

**Chapter 17.32 Public Sewer and Drainage System Permits, Connection and Maintenance***Revise Section 17.32.055:*

Sewer system maintenance obligations including inspection, rehabilitation, routine cleaning and repair are based on ownership of the system:

**A.** Private Systems. *(No change)*

**B.** Public Systems. A sewer or drainage system constructed by the City, constructed under a public works permit, or accepted by the City pursuant to Subsections B.12. or B.23. will be maintained by the City as explained below in this Section unless otherwise specified by written agreement with the City.

**1.** Limits of City Maintenance Responsibility. The City maintains public sewer and drainage improvements that are located in public rights-of-way and that are described in Subsection 17.32.055 B above. However, the City only maintains sewer laterals as follows:

**a.** For a City-paved street with curbs, the City will maintain a lateral from the sewer main to the street-side curb face nearest the property being served. If there is more than one curb, as with stormwater facilities, the City will maintain to the street-side curb face closest to the property line. Otherwise, the City will maintain only the wye or tee connection for sewer laterals.

**b.** For a City-paved street without curbs, the City will maintain a lateral from the sewer main to the edge of the City paved street area.

**c.** Under Subsections 17.32.055 B.1.a and b, when the sewer main is located in the right-of-way between the property line and the street-side curb face closest to the property line, the City will maintain only the wye or tee connection for the lateral.

**d.** For an unpaved street, the City will maintain those portions of any sewer lateral within an area of right-of-way up to 28 feet wide and centered on the centerline of the City right-of-way, as determined by the City, as follows:

**1)** When the sewer main is within the 28-foot maintenance area, the City will maintain the lateral will be maintained by the City to the limit of the maintenance area;

**2)** When the sewer main is outside the 28-foot maintenance area and at least a portion of the sewer service lateral lies within the maintenance area, the City will maintain the lateral to the limit of the maintenance area; and

**3)** When the sewer main is outside the 28-foot maintenance area and no portion of the sewer service lateral lies within the maintenance area, the City will maintain only the wye or tee connection for the lateral.

**e.** In easements, the City will maintain public sewer mains and only the wye or tee connections for sewer service laterals.

**f.** Those portions of a sewer service lateral not addressed by Subsections 17.32.055 B.1. a. through d. are the responsibility of the property owner receiving service through the lateral.

~~**2.1.** Acceptance of Systems with Unclear Ownership. *(No change other than renumbering)*~~

~~**3.2.** Adoption of Private Systems in the Public Right-of-Way. *(No change other than renumbering)*~~

~~**4.3.** A system accepted under Subsection B.12. or adopted under Subsection B.23. will be added to the City maintenance roles as of the date of acknowledgment by the Chief Engineer.~~

~~**5.4.** The City's responsibility for maintenance of any sewer or drainage system, branch or connection point 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.

**C. Nuisance Abatement. (No change)**

See Figure 13 for an example visual representation of ownership situations.

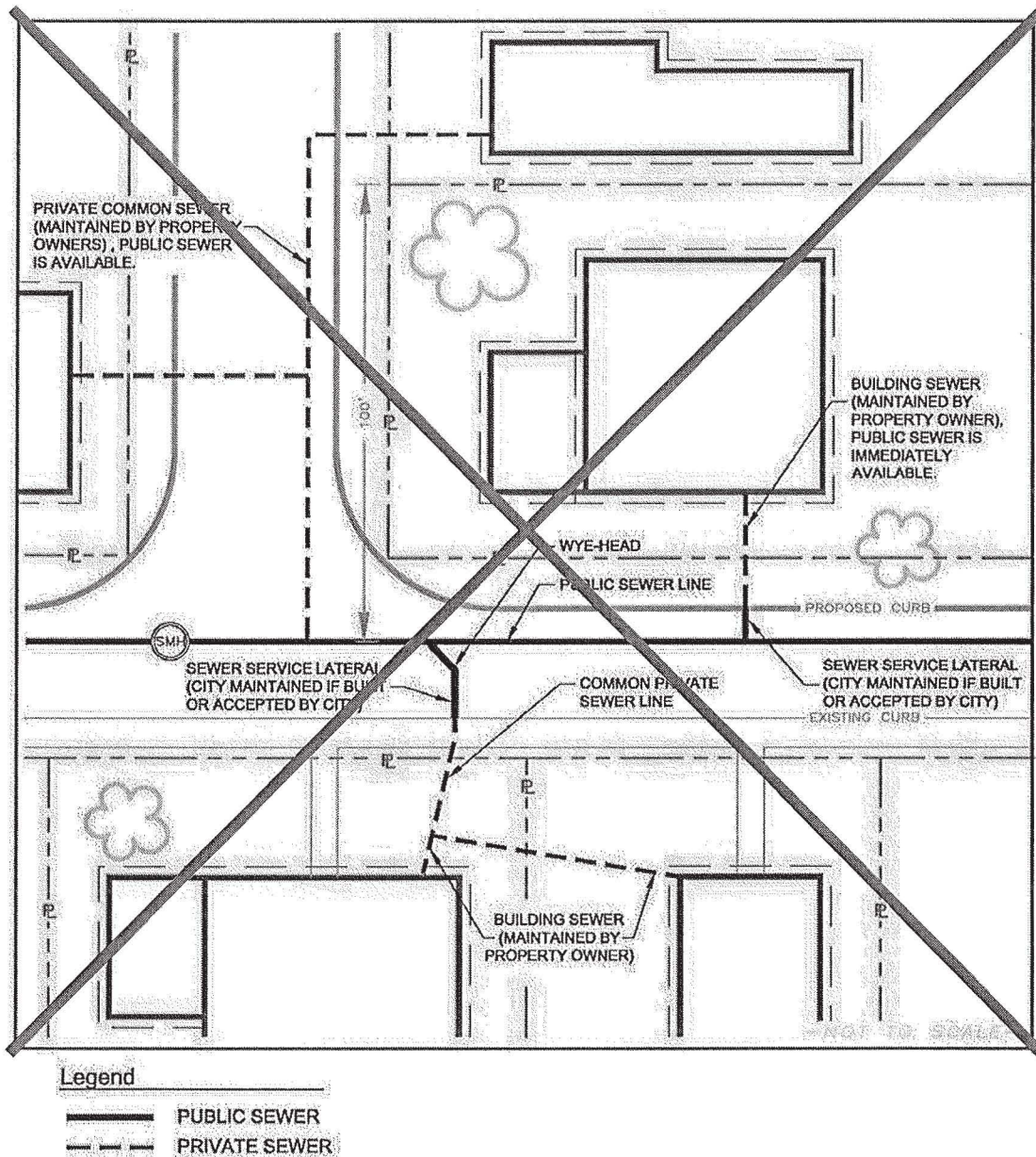
*Revise Subsections 17.32.095 A.2 and B.1:*

**A.2.** Other charges as specified in Section 17.36.12040.

**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 17.36.0640) 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.

*Other subsections of 17.32.095 remain unchanged*

Replace Figure 13



(new drawing pending)

**Chapter 17.34 Sanitary Discharges**

*Revise Section 17.34.020 G*

**G. “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.

**Chapter 17.36 Sewer User Charges**

*Revise Subsection 17.36.040 F.1*

**F.1.** Residential Conversion Charges. Single-family, duplex, three-plex, or four-plex properties are assessed the residential sewer conversion charge, which is the branch charge rate in place at the time of connection.

*Replace Section 17.36.110:*

A ratepayer, property owner or owner's agent may request modification of a BES assessment of a charge as described in this Chapter via administrative review with BES staff. After the requestor has exhausted all BES program reviews, the requestor may file for an appeal with the Code Hearings Officer per PCC Title 22.

**Chapter 17.37 Downspout Disconnection***Reorder Section 17.37.020:*

**C.D. "Disconnection"**.

**D.C. "Downspout"**

**Chapter 17.39 Storm System Discharges***Revise Section 17.39.020:*

**R. "Underground Injection Control (UIC)"** means any system or structure that is intended to discharge fluids below the ground surface. Examples of UICs include, but are not limited to drywells, sumps, trench drains and infiltration galleries.

**S. "UIC Water Pollution Control Facility (WPCF) Permit"** means the Safe Drinking Water Act (40 CFR Part 144) and Oregon Administrative Rules (OAR 340-44) regulating the construction and operation of Class V UICs for stormwater discharges.

*Revise Section 17.39.040 D:*

**D.** Existing Discharges. Dischargers found to violate Section 17.39.040 may be required to obtain a BES discharge permit or authorization or the discharge may be terminated regardless of past acceptance by the City.

*Revise Section 17.39.050 A.2:*

**A.2.** Illicit Discharges. Notice must be provided immediately after discovery of the illicit discharge. Written reports must also be submitted to the City BES within five days of discovery of an illicit discharge or as otherwise specified by a BES discharge permit or a discharge authorization.

*Revise Section 17.39.060:*

**A.** City BES discharge permit or authorization or City permit is may be required for unpermitted discharges not subject to NPDES or UIC WPCF permit requirements for discharges that would:

- 1.** otherwise cause interference with or harm the City storm sewer and drainage system;
- 2.** eContribute to a violation of the City's NPDES municipal stormwater discharge permit;

3. Contribute to a violation of the City's UIC WPCF stormwater permit;
4. ~~d~~Degrade the local receiving surface water or groundwater;; or
5. ~~h~~Have a negative effect on human health, safety or the environment.

**B.** A City BES discharge permit or authorization request must be submitted and approved before non-routine or one-time discharges of materials except for those discharges that are allowed under Section 17.39.030.

**C.** A City discharge request must be submitted and BES must provide approval or denial of the permit before continuous or routine discharge occurs of materials other than stormwater that are not allowed under Section 17.39.030. A discharger must apply for a City BES discharge permit or authorization when required by BES either at the time of development application or at the time of discovery of a discharge that requires a permit or authorization per meeting the criteria of Subsection 17.39.060 A.

**D.** The discharger may be required to must allow site inspections by BES to verify site conditions or submit additional information, reports and plans as part of the DA or City BES discharge permit request, such as:

1. A Stormwater Pollution Control Plan (SWPCP), which describes measures to eliminate, reduce and control the level of pollutants in discharges site actions taken to prevent contamination of stormwater by materials stored, used or manufactured onsite;
2. An Accidental Spill Prevention Plan (ASPP), which documents facility or discharger-specific spill response procedures and describes actions taken to measures to prevent the release of prohibited or deleterious materials accidental or incidental spills of pollutants from entering to the City storm sewer and drainage system; or
3. A Best Management Practices (BMP) Plan which describes actions to reduce or eliminates pollutants and hydrologic impacts associated with a discharge; or

43. Monitoring data to characterize the types and loads of pollutants in the discharges.

*Revise Section 17.39.080:*

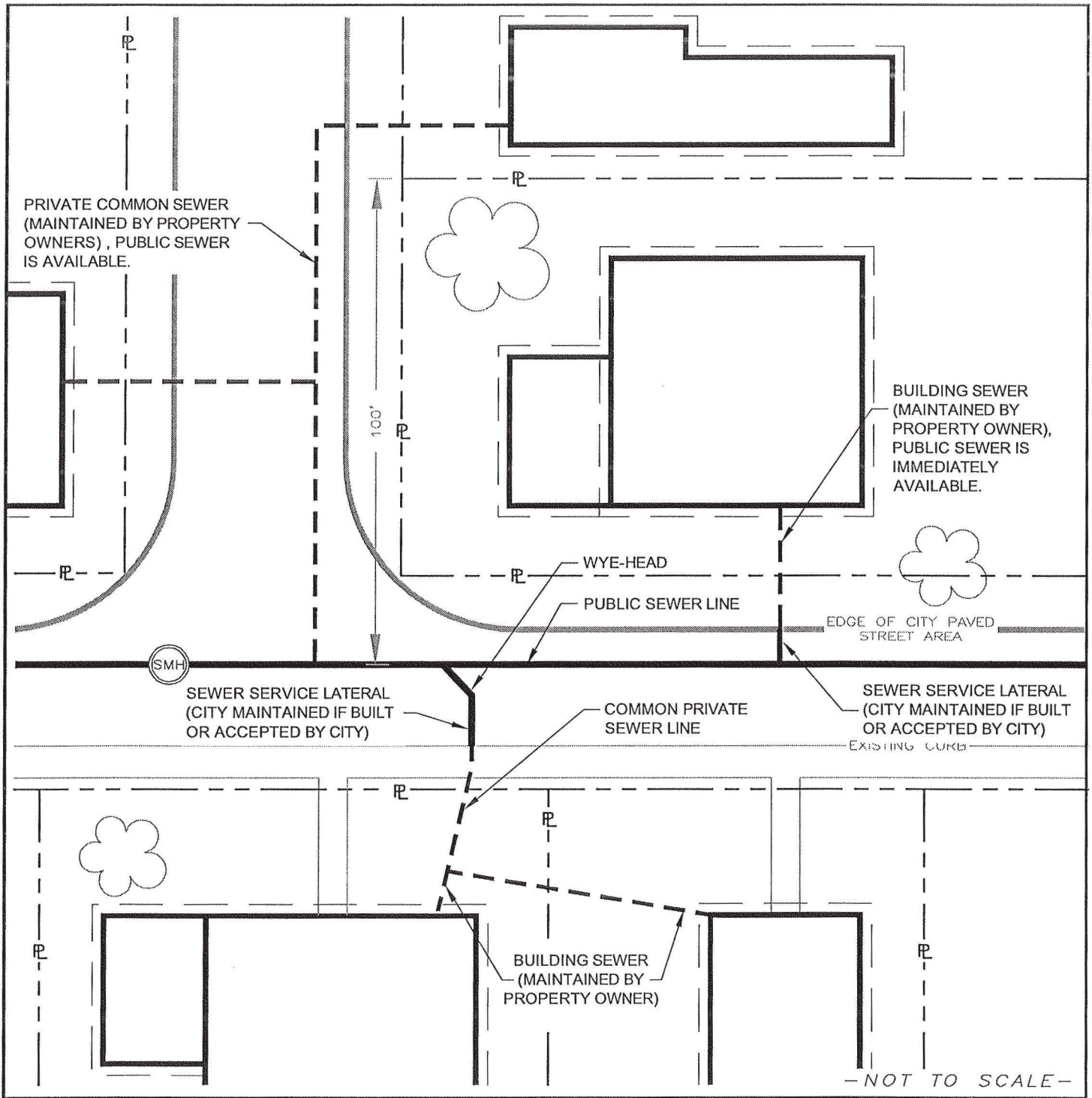
The City BES may sample or require a discharger to provide a representative sample of any discharge, or any material intended to be discharged, for the purposes of characterization or to determine compliance with Section 17.39.040, applicable permit conditions, DEQ or EPA requirements, or City BES discharge permit or authorization.

*Revise Subsections 17.39.110 A.2 and A.2 and Section C:*

**A.2.** Failure to meet any requirement or condition of a BES discharge permit or authorization, including exceedances of a discharge limit, issued under the authority of this Chapter or associated rules;

**A.3.** Failure to comply with a BES discharge permit or discharge authorization-related submittal schedule or a violation remediation schedule;

**C.** Civil Penalties. Dischargers violating this Chapter or associated rules may be assessed civil penalties of up to \$10,000 per day per violation according to program-specific administrative rules and the BES Enforcement Program administrative rules (PPD item ENB-4.15). Penalties and other charges will accrue interest from the date of initial City notice assessing the penalty until the penalty is paid in full. Dischargers violating this Chapter will be solely responsible for reimbursing the City's abatement expenses.



Legend

- PUBLIC SEWER
- - - - -** PRIVATE SEWER