APPENDIX D.9 SOURCE CONTROL ADMINISTRATIVE REVIEWS AND APPEALS SUBMITTAL GUIDE

The administrative review and appeals process described in this appendix applies to requirements outlined in Chapter 1.3.3 (Additional Pollution Reduction Requirements for Vehicle and Equipment Traffic Areas) and Chapter 4 (Source Control Requirements). Appendix D7 provides a separate appeals process for the requirements of Chapters 1 through 3 (except Section 1.3.3).

Administrative Reviews

There are two types of source control administrative reviews: technical review and advanced technical and engineering review. The type of administrative review is determined by the criteria and process presented in this appendix.

Technical Review

If the proposed (alternative) source control meets the intent but not the letter of the requirements, or if some (not all) of the requirements may not be met because of zoning, property constraints, or other regulations, the applicant may request approval through a technical review process. This applies only to the following sections of Chapter 4:

4.5: Solid Waste Storage Areas, Containers, and Trash Compactors

4.6: Material Transfer Areas/Loading Docks

4.7: Fuel Dispensing Facilities and Surrounding Traffic Areas

4.9: Equipment and/or Vehicle Washing Facilities

4.12: Covered and Uncovered Vehicle Parking Areas

The applicant must demonstrate that the proposed system meets or exceeds the protection provided by the source control requirements.

The technical reviewer cannot evaluate a request for more than one exception from the same section in Chapter 4 (e.g., a request to eliminate both the sanitary drain and cover in a washing area) or a complete exception from the requirements. Those requests require an advanced technical and engineering review (see next page).

Technical staff will evaluate technical reviews under the direction of the Pollution Prevention Manager or designee. The applicant can initiate a technical review by completing the **Source Control Special Circumstances Form** located in this appendix and submitting site plans and additional materials that support the request. There is no fee for a technical review. Applicants are not allowed to attend the technical review meeting.

Advanced Technical and Engineering Review

If the proposed (alternative) source control meets the intent but not the letter of the requirements or does not qualify for the technical review outlined above, the applicant may request approval through an advanced technical and engineering review process. This applies only to the following sections of the manual:

- 1.3.3: Additional Pollution Reduction Requirements for Vehicle and Equipment Traffic Areas
- 4.4: Dewatering and Discharge
- 4.8: Above-Ground Storage of Liquid Materials, Including Tank Farms
- 4.10: Exterior Storage of Bulk Materials
- 4.11: Soil, Stormwater, and Groundwater Management for Development on Land with Suspected or Known Contamination or Adjacent to Contaminated Sites
- 4.13: Water Reclaim and Reuse Systems

The applicant must demonstrate that the proposed system meets or exceeds the source control requirements.

An Administrative Review Committee of City staff and the project's BES Environmental Manager will evaluate advanced technical and engineering reviews. The applicant can initiate an advanced technical and engineering review by completing the **Source Control Special Circumstances Form 8** located in this appendix and submitting site plans and additional materials, based on the request. There is a \$100 fee. The applicant may elect to attend the advanced technical and engineering review meeting.

How to Prepare an Application for a Technical Review/Advanced Technical and Engineering Review

A complete application consists of:

- Completed Source Control Special Circumstances Form 8.
- One complete set of plans.
- Fee of \$100 (only for advanced technical and engineering review).
- Supplemental information specific to the project circumstances.

It is critical that information in the application be clear, concise, accurate, and completely written. Each application must stand on its own merit and will be reviewed based on the specific conditions of the project under consideration.

Form: The form consists of the following sections:

1. Facility Information. Provide the facility's name and phone number, location, type of business, and contact person or owner.

- **2. Applicant Information.** Provide the applicant's name, address, phone number, and email address and the building permit number.
- **3. Review Type and Special Circumstance.** Specify the type of review (as outlined above) and the request being made, along with the features of the project that make it a special circumstance.
- **4. Accompanying Items.** Provide the required accompanying items.

<u>Plans</u>: One complete set of plans (in addition to any plans submitted for permit processing) must accompany the application. Plans should provide sufficient information to detail the areas considered to be a special circumstance, as well as any areas that may be affected by or that may affect those circumstances.

<u>Fee</u>: A fee of \$100 is required only for advanced technical and engineering review. It must be made payable to the City of Portland, Bureau of Environmental Services and included with the application.

<u>Supplemental information (optional)</u>: Supplemental information (engineering analyses, test data, etc.) that will help clarify the request or make it easier to understand is a welcome accompaniment to the submittal.

How to File a Source Control Special Circumstances Application The complete application must be received by 4:00 pm on Friday to be considered the following Wednesday. Applications will be screened for completeness. Submittal of an inaccurate or incomplete application may cause a delay in considering the request.

<u>Technical review applications</u> can be emailed to the appropriate source control plan reviewer or mailed or delivered to:

Bureau of Environmental Services Attention: Source Control Special Circumstances 1900 SW 4th Ave, Suite 5000 Portland, Oregon 97201

<u>Advanced technical and engineering review applications</u> should be mailed or delivered to:

Bureau of Environmental Services Attention: Source Control Special Circumstances 6543 N Burlington Ave Portland, OR 97203

For questions about the source control application, call 503-823-7122.

Decisions

Administrative reviews will be completed within 14 business days of receipt of the submittal. The Administrative Review Committee will consist of City staff assigned by the project's Environmental Manager. An appointed staff member will review the submittal before calling a committee meeting to present a brief overview. Decisions are reached by consensus. The decisions will be recorded and mailed to the appellant within 5 business days of the decision.

Note: In the Columbia South Shore Well Field Wellhead Protection Area, some source control measures in Chapter 4 are protective measures that cross over to the Water Bureau's *Columbia South Shore Well Field Wellhead Protection Area Reference Manual* (June 25, 2003). Therefore, if an alternative or exception is allowed from the BES source control requirements, other or additional protective measures from the Water Bureau manual may apply. The manual can be found on the Water Bureau website at http://www.portlandonline.com/water/index.cfm?c=29602

Appeals

Appellants not satisfied with administrative review decisions may request in writing a public hearing by the BES Appeals Board, which comprises the Chief Engineer, Systems Development Manager, Pollution Prevention Services Manager, and Watershed Services Manager (or their designees). An outside member may also be included at the discretion of the Chief Engineer or Pollution Prevention Manager, depending on the nature of the appeal. The project's Environmental Manager will schedule a BES Appeals Board meeting to occur within 14 days of receipt of the written appeal application. The applicant will be notified of the meeting date, place, and time. Public notice of the appeal request is given. At least three members of the board must be present for the meeting to take place. A member of the Administrative Review Committee will present an overview of the request and the decision. The applicant, if present, may briefly address the board. Decisions are reached by a majority opinion of the board and are binding.

Applicants may appeal staff interpretation of the City Code and of adopted policies and procedures that guide the review of development proposals. Applicants may appeal any issue related to interpretation of the stormwater management policy (e.g., staff assessment of a site's stormwater management level or a permit denial). Applicants may <u>not</u> appeal the content or requirements of the policy, or technical parameters such as designs for oil water separators, storms, coefficients, and other technical criteria through this appeal process.

How to Prepare an Application for Appeals Board Review A complete appeal review application consists of:

- A written request to the project's Environmental Manager explaining the reason for the appeal.
- A copy of the original Administrative Review Committee's determination.
- Appeal fee of \$250.
- · One set of plans.
- Supplemental information specific to the project circumstances

It is critical for information provided in the appeal application to be clear, concise, accurate, and complete. Each appeal must stand on its own merit and will be reviewed based on the specific conditions of the project under consideration.

Written Request: The written request must include:

- Information about the project, its location, the property owner, and the project team.
- The decision being appealed.
- General summary of the proposed source control systems and approach, including how this approach will meet the intent of the requirements.

<u>Plans</u>: One set of plans (in addition to any plans submitted for permit processing) must accompany appeal applications. Plans should provide sufficient information to detail the areas that are being appealed, as well as any areas that may be affected by or affect the appeal.

<u>Fee</u>: A fee of \$250 must be included with the application. It must be made payable to the City of Portland, Bureau of Environmental Services.

<u>Supplemental information (optional)</u>: Supplemental information (engineering analyses, test data, etc.) that will help clarify the appeal is a welcome accompaniment to the submittal.

How to File an Appeal

The appeal application must be received by 4:00 pm on Friday to be heard the following Wednesday. Applications will be screened for completeness. Submittal of an inaccurate or incomplete application may cause a delay in hearing the appeal.

Application packets should be mailed or delivered to:

Bureau of Environmental Services Attention: Source Control Appeals 6543 N Burlington Ave Portland, OR 97203

For questions about the appeal application submittal, call 503-823-7122.

Decisions
Decisions will be recorded and mailed to the appellant within 5 business days.

Source Control SPECIAL CIRCUMSTANCES

	Office use only Received by: Date:
This form is required if you are requesting alternatives to standard structural source controls, City's Stormwater Management Manual, and other special requests you would like reviewed l	or exceptions per Chapter 4 of the
Special Circumstances will require an additional review process and may delay issuance of relationship of the If this request cannot be satisfied by the administrative review process, the appeals process, as Appendix D.9 of the Stormwater Management Manual, may be implemented by the applicant	s described in
1 Facility Information (please print)	
Facility Name (if applicable):	
Phone No.:	
Facility Address or Location:	
City/State/Zip:	
Type of Business/Facility:	
Facility Contact or Owner:	
2 Applicant Information Applicant's Name: Applicant's Email Address: Phone No.: Applicant's Email Address: City/State/Zip: Building Permit No. (if applicable):	
3 Review Type (select one)	
Technical Review (chapter 4 sections 4.5, 4.6, 4.7, 4.9, 4.12) OR	
☐ Advanced Technical and Engineering Review (chapter 4 sections 4.4, 4.8, 4.10, 4.11, 4.13 and c	chapter 1 section 1.3.3)
Special Circumstance (check appropriate box)	
Request for an alternative source control method. Alternative description:	

Source Control Special Circumstances

	Other:
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	he following items need to accompany this form: A detail or vendor specification for each alternative source control.
F	A site plan of the facility/property clearly identifying the location on the site that will be impacted by this special request.
	Existing and proposed utilities may need to be shown to ensure regulatory compliance with local, state and federal regulation A hand-drawn sketch, not to scale, is acceptable as long as it is legible.)
	A check made payable to the City of Portland for \$100 if this is an Advanced Technical and Engineering Review type.
O.V	ide a brief explanation for your request (use additional pages if necessary):
	Office use only
	Office use only
	Office use only Fee Required: \[\sum \text{Yes} \text{No} \]
	Office use only Fee Required: Yes No Fee Paid: Yes No Check No