

Attachment A

CHAPTER 3.13 Bureau of Environmental Services

Amend Section 3.13.020 as follows:

3.13.020 Organization.

The Bureau is administered by the Commissioner in charge and led by the Director of Environmental Services. The Director works with Group Managers and their staff in pursuit of the mission. The organizational structure of the Bureau shall be determined by the Director of the Bureau after consultation with the Commissioner in charge. The Bureau of Environmental Services is responsible for design, construction, operation and maintenance of the sanitary and storm water collection and transport systems, and watershed management. The Director shall have authority to issue administrative rules and regulations in addition to those specified in the Charter and this Code, as are appropriate to provide for the adequate functioning of the Bureau and to carry out the responsibilities under this Code.

Add Section 3.13.040 as follows:

3.13.040 Administrative Rules and Procedures.

A. The Director of the Bureau of Environmental Services may adopt, amend and repeal rules, policies, procedures, and forms pertaining to matters within the scope of this Code.

B. Any adoption, amendment or repeal of a rule pursuant to this section requires a public review process which includes a minimum 30-day public comment period and the opportunity for a public hearing. Notice shall be given by publication in a newspaper of general circulation not less than thirty days before adoption. Such notice shall include the location at which copies of the full text of the proposed rules may be obtained and the place and time of a proposed public hearing. The Director is only required to hold the public hearing if requested to do so.

C. During the public review process, the Director shall hear testimony or receive written comment concerning the proposed rules and prepare a report of findings and recommendations. The Director shall review findings and recommendations, taking into consideration the comments received during the public review process, and shall either adopt, modify or reject proposals. If a substantial modification is made, the Director may provide additional time for the public review process. Unless otherwise stated, all rules shall be effective upon adoption by the Director and shall be filed in the office of the Director and in the Portland Policy Documents repository described in Chapter 1.07.

D. Notwithstanding Subsections 3.13.040 B. and C., the Director may adopt an interim rule without prior notice if failure to act promptly would result in a threat to public health and safety or the environment. Any interim rule adopted pursuant to this paragraph shall be effective for a period of not longer than 180 days.

Replace Chapter 17.04 as follows

Chapter 17.04

DEFINITIONS

17.04.010 Definitions.

The following definitions apply to the entirety of Title 17. Additional section-specific definitions may be found in other sections.

A. "Best Management Practices (BMPs)" means operational, maintenance and other practices that prevent or reduce environmental, health or safety impacts. BMPs include structural controls, modification of facility processes, and operating and housekeeping pollution control practices.

B. "Brownfield" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

C. "Building Permit" means a permit required under Chapter 24 or state administrative rule to erect, construct, enlarge, alter, repair, move, improve, remove, convert, change occupancy group of, or demolish any building or structure, or to do any clearing or grading, or cause any of the same to be done.

D. "Chief Engineer" means the engineer with the authority to act as the official agent of the bureau or department responsible for a local or public improvement or the lawfully designated subordinate of the City Engineer. For the Bureau of Transportation this shall be the City Engineer, for the Bureau of Environmental Services this shall be the Chief Engineer of the Bureau of Environmental Services, and for the Portland Water Bureau this shall be the Chief Engineer of the Portland Water Bureau.

E. "City Engineer" means the duly appointed City Engineer, or designee.

F. "Department of Environmental Quality (DEQ)" means the Oregon Department of Environmental Quality.

G. "Development" means all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities which create the need for additional usage or construction of public infrastructure.

H. "Director of the Bureau of Environmental Services" means the duly appointed Director of the Bureau of Environmental Services, or the lawfully designated subordinate of the Director of Environmental Services acting under the orders of the Director of the Bureau of Environmental Services.

I. "Director of the Bureau of Transportation" means the duly appointed Director of the Bureau of Transportation, or the lawfully designated subordinate of the Director of the Bureau of Transportation acting under the orders of the Director of the Bureau of Transportation.

J. "Dwelling Unit" means a building or a portion of a building consisting of one or more rooms which may include sleeping, cooking, and plumbing facilities and are arranged and designed as living quarters for one family or household

K. "Engineer's Estimate" means the calculation of anticipated total dollar cost of the construction of a public or local improvement project as determined by the Chief Engineer. The estimate is used in determining the face value of performance bonds where applicable.

L. "EPA" means the United States Environmental Protection Agency.

M. "Frontage" means the length of public right-of-way adjacent to a property, measured in feet.

N. "Lateral" means the underground pipe that connects the plumbing system of a building or buildings to a public or private sewer

O. "Local Improvement" means an improvement of, on, over or under property that is or will be owned or controlled by the public, by construction, reconstruction, remodeling, repair or replacement, when the improvement is determined by the Council to confer a special benefit on certain properties, and such properties are to be charged through assessment all or a portion of the improvement cost.

P. "Oregon Administrative Rules (OAR)" means the State of Oregon Administrative Rules as amended.

Q. "Owner" means an owner-of-record of real property according to the appropriate county's assessment and taxation records.

R. "Person" means any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, and/or the manager, lessee, agent, servant, officer, or employee of any of them.

S. "Projected Future Curbline" means:

1. The location of the curbline as designated on City plans for street construction;
2. To the edge of existing pavement; or
3. To the appropriate width of the designated street classification as described in the Design Standards for Public Streets.

T. "Public Improvement" means an improvement of, on, over or under property owned or controlled by the City, or property to be controlled by the City upon plat and easement recording for approved land divisions, by construction, reconstruction, remodeling, repair or replacement, when no property is intended to be charged through assessment any portion of the improvement cost.

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, 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.

V. "Public Utility" means a person currently possessing a franchise or privilege granted by the City of Portland to provide utility service, or is a City bureau charged with providing utility service, to the public to generate, transmit or provide any such service within the City, including but not limited to electricity, telecommunications, natural gas, sewer, water, stormwater, cable or pipeline services.

W. "Public Works Project" means any project performed or financed by a local, state, or federal government that results in the construction of a Local Improvement or a Public Improvement.

X. "Responsible Official" means the Official with the authority to act as the official agent of the bureau or department or the lawfully appointed subordinate of the Responsible Official. For the Bureau of Transportation, this shall be the Director of the Bureau of Transportation as defined in Section 17.04.036. For the Bureau of Environmental Services, this shall be the Director of the Bureau of Environmental Services as defined in Section 17.04.035.

Y. "Street" means any street as defined in the City Charter, including all area between property lines, and area dedicated to street use.

AMEND – 17.06

CHAPTER 17.06 Administration of Public Works Permitting

Add Subsection 17.06.015 as follows:

17.06.015 Protection of the Public Interest.

No provision of this Title shall be construed to create a right in any individual to a permit which in the opinion of the City would be inconsistent with the public interest.

Amend Subsection 17.06.040 A.1.b(2) as follows:

(2) The Mayor shall appoint a qualified member and an alternate for each member. The alternate shall attend meetings and vote when the member is unavailable. Appointed Panel members and alternates shall serve a term of two years. However at the creation of the PWAAP, the initial term for the one DRAC and a City at large member shall be for three years to stagger membership for continuity with appointed members. The Mayor shall appoint and may remove any member or alternate from the Panel at any time.

AMEND – 17.23

CHAPTER 17.23 Special Traffic Control District

Amend Subsection 17.23.020 A. as follows:

A. "Curb" shall mean the stone or concrete edging along a street or sidewalk.

AMEND – 17.24

CHAPTER 17.24 Permits

Amend Subsection 17.24.060 C. as follows:

17.24.060 Permit Conditions.

C. When there are two or more curbs on the on the same side of the street centerline, lay all pipes, mains, sewers, conduits, lines, when the same are to run lengthwise in any street, at a distance at least 3-1/2 feet from the curb closest to the street centerline measuring toward the center of the street and at least 2 feet from the curb closest to the street centerline measuring to the outer edge of the street. All connections to the pipes, mains, sewers, conduits, and lines laying lengthwise in the street or to any lot shall be installed perpendicular to the curb. In cases where compliance with these regulations would cause unnecessary digging up of pavement, disruption of traffic, place a burden on the street system, or otherwise not be in the best interest of the public, the City Engineer may in his or her sole discretion permit and or require the laying of pipes, mains, sewers, conduits, lines, in a different location or manner;

Amend Section 17.24.067 as follows:

17.24.067 Hazardous Substances.

A. "Utility corridor fill" means fill that:

1. Meets the requirements of the City's Standard Construction Specifications;
 2. May be handled without the need for monitoring of exposure to contaminants under the Oregon OSHA occupational standards for maintenance workers or the use of personal protection equipment above Level D as described in 29 CFR 1910.120;
 3. Meets the current DEQ Oregon Department of Environmental Quality definition of clean fill in OAR 340-093; and
 4. The concentrations of any contaminants of concern in the fill material are below the DEQ Oregon Department of Environmental Quality soil and sediment clean fill screening levels for terrestrial and upland use.
- B.** "Right-of-way access area" means:
1. The area within a public right-of-way from curb to curb to a minimum depth of five feet below the final street and sidewalk grade and;
 2. Any additional depth or width necessary for maintenance of public facilities such as or private infrastructure including but not limited to sewers, hydrants, meters, conduits, and pole bases as required by the Director of the Bureau of Transportation.
- C.** "Contaminant barrier" means a visual and physical barrier that is of a material, construction and thickness sufficient to minimize transmission of hazardous substances present in the surrounding fill to the utility fill and provide a visual demarcation of the boundary of the utility fill as specified in the City's standard construction specifications or as approved by the Director of the Bureau of Transportation with the concurrence of the Director of the Bureau of Environmental Services.
- D.** In addition to the requirements of this Chapter, permittees shall comply with applicable state and federal laws, regulations and orders concerning hazardous substances including but not limited to their use, storage, handling, disposal, remediation, spill reporting and release reporting.
- E.** Except as provided in Subsection 17.24.067.H, aAll fill placed or present in the right-of-way access area as part of a project permitted under this Chapter shall be utility corridor fill.
- F.** Permittees ~~must~~ shall excavate soil or fill that does not meet the definition of utility corridor fill that is encountered in the right-of-way access area during permitted work and replace it with utility corridor fill.
- G.** If the soil immediately outside of the right-of-way access area does not meet the definition of utility corridor fill, a contaminant barrier shall be placed between the utility corridor fill and surrounding fill.
- H.** On a site-specific basis, the Director of the Bureau of Transportation with the concurrence of the Director of the Bureau of Environmental Services may allow the placement of fill that does not meet the definition of utility corridor fill in the right-of-way access area.
- I.** If a permittee is required under state, federal or local law to report a spill or release of hazardous substances that occurs at, on, over, under or affects the public right-of-way, the permittee ~~must also notify the Director of the Bureau of Transportation and the Bureau of Environmental Services Spill Prevention and Citizen Response Section Reporting group within two business days~~ 24 hours of such a spill unless otherwise when the report is required under by state, federal or local law.
- J.** If a permittee encounters contaminated media within the public right-of-way that poses an imminent threat to human health, the environment, or the waters of the State or requires the use of personal protective equipment above Level D to conduct the permitted work, the Permittee must notify the Director of the Bureau of Transportation

and Director of the Bureau of Environmental Services within two business days of encountering the contaminated media.

AMEND - 17.25

CHAPTER 17.25 Sidewalk Cafes

Amend Subsection 17.25.060 F. as follows:

17.25.060 Location Rules and Review.

F. Curbside seating may be allowed, subject to approval, and must allow a 2 foot buffer from the curb closest to the property line. Loading zones, bus stops, adjacent travel lanes or other conditions may prohibit curbside seating. The 2 foot buffer may be waived at the Bureau of Transportation's discretion when seating is adjacent to bike corrals or no-parking zones.

AMEND - 17.26

CHAPTER 17.26 Sidewalk Vendors

Amend Subsection 17.26.130 B.3. as follows:

3. Within 10 feet of the extension of any building entrance or doorway, to the curbline closest to the property line.

AMEND - 17.28

Chapter 17.28 Sidewalks, Curbs and Driveways

Amend Section 17.28.011 as follows:

17.28.011 Planting and Parking Strip Defined

(Added by Ordinance No. 184957, effective November 25, 2011.) "Planting Strip" and "Parking Strip" means the area between the curb, or in the case where there is no curb the edge of the roadway, and the abutting property line not improved by surfacing that is intended for the use of pedestrians. Any openings made in a surfaced area between the roadway and the abutting property line for the purpose of planting trees or other vegetation shall be considered part of the planting or parking strip. Grates or other coverings of said areas shall not be considered as surfacing intended for the use of pedestrians.

AMEND - 17.32

**CHAPTER 17.32 - PUBLIC SEWER SYSTEM AND DRAINAGE
IMPROVEMENT PERMITS**

Amend Section 17.32.006 as follows:

17.32.006 Definitions.

As used in this Chapter, the following definitions apply:

A. "Building Sewer" means the private property portion part of the horizontal piping of a drainage system that ~~extends from the end of the building drain and that receives the discharge of the building drains and conveys it~~ extends to a public sewer, private sewer, private sewage disposal system, or other point of disposal approved discharge point.

~~**B. "Chief Engineer"** means the Chief Engineer of the Bureau of Environmental Services or the lawfully designated subordinate of the Chief Engineer.~~

B. "Combined Sewer" means a sewer designed to convey both sanitary sewage and stormwater.

C. "Commercial or Industrial Occupancy" means any structure or facility wherein preparation, processing, treating, making, compounding, assembling, mixing, improving, or storing any product or any solid, liquid or gaseous material for commercial or industrial purposes occurs, or wherein cleaning, processing or treating of tanks, vats, drums, cylinders or any other container used in transportation or storage of any solid, liquid or gaseous material for commercial or industrial purpose occurs;

D. "Common Private Sewer System (also called Party Sewer)" means that portion of a building sewer that:

1. Is not owned by the City of Portland;
2. Is used for draining more than one building under different ownership; and
3. Conveys the discharge to a sewer service lateral, public sewer, private sewage disposal system, or other point of disposal.

Common private sewers are found on private property and in private and public rights-of-way, including easements.

E. "Connection" means the connection of all sanitary waste and drainage disposal lines from all development on a property to the public sewer and drainage system, ~~and the disconnection and/or removal of all other waste disposal systems such as cesspools or septic systems.~~

F. "Director" means the Director of the Bureau of Environmental Services or the Director's designee.

G. "Discharge Point." means the connection point or destination for a discharge leaving a site.

H.F. "Drainage" means the flow of waters across public and private properties.

I.G. "Drainage Improvements" means management facilities or modifications to drainage patterns to address safety issues, increase capacity, or improve water flows.

~~**H. "Industrial Wastes"** means wastes or waste waters that include wastes from a commercial or industrial occupancy.~~

I. "Private Sewer Service Lateral" means a sewer pipe that:

- ~~1. Has been designated as "private" by the Chief Engineer or has not been accepted as a public improvement by the Chief Engineer; and~~
- ~~2. Serves as a conveyance system for individual or common private sewer systems.~~

J. "Projected Future Curbline" means:

- ~~1. The designated location of the curbline on city plans for street construction; or~~
- ~~2. The location of the future curbline based on an assumed future street width of~~

28 feet centered in the public right of way; or

3. ~~The edge of the right of way if it is less than 28 feet wide~~

J.K. "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.

L. "Public Sewer" means all pipes, manholes, and other appurtenances:

1. ~~Constructed by the City's Bureau of Environmental Services, or~~
2. ~~Permitted under a public works permit and accepted by the City's Bureau of Environmental Services, and designed for the collection and transport of stormwater, wastewater and sewage received from sewer service laterals and common private sewer systems.~~

K. M. "Public Sewer Easement" is a grant of the right by a property owner to the City to use land for placement and maintenance of public sewer facilities.

N. "Public Sewer Service Lateral" is a conduit extending from a public sewer to a private plumbing system of a building, buildings or property. "Public Sewer Service Lateral" is the portion of a conduit that:

1. ~~Is located in a public right of way;~~
2. ~~Extends from a public sewer to the curblin, or projected future curblin, if no curb exists;~~
3. ~~Receives the discharge from a building sewer or common private sewer system; and~~
4. ~~Is not a common private sewer system.~~

O. "Public Sewer System" is the entire sewage collection and treatment system, including but not limited to, all City laterals, pipes, conduits, outfalls, pumps, treatment facilities, physical and biological processes, and any other components involved in the collection, detention, transportation, treatment, reuse, and disposal of stormwater, wastewater and sludge.

P. "Wye Head" is the connection between a public sewer and a sewer service lateral, a building sewer, or a common private sewer system.

Repeal Section 17.32.007 Administrative Rules and Procedures

Amend Subsection 17.32.020 A. as follows:

17.32.020 Application for Connection Work Permit.

A. Any person who desires a connection work permit as required by Section 17.32.010 shall apply in writing to the Director Bureau of Environmental Services and pay the permit fee prescribed in Section 17.32.015. The application shall include the name of the street in which work is to be done, or if not working in a named street, a description of the proposed or existing easement or right of way, the purpose of the work, the location and potentially affected components of the public sewer system, the location of any affected drainage, and the location of the building or lot, if any, to be connected by the work.

Amend Subsection 17.32.021 B. as follows:

17.32.021 Connection from Properties Outside the City Limits.

B. Any person desiring to connect a property outside the City limits ~~with~~ to the public sewer system or any drainage improvement under the provisions of this Title shall enter

into such agreement as may be required by the Director Bureau of Environmental Services.

Amend Subsection 17.32.055 B. as follows:

B. Public Systems. Sewer or drainage systems constructed by the City, constructed under a public works permit, or ~~systems~~ accepted by the City pursuant to Subsection B.1.5, shall be maintained by the City, unless otherwise specified by written agreement with the City. Public sewer and drainage systems shall be located in public rights-of-way.

1 to 4 *Are unchanged.*

5. The City's responsibility for maintenance of any sewer or drainage system, ~~service lateral~~ branch or connection point ~~wye-head~~ is subject to the City's annual budget appropriation and shall be limited to the level of service dictated by the City Council's discretionary budget decision. The City assumes no responsibility for activities requiring a level of maintenance in excess of the level for which funds have been appropriated.

Amend Subsection 17.32.080 B. as follows:

17.32.080 Separation of Storm and Sanitary Sewer Lines on Private Property.

B. Permit joining of the separate lines at the curb line closest to the property line or edge of an easement for single discharge into the combination public sewer; or

Amend Section 17.32.090 as follows:

17.32.090 Connections to public sanitary and storm sewers Use of Restricted Sewers.

A. ~~Except as otherwise allowed by the City, it is unlawful for any person to discharge, permit the discharge, or permit or allow or cause~~ Except as otherwise allowed by the City, it is unlawful for any person to discharge, a connection that will result in the discharge of sanitary sewage into a public sewer that has been designated by the Chief Engineer to be used solely for storm drainage.

B. ~~Except as otherwise allowed by the City, it is unlawful for any person to discharge, permit a discharge, or allow or cause~~ Except as otherwise allowed by the City, it is unlawful for any person to discharge, a connection that will result in the discharge of storm drainage, collected groundwater, uncontaminated water used for refrigerating or cooling purposes, or steam condensation into a public sewer designated by the Chief Engineer to be used solely for sanitary sewage.

C. ~~The Director Bureau of Environmental Services determine what constitutes "contamination" will prohibit discharge to a City system or allow discharge to either the sanitary or combined sewer system with or without pretreatment of the discharge.~~

Amend Subsection 17.32.095 B.1. as follows:

B. 1. The amount of reimbursement for a sewer extension shall be limited to the amount of revenue that would be received from the line and branch charge (required in Section 17.36.0620) if, upon acceptance of the sewer by the City, all properties adjacent to and capable of receiving gravity service were to connect. The reimbursement shall not exceed the cost of an equal length of 8-inch-diameter sewer line, as determined by the Chief Engineer.

Amend Subsections 17.32.100 A. and B. as follows

A. A building owner may submit an application ~~to the Bureau of Environmental Services for partial reimbursement of the cost to the building owner~~ for installation of a sewer backwater device on the sewer line, or in floor drains, sinks, laundry trays, basins, automatic washers, or other fixtures in the basement with exposed traps.

B. To be eligible, the building, dwelling or structure must be connected to the City of Portland combined sewer system and have experienced sewer backups or be in an area

vulnerable to sewer backups, as determined by the Director Bureau of Environmental Services.

Amend Subsection 17.32.110 A. as follows:

17.32.110 Application for Permit to Construct a Public Sewer or Drainage Improvement.

A. All persons desiring to construct a public sewer or drainage improvement shall obtain a permit from the Bureau of Environmental Services prior to beginning work. The permit application shall contain the following information:

Amend Subsection 17.32.120 A. as follows:

17.32.120 Deposit Required.

A. When the applicant chooses to utilize City design services, the permit application shall include payment of a deposit in an amount to be determined by the Director Bureau of Environmental Services based on as described in administrative rules adopted by the Director. All deposits must be made before any City design work begins.

Amend Subsection 17.32.170 B1 as follows:

17.32.170 Work Done Under a Permit.

B. The Chief Engineer may establish standards for particular types or classes of work to be performed by contractors or by persons permitted to construct facilities in streets, easements, or other public property. Any person constructing the improvement shall comply with such standards unless otherwise specifically authorized by the Chief Engineer to deviate from those standards.

1. All discharges must be routed to a discharge point approved by the Director. Approval of discharge points must meet the following standards:

a. The discharge must be conveyed along a route of service approved by the Director.

b. The discharge point must comply with the following standards and specifications:

(1) Sanitary, wastewater or other discharges to the sanitary or combined system must comply with the Sewer and Drainage Facilities Design Manual.

(2) Stormwater or other discharges to the City's storm and drainage system must comply with the Stormwater Management Manual.

AMEND - 17.33

CHAPTER 17.33 - REQUIRED PUBLIC SEWER CONNECTION

Repeal Section 17.33.010 Administrative Rules and Procedures

Amend Section 17.33.020 as follows:

17.33.020 Definitions.

For the purpose of this Chapter, the following definitions and applicable definitions of Section 17.32.006 shall apply:

A. "Available Public Sewer" means a public sewer that is within 100 feet or one-half block, whichever is less, of property to be served, without crossing another property to make the new connection, or such other conditions of availability as are established by administrative rule. In cases of onsite conveyance or disposal system failure, sewer shall be deemed available if within 300 feet.

B. "Branch Sewer" is a ~~public sewer service lateral~~ means the public portion of the horizontal piping system that connect from the plumbing system of a building or buildings to a public sewer.

C. "Common Private Sewer System (also called Party Sewer)" means that portion of a building sewer that:

1. Is not owned by the City of Portland;
2. that serves Is used for draining more than one building under with different ownerships; and
3. and eConveys sanitary sewage the discharge to a sewer service lateral, public sewer, private sewage disposal system, or other point of disposal.

Common private sewers are found on private property and in private and public rights-of-way, including easements.

D. "Connection" means the connection of all sanitary waste and drainage disposal lines from all development on a property to the public sanitary sewer and drainage system, ~~and the disconnection and/or removal of all other waste disposal systems such as cesspools or septic systems.~~

E. "Development" means ~~all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities which has the effect of generating additional weekday or weekend trips. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.~~

E.F. "Director" means the Director of the Bureau of Environmental Services; the organizational head of the Bureau or his/her the Director's designatee.

F.G. "Immediately Available Public Sewer" means a public sewer system to which a property can connect without further extension of the public system.

G.H. "Nonconforming Sewer" means a private sanitary sewer that is:

1. ~~Located on public or private property that is n~~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.

H.I. "Onsite Sewage Disposal System" means a cesspool or the combination of a septic tank or other treatment unit and effluent sewer and absorption improvement

J. "Private Sewer Service Lateral" means a sewer pipe that:

1. ~~Has been designated as "private" by the Chief Engineer or has not been accepted as a public improvement by the Chief Engineer; and~~
2. ~~Serves as a conveyance system for individual or common private sewer systems.~~

K. "Public Sewer" means all pipes, manholes, and other appurtenances:

1. ~~Constructed by the City's Bureau of Environmental Services; or~~
2. ~~Permitted under a public works permit and accepted by the City's Bureau of Environmental Services, for collecting and transporting sewage received from sewer service laterals and common private sewer systems.~~

See Figure 13 at then end of this Title for graphical representation of these definitions.

Amend Subsection 17.33.030 A.3. as follows:

17.33.030 Sewer Connection Mandated.

3. A sewer branch has been provided to curb closest to the property line or property line.

Amend Section 17.33.040 as follows:

17.33.040 Mandated Sewer Service Connection Charges.

A property owner ~~may~~ must pay or finance sanitary sewer system development connection charges and, if not previously assessed, sewer line and branch charges collectively known as sewer connection charges described in Chapter 17.36 prior to the issuance availability of a public sewer system connection permits. Property owners shall be charged the rate in place at their time of payment or at the time of connection, whichever is sooner may elect to pre-pay sewer connection charges no more than 5 years before availability of a public sewer.

Only one agreement per property may be entered into under the terms of this subsection. As used herein, the term "sale" includes every disposition or transfer including the transfer of equitable title or legal title to real property.

Amend Subsection 17.33.075 B, as follows:

17.33.075 Financial Assistance for Required Sewer Connection.

~~B.~~ Connection or conversion fees charged by the City as described in City Code Section 17.36.040.

Amend Subsection 17.33.100 A.2.c as follows:

17.33.100 Connection Enforcement.

A.2.c. The subject property has direct access via an intended route of service to a sewer branch, lateral or other component of the City sewer system abutting a property line or a permanent easement acquired for the benefit of the property.

AMEND - 17.34

Chapter 17.34 Sanitary Discharges

- 17.34.005 Intent of Chapter.
- 17.34.010 Declaration of Policy.
- 17.34.020 Definitions.
- 17.34.025 Authority of Director of Environmental Services to Adopt Rules.
- 17.34.030 General Discharge Prohibitions.
- 17.34.040 Discharge Limitations.
- 17.34.050 Pretreatment Facilities.
- 17.34.0960 Accidental Spill Prevention and Control.
- 17.34.070 Industrial Wastewater Discharge Permits.
- 17.34.075 Other Sanitary Discharge Permits or Authorizations
- 17.34.080 Inspection and Sampling.
- 17.34.0690 Reporting Requirements.
- 17.34.110 Enforcement.
- 17.34.11560 Requests for Reconsideration
- 17.34.120 Records Retention.
- 17.34.130 Conflict.
- 17.34.140 Severability.
- 17.34.150 Fees.

Amend Section 17.34.010 and Subsection 17.34.010 E as follows:

17.34.010 Declaration of Policy.

It is the policy of the Bureau of Environmental Services (BES) City of Portland to provide the planning, engineering and administration necessary to develop and manage sewer facilities that are adequate for the conveyance transportation, treatment and disposal of waste water from within the City and to operate the sewer system in such a manner which protects public health and the environment. In carrying out this policy, the objectives of this Chapter are:

E. to insure that all industrial users dischargers comply with applicable federal, state and local laws and regulations governing wastewater discharges and that sanctions for failure to comply are imposed.

Replace Section 17.34.020 as follows:

17.34.020 Definitions.

As used in this Chapter and associated rules the following definitions apply:

A. "Branch Ssewer" means the public portion of the underground piping system that connects from the plumbing-system of a building or buildings to a public sewer.

B. "Categorical Ppretreatment Sstandards" mean limitations on pollutant discharges to POTWs from specific types of new or existing industrial users. These standards are promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Clean Water Act. This term includes prohibitive limitations established pursuant to 40 CFR 403.5

C. "Clean Water Act (CWA)" means the Federal Water Pollution Control Act, as amended (33 U.S.C. §1251 et seq.).

D. "Combined Sewer" means a sewer designed to convey both sanitary sewage and stormwater.

E. "Director" means the Director of The Bureau of Environmental Services or the Director's designee.

F. "Discharge" means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, leaking, or placing of any material so that such material enters or is likely to enter a waterbody, groundwater, or a public sewer or drainage system.

G. "Discharge Authorization" means a written approval by the Director which prescribes certain requirements or restrictions for a discharge to the City sewer and drainage system.

H. "Discharger" means any person who causes or permits a direct or indirect discharge to the City's sewer and drainage system.

I. "Domestic Waste" means any waste consistent with that generated from single or multiple residential dwellings including, but not limited to, wastes from bathrooms, laundries and kitchens.

J. "Domestic Wastewater" means any water that contains only domestic waste.

K. "Hazardous Substance" means any substances referenced in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S. Code §9601 et seq.), section 502(13) of the Clean Water Act or other substance at concentrations specified in those lists or, if no concentration is specified, at concentrations designated by the Director.

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

M. "Industrial Wastewater" means any discharge resulting from, or used in connection with, any process of industry, manufacturing, commercial food processing, business, agriculture, trade or research. Industrial wastewater includes, but is not limited to, the development, recovery or processing of natural resources and leachate from landfills or other disposal sites.

N. "Industrial Wastewater Discharge Permit" means a permit to discharge industrial wastewater into the City sewer system issued under Section 17.34.070 and which prescribes certain discharge requirements and limitations.

O. "Interference" means a discharge that alone or in conjunction with other discharges, inhibits or disrupts the normal operation of the City sewer system or contributes to a violation of any requirement of the POTW's NPDES permit. This includes any increase in the magnitude or duration of a violation, any increase in cost due to damage to the system, additional treatment of sewage, sewage sludge use or disposal, or in compliance with local, state or federal regulations or permits related to sewage treatment and sludge disposal.

P. "National Pollutant Discharge Elimination System (NPDES)" means the Clean Water Act (40 CFR Part 122) regulations that require dischargers to control and reduce pollutants in discharges to waters of the United States

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. "POTW" means Publicly Owned Treatment Works, which includes any devices and systems, owned by a State or municipality, used in the collection, transportation, storage, treatment, recycling and reclamation of wastewater.

S. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater in accordance with federal, state and local laws, regulations and permits prior to or in lieu of discharging or otherwise introducing such pollutants into the City sewer system.

T. "Toxic Substance" means any chemical listed in Oregon's water quality standards for toxic pollutant tables in OAR, Division 340-041-0033; the CWA effluent guidelines list of toxic pollutants at 40 CFR 401.15; or the toxic chemical release reporting specific toxic chemical listings at 40 CFR 372.65 at concentrations specified in those lists or, if no concentration is specified, at concentrations designated by the Director

Repeal Section 17.34.025 Authority of Director of Environmental Services to Adopt Rules

Replace Subsection 17.34.030 B as follows:

B. Prohibited discharges. It is unlawful to discharge, cause to discharge, or allow to discharge directly or indirectly into the City sewer system any substance, alone or in combination with others, that may inhibit, interfere with, injure, harm, damage, create a hazard to or impair the performance of the City's conveyance, collection or treatment processes and systems. Prohibited discharges also include those that create or could create a nuisance or a threat to human health or the environment or that:

1. Contains substances that are not amenable to treatment or reduction by the sewage treatment process employed or are only partially amenable to treatment;
2. Contain liquids, solids, or gases which, either alone or by interaction, may cause a fire or an explosion or injure the sewer system or wastestreams;

3. Have a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using test methods prescribed at 40 CFR 261.21 or could cause the atmosphere in any portion of the sewer system to reach a concentration of 10 percent or more of the Lower Explosive Limit (LEL);
4. Contain solids or viscous substances which may solidify or become discernibly viscous at temperatures above 0 degrees Celsius (32 degrees Fahrenheit) or are capable of obstructing the flow of wastewater or cause other interference with the operation of the sewer system;
5. Contain noxious, malodorous or toxic liquids, gases, vapors, fumes, or solids, in amounts that may violate the general prohibitions of Subsection 17.34.030B.;
6. Contains hazardous or toxic substances, either alone or in combination with other substances may adversely affect receiving waters or in amounts that may violate the general prohibitions of Subsection 17.34.030B.;
7. Have a pH of less than 5.0 or more than 11.5 without prior approval by the Director;
8. Are hotter than 65 degrees Celsius (149 degrees Fahrenheit) or are hot enough to inhibit biological activity or cause the temperature of the treatment plant influent to exceed 27 degrees Celsius (80 degrees Fahrenheit);
9. Contain material trucked or hauled from a cesspool, holding or septic tank or any other nondomestic source, except such material received at designated locations under City contract or permit;
10. Contain any material other than domestic waste larger than 0.65 centimeters (1/4 inch) in any dimension;
11. Contain dissolved solids may violate the general prohibition of Subsection 17.34.030B.;
12. Contain excessive color which is not removed in the treatment process;
13. Contain radioactive material, except in compliance with a current permit issued by the Oregon State Health Division or other state or federal agency having jurisdiction;
14. Contain petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass through;
15. Contain non-contact cooling water without prior approval by the Director;
16. May cause sewer system effluent or treatment residues, sludges, or scums to be unsuitable for reclamation and reuse;
17. Constitute a slugload per administrative rule;
18. Constitute a batch discharges without written permission from the Director;
19. Exceeds discharge limits adopted in permits or administrative rules;
20. May cause the City to violate the terms of its NPDES permit; or
21. May cause the City to violate sludge use or disposal criteria, treatment guidelines, or other applicable regulations developed under the Clean Water Act (33 USC 1251-1387), the Solid Waste Disposal Act (42 USC 6901-6992k), the Clean Air Act (42 USC 7401 -7671q), the Toxic Substances Control Act (15 USC 2601-2692), or any other federal or state statutes.

Amend Section 17.34.040 as follows:

17.34.040 Discharge Limitations.

A. *Is unchanged.*

B. It is unlawful for a discharger to use dilution as a partial or complete substitute for adequate treatment to achieve compliance with the standards and limitations set forth in this Chapter, ~~or administrative rules, adopted hereunder~~ or in an industrial wastewater discharge permit issued pursuant to the Chapter. The Director may impose mass limitations on dischargers who are using dilution to meet the applicable pretreatment standards or requirements of this ~~, or administrative rules adopted hereunder~~ or in other cases where the Director determines that the imposition of mass limitations is deemed appropriate.

C. The Director may authorize the use of equivalent concentration limits in lieu of mass limits for certain industrial categories, and allow the conditional use of equivalent mass limit in lieu of concentration-based limits where appropriate.

D.C. Termination or limitation. Notwithstanding prior acceptance into the City sewer system of industrial wastewater ~~under this Chapter~~, if the Director of Environmental Services finds that industrial wastewaters from a particular commercial or industrial occupancy or a class of similar industrial wastewater from similar commercial or industrial occupancies cause or may cause damage, interference, hazard or nuisance to the City sewer system, ~~interference with the operation of the City sewer system, or a nuisance or hazard to the City sewer system~~, City personnel or the receiving waters, the Director may limit the characteristics or volume of the industrial wastewater accepted ~~under this Chapter~~, or may terminate the acceptance. Notice of the limitation or termination shall be given in writing to the occupant of the property involved or by ~~posting such notice on the property involved~~, and shall specify the date when the limitation or termination is to be effective. It is unlawful for any person to discharge or permit the discharge of industrial wastewater in violation of this notice.

Amend Section 17.34.050 as follows:

17.34.050. Pretreatment Facilities.

A. If, as determined by the Director of Environmental Services, treatment facilities, operation changes or process modifications at an industrial ~~discharger's user's~~ facility are needed to comply with any requirements under this Chapter or are necessary to meet any applicable state or federal requirements, the Director of Environmental Services may require that such facilities be constructed or that modifications or changes be made to the pretreatment facilities within the shortest reasonable time. Compliance deadlines will, taking into consideration be based on construction time, 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.

B. Any requirement ~~provided for or authorized pursuant to of~~ this Chapter may be incorporated as a part of an industrial wastewater discharge permit issued under Section 17.34.070 or any other enforcement document and made a condition of issuance of such permit or discharge authorization ~~made a condition of the acceptance of for~~ the industrial wastewater from such facility.

C. Plans, specifications and other information relating to the construction or installation of required preliminary pretreatment facilities ~~required by the Director of Environmental Services under this Chapter~~ shall be submitted to the Director. No construction or installation thereof shall commence until written approval of plans and specifications by the Director is obtained. No person, by virtue of such approval, shall be relieved of compliance with other local, State or federal laws relating to construction and permits. Every facility ~~for the preliminary pretreatment or handling of industrial wastewater~~ shall must be constructed in accordance with the approved plans and specifications and ~~shall be~~ installed and maintained at the expense of the discharger occupant of the property discharging the industrial wastewater.

D. Any person constructing a pretreatment facility, ~~as required by the Director of Environmental Services,~~ shall also install and maintain at their ~~his or her~~ own expense a sampling manhole or other suitable monitoring access for ~~checking and investigating~~ the discharge from the pretreatment facility to the public sewer. The sampling manhole or monitoring access shall be placed in a location designated by the Director and in accordance with specifications approved by the Director.

Replace Section 17.34.060 as follows:

17.34.060. Accidental Spill Prevention and Control

A. Notification. Any person becoming aware of spills or uncontrolled discharges of hazardous or toxic substances or of substances prohibited under Section 17.34.030 directly or indirectly into the City sewer system must immediately report such discharge by telephone to the Director and to any other authorities required under other local, state, or federal laws or regulations.

B. Written notice. Within 5 days following an accidental discharge as described in Subsection A. above, the discharger shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken to prevent similar future occurrences. Such notification will not relieve the discharger from any fines, civil penalties, or other liability which may be imposed under the authority of this Chapter or rules adopted hereunder or other applicable law.

C. Posted notice. A notice informing employees of an industrial wastewater discharger of the notification requirement above which contains information regarding reporting in the event of such a discharge shall be posted in a conspicuous place and shall be visible to all employees who may reasonably be expected to observe such a discharge.

D. Preventive measures. Direct or indirect connections or entry points which could allow spills or uncontrolled discharges of hazardous or toxic substances or of substances prohibited under Section 17.34.030 to enter the City sewer system must be eliminated or labeled and controlled so as to prevent the entry of wastes in violation of this Chapter. The Director may require the discharger to install or modify equipment or make other changes necessary to prevent such discharges as a condition of issuance of an industrial wastewater discharge permit or as a condition of discharge authorization to the City sewer system. A schedule of compliance shall be established by the Director for completion of required actions within the shortest reasonable period of time. Inability to comply with this schedule without an extension of time by the Director is a violation of this Chapter.

E. Accidental Spill Prevention Plans.

1. Dischargers that handle, store or use hazardous or toxic substances or substances prohibited under Section 17.34.030 on their sites shall prepare and submit to the Director an Accidental Spill Prevention Plan, according to the requirements set out in administrative rule, within 60 days after notification by the Director or as required by an industrial wastewater discharge permit.

Amend Section 17.34.070 as follows:

17.34.070. Industrial Wastewater Permits

A. Requirement for a permit. Except as provided in Subsection 17.34.070.B., an industrial wastewater discharger must ~~shall~~ have an industrial wastewater discharge permit prior to discharging into the City sewer system if:

1. The discharge is required to be permitted under procedures contained in the City's approved pretreatment program; or

2.1. ~~The discharger is a Significant Industrial User, as defined in this Chapter; or~~ which includes:

a. All industrial users subject to Categorical Pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

b. Any other industrial user that:

(1) Discharges an average of at least 25,000 gallons per day or more of process wastewater to the POTW (excluding domestic, noncontact cooling and boiler blowdown wastewater);

(2) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(3) Is designated as such by the Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6).

3. The Director may determine that an industrial user meeting the criteria above is not a "Significant Industrial User" if the discharge has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6).

2. The discharge is required to be permitted under procedures contained in the City's approved pretreatment program.

B. Existing discharges.

1. If discharges are in existence occur prior to the date that an industrial wastewater discharge permit is required, the discharger shall be notified in writing by the Director of Environmental Services that such a permit is required. Such existing dischargers shall be allowed to continue discharging into the City sewer system without an industrial wastewater discharge permit until a permit is issued or denied, provided the discharger files a completed environmental survey and application for an industrial wastewater discharge permit within 90 days of receipt of the notice.

2. Is unchanged.

C. Application for industrial wastewater discharge permit.

1. Existing Significant Industrial Users, as defined in this Chapter, shall submit application for a permit on a form provided by the Director within 180 days after the effective date of a categorical pretreatment standard issued by the U.S. EPA or within 90 days after receiving notification from the Director of Environmental Services that such a standard has been issued, whichever is sooner.

2. New Source Dischargers. Any new source discharger determined by the Director of Environmental Services to be a Significant Industrial User shall submit an application for a permit on a form provided by the Director within 90 days of notification by the Director, provided that However, a new source discharger may shall not discharge to the sewer system without a permit.

3. Submission of the application for permit required by this section will shall satisfy the requirements of 40 CFR 403.12(b).

4. The application for permit shall not be considered complete until all information required by the application form, by requirements of this Chapter, and or by administrative rules adopted hereunder is provided, until All fees are must be paid, and until the certification statement required by 40 CFR 403.12(b)(6) is signed by the authorized representative, unless The Director may grant specific exemptions for these items are granted by the Director of Environmental Services.

D. Issuance of industrial wastewater discharge permits.

1. Industrial wastewater discharge permits shall be issued or denied by the Director of ~~Environmental Services~~ within 90 days after a completed application is received, unless that period is extended in writing by the Director of ~~Environmental Services~~ for good and valid cause.

2. Industrial wastewater discharge permits shall contain conditions which meet the requirements of this Chapter, and administrative rules adopted hereunder as well as those of and applicable sState and federal laws and regulations.

3. If pretreatment facilities are needed to meet the applicable pretreatment standards or requirements in an industrial wastewater discharge permit, the permit shall require the installation of such facilities ~~in~~ on a compliance schedule.

4. Whenever an industrial wastewater discharge permit requires installation or modification of pretreatment facilities or a process change necessary to meet discharge standards or spill control requirements, a compliance schedule shall be included which establishes the date for ~~completion~~ installation of the pretreatment facilities or process changes. The compliance schedule may contain appropriate interim dates for completion of specified tasks. Compliance dates established in a permit cannot exceed federal categorical deadline dates.

5. Industrial wastewater discharge permits shall expire no later than 5 years after the effective date of the permit and shall not be transferable except with prior notification and approval from the Director.

6. The Director of ~~Environmental Services~~ may deny the issuance of an industrial wastewater discharge permit if ~~he or she determines that~~ the discharge could ~~will~~ result in violations of local, sState or federal laws or regulations; ~~will~~ cause interference or damage to any portion of the City sewer system; ~~or will~~ create an imminent or potential hazard to human health or the environment.

E. Modification of permits.

1. An industrial wastewater discharge permit may be modified for good and valid cause at the written request of the permittee or at the discretion of the Director of ~~Environmental Services~~.

2. Permittee modification requests shall be submitted to the Director of ~~Environmental Services~~ and shall contain a detailed description of all proposed changes in the discharge. The Director may request any additional information needed to adequately review the application or assess its impact.

3. The Director of ~~Environmental Services~~ may deny a request for modification if he or she determines that the change will result in violations of local, State or federal laws or regulations, will cause interference or damage to any portion of the City sewer system, or will create an imminent or potential hazard to human health or the environment.

4. If a permit modification is made at the direction of the Director of ~~Environmental Services~~, the permittee shall be notified in writing of the proposed modification at least 30 days prior to its effective date and informed of the reasons for the changes. Any request for reconsideration shall be made before the effective date of the changes.

F. Change in a permitted discharge. A modification to the permittee's discharge permit must be issued by the Director of ~~Environmental Services~~ before any significant increase is made in the volume or level of pollutants in an existing permitted discharge to the City sewer system. Changes in the discharge involving the introduction of a wastewater stream(s) not previously included in the industrial wastewater discharge permit application or involving the addition of new pollutants shall be considered new discharges, requiring application under Section 17.34.070.

The remainder of this section remains unchanged.

Amend Section 17.34.080 A.2.c, B. and C. as follows:

17.34.080. Inspection and Sampling

A.2.c. The entry shall be made at reasonable times during normal operating or business hours unless an emergency situation exists as determined by the Director of Environmental Services.

B. Sampling.

1. Samples of wastewater being discharged into the sewer system shall must be representative of the discharge. Other sampling locations may be required by permit. All sampling and analyses shall be performed in accordance with the procedures set forth in 40 CFR Part 136 and any amendments thereto or with any other test procedures approved by EPA. If there are no approved test procedures the Director may approve other analytical procedures. The results of all samples taken shall be reported. ~~The sampling method shall be one approved by the Director of Environmental Services and one in accordance with 40 CFR Part 136.~~

2. Samples taken by City personnel for the purpose of determining compliance with the requirements of this Chapter or administrative rules ~~adopted hereunder~~ may be split with the discharger, (for a duplicate sample provided in the instance of fats, oils, and greases), if requested by the discharger before or at the time of sampling.

3. ~~All sampling and analyses shall be performed in accordance with the procedures set forth in 40 CFR Part 136 and any amendments thereto or with any other test procedures approved by the Administrator of the Environmental Protection Agency. If there are no approved test procedures the Director of Environmental Services may approve other analytical procedures. The results of all samples taken shall be reported.~~

C. Sampling manhole or access. The Director of Environmental Services may require an industrial wastewater discharger to install and maintain at the discharger's expense a suitable monitoring access such as a manhole in the discharger's branch sewer or other suitable monitoring access to allow observation, sampling and measurement of all industrial wastewaters being discharged into the City sewer system. Any monitoring access must be constructed in accordance with plans approved by the Director Services and shall must be designed so that flow measuring and sampling equipment can be conveniently installed. Access to the manhole or monitoring access shall must be available to City representatives at all times.

Replace Section 17.34.090 as follows:

17.34.090 Reporting Requirements.

A. Periodic compliance reports.

1. The Director may require reporting by industrial wastewater dischargers that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the sewer system.

2. The Discharger must submit reports to the Director during the months of June and December, unless required on other dates or more frequently by the Director based on the nature of the effluent over the previous reporting period.

3. The report must include a record of the mass and concentrations of the permit-limited pollutants that were measured. Reports shall include a record of all flow measurements taken at designated sampling locations. The Director may accept reports of average and maximum flows estimated by verifiable techniques if the

Director determines that actual measurement is not feasible. Additional information shall be included as required by this Chapter or administrative rules.

4. The Director may require self-monitoring by the discharger or, if requested by the discharger, may agree to have BES staff perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this Section.

B. Final Compliance Report. Any discharger subject to Subsection 17.34.090 A must submit to the Director a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge and the average and maximum daily flow in gallons. The report must state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and pretreatment is necessary to bring the discharger into compliance. The discharger must submit reports.

1. Within 90 days following the date for final compliance with applicable pretreatment standards and requirements set forth in this Chapter, administrative rule, or an industrial wastewater discharge permit; or

2. If the discharger is a new source discharger, within 30 days following commencement of the introduction of wastewater into the City sewer system by the discharger.

C. The discharger shall certify and sign all applications, reports, and reporting information in accordance with 40 CFR 403.12.L and 403.6(a)2(ii);

D. Confidential information.

1. Any records, reports or information obtained under this Chapter or administrative rule will be available to the public or any governmental agency without restriction, unless classified by the Director as confidential. In order to obtain a confidential classification on all or part of any records, reports or information submitted, the discharger must:

a. Submit a written request to the Director identifying the material that is desired to be classified as confidential and;

b. Demonstrate to the satisfaction of the Director that records, reports or information or particular parts thereof, are exempt from disclosure pursuant to the Oregon Public Records Law.

2. Effluent data, as defined in 40 CFR 2.302, submitted pursuant to this Chapter shall not be classified as confidential.

3. Records, reports or information or parts thereof classified as confidential by the Director will not be released or made part of any public record or hearing unless such release is ordered by the District Attorney or a court of competent jurisdiction; provided, however, such confidential information will, when required by law or governmental regulation, and upon written request, be made available to state or federal agencies having jurisdiction, duties or responsibilities relating to this Chapter, the National Pollutant Discharge Elimination System or applicable Oregon laws and regulations.

F. Notification of Hazardous or Toxic Substance Discharge. An industrial user shall notify the Director in writing of any discharge into the sewer system of a substance which, if otherwise disposed of, would be a hazardous waste or toxic substance. Such notification shall be in accordance with the requirements of rules adopted pursuant to this Chapter.

G. Notification of Violation. An industrial user shall report noncompliance with permit limits within 24 hours of becoming aware of the noncompliance. The industrial user

shall repeat the sampling and analysis and submit results to the Director within 30 days of becoming aware of the violation.

H. Notification of Changed Discharge. All industrial users shall promptly notify the Director in advance of any substantial change in the volume or character of pollutants in their discharge.

Amend Section 17.34.110 as follows:

17.34.110 Enforcement

Dischargers that fail to comply with the requirements of this Chapter and rules adopted hereunder may be subject to enforcement actions by the Director of Environmental Services.

A. *Is unchanged.*

B. Significant Non-compliance. An industrial user shall be designated in significant non-compliance if one or more of the following exist:

1. Chronic violations of wastewater discharge limits. Chronic violations occur when at least 66 percent of all the measurements taken during a 6 month period exceed any pretreatment standard for the same pollutant parameter.

2. Technical Review Criteria (TRC) violations. TRC violations occur when at least 33 percent of all of the measurements for each pollutant parameter taken during a 6 month period equal or exceed the sum of any pretreatment standard multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease; and 1.2 for all other pollutants except pH).

3. Any other violation of any pretreatment standard that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment.

5. Any discharge that has required the Director to use emergency authority to halt or prevent such a discharge.

6. Failure of an industrial user to meet a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

7. Failure of an industrial user to provide, within 30 days after the due date, required reports such as applications, baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

8. Failure of an industrial user to accurately report noncompliance.

9. Any other violation or group of violations that the Director of Environmental Services determines will adversely affect the operation or implementation of the local pretreatment program.

B.C. Enforcement Mechanisms. In enforcing any of the requirements of this Chapter or administrative rules adopted hereunder, the Director of Environmental Services, or a duly authorized representative, may:

1 - 4. *Are unchanged*

5. Take such other action as the Director of Environmental Services, in the exercise of his or her discretion, deems appropriate.

D.C. Civil Penalties. *No change to text of section.*

E.D. Termination or prevention of a discharge/permit revocation.

~~1. Notwithstanding any other provisions of this Chapter, the~~ Director of Environmental Services may terminate or prevent a discharge into the City sewer system or revoke an industrial wastewater discharge permit if:

Subbullets a through d unchanged

2. Notice of termination or prevention of discharge or permit revocation shall be provided to the industrial wastewater discharger or posted on the subject property prior to terminating or preventing the discharge or revoking a permit.

a. In situations that do not represent an imminent endangerment to health or the environment or an imminent threat of interference with the sewer system, the notice shall be in writing, shall contain the reasons for the termination or prevention of the discharge or permit revocation, the effective date, the duration, and the name, address and telephone number of a City contact, shall be signed by the Director of Environmental Services, and shall be received at the business address of the discharger no less than 30 days prior to the effective date.

b. In situations where there is an imminent endangerment to the health or welfare of persons or the environment or an imminent threat of interference with the operation of the sewer system, the Director of Environmental Services may immediately terminate an existing discharge or prevent a new discharge from commencing or revoke a permit after providing informal notice to the discharger or after posting such notice on the subject property. Informal notice may be verbal or written and shall include the effective date and time and a brief description of the reason. Within 3 working days following the informal notice, a written formal notice as described in 17.34.110(d)(2)(A) shall be provided to the discharger.

3. The Director of Environmental Services shall reinstate an industrial wastewater discharge permit which has been revoked under the terms of this Chapter or shall reinstate industrial wastewater treatment service upon clear and convincing proof by the discharger of the elimination of the noncomplying discharge or conditions creating the threat of endangerment or interference as set forth in this Chapter.

F.E. Annual Publication. *No change to text of section.***G.F.** Cost recovery. *No change to text of section.*

1. The Director of Environmental Services may recover all reasonable costs incurred by the City which are attributable to or associated with violations of this Chapter, including but not limited to the costs of administration, investigation, sampling and monitoring, legal or enforcement activities, damage to or contamination of the sanitary or combined sewer systems. BES may recover costs associated with remediation of a violation, contracts and health studies, and any fines and civil penalties assessed to the City that result from activities not in compliance with this Chapter or rules adopted hereunder. Liens may be imposed on the property or properties in accordance with the provisions of Chapter 22.06.

2. All such costs shall be documented by the City and shall be served upon the discharger by certified or registered mail, return receipt requested. Such documentation shall itemize the costs the Director of Environmental Services has determined are attributable to the violations.

3. *Is unchanged.*

4. The Director of Environmental Services may terminate a discharge for nonpayment of costs after 30 days notice to the discharger.

The remainder of this section remains unchanged.

Add Section 17.34.115 as follows:

17.34.115 Requests for Reconsideration.

A discharger may request the Director to reconsider any determination made under this Chapter if there is reason to believe that sufficient data or information is available to support a different determination. Any request for reconsideration shall be accompanied by the data and information the discharger used as a basis for the request. The Director may then revise the initial determination or retain the original determination based upon the submitted request.

Amend Section 17.34.120 as follows:

17.34.120 Records Retention.

All dischargers subject to this Chapter shall retain and preserve for no less than 3 years, any all records, books, documents, memoranda, reports, correspondence and ~~any and all~~ summaries thereof, relating to monitoring, sampling and chemical analyses made by or ~~ion~~ behalf of the discharger in connection with its discharge. This period of retention may be extended per 40 CFR 493.12(o)(2) when requested by the Director, the DEQ Oregon Department of Environmental Quality, or the Regional Administrator of the Environmental Protection Agency EPA during the course of any unresolved litigation regarding the discharger industrial user. The discharger shall retain and preserve aAll records which pertain to matters which are the subject of any enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals deadlines have expired.

Amend Section 17.34.150 as follows:

17.34.150 Fees.

A. The Director of ~~Environmental Services~~ shall set annual fees by ordinance for all industrial wastewater discharge permits. ~~In determining these fees, T~~the Director shall consider at least the following factors: process wastewater discharge flow; industrial user classification; permit status (new or renewed); self monitoring frequency; city monitoring frequency; regulatory history and the any regulatory permits and or special requirements.

B. Permit fees. Industrial waste discharge permit fees are established, annually, by general ordinance. ~~The f~~Fees for each fiscal year are effective set July 1, but will be and billed as soon after the following January 1 as is practical. ~~The Director of the Bureau of Environmental Services shall establish by July 1, a cost accounting system to determine the fees based on the actual costs. This accounting system shall be developed with the involvement of the industries charged these permit fees, and these fees will not be charged until the accounting system is in place. The Bureau will review proposed changes to industrial waste permit fees with Council and the Portland Development Commission prior to submitting subsequent sewer rate ordinances.~~

C. *is unchanged*

Repeal Section 17.34.160

AMEND - 17.35

Chapter 17.35
SEPTAGE DISCHARGE

Replace Section 17.35.010 as follows:

17.35.010 Definitions.

(Amended by Ordinance Nos. 156500 and 166674, effective June 23, 1993.) As used in this Chapter the following definitions apply:

- A. "Columbia Boulevard Wastewater Treatment Plant (CBWTP)"** means the City of Portland's wastewater treatment plant located at 5001 N. Columbia Boulevard, Portland, Oregon.
- B. "Director"** means the Director of the Bureau of Environmental Services or the Director's designee
- C. "Holding tank"** means a tanks with no drain field which is required to be pumped out on a regular basis.
- D. "Operator in charge"** means the operator in charge, hereafter referred to as "operator," is the designated operator on duty at the Columbia Boulevard Wastewater Treatment Plant or other designated location who supervises and directs any discharge of septage.
- E. "Septage"** means domestic wastes in a tank or container such as chemical toilets
- F. "Tri-County Area"** means the area within Multnomah, Clackamas and Washington Counties.

Amend Section 17.35.020 as follows:

17.35.020 Permits Required.

Only those persons possessing a valid septage discharge permit issued from the City of Portland will be allowed to discharge septage at the Columbia Boulevard Wastewater Treatment Plant (CBWTP).

- A.** All ~~p~~Permits shall authorize discharges for one year, unless a shorter time frame is authorized by the Director. ~~be issued on an annual basis.~~
- B.** *Is unchanged.*
- C.** No provision of this Section shall be construed to create any right to the disposition of septage at a City facility inconsistent with the public interest of the City.

Amend Subsection 17.35.030 C.5. as follows:

17.35.030 Septage Discharge Limitations.

5. Operational or capacity limitations at CBWTP. Loads will be rejected during wet weather events. ~~In the event that septage is rejected by the City, the DEQ shall be immediately notified of such rejection~~

Repeal Section 17.35.100 Protection of the Public Interest.

AMEND - 17.36

Chapter 17.36 SEWER USER CHARGES

Repeal Section 17.36.020 Administrative Rules, Procedures and Forms

Amend Subsection 17.36.160 A. as follows:

17.36.160 Collection.

- A.** ~~Use-service Sewer charges assessed under this Chapter~~ are a personal obligation of the ratepayer and shall become due, and be collected monthly, bimonthly, or quarterly, coincident with user charges for water service. For ratepayers who do not receive water service from the City, the Bureau will cause the user charges to be computed and billed monthly, bimonthly, or quarterly. Any bill for a user charge, whether included with user charges for water service or otherwise, is delinquent and subject to collection charges if not paid in accordance with the collection schedule published in the annual rate ordinances. Nonpayment of delinquent user charges will result in water shutoff pursuant to Title 21 of this Code when the premises are furnished water service by the City; ~~pursuant to Title 21 of this Code.~~

Amend Subsection 17.36.180 A. as follows:

17.36.180 Adjustment of Bills.

A. When the Bureau determines that a billing error has occurred, the Bureau may authorize an adjustment as provided by Subsection 17.36.180.C. below of the ratepayer's utility account for the period of the error, but not to exceed three years from the date the error is identified unless the Bureau allows an exception in response to an appeal under Section 17.38.190. ~~except as provided by Subsection B below.~~

AMEND - 17.37

Chapter 17.37

DOWNSPOUT DISCONNECTION

Amend Section 17.37.010 as follows:

17.37.010 Purpose

The purpose of downspout disconnection is to remove stormwater from the combined sewer system ~~in order to reduce the amount of combined sewer overflows which enter the Columbia Slough and Willamette River. Removing stormwater from the combined sewer can reduce the cost of large conveyance, storage, and treatment facilities needed to capture and treat stormwater or combined sewage. in order to meet the goals of the Amended Stipulation and Final Order with the Department of Environmental Quality. Flow removal goals, policies and options for disconnection will be determined by the Director depending on the location of the property within the Combined Sewer Overflow area.~~

Repeal Section 17.337.015 Rule Making

Replace Section 17.37.020 as follows:

17.37.020 Definitions.

For the purpose of this Chapter, the following definitions shall apply:

- A. "Combined Sewer"** means a sewer designed to convey both sanitary sewage and stormwater.
- B. "Director"** means the Director of the Bureau of Environmental Services or the Director's designee.
- C. "Downspout"** means the conductor that conveys storm water from the gutter on the exterior of a building or other structure to another place of disposal.
- D. "Disconnection"** means physically plugging or capping the direct stormwater connection to a sewer and redirecting the stormwater either onto the surface of the

property or under ground. This may require alterations to gutters, downspouts and landscaping.

1. For properties that have a branch constructed to the edge of the property line from a public separated storm system, disconnection from the combined sewer may be accomplished by direct stormwater connection through a lateral to the public storm system. New storm connections to the City sewer or storm system are subject to the Stormwater Management Manual requirements for new connections to public systems.
2. For properties where surface or underground disposal of roof water is not feasible, disconnection may include a curb cut which discharges roof water to a curbed street. New storm connections to the city sewer or storm system are subject to the Stormwater Management Manual requirements for new connections to public systems.
3. New stormwater facilities are required to meet the requirements of the Stormwater Management Manual.

E. "Program area" means the boundaries of the Downspout Disconnection Program area as shown on the map in administrative rules.

F. "Workers Authorized By the Director" means, but is not limited to, City employees and contractors hired by the City.

Replace Subsection 17.37.030 as follows:

17.37.030 Establishment of Downspout Disconnection Program.

A. Eligibility. Properties located within the boundaries of the disconnection area as shown on the map within the program administrative rules. A property is eligible for participation if the property:

1. Meets the "residential use" criteria in PCC Chapter 33.920; or
2. Meets the "commercial use" criteria in PCC Chapter 33.920, and has site conditions that would allow for safe and effective disconnection as identified in Section 17.32.040.

B. Deadlines. The Downspout Disconnection Program shall pursue the objective of managing stormwater directly connected to the combined sewer on eligible properties in the program area and removing necessary amounts of stormwater from the combined sewer no later than the deadlines in the Downspout Disconnection Program Administrative Rules. Deadlines may be met sooner based upon the schedule for the projects in specific sewer basins.

C. Procedures. Disconnection procedures and policies are described in the Downspout Disconnection Program Administrative Rules. All downspouts that are disconnected from the combined sewer through this program must conform to the disconnection methods or systems approved by the Director. Technical assistance will be provided to property owners, upon request, to determine the most appropriate method of stormwater management.

D. Access to Eligible Property. For the purpose of administering this code chapter, the Director or other workers authorized by the Director may, with consent from the property owner or occupant and upon production of proper identification, enter upon the land or premises of eligible property. The purpose of such entry is to survey a downspout to determine whether it is connected, to provide technical assistance regarding proper disconnection, to disconnect downspouts, to correct or otherwise fix disconnected downspouts, to reconnect downspouts that do not meet program standards, or to inspect downspouts which have been disconnected.

E. Ownership of private stormwater systems. The property owner shall own the new private stormwater management system and be responsible for ensuring that the new private system is properly maintained and operated.

F. Reconnection of disconnected downspouts at participating properties.

1. Property owners in mandatory program areas are prohibited from reconnecting to the combined sewer unless the City determines that the disconnection poses a threat to health, safety or property and approves the reconnection. Homeowners must contact the Downspout Disconnection Program if they believe reconnection is necessary.

2. Property owners in the voluntary area must contact the Downspout Disconnection Program if they plan to reconnect their downspout(s).

Repeal Section 17.37.040 **Disconnection Procedures.**

Repeal Section 17.37.050 **Disconnection Reimbursement.**

AMEND - 17.38

Chapter 17.38

DRAINAGE AND WATER QUALITY

Amend Section 17.38.015 as follows:

17.38.015 Intent.

The intent of this Chapter is to provide for the effective management of stormwater, groundwater, and drainage, and to ~~protect maintain~~ and improve water quality in the ~~Watercourses and Water Bodies within the City of Portland as described in Section 17.38.035.~~

Replace Section 17.38.020 as follows:

17.38.020 Definitions.

For the purpose of this Chapter, the following definitions shall apply:

A. "Approved Drainage System" means a system approved by BES which adequately collects, conveys, treats or disposes of stormwater runoff or other site discharge. Approved systems must meet all requirements and specifications laid out in this code, BES design manuals and documents, and any applicable plumbing code provisions relating to the piped portions of any system.

B. "Capacity" means the flow volume or rate that a specific facility (e.g., pipe, pond, vault, swale, ditch, or drywell) is designed to safely contain, receive, convey, reduce pollutants from or infiltrate to meet a specific performance standard.

C. "Combination Facilities" means stormwater management systems that are designed to meet two or more of the objectives detailed in the Stormwater Management Manual

D. "Conveyance" means the transport of stormwater, wastewater or other discharge from one point to another point.

E. "Director" means the Director of the Bureau of Environmental Services, or the Director's designee.

F. "Discharge" means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, leaking or placing of any material so that such material enters or is likely to enter a waterbody, groundwater, or a public sewer and drainage system.

G. "Discharge Point" means the connection point to a public sewer or drainage system or destination for a discharge leaving a site.

H. "Discharge Rate" means the rate of flow expressed in cubic feet per second (cfs).

I. "Drainageway" means an open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.

J. "Green Street" means a vegetated stormwater management facility located within the planting strip or other portion of 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. "Impervious Surface" means any surface that has a runoff coefficient greater than 0.8 (as defined in the City's Sewer and Drainage Facilities Design Manual). Types of impervious surfaces include rooftops, traditional asphalt and concrete parking lots, driveways, roads, sidewalks and pedestrian plazas. Slatted decks and gravel surfaces are considered pervious unless they cover impervious surfaces or gravels are compacted to a degree that causes their runoff coefficient to exceed 0.8.

M. "Infiltration" means the percolation of water into the ground. Infiltration is often expressed as a rate (inches per hour) which is determined through an infiltration test.

N. "Pollutants of Concern" means parameters identified by DEQ or BES as having the potential to have a negative impact on the receiving system, including surface waters, ground-water, 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. "Practicable." means available and capable of being done as determined by the Director, after taking into consideration cost, resources, existing technology, and logistics in light of overall project purpose.

P. "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 utilities.

Q. "Redevelopment" means any development that requires demolition or complete removal of existing structures or impervious surfaces at a site and replacement with new impervious surfaces. Maintenance activities such as top-layer grinding, -re-paving (where the entire pavement is not removed) and re-roofing are not considered redevelopment. Interior remodeling projects and tenant improvements are also not considered to be redevelopment. Utility trenches in streets are not considered to be redevelopment unless more than 50 percent of the street width is removed and re-paved.

R. "Site Map" means a map showing the stormwater management facility location in relation to buildings, structures or permanent survey monuments on the site. A site map shall depict location of sources of runoff entering the stormwater management

facility and the discharge point and type of receiving system for discharge leaving the facility.

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

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

U. "Stormwater Management Facility" means a facility or other technique used to reduce volume, flow rate or pollutants from stormwater runoff. Stormwater facilities may reuse, collect, convey, detain, retain, or provide a discharge point for stormwater runoff.

V. "Temporary Structure" means a structure that is separate and distinct from all other structures and is created and removed in its entirety within three years, including all impervious area associated with the structure.

W. "Tract" means a parcel of land designated as part of a land division per Title 33 that is not a lot, lot of record, or a public right-of-way .

X. "Wetland:" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas except those constructed as pollution reduction or flow control facilities.

Repeal Section 17.38.025 Rule Making

Amend Subsection 17.38.030 A. as follows:

17.38.030 Protection of Drainageway Areas.

A. Authority. The Director may require drainage reserves or tracts over seeps, springs and drainageways as necessary to preserve the functioning of these areas and to limit flooding impacts from natural and man made channels, ditches, seeps, spring, intermittent flow channels and other open linear depressions. Standards and criteria for imposing drainage reserves or tract requirements shall be adopted by administrative rule. Placement and/or sizing of drainage reserves does not relieve property owners of their responsibility to manage stormwater in a manner that complies with the duties of property owners under applicable law. Drainage reserve or tract requirements may be imposed during land use reviews, building permit review or other development process that require Bureau of Environmental Services (BES) review.

Amend Section 17.38.035 as follows:

17.38.035 Drainage Management Policies and Standards.

A. Stormwater shall be managed in as close proximity to the development site as is practicable, and stormwater management shall avoid a net negative impact on nearby streams, wetlands, groundwater, and other water bodies. All local, state, and federal permit requirements related to implementation of stormwater management facilities must be met by the owner/operator prior to facility use. Surface water discharges from onsite facilities shall be discharged to an approved drainage facility.

1. *Is unchanged.*

2. All discharges must be routed to a discharge point approved by the Director. Approval of discharge points must meet the following standards:

a. The discharge must be conveyed along a route of service approved by the Director.

b. The discharge point must comply with the following standards and specifications:

(1) Sanitary, wastewater or other discharges to the sanitary or combined system must comply with the Sewer and Drainage Facilities Design Manual.

(2) Stormwater or other discharges to the City's storm and drainage system must comply with the Stormwater Management Manual.

B & C - Are unchanged.

D. The Director is authorized to establish requirements for the pumping and discharge of groundwater as a waste (discharge to waste). The Stormwater Management Manual regulations govern both quality and quantity impacts of pumping and discharging groundwater to City receiving systems. The regulations may exempt, establish discharges as de minimus, or provide for and limit the permanent or temporary discharge of groundwater. Temporary groundwater discharges may be authorized through the batch discharge processes described in Title 17.34 and 17.39. In establishing rules to regulate the pumping and discharge of groundwater as a waste, the Director shall, at a minimum, incorporate and implement the following standards.

1 & 2 -Are unchanged.

3. Onsite management a priority. ~~Disposal of p~~Pumped ground water shall be managed accomplished first by onsite disposal methods, such as infiltration, to the greatest extent practical. Thereafter, ~~the water shall be disposed of, to the greatest extent practical, through the use of private conveyance facilities~~ shall and discharge through infiltration offsite or to surface water bodies. Offsite discharge to City systems shall be approved only after onsite alternatives are evaluated.

E. Is unchanged.

F. All discharge and disposal systems shall comply with the standards set forth in the Stormwater Management Manual. Public systems shall be reviewed and approved by BES in compliance with the sizing and location standards in the Stormwater Management Manual. Private onsite disposal systems shall comply with the stormwater hierarchy and other guidance specified in the Stormwater Management Manual, and shall be reviewed by Bureau of Development Services for compliance with the plumbing code regulations in Section 25.01.020.

Amend Subsection 17.38.040 D. as follows:

17.38.040 Stormwater Management Facilities Required.

D. Maintenance of Stormwater and Groundwater Management Facilities.

1. All applicants for new development, redevelopment, plats, site plans, building permits or public works projects, as a condition of approval, shall be required to submit an operation and maintenance plan and the required plan cover sheet for the required stormwater management facilities for review and approval by the Director Bureau of Environmental Services, unless otherwise exempted in the Stormwater Management Manual. A stormwater management facility that receives stormwater runoff from a public right-of-way shall be a public facility, and maintained by the City, unless the right-of-way is not part of the City road maintenance system.

a. The information required in an operation and maintenance plan shall satisfy the requirements in the Stormwater Management Manual. Applicants are required to submit the O & M recording form with the plan and are encouraged to use the O & M Plan template provided in the Stormwater Management Manual. The Plan shall include and not be limited to:

Remainder of section is unchanged.

Add Section 17.38.043 as follows:

17.38.043 Inspections

Authorized City representatives may inspect stormwater or groundwater management facilities to determine compliance with this Chapter. The facility owner shall allow and provide for free access for representatives of the Bureau of Environmental Services to enter upon the premises where the facility is located for the purpose of inspection or assuring compliance with this Chapter and the Stormwater Management Manual.

A. Conditions for entry.

1. The authorized City representative shall present appropriate credentials at the time of entry.
2. The purpose of the entry shall be for inspection to ensure compliance of the onsite stormwater management facilities with this Chapter and the Stormwater Management Manual of the onsite stormwater management facilities.
3. Entry shall be made at reasonable times during normal operating or business hours unless an emergency situation exists as determined by the Director.

Amend Section 17.38.45 as follows:

17.38.045 Enforcement.

A. Enforcement. *Is unchanged.*

~~**B. Site Inspection.** Authorized City representatives may inspect stormwater or groundwater management facilities to determine compliance with this Chapter. The facility owner shall allow and provide for free access for representatives of the Bureau of Environmental Services to enter upon the premises where the facility is located for the purpose of inspection or assuring compliance with this Chapter and the Stormwater Management Manual.~~

~~**C. Conditions for entry.**~~

- ~~1. The authorized City representative shall present appropriate credentials at the time of entry.~~
- ~~2. The purpose of the entry shall be for inspection to ensure compliance with this Chapter and the Stormwater Management Manual of the onsite stormwater management facilities.~~
- ~~3. Entry shall be made at reasonable times during normal operating or business hours unless an emergency situation exists as determined by the Director.~~

~~**D to K reletter from B to I**~~

Replace Section 17.38.055 as follows:

17.38.055 River Restoration Program

BES and the Office of Healthy Working Rivers are authorized to develop administrative rules for implementation of a River Restoration Program including, but not limited to, a mitigation bank and in-lieu fee program for implementation of the Title 33 River Plan/North Reach Code provisions. BES and the Office of Healthy Working Rivers may also accept funds from in-lieu fees, mitigation bank credits, donations, program administrative fees, and other sources and may expend such funds for environmental restoration, enhancement and improvement activities.

Chapter 17.39

STORM SYSTEM DISCHARGES

Replace Section 17.39.020 as follows:

17.39.020 Definitions.

As used in Chapter 17.39:

- A. "Capacity"** means the flow volume or rate that a specific facility (e.g., pipe, pond, vault, swale, ditch, or drywell) is designed to safely contain, receive, convey, reduce pollutants from, or infiltrate to meet a specific performance standard.
- B. "Clean Water Act (CWA)"** is the Federal Water Pollution Control Act, as amended (33 U.S.C. § 1251 et seq.).
- C. "Code of Federal Regulations (CFR)"** means the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government.
- D. "Director"** means the Director of the Bureau of Environmental Services or the Director's designee.
- E. "Discharge"** means is any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, leaking or placing of any material so that such material enters or is likely to enter a waterbody, groundwater or a public sewer and drainage system.
- F. "Discharge Authorization (DA)"** means a written approval by the Director which prescribes certain requirements or restrictions for a discharge to the City sewer and drainage system.
- G. "Discharger"** means any person who causes or permits a direct or indirect discharge to the City sewer and drainage system.
- H. "Illicit Connection"** means any connection to the City's storm sewer and drainage system not approved by the City or not in compliance with a valid City permit.
- I. "Illicit Discharge"** means any discharge to the storm sewer and drainage system that is not composed entirely of stormwater and is not authorized under Sections 17.39.030 or 17.39.050.
- J. "Interference"** means a discharge that, alone or in conjunction with other discharges, inhibits or disrupts the normal operation of the City's storm sewer and drainage system or contributes to a violation of any requirement of the City's NPDES Municipal Separate Storm Sewer System Discharge Permit. This includes any increase in the magnitude or duration of a violation, any increase in cost due to damage to the system, and any requirement for specialized treatment of stormwater caused by such a discharge.
- K. "National Pollutant Discharge Elimination System (NPDES)"** means the Clean Water Act (40 CFR Part 122) regulations that require dischargers to control and reduce pollutants in discharges to waters of the United States.
- L. "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.
- M. "Process Wastewater"** means any water which during manufacturing or processing comes into direct contact with or results from the production, use, or removal of raw material, intermediate product, finished product, by-product or waste product, including decant liquids.
- N. "Representative Sample"** means a sample that is collected by grab, composite or other technique that adequately reflects the quality of sediments or discharge for a

specific area or entire site. Sampling shall be conducted in accordance with 40 CFR Part 136 or a method approved by EPA or BES.

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.

P. "Stormwater" means water that originates as precipitation on a particular site, basin, or watershed.

Q. "Toxic Substance" means any chemical listed in Oregon's water quality standards for toxic pollutant tables in OAR, Division 340-041-033; the CWA effluent guidelines list of toxic pollutants at CFR 401.15; or the toxic chemical release reporting specific toxic chemical listings at 40 CFR 372.65 at concentrations specified in those lists or, if no concentration is specified, at concentrations determined pursuant to BES Storm and Drainage Discharge Rules.

AMEND - 17.45

CHAPTER 17.45 Advertising on Bus Benches

Amend Section 17.45.030 as follows:

17.45.030 Advertising Bench Allowed.

For the free use and accommodation of persons waiting for public transportation, benches may be placed on the street area between the property line and the back of the through pedestrian zone and between the curb closest to the street center line and front of the through pedestrian zone in the public right of way of the City, and such benches may bear advertising messages. Permits for benches bearing advertisements shall be granted only to the Tri-County Metropolitan Transit District (Tri-Met). For purposes of this chapter, the term bench shall also apply to transit shelters owned, operated and maintained by Tri-Met.

AMEND - 17.76

CHAPTER 17.76 Fuel Tanks

Amend Section 17.76.030 as follows:

17.76.030 Form of Permit.

The permit when issued shall be in substantially the following form:

REVOCABLE PERMIT

A revocable permit is hereby granted to (owner or occupant) of Lot, Block Addition to install and maintain a tank for the storage of fuel oil in Street between Street and Street, being in that particular area lying between the curb line closest to the street centerline and the line of said street, abutting the above described property.

Remainder of Section is unchanged

AMEND - 17.80

Chapter 17.80 Plats and Dedications

Amend Title of Section 17.80.010 as follows:

17.80.010 Approval by ~~City Engineer~~ Director of the Bureau of Transportation .