

**Chapter 3.13 Bureau of Environmental Services**

*Add new Section 3.13.050*

**3.13.050 Permitting Authority**

The Director of the Bureau of Environmental Services is authorized to develop and require permits, authorizations, inspections, and other forms of review and approval to implement and assure compliance with those sections of this code that are administered by the Bureau of Environmental Services.

**Chapter 17.04 Definitions**

*Revise Subsection 17.04.010 U*

**U. “Public Sewer”** means the entire City sewage, sludge, and stormwater collection, conveyance, treatment, pollution reduction, reuse, and disposal systems, including all pipes, ditches, sumps, manholes, and other system components that:

1. Have been designed for the collection and transport of stormwater, wastewater, or sanitary sewage received from street inlets, sewer service laterals and common private sewer systems; and
2. Were
  - a. Constructed by the City’s Bureau of Environmental Services; or
  - b. Accepted by the City’s Bureau of Environmental Services under Section 17.32.055.

**Chapter 17.32 Public Sewer and Drainage System Permits, Connection and Maintenance**

*Revise Section 17.32.020*

**A. “Building Sewer”** means ~~the private property that~~ portion of the horizontal piping system that receives the discharge of building drains, and extends to a public sewer, private sewer, private sewage disposal system, or other approved discharge point; and is located on private property.

**B. “Capacity”** means the flow volume or rate ~~that for which~~ a specific facility (e.g., pipe, pond, vault, swale, ditch, or drywell) is designed to safely contain, receive, convey, infiltrate, or reduce pollutants from ~~or infiltrate sanitary sewage, stormwater, wastewater, or other discharge in order~~ to meet a specific performance standard.

**C. “City Storm Sewer and Drainage System”** means a City conveyance or system of conveyances, including but not limited to pipes, pumps, drainage ditches, constructed channels, groundwater-related disposal systems, underground injection control devices, stormwater management facilities, and ~~or~~ storm drains, that is are designed or used to collect and transport stormwater. “City storm sewer and drainage systems” does not include natural streams, creeks, ponds, lakes, a combined sewer, or part of a Publicly Owned Treatment Works, as defined in 40 CFR 122.2

**D. through L. - unchanged**

**M. “Green Street”** means a vegetated stormwater management facility located within ~~the planting strip or other portion of a~~ public or private rights-of-way.

**N. is unchanged**

**O. “Nonconforming Sewer”** means a private sanitary sewer that is:

1. Not on the same public or private property as the structure or structures being served by the sewer; and
2. Not located within a recorded sewer easement or subject to a recorded covenant for easement regarding use of the sewer and meeting the standards for easements specified in administrative rules.

**PO. "Public Right-of-Way"** means the area within the confines of a dedicated public street, an easement owned by the City, or other area dedicated for public use for streets-or public utility facilities.

**P. through R. - relettered to Q. through S.**

**T. "Sampling Manhole"** means a manhole in a sewer lateral or other monitoring access acceptable to BES, and that allows for observation, sampling or measurement of all discharges to the City's sewer or drainage system.

**US. "Stormwater"** means water that originates as precipitation on a particular site, basin, or watershed. Also referred to as runoff.

**VT. "Wye".**

*Amend Subsection 17.32.150 A.3*

### **17.32.150 Compliance Cases and Appeals.**

**A.3.** Appeals to the City Code Hearings Officer. An appellants must pay a filing fee and a deposit in the amount of the Code Hearing fee as part of their appeal request. If the Code Hearings Officer finds in favor or in partial favor of the appellant, BES will void and return the reimburse the appellant for the full amount of the fee, and send a check to the appellant via certified mail.

## **Chapter 17.33 Required Public Sewer Connection**

*Amend Section 17.33.020*

### **17.33.020 Definitions**

For the purpose of this Chapter, the following definitions and applicable definitions of Section 17.32.0206 shall will apply:

**A. through F - Unchanged**

**G. "Owner-Occupant"** means an owner who uses the property as his or her primary residence. The individual who has the responsibility for assessments and is occupying the property will be considered the owner-occupant regardless of who holds the deed to the property. An owner who lived at the property before moving to a nursing home or similar facility is considered to be residing at the property if the property is not producing income.

**G. and H. - relettered to H. and I.**

*Amend Section 17.33.080*

### **17.33.080 Declaration of Nuisance.**

Any property not connected to a public sewer system as required by Section 17.33.030, Section 17.33.050, or Subsection 17.32.07055\_C. is hereby declared a nuisance and subject to abatement or correction as provided for in Section 17.33.100. The Director is authorized to take steps necessary to abate such a nuisance, including abatement work in public rights-of-way or easements, authority to order remediation on private or public property, or to expend City funds to abate the nuisance. ~~In the latter case, t~~The Director is further authorized to charge the responsible parties for all costs of the abatement effort. The Director ~~shall~~ will establish the procedures and forms to be used to notify property owners about sewer system availability and connection delinquencies. Costs of nuisance abatement may be assessed as a lien against property as provided in this Code.

*Amend Subsection 17.33.100 B.*

### **17.33.100 Connection Enforcement.**

**B.** If the nuisance described in the notice has not been removed or information is not provided establishing that such nuisance does not exist, the City may apply for an order authorizing the City to access private or public property to abate the nuisance, ~~The order will include consistent with the terms and requirements of for abatement by the Code Hearings Officer and the administrative rules associated with this Chapter.~~ The Code Hearings Officer shall have discretion to modify connection dates, required actions by property owners, and types and timing of City abatement activities.

1. The City shall will maintain an accurate record of all expenses incurred, including an overhead charge of 26 percent, an administration fee for each occurrence as specified in the administrative rules, sewer user charges and permit fees, which shall be assessed as a lien on the property in accordance with the provisions of Chapter 22.06.

2. It ~~shall be~~ is unlawful for any person to attempt to obstruct, impede, or interfere with any officer, employee, contractor, agent, or authorized representative of the City whenever ~~such officer, employee, contractor, agent, or authorized representative of the City is~~ they are engaged in the work of connecting a property to the public sewer or removing or abandoning an existing sewage disposal system under the authority of an abatement order of the Code Hearings Officer.

3. Neither the City nor any of its officers, employees, contractors, agents, or authorized representatives ~~shall be~~ are liable for any damage to the real property, ~~or any improvements or personal property~~ due to the non-negligent enforcement or administration of this Chapter.

*Amend Section 17.33.110*

**17.33.110. Actions before the City Code Hearings Officer**

**A. Code Compliance Hearings.** Any pProperty owner who fails to comply with this Chapter or not in compliance with the Mandatory Sewer Connection and or the Nonconforming Sewer Conversion Programs requirements administrative rules (ENB-4.18 and ENB-4.27, respectively) may will be summoned to a code compliance hearing before the City Code Hearings Officer per Title 22. The Code Hearings Officer is authorized to order compliance with City sewer connection regulations, including site entry to physically connect sewer systems.

**B. Property Owner-Initiated Appeals.** Property owners may initiate appeals to the City Code Hearings Officer on the following issues BES decisions:

1. ~~Conversion Charges.~~ The property owner may appeal tThe amount of the connection charges and the methodology used to determine them.

2. ~~Deadline for Connection or Resolution.~~ Unless a sewer is immediately available, the property owner may appeal tThe 180-day sewer connection deadline. BES may grant deadline extensions based on sewer availability and extenuating circumstances.

An appellant must pay a filing fee in the amount of the Code Hearing fee as part of the appeal request. If the Code Hearings Officer finds in favor or in partial favor of the appellant, BES will reimburse the appellant for the full amount of the fee, and send a check to the appellant via certified mail.

**Chapter 17.34 Sanitary Discharges**

*Amend Section 17.32.020*

**17.34.020 Definitions**

**A. through K.** - *unchanged*

**L. "Industrial User"** means any person that who discharges industrial or commercial wastewater to the City sewer system.

**M. through P.** - *unchanged*

**Q. "Pollutant"** means an elemental or physical material that can be mobilized or dissolved by water or air and that could create a negative impact to human health, safety, or the environment. ~~Pollutant discharges into the City sewer system may be prohibited or limited by this Chapter or administrative rules.~~

**R. through U.** - *unchanged*

**V. "Upset"** means an exceptional incident in which a discharger temporarily is in a state of noncompliance with the applicable categorical pretreatment standards of this Chapter or-associated rules. Upset must be due to factors beyond the reasonable control of the discharger and not caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation of treatment facilities.

**W. "Wastewater"** means any non-domestic sewage flows including but not limited to washwaters, industrial wastewater, commercial discharges, and other nonstormwater discharges.

*Amending Section 17.34.050.*

**17.34.050 Pretreatment and Pollution Control Required Facilities.**

~~A. If, as determined by the Director, treatment facilities or make structural modifications to their facilities or equipment, or make operation changes or, process modifications, or take other measures to protect the City sewer system, at an industrial user's facility are needed to comply with any requirements under of this Chapter or are necessary to meet any applicable state or federal requirements, the Director may require that such facilities be constructed or that modifications actions be taken made to the pretreatment facilities within the shortest reasonable time. Compliance deadlines will be based on construction time, and the confirmed or potential impact of the untreated industrial wastewater on the City sewer system, impact of the industrial wastewater on the marketability of the City treatment plant sludge or sludge products, and any other appropriate factor. Such structures and site modifications must be reviewed and approved by the Director to determine sufficiency.~~

**B. No Change**

**C.** Plans, specifications and other information relating to the construction or installation of required pretreatment facilities ~~shall~~ and source control measures must be submitted to the Director. A permit or permit review may be required. No construction or installation ~~shall~~ may commence until written approval of plans and specifications by the Director is obtained. No person, by virtue of such approval, ~~shall~~ will be relieved of compliance with other local, ~~state~~ or federal laws relating to construction and permits. Every facility must be constructed in accordance with the approved plans and specifications and installed and maintained at the expense of the discharger.

**D.** Any person constructing ~~or implementing a pretreatment facilities~~ or source control measures shall may be required to also install and maintain at their ~~the discharger's~~ own expense a sampling manhole or other suitable monitoring access for checking and investigating the discharge from the pretreatment facility to the public City sewer. The sampling manhole or monitoring access ~~shall~~ must be placed in a location designated by the Director and in accordance with specifications approved by the Director.

*Amend Subsection 17.34.115 A.3***17.34.115 Requests for Reconsideration.**

**A.3.** Appeals to the City Code Hearings Officer. ~~An appellants must pay a filing fee and a deposit in the amount of the Code Hearing fee as part of their appeal request. If the Code Hearings Officer finds in favor or in partial favor of the appellant, BES will void and return the~~ reimburse the appellant for the full amount of the fee, and send a check to the appellant via certified mail.

**Chapter 17.35 Septage Discharge***Amend Subsection 17.35.130 A.3***17.35.130 Compliance Cases and Appeals.**

**A.3.** Appeals to the City Code Hearings Officer. ~~An appellants must pay a filing fee and a deposit in the amount of the Code Hearing fee as part of their appeal request. If the Code Hearings Officer finds in favor or in partial favor of the appellant, BES will void and return the~~ reimburse the appellant for the full amount of the fee, and send a check to the appellant via certified mail.

**Chapter 17.36 Sewer User Charges***Amend Section 17.36.020***17.36.020 Definitions**

**A. through G.** – No Change

**H. "Groundwater"** means subsurface water that occurs in soils and geological formations that are fully saturated. Groundwater fluctuates seasonally and includes perched groundwater. ~~Groundwater related discharges include, but are not limited to, subsurface water from site remediation and investigations, well development, Brownfield development, discharges from footing and foundation drains, rainwater infiltration into excavations and subsurface water associated with construction or property management dewatering activities.~~

**I. "Groundwater Discharge"** means a discharge of water pumped or directed from the ground. Groundwater

discharges include but are not limited to subsurface water from site remediation and investigations, well development, Brownfield development, discharges from footing and foundation drains, and subsurface water associated with construction or property management dewatering activities.

**I. through R.** – *relettered to J. through S.*

**TS.** “**Sanitary Sewer Conversion Charge**” means the charge to convert a nonconforming sewer, as that term is defined in Chapter 17.33. This charge is assessed in lieu of line and branch connection charges.

**T. through V.** – *relettered to U. through W.*

**XW.** “**Stormwater Management Services**” means services and actions used to collect, convey, detain, retain, treat or dispose of stormwater runoff. These services include managing stormwater runoff from public streets, mitigating flooding, preventing erosion, improving water quality of stormwater runoff, collecting and conveying stormwater runoff from private properties when runoff exceeds the capacity of private facilities to manage stormwater onsite, mitigating impacts to natural habitats caused by stormwater runoff, and protecting properties and natural habitats from hazardous soils and materials that are discharged from private properties and public rights-of-way.

**X. through Z.** – *relettered to Y. through AA.*

**BBAA.** “**Total Suspended Solids (TSS)**” means the total suspended matter that either floats on the surface or is suspended in water or wastewater and that is removable by laboratory filtering ~~(as approved in Guidelines Establishing Test Procedures for the Analysis of Pollutants, contained in accordance with 40 CFR 136 Table B. and amendments thereto, as published in the Federal Register).~~

**BB. and CC.** – *relettered to CC. and DD.*

*Add Subsection 17.36.060 H*

#### **17.36.060 Special User Charges.**

**H. Sub-Meter Program Fees, Charges and Credits.** A commercial ratepayer may elect or be directed to participate in the Sub-Meter Program to accurately assess sewer and stormwater management service user fees. A program participant is required to pay both the Water and the BES special meter charges for each meter in use, which are assessed on each billing cycle. Meter results will provide either credits or additional charges against the user’s bill as described in the Sub-Meter Program administrative rules PPD item ENB-4.32.

*Amend Section 17.36.110.*

#### **17.36.110 Appeal.**

A ratepayer, property owner or owner’s agent may request modification of a BES assessment of a charge as described in this Chapter via administrative review with BES staff. After the requestor has exhausted all BES program reviews, the requestor may file for an appeal with the Code Hearings Officer per PCC Title 22. An appellant must pay a filing fee in the amount of the Code Hearing fee as part of the appeal request. If the Code Hearings Officer finds in favor or in partial favor of the appellant, BES will reimburse the appellant for the full amount of the fee; and send a check to the appellant via certified mail.

### **Chapter 17.38 Drainage and Water Quality**

*Amend Section 17.38.020*

#### **17.38.020 Definitions.**

**A. “Approved Drainage System”** – *No Change*

**B. “Capacity”** means the flow volume or rate that for which a specific facility (e.g., pipe, pond, vault, swale, ditch, or drywell) is designed to safely contain, receive, convey, infiltrate, or reduce pollutants from sanitary sewage, stormwater, wastewater, or other discharge in order or infiltrate to meet a specific performance standard.

**C. “Combination Facilities”** – *No Change*

**D. “Conveyance”** means the transport of sanitary sewage, stormwater, wastewater or other discharge from one point to another point.

**E. through I.** – *No Change*

**J. "Green Street"** means a vegetated stormwater management facility located within ~~the planting strip or other portion of a~~ public or private rights-of-way.

**K. "Groundwater"** means subsurface water that occurs in soils and geological formations that are fully saturated. Groundwater fluctuates seasonally and includes perched groundwater. ~~Groundwater-related discharges include, but are not limited to, subsurface water from site remediation and investigations, well development, Brownfield development, discharges from footing and foundation drains, rainwater infiltration into excavations and subsurface water associated with construction or property management dewatering activities.~~

**L. "Groundwater Discharge"** means a discharge of water pumped or directed from the ground. Groundwater discharges include but are not limited to subsurface water from site remediation and investigations, well development, Brownfield development, discharges from footing and foundation drains, and subsurface water associated with construction or property management dewatering activities.

**L. and M. – relettered to M. and N.**

**ON. "Pollutants of Concern"** means parameters constituents identified by DEQ or BES as having the potential to have a negative impact on the receiving system, including surface waters, groundwater, the wastewater collection system and/or the wastewater treatment plant. Pollutants of concern can include suspended solids, heavy metals, nutrients, bacteria and viruses, organics, volatiles, semi-volatiles, floatable debris and increased temperature.

**O. through R. – relettered to P. through S.**

**T. "Source Control"** means a structural measure required by the SWMM to prevent or control the release or potential release of pollutants generated by certain site characteristics and uses.

**US. "Stormwater"** means water that originates as precipitation on a particular site, basin, or watershed. ~~Also referred to as runoff.~~

**VT. "Stormwater Management"** means ~~the overall culmination of techniques used to reduce pollutants from, detain, retain, or provide a discharge point for stormwater runoff to best preserve or mimic the natural hydrologic cycle. Stormwater management, to accomplish goals of reducing combined sewer overflows or and basement sewer backups, or to fit within and helps meet the capacity needs of the existing infrastructure.~~

**U. through X. – relettered to W. through Z.**

#### *Amend Subsections 17.38.035 B.2 and F*

##### **17.38.035 Drainage Management Policies and Standards.**

**B.2.** Land use activities ~~of particular concern as pollution sources shall~~ may be required to implement additional pollution controls and source controls including but not limited to, those management practices specified in the Stormwater Management Manual.

**C through E. – No Change**

**F.** All stormwater management facilities, source controls, and drainage discharge systems must ~~shall~~ comply with the standards set forth in the Stormwater Management Manual and may require permit review and approval before commencement of work. Public systems must ~~shall~~ be reviewed and approved by BES in compliance with the sizing and location standards in the Stormwater Management Manual. Private onsite systems must ~~shall~~ comply be reviewed and approved by BES for compliance with the stormwater hierarchy and other guidance specified in the Stormwater Management Manual, and may ~~shall~~ be reviewed by Bureau of Development Services for compliance with the plumbing code regulations in Section 25.01.020. Installation or modification of any stormwater system or source control, whether it involves structural changes, changes to planting schemes, or the management of drainage area in addition to what was previously approved, may require a permit from or review by the BES Chief Engineer.

#### *Amend Section 17.38.040*

##### **17.38.040 Stormwater Management Facilities Required.**

No plat, site plan, building permit, tenant improvement, or public works project, or any improvement requiring a City permit shall will be approved unless the conditions of the plat, permit or plan approval requires installation of permanent stormwater management facilities and source controls designed according to standards or guidelines established by the Director and as specified in the Stormwater Management Manual.

Remainder of this Section unchanged.

Amend Subsection 17.38.060 A.3.

**17.38.060 Compliance Cases and Appeals.**

**A.3.** Appeals to the City Code Hearings Officer. An appellants must pay a filing fee and a deposit in the amount of the Code Hearing fee as part of their appeal request. If the Code Hearings Officer finds in favor or in partial favor of the appellant, BES will void and return the ~~reimburse the appellant for the full amount of the fee, and send a check to the appellant via certified mail.~~

**Chapter 17.39 Storm System Discharges**

Amend Section 17.39.020

**17.39.020 Definitions.**

**A. “Capacity”** means the flow volume or rate that for which a specific facility (e.g., pipe, pond, vault, swale, ditch, or drywell) is designed to safely contain, receive, convey, infiltrate, or reduce pollutants from sanitary sewage, stormwater, wastewater, or other discharge in order or infiltrate to meet a specific performance standard.

**B. “City Storm Sewer and Drainage System”** means a City conveyance or system of conveyances, including but not limited to pipes, pumps, drainage ditches, constructed channels, groundwater-related disposal systems, underground injection control devices, stormwater management facilities, and storm drains, that are designed or used to collect and transport stormwater. “City Storm sewer and drainage system” does not include natural streams, creeks, ponds, lakes, a combined sewer, or part of a Publicly Owned Treatment Works, as defined in 40 CFR 122.2.

**B. through G. – relettered to C. through H.**

**I. “Groundwater”** means subsurface water that occurs in soils and geological formations that are fully saturated. Groundwater fluctuates seasonally and includes perched groundwater.

**J. “Groundwater Discharge”** means a discharge of water pumped or directed from the ground. Groundwater discharges include but are not limited to subsurface water from site remediation and investigations, well development, Brownfield development, discharges from footing and foundation drains, and subsurface water associated with construction or property management dewatering activities.

**H. through K. – relettered to K. through N.**

**OL. “Pollutant”** means an elemental or physical material that can be mobilized or dissolved by water or air and that could creates a negative impact to human health, safety, or the environment. ~~Pollutant discharges into the City storm and drainage system may be prohibited or limited by this Chapter or administrative rules.~~

**PM. “Process Wastewater”** means any water which used during manufacturing or processing that comes into direct contact with or results from the production, use, or handling removal of a raw material, intermediate product, or finished product, including any by-product or waste product, including decant liquids.

**QN. relettered only – no change**

**O. “Storm Sewer and Drainage System”** means a City conveyance or system of conveyances, including pipes, pumps, drainage ditches, constructed channels, groundwater-related disposal systems, underground injection control devices, stormwater management facilities, or storm drains, that is designed or used to collect and transport stormwater. ~~storm sewer and drainage system” does not include natural streams, creeks, ponds, lakes, a combined sewer, or part of a Publicly Owned Treatment Works, as defined in 40 CFR 122.2.~~

**R. “Sampling Manhole”** “Sampling Manhole” means a monitoring access point, such as a manhole in a sewer lateral, that is acceptable to BES and that allows for observation, sampling, or measurement of all discharges to the City’s sewer or drainage system.

**P. and Q. – relettered to S. and T.**

**UR. “Underground Injection Control (UIC) System”** means any system or structure that is intended to discharge fluids below the ground surface. ~~Examples of UICs include, but are not limited to is defined by DEQ~~

as any system, structure, or activity that is intended to discharge fluids below the ground surface, such as sumps, drywells, sumps, trench drains and infiltration galleries and soakage trenches.

**VS.** *relettered only – no change*

*Delete Subsection 17.39.030 C*

**C.** Discharges that comply with a DA or permit issued by the Director or DEQ.

*Amend Subsection 17.39.050 C*

**17.39.050 Notification and Control of Illicit Connections and Discharges.**

**C.** Protection of City Systems. Dischargers shall must eliminate or control direct or indirect ~~system entry points that have the potential to allow spills or discharges into the City's storm sewer and drainage system.~~ The Director may require dischargers to make structural or operational modifications to their facilities, equipment, or drainage systems or to take other measures to ~~safeguard operation of~~ protect the City's storm sewer and drainage system. Such structures and site modifications must be reviewed and approved by the Director to determine sufficiency. A permit or permit review may be required.

*Amend Subsection 17.39.080 B*

**17.39.080 Sampling.**

**B.** All dischargers with continuous or routine discharges must provide ~~the City access to a~~ sampling manhole or other City-approved sampling location upstream of the physical connection or discharge point into the City system. City access to the sampling location must be provided.

*Amend Subsection 17.39.120 A.3*

**17.39.120 Compliance Cases and Appeals.**

**A.3.** Appeals to the City Code Hearings Officer. An appellants must pay a filing fee and a deposit in the amount of the Code Hearing fee as part of their appeal request. If the Code Hearings Officer finds in favor or in partial favor of the appellant, BES will void and return the reimburse the appellant for the full amount of the fee, and send a check to the appellant via certified mail.