

ORDINANCE NO.

**AN ORDINANCE AMENDING CITY CODE CHAPTER 15-13
(REGULATION OF ONSITE WATER REUSE SYSTEMS) TO ESTABLISH
DEVELOPMENT PROJECT REQUIREMENTS AND CLARIFY ONSITE
WATER REUSE REGULATIONS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS.

The Council makes the following findings:

- (A) Given the potential for severe and frequent drought conditions in Central Texas, it is essential that water use policies to conserve water continue to be developed.
- (B) Water conservation efforts, including policies for responsible onsite water reuse systems, help maximize limited resources as the population grows while ensuring supply for critical public health and safety needs, including adequate supplies for emergency fire lighting, fire suppression, and natural disaster or other emergency management response.
- (C) Proper maintenance of onsite water reuse systems is necessary for sanitation and to protect public health as the City's standard means of treatment or disposal through the City's wastewater treatment systems or storm sewers, as applicable, is not being used as the sole or primary means of treatment or disposal.

PART 2. City Code Section 15-13-4 (*Definitions*) is amended to add new definitions of "Large Development Project" and "Small Development Project" to read as follows and to renumber the remaining definitions accordingly.

- (20) LARGE DEVELOPMENT PROJECT has the meaning assigned in Section 25-9-411.
- (38) SMALL DEVELOPMENT PROJECT has the meaning assigned in Section 25-9-411.

PART 3. City Code Chapter 15-13 (*Regulation of Onsite Water Resuse Systems*) is amended to add a new Section 15-13-7 (*Development Project Requirements*), to renumber existing Section 15-13-7, and to renumber the remaining sections and cross-references accordingly.

§ 15-13-7 - DEVELOPMENT PROJECT REQUIREMENTS.

(A) This subsection applies to a large development project subject to Section 25-9-414 (*Onsite Water Reuse System Requirement*).

(1) A project applicant shall design and construct the OWRS as required by this subsection.

(2) A permittee shall maintain and operate the OWRS as required by this subsection.

(3) Except as provided by Subdivision (4), an OWRS must provide the following non-potable end uses: toilet and urinal flushing, irrigation, and cooling applications.

(4) An OWRS for a project that includes four or more multi-family buildings for which the floor-to-area ratio is less than one is only required to provide irrigation as a non-potable end use.

(5) To the extent required by the water balance calculator approved for the project, rainwater and condensate water are the only alternative water sources required in the OWRS and must be collected in a single tank and reused for non-potable uses.

(B) This subsection applies to a small development project subject to the cooling towers standards of Section 25-12-133 (*Local Amendments to the Uniform Mechanical Code*).

(1) A project applicant shall design and construct the OWRS as required by this subsection.

(2) A permittee shall maintain and operate the OWRS as required by this subsection.

(3) To the extent required by the water balance calculator approved for the project, the collection and reuse of condensate water shall be used for make-up water for evaporative cooling towers if the small development project includes an evaporative cooling tower system with a combined cooling capacity of 100 tons or more.

(C) An applicant for a development project described in Subsections (A) or (B) shall use the water balance calculator to prepare a project summary assessing the amount of alternative water produced on site by the required alternative water sources and the amount of alternative water needed to supply the required non-potable uses.

(D) If, based on the water balance calculator project summary, the available supply from required alternative water sources exceeds the demand from required non-potable uses, 100 percent of that demand shall be met by using the required alternative water sources.

(E) If, based on the water balance calculator summary, the available supply from required alternative water sources is less than the demand from required non-potable uses, 100 percent of the available supply from required alternative water sources shall be used to meet the demand from required non-potable uses.

(F) Small or large development projects may use reclaimed water or other allowed alternative water sources specified in Section 15-13-5 (*Allowed Alternative Water Sources*) to meet required non-potable uses required by this section so long as the reclaimed water or other alternative water sources provide an equivalent or greater amount of non-potable water as the required alternative water sources identified in the water balance calculator project summary.

(G) This subsection applies to small development projects and large development projects.

(1) A record owner shall pay a fee, set by separate ordinance, for excess usage of retail water provided by Austin Water.

(2) Excess usage of retail water occurs when a development project uses retail water in an amount that exceeds the amount of allowable make-up water.

- 94 (3) A development project's allowable make-up water is retail water in an
95 amount established by the water balance calculator approved for the
96 development project.
- 97 (4) The fee established under this subsection must be based on Austin
98 Water's cost to provide retail water that is not recovered by another
99 fee.

100 **PART 4.** City Code Section 15-13-9 (*Operating Permit Required; Exceptions*) is
101 amended to read:

102 **§ 15-13-9 - OPERATING PERMIT REQUIRED; EXCEPTIONS.**

- 103 (A) Except as provided in Subsection (B), a person may not operate an OWRS
104 without an operating permit.
- 105 (B) An operating permit is not required if the OWRS:
- 106 ~~[(1) is a condensate water, rainwater, stormwater, graywater, or foundation~~
107 ~~drain water sourced system that is constructed in accordance with~~
108 ~~applicable plumbing codes and used solely for subsurface irrigation,~~
109 ~~or for surface non-spray irrigation; or~~
- 110 (2) is a legacy system that is not modified or expanded to include a new
111 allowable alternative water source or new allowable end use.
- 112 (C) A person who operates a legacy system must obtain a permit before
113 modifying or expanding the legacy system.
- 114 ~~[(D) This subsection applies to an OWRS described in Subsection (B)(1):~~
- 115 ~~(1) A person shall obtain an approval before installing an OWRS.~~
- 116 ~~(2) A person shall submit an application, a water balance~~
117 ~~calculator, and any other applicable project information~~
118 ~~required by the director before installation.]~~

119 **PART 5.** Subsection (B) of City Code Section 15-13-10 (*Permit Application*) is
120 amended to read:

- 121 (B) An application for an operating permit expires one year from the date of
122 submittal if the engineering report has not been approved. If the engineering

report is approved, an application for an operating permit expires three years from the date of approval of the engineering report. A new application is required if the application expires.

PART 6. Subsection (A) of City Code Section 15-13-11 (*Initial Operating Permit*) is amended to read:

- (A) The director may issue the initial operating permit after the engineering report and any updates are approved, if the OWRS is constructed in accordance with Title 25 (*Land Development Code*), the project applicant pays the annual permit fee, and the project applicant provides:
- (1) a finalized operations and maintenance manual that complies with the requirements set forth in section 15-13-52[4] (*Operations and Maintenance Manual*);
 - (2) evidence of a contract with the designated treatment system manager who meets the requirements in Section 15-13-51[0] (*Treatment System Manager Capacity*);
 - (3) evidence of a contract with a certified laboratory to perform water quality analysis if monitoring and sampling of the OWRS is required by Section 15-13-42 (*Monitoring and Sampling*);
 - (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) a signed and sealed engineer's letter stating that the OWRS was constructed in accordance with the approved engineering report, professionally sealed plans, specifications, and applicable sections of state and local code;
 - (6) evidence that the OWRS performs consistent with the approved engineering report if the director issued a conditional permit under Section 15-13-12[4] (*Conditional Permit*); and
 - (7) for district-scale projects only, an executed enforceable legal agreement as described in Section 15-13-62[4] (*Enforceable Legal Agreement*).

PART 7. City Code Section 15-13-23 (*Fail-Safe Mechanisms*) is amended to read:

§ 15-13-23 - FAIL-SAFE MECHANISMS.

- (A) Each system must be equipped with features that allow for a controlled and non-hazardous automatic shutdown of ~~[the]~~ any treatment process used to meet a log reduction target in the event of a malfunction.
- (B) For an indoor use, treated water must be stored in a separate distribution tank from the collection tank to allow for process control and to prevent improperly treated water from being sent to an end use.

PART 8. Subsections (A) and (B) of City Code Section 15-13-24 (*Flow Meter*) are amended to read:

§ 15-13-24 - FLOW METER.

- (A) An OWRS distribution system that provides water to a required end use ~~[provides treated water]~~ must include a flow meter to measure the amount of water provided by the OWRS.
- (B) A pipeline that provides make-up water to an OWRS must include a city-provided flow meter that is dedicated solely to measuring the amount of make-up water provided to the OWRS to meet the required non-potable end uses.

PART 9. Table 1 of City Code Section 15-13-31 (*Water Quality Requirements*) is amended to read:

§ 15-13-31 - WATER QUALITY REQUIREMENTS.

Table 1: Pathogen Log Reduction Targets

Alternate Water Source	Enteric Virus	Parasitic Protozoa	Bacteria
Condensate Water or Any Allowed Alternate Water Source Used Solely for Subsurface or Non-spray Irrigation	--	--	--
Rainwater	--	<u>1.5</u> [--]	-- [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

PART 10. Subsections (C) and (D) of City Code Section 15-13-51 (*Treatment System Manager Capacity*) are amended to read:

§ 15-13-51 - TREATMENT SYSTEM MANAGER CAPACITY.

- (C) Except as provided in Subsection (D), a treatment system manager is qualified if they finish the ~~[most current]~~ Onsite Non-potable Water System operator training or certification ~~[available]~~ required by the director.~~[through the Water Environment Federation.]~~
- (D) If the OWRS does not include a treatment process to meet a log reduction target, ~~[Onsite Non-potable Water System operator training or certification through the Water Environment Federation is not available,]~~ a treatment system manager is qualified if they sign an affidavit on a form approved by the director attesting that they possess sufficient knowledge, skills, abilities, and training to operate the OWRS.

PART 11. This ordinance takes effect on April 1, 2024.

PASSED AND APPROVED

_____, 2024 § _____

Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____

Anne L. Morgan Myrna Rios
City Attorney City Clerk