

ORDINANCE No. 186139

Authorize the Director of the Bureau of Environmental Services or his designee to enter into agreements with private property owners for rehabilitation of private sewer service laterals to remove inflow and infiltration from the public sewer conveyance and treatment system. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2012 Council adopted Resolution 36977 recognizing the negative impacts of Rainfall Derived Infiltration and Inflow (RDII) and endorsing implementation of RDII pilot projects.
2. On November 9, 2011, BES entered into Mutual Agreement and Order (MAO) WQ/M-NWR-11-091 with the Oregon Department of Environmental Quality (DEQ) to reduce Rain-Derived Inflow and Infiltration (RDII) to the system in order to eliminate sanitary sewer overflows on Dewitt St. in the Burlingame sewer basin.
3. RDII entering defective private laterals through infiltration or from direct connections (inflow) results in excessive stormwater in the City's sanitary sewer system, contributing to sewage overflows and causing the City to incur costs each year for additional wastewater pumping and treatment.
4. As documented in the "Recommended Plan for Fanno Creek and Burlingame Sanitary Basins," March 21, 2012, BES research has shown that RDII cannot be reduced sufficiently to meet system operational needs without reducing RDII sources from private property.
5. In January 2013 Council adopted Ordinance 185866 authorizing the Director of the Bureau of Environmental Services to execute agreements with individual property owners in the RDII Program Pilot Project areas. The template for those agreements has been modified for subsequent project areas, mainly in order to require property owners to donate easements to the City in exchange for rehabilitating their laterals.
6. The Office of the City Attorney has reviewed the agreement template and determined that it is sufficiently changed from the one authorized by Ordinance 185866 to require a new ordinance. This authorization is being sought because the agreement template includes a mutual indemnification provision between property owners and the City.
7. There is no cost to the property owners for their participation under these agreements, and their participation is entirely voluntary. BES will fund and construct private service rehabilitations on private property using funds available in the current & future years' requested Sewer System Operating Fund Budget. The source of funding is BES revenue from rates.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services or his designee is authorized to execute agreements with individual property owners for rehabilitation of private sewer service laterals to

remove inflow and infiltration from the public sewer conveyance and treatment system, in substantially the form of Exhibit A, attached hereto.

Passed by the Council, **JUL 03 2013**
Commissioner Nick Fish

Scott Gibson
May 21, 2013
WBS E10472- ord

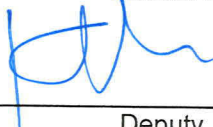

LaVonne Griffin-Valade
Auditor of the City of Portland

By *Gayla Jennings*

Deputy

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Agenda No. **186139**
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Title

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INTRODUCED BY Commissioner/Auditor: FISH	CLERK USE: DATE FILED <u>JUN 21 2013</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland  By: _____ Deputy
BUREAU APPROVAL Bureau: Environmental Services Bureau Head:  Prepared by: Scott Gibson Date Prepared: May 21, 2013 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> City Auditor Office Approval: City Attorney Approval: Council Meeting Date June 12, 2013 26 27	ACTION TAKEN: JUN 27 2013 PASSED TO SECOND READING JUL 03 2013 9:30 A.M.

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman ✓	
4. Novick	4. Novick ✓	
Hales	Hales ✓	