was relying on our agreement that I would receive it when the rules posted. I also received the list serv notification from Mr. Reynolds yesterday. Even so, these notifications occurred 2 weeks into a 4 week period. Over the summer I understood you to indicate that the posting time would be our best opportunity to have concerns fully heard, so I was of the belief that this (even 30 days is short) timeframe could offer that. In the context of the TCEQ and state-level partners, I was very much relying on the 30 day window. Despite good discussions between you and I, I am not sure how to know that our concerns have been thoroughly considered, or "run up the flag pole" as you said, so this is a crucial time.

We also did not hear feedback on the BOMA letter until yesterday. I understand that staff have built-in implementation tools with the two year cycle, but I do not believe this outweighs the cost implications that the BOMA letter describes. To use your numbers, \$43,200 rather than \$28,800 over a 12 year period, with no realization of commensurate water savings in that same margin, is not justified by a nuance in implementation. Streamlined and efficient implementation is important, and I am confident that AWU can craft a solution under a three year frequency scenario. I will do all I can to help in that effort. It seems that this would slow the flow of inspection forms received, and actually allow for better oversight on the City's part.

Please let me know if you are able to extend the comment period, or, who is the best person for me to contact for this. Meanwhile, please advise the best way to submit our public comments.

Best,
Rachel

rachel beth fischer
director of government relations
austin apartment association
www.austinaptassoc.com
512 323 0990

From: Hines, Jadell [mailto:Jadell.Hines@austintexas.gov]
Sent: Thursday, May 02, 2013 2:45 PM

To: Rachel Fischer
Subject: RE: TCEQ contact, timeline.

Rachel,

The rules were posted by the Clerk's Office on Monday, April 15th and updated on our website April 17th. The web publishing software indicates that the Revised Water Use Management page was last updated (with the posting of the rules) 2 weeks and 1 day ago. That comports with the April 17th date and the publishing notice received by our Public Information Office.

I apologize for not responding to your April 5th email; however, at the time of your email, the rules were still under review by our Legal Department, and I had no idea when they would be returned to us for delivery to the Clerk's office. In short, I had no news to report.

While posting with the Clerk is all that is required, on Monday, I realized that I had not notified you directly about the rule posting. In hopes of continuing that personal obligation I felt to inform you in particular, I sent you an email notification that the rules had posted.

The rules posted on April 15th (April 17th) have not substantially changed from the proposed rules that have been available on our website since September. You attended the industry focus group meeting where we discussed the proposed rule language and contributed to the process description in that brainstorming session. While I acknowledge that in that session we did not necessarily agree on all the issues, the numerous conversations between you and I have left me confident that I have been clear about our intended application. All things considered, I am surprised that the posted rules have caught you unaware and feeling in need of additional time.

I continue to welcome your comments and will do my very best to address them. However, please let me caution you that we must give equal consideration to all comments received and weigh those against our conservation goals and implementation constraints.

Thank you for your input in this process. I look forward to receiving comments from the Austin Apartment Association.

Kind regards,
Jadell

From: Rachel Fischer [<mailto:rachel@austinaptassoc.com>]

From: Rachel Fischer [<mailto:rachel@austinaptassoc.com>]
Sent: Thursday, May 02, 2013 10:38 AM
To: Hines, Jadell
Cc: Jody McDaniel
Subject: TCEQ contact, timeline.
Importance: High

Dear Jadell:

Please send Candy Crawford's contact information. I called the Water Division of the TCEQ and she was not readily found in the "system" of the person I spoke with.

I am troubled by the lack of notification and communication that has occurred for the rules. The quality of yours and my exchanges have been high, however, the frequency and timing have been, at best, unreliable. Again I understand that you have faced personal matters, and I give you my sincerest best wishes in addressing them, but this does not mitigate the concerns of Austin Apartment Association or any other stakeholders i.e. BOMA, regarding rules that will have a very significant impact on many individuals and businesses in the community. I emailed on 5 April asking for updates; I received a response on the 30th that the rules had posted on the 15th. Moreover, I frequently check(ed) the website where we were told (a notification of) posting would occur; the site did not reflect any indication of posting until just earlier today, 2 May. To my understanding, Jody McDaniel experienced a similar chain of events. This disconnect is problematic in terms of (mine or anyone else's) ability to address things timely and professional, and it is alarming in terms of public/stakeholder process.

My question then, is what can be done in terms of a re-post or extension of comment period?

Regards,
Rachel

rachel beth fischer
director of government relations
austin apartment association
www.austinaptassoc.com
512 323 0990

May 14, 2013

Jadell Hines
Environmental Conservation Program Manager
Water Conservation Division
Austin Water

Dear Ms. Hines,

I am writing in response to the posting of Rule Number R161-13.15 relating to irrigation inspections. I am the Water Sustainability Chair for the Building Owners and Managers Association (BOMA) of Austin. I served as a member of the City of Austin's Water Conservation Implementation Task Force from 2007-2010, and was more recently involved in the water conservation code revision stakeholder process and the rules workshops.

I verbally stated opposition to the biennial inspections during stakeholder events, and again in a letter dated November 8th, 2012 and coauthored by then-president of BOMA, Ro Sipek. Please take this letter as reiteration; I was encouraged to use the open comment period.

I chaired a subcommittee of the Water Conservation Implementation Task Force, to discuss and formulate plans for the inspection of commercial properties. That body included environmental advocates, and determined that irrigation inspections on a triennial basis were sufficient for The City's goals. Your letter dated April 22nd, 2013 states that "the Water Conservation Division accepted the 2-year inspection as a compromise and promoted this frequency in the workshops that followed on January 19, February 22, and March 27," however, survey results are not an adequate measurable means to determine appropriate inspection intervals.

Austin Water Utility's current position on biennial inspection seems to be a decision based mainly on easy messaging and enforcement. This is not an acceptable way to promulgate public policy that has real financial consequences with no upside in conservation.

Properties affected by this rule include commercial office, industrial, multifamily properties and homeowner associations. An additional cost to commercial accounts for no appreciable savings in water is an unacceptable course of action for the utility to take, and will result in increased rents and association dues in order to cover the expected costs of compliance.

I believe that the "Two-Year Irrigation Evaluation Savings Summary: March 2013" white paper included in your April 22nd letter is flawed. A more accurate assessment of costs would be \$25 per zone versus \$200 per controller (\$200 per controller does not recognize the broad differences in controllers). In addition, the assumption that making repairs will lead to a 12% decrease in water use is unsupportable. As you stated, water waste is already prohibited by law; the repairs that the proposed inspections *might* find will not change the application of water in a statistically significant manner. Nor will they allow a property with a large irrigation system to recoup the additional cost of biennial inspections through water savings. On the following page is a brief example to illustrate my position, using figures from a property currently served by AWU.

Example Property

of irrigation zones – 110

\$ cost per zone - \$25

Total cost of one inspection - \$2,750.00

\$ cost of peak season water per 1000 gallons - \$5.22

Cost of inspection (\$2,750)/Cost of peak season water (\$5.22 per 1000) = 526.82

526.82 x 1000 gallons = 526,820 gallons of water that must be saved to offset the cost of the inspection

The gallonage needed to offset the cost of inspections with water savings is substantial. It is unreasonable to expect that an irrigation inspection will net this amount of water savings. The City is asking businesses, apartment communities and homeowner associations to spend significant amounts of money *with third parties* with little chance of recouping those costs; a property that takes care of its irrigation system is treated the same as properties that willfully violate existing code.

The city has mandated that there will be irrigation inspections of commercial properties greater than one acre. It is imperative that the city consider the cost of compliance as well as the provable water savings into account when making the decision on inspection frequency. Triennial inspections meet the requirements of the 2007 Water Conservation Task Force, follow the recommendations of the Water Conservation Implementation Task Force, and adequately address the need to conserve water while protecting the city's commercial properties from excessive burden.

Respectfully,

Jody McDaniel
Major Accounts Manager
SunTerra Landscape Services

Reynolds, Eric

From: Michele Yule <michele.yule@aceatx.com>
Sent: Friday, May 03, 2013 10:08 AM
To: Reynolds, Eric
Subject: RE: Water Conservation Rules Posting

Follow Up Flag: Follow Up
Due By: Friday, May 03, 2013 12:33 PM
Flag Status: Flagged

Hello Eric,

I have been asked to obtain an affordability impact statement from you for informational purposes. Can I find this on the website you sent in the email? If so, please direct me. If not, can you help me with this? Thank you.

Michele Yule

ACEA Executive Director
Austin Contractors & Engineers Assoc.
3636 Executive Center Drive, G40
Austin, Texas 78731
512.836.3140
michele.yule@aceatx.com
www.aceatx.com

From: Reynolds, Eric [<mailto:Eric.Reynolds@austintexas.gov>]
Sent: Thursday, May 02, 2013 4:04 PM
Subject: Water Conservation Rules Posting

Salutations, all!

As a courtesy, Austin Water Conservation would like to make sure each of you is aware of the rules posting. To find copies of the rules, go to [our website](#). Thank you, all, for your participation in this process.

Thank you,
Eric Reynolds

Water Use Compliance Team
BPAT License- BP0015195
Austin Water Conservation Division
Ph: (512) 972-0348 Fax: (512) 974-6548
www.WaterWiseAustin.org



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