

AUSTIN CITY CLERK  
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RULE NO.: R161-13.16

**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 10<sup>th</sup> St, 6<sup>th</sup> 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**

**R161-13.16: Vehicle Wash Facility Efficiency Certification Program Rules, Policies and Application**

The adopted rule contains no changes from the proposed rule. The definition of "vehicle washing facility" in City Code Section 6-4-2(27) is supplemented to include any location or business that has one or more conveyORIZED carwash or conveyORIZED vehicle wash space, unit, or equipment. A Vehicle Washing Facility is a business that washes vehicles or other mobile equipment with water or waterbased products, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventory. Pursuant to City Code Chapter 6-4-10(B) and this rule, an operator of any vehicle washing facility shall provide to the Austin Water Utility an equipment efficiency evaluation for each facility operated by the person in accordance with the following:

- A. Vehicle washing equipment evaluations must be performed annually and the results of each required evaluation submitted to the Austin Water Utility. Annual schedule determined by the zip code of the physical address of the property where the vehicle washing facility is located.
- B. The zip code schedule shall be kept on file with Austin Water Utility and posted on the Austin Water website. Modifications to the zip code schedule made by Austin Water Utility shall be communicated to the service account holder of an affected property a minimum of six months prior to the submittal date as described in paragraph (A). Late notification by the Austin Water Utility of a modification to the zip code schedule is not a defense to a charge based on failure of an operator to submit an evaluation required by this rule or by City Code Section 6-4-10(B) but

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will result in an extension of time for the operator to submit the required evaluation for any calendar year in which late notification was provided, which extension shall not exceed six months from the date of Austin Water Utility's notification to the operator of the schedule change for the zip code.

- C. Equipment efficiency evaluations shall be considered valid for a period of 90 days from the date of the inspection performed by a licensed plumber. Efficiency evaluation forms must be submitted to Austin Water Utility no later than the last day of the month during which the evaluation is due. An operator of a vehicle washing facility who submits to the Austin Water Utility an evaluation completed more than 90 days prior to the date on which it is received by the utility, shall be considered in violation of the requirements of City Code Section 6-4-10(B), unless a compliant evaluation performed within the preceding 90 days is received by the utility no later than the last day of the month during which the evaluation is due.
- D. Failure to provide the required documentation to Austin Water Utility in accordance with the applicable schedule, this rule, or City Code Section 6-4- 10(B) may result in enforcement action by Austin Water that may include, but is not limited to, daily assessment of fees and fines in accordance with Section 6-4- 5(B), non-administrative enforcement, or other remedy as indicated in Sections 6- 4-42, 6-4-43, or 6-4-44.
- E. The operator of a vehicle washing facility whose facility does not meet the efficiency standards prescribed in Paragraph G shall notify Austin Water Utility in writing in accordance with the required zip code schedule applicable to the physical address of the property where the facility is located. This notice at a minimum shall include a Compliance Plan.
- F. At a minimum the Compliance Plan shall include the property owner's name and address, the facility owner's name and address, the operator's name and address, and a plan to immediately take equipment not meeting the efficiency standards prescribed in Paragraph G out of operation. An operator seeking reinstatement of equipment rendered inoperable by the Compliance Plan must submit to the Austin Water Utility documentation completed by a licensed plumber that verifies that the equipment previously required to be taken out of service based on noncompliance with the adopted efficiency standards has been brought into compliance with the efficiency standards. An operator of a vehicle washing facility violates this rule if the operator uses or allows the use of any equipment at the facility previously determined upon evaluation to be noncompliant with the minimum efficiency standards for such equipment or to be the subject of a Compliance Plan, unless the operator has obtained and submitted to the Austin Water Utility documentation from a licensed plumber verifying that the previously noncompliant equipment has been repaired or restored to compliance.
- G. In accordance with Chapter 6-4-10(B)(3), vehicle washing equipment for use at a vehicle washing facility must meet the following standards. It is an offense of this rule for an operator to use, maintain, or allow the use of equipment at a vehicle washing facility if the equipment fails to comply with any of these standards:
  - 1. No water leaks are present in the vehicle washing equipment;
  - 2. In-bay, hand-held spray wash equipment, including a spray wand or foaming brush, does not use more than 3.5 gallons of water a minute and has a trigger shutoff and protective weep.

3. Portable pressure wash equipment must have a spray nozzle with a positive shut off and protective weep mechanism and shall not use more than the following:
  - i. 3.5 gallons of water a minute for passenger vehicles including automobiles, delivery vans and buses; or
  - ii. 10.0 gallons of water a minute for commercial equipment vehicles such as front-end loaders, dump trucks, earth movers or other similar equipment
4. Conveyor or drive through friction system does not use more than 35 gallons for each vehicle;
5. Conveyor or drive through touchless system does not use more than 35 gallons for each vehicle;
6. In-bay automatic system does not use more than 75 gallons/vehicle for buses and other similar large vehicles.
7. In-bay automatic rollover system does not use more than 45 gallons for each vehicle;
8. Each chamois sink has a positive shutoff valve or a system using reverse osmosis rinse water must reclaim and reuse reject water.

## **SUMMARY OF COMMENTS**

The Department of Austin Water Utility did not receive comments regarding the rule adopted in this notice.

## **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.

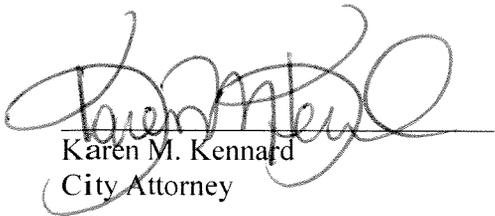
**CERTIFICATION BY CITY ATTORNEY**

By signing this Notice of Rule Adoption (R161- 13.16), 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**

  
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Greg Meszaros, Director  
Department

Date: 5/23/13

  
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Karen M. Kennard  
City Attorney

Date: June 10, 2013