

ENB-4.05 - Sanitary System Development Charges Interim Administrative Rules

SANITARY SYSTEM DEVELOPMENT CHARGES INTERIM ADMINISTRATIVE RULES

Administrative Rule Adopted by Bureau Pursuant to Rule-Making Authority

ARB-ENB-4.05

1. Purpose

Chapter 17.36 of the Portland City Code requires properties connecting to public sewers under City control to pay a system development charge. The sanitary system development charge is a fee or charge for connection and use, or increased usage, of sewers and sewage purification systems to be used in connection with the design, construction, acquisition, operation, maintenance, and discharge of contract requirements of the City of Portland for sewage treatment, disposal and purification. The intent of the sanitary system development charge is to recover an equitable share of the costs of existing major system facilities from new development.

2. Organization

Section 3 – Applicability. This section addresses the specific criteria for determining the applicability of sanitary sewer system development charges ("sanitary SDCs").

Section 4 – Determination of Charges. This section details the administrative procedures for determining sanitary SDC charges for a particular customer.

Section 5 – Review. This section details the process for reviewing actual flows subsequent to connection to establish a correct sanitary SDC for industrial process flows not charged prior to connection to the sanitary sewer system.

Section 6 – Appeal. This section describes the provisions for administrative review of sanitary SDCs and appeal to the City Code Hearings Office.

3. Applicability

The sanitary SDC is a charge for connection and use, or increased usage, of sewers and sewage purification systems to be used in connection with the design, construction, acquisition, operation, maintenance, and discharge of contract requirements of the City of Portland for sewage treatment, disposal and purification. The sanitary SDC shall be paid at the issuance of a building permit, whether for new construction or for alteration, expansion, improvement, or conversion of a building already connected to the sewer.

4. Determination of Charges

The methodology for determining sanitary SDCs shall be as set forth in the document Sanitary and Stormwater System Development Charge Methodology, dated April 28, 2004, and adopted as Exhibit D to Ordinance No. 178449.

4.1 Equivalent Dwelling Units. All sanitary SDCs will be based on the equivalent dwelling unit ("EDU"), determined to represent the sanitary volume from a single-family residential dwelling.

4.2 Calculation of Charge. The amount of the SDC will be determined by multiplying the customer EDUs by the cost per EDU.

4.3 Cost per EDU. The cost per EDU will be as determined in the annual Sewer System Rate Study.

4.4 Determination of EDUs.

4.4.1 Single-family. Single-family dwellings will be assessed at the rate of one EDU per dwelling.

4.4.2 Multifamily. EDUs for multifamily uses will be determined according to the conversion factor of 0.8 EDU for each multifamily dwelling unit.

4.4.3 Nonresidential. EDUs for nonresidential uses will be determined according to a conversion from Plumbing Fixture Units ("PFUs") to EDUs, except as noted in Section 5. PFUs for given plumbing fixture types will be as shown in the Oregon Plumbing Specialty Code at the time of the permit application. PFU to EDU conversions will be as follows:

For the following occupancy types, one EDU per 16 PFUs:

- Fire Station
- Automotive Retailers
- Churches/Clubs/Organizations
- Clothing & Dry Goods Stores
- Construction Trade Services
- Education/Cultural
- Repair Services
- Rental/Storage Services

For the following occupancy types: one EDU per 7 PFUs.

- Industry
- All other occupancies

4.4.4 Mixed Use. For mixed residential/nonresidential uses, the EDUs will be determined according to 4.4.1 and 4.4.2 for the residential portion, and according to fixture counts (4.4.3) for the nonresidential portion.

4.4.5 Other Than New Development. EDUs will be determined according to net increase in sewer use. For residential uses, this will be based on net increase in dwelling units. For nonresidential uses, it will be based on net fixtures added.

5. Review

In certain cases, nonresidential uses will have industrial process flows not accurately measured by PFU-based calculations. In these cases, the occupant's wastewater flow will be reviewed after connection, and additional EDUs will be assessed where appropriate.

5.1 Applicability. Occupancies with industrial process flows shall be subject to a review of wastewater discharges after connection to the sanitary sewer system. Determination shall be as follows:

5.1.1 Occupancies Subject to Usage Review. These occupancies are associated with manufacturing or materials processing, or otherwise using industrial process water flows. The following occupancies shall be considered to be subject to review:

- Manufacturing facilities
- Tilt-up Warehouses
- Industrial laundries
- Food/beverage-processing facilities
- Educational institutions
- Hospitals
- Unknown final use/occupancy

5.1.2 Mixed Uses. Where occupancy includes industrial uses as listed above, the record will be considered subject to future review. If industrial flows are metered separately, however, they may be evaluated separately for purposes of review.

5.1.3 Determination by Director. Where occupancy is not described by any of the above categories, the Director may determine the appropriate classification for purposes of review.

5.2 Interval. Wastewater flows will be reviewed within two years of connection to the sewer system. If accurate water use information is not available during that time, the Director may determine the appropriate interval.

5.3 Determination Of Sanitary Flow. Sanitary flow will be determined by calculating a monthly average flow over six-month intervals. Average flow will be the highest such average over the two-year interval following connection to the sanitary sewer system.

5.4 Calculation of EDUs. EDUs will be determined according to the following conversion: one EDU per six hundred cubic feet of sanitary flow per month.

5.5 Sanitary SDC Due. If the EDUs determined in 5.4 exceed the EDUs paid upon application for the permit, the difference shall be due to the City. The calculation shall be based on the rate per EDU in effect at the time the determination is made. An occupancy otherwise determined to be subject to review will not be subject to adjustment of the sanitary SDC if its average usage is below eighteen hundred cubic feet per month.

5.6 Responsibility. The occupant of the site shall be considered the responsible party for the additional amount due, unless the Bureau is notified otherwise in writing.

5.7 Transferability. If the occupant of the site is not the permit applicant, and the occupant pays for additional EDUs as described in 5.5 above, then the additional EDUs paid shall accrue to the occupant, and may be applied elsewhere in the event of relocation.

6. Appeal

6.1 Request For Administrative Review. The applicant may request an administrative review of the calculation of the sanitary SDC prior to payment or within sixty days of payment of the sanitary SDC. The applicant must make a written request for administrative review to the Bureau at the following address:

Development Engineering & Services Manager
Bureau of Environmental Services
1120 SW Fifth Avenue, Room 1000
Portland, Oregon 97204-1912

6.2 Administrative Review. Upon receipt of a request for administrative review, the Director of the Bureau of a designee shall conduct a review, consider documentation provided by the applicant as well as Bureau and City documentation, and make a final determination regarding the calculation of the charge.

6.2.1 Valid Request for Administrative Review. The Bureau shall consider a written request for administrative review to be valid if the applicant provides substantive documentation to support one or more of the review criteria to be used by the Bureau to make a final determination. If no such documentation is provided with the request, the Bureau shall notify

the applicant that the request is rejected.

6.2.2 Review Criteria. The Bureau shall use the following criteria to make a final determination regarding the administrative review:

- 6.2.2.1 Accuracy of the EDU count for the applicant's permit, including net increase in the case of expansion, or modification.
- 6.2.2.2 Accuracy of the PFU count for the non-residential uses, including net increase in the case of expansion, modification, or change in use.
- 6.2.2.3 Appropriate classification of business type for non-residential applicants for purposes of determining EDU equivalency.
- 6.2.2.4 Appropriate classification of business type for review of flow.
- 6.2.2.5 For flow review, accuracy of average sewer discharge measurements and calculations.
- 6.2.2.6 Appropriate consideration of existing EDUs for the applicant's site.

6.2.3 Final Determination. The Bureau shall make a final determination based on the written documentation provided by Bureau staff and the applicant. The Bureau shall send a written notice of the final determination to the applicant within 21 days of receiving the request for administrative review. The notice shall contain a description of the final determination, and provide information about the process for filing an appeal with the City Code Hearings Officer.

6.3 Appeal to the City Code Hearing Officer. An applicant may appeal the Bureau's final determination by filing a written request with the Code Hearings Officer as provided for in Chapter 22.10 of the City Code.

HISTORY

Filed for inclusion in PPD September 29, 2004.

Signed by Environmental Services Director September 29, 2004.