

Summary of Responses to Public Comments

The Bureau of Environmental Services held a public comment period from April 4 through May 6, 2016, and encouraged citizens to comment on proposed changes to the Stormwater Management Manual, a proposed new Source Control Manual, and proposed changes to Portland City Code Chapter 17.38.

The following is a summary of the public comments received and the City's response.

Changes to the Stormwater Management Manual

The Stormwater Management Manual received a much needed overhaul and restructuring to provide a systems-based approach to stormwater management requirements, clarifying what standards project designers are required to meet depending on which type of stormwater system is available (infiltration, storm sewers or surface water, or combined sewers). BES clarified maintenance responsibilities for public stormwater facilities built under Public Works Permits during the warranty period, revised maintenance submittal requirements for Drainage Reserves, updated the Administrative Review and Appeal process to be consistent with new City and Bureau standards, and updated technical standards for design and maintenance of stormwater management facilities.

Generally, public response was very positive to the proposed changes. Project designers appreciated the new online Presumptive Approach Calculator (replacing a calculator developed in a version of Excel that no longer has technology support). Public comments were also supportive of the new format and structure.

Below is a summary of the most significant questions and comments submitted to BES during the public comment period, along with BES's response.

1. What is the anticipated cost of these proposals?

There are no new major policy proposals – the requirements to build and maintain stormwater facilities is unchanged. The City does not anticipate any increase in City costs or private costs due to these proposed changes.

2. Southwest Portland should be exempt from infiltration requirements, similar to Columbia South Shore Well Head Well Field Protection Areas.

The SWMM only requires infiltration where it is safe to do so and following an evaluation of technical feasibility, which includes infiltration rates, slopes, setbacks, landslide hazard risk, and other site factors. If unsafe to infiltrate, onsite stormwater management must still be provided prior to offsite discharge through ecoroofs or other types of lined stormwater facilities. Infiltration must be considered first as a requirement of Portland's stormwater infiltration and discharge hierarchy, but if technical reasons exist to not require infiltration, infiltration is not required. A broad geographic exemption not based on technical feasibility is not appropriate – there are areas in Southwest Portland where it is safe to infiltrate. The comparison with the Columbia South Shore is not appropriate, as that restriction is based on a regulatory requirement

to protect backup drinking water resources, and some infiltration may still be allowed in those areas.

3. The Drainage Reserve requirements may conflict with Title 24 requirements for protection of flood hazard areas (implemented through BDS).

BES and BDS are working to address potential conflicts, both from a policy level and on individual projects that may trigger both requirements. There are very few development or project proposals that are required to meet both, so it has been difficult to develop consistent criteria given the uniqueness of the sites. Any changes will be incorporated into future SWMM revisions.

4. Should public green streets be designed to manage the impervious area that drain to them or the newly constructed impervious area?

The SWMM states that green streets should be designed to manage “the contributing impervious area from within the right-of-way”. Green streets should be designed to manage the runoff they receive.

5. How should project designers evaluate the capacity of the receiving system if discharging offsite to a public or natural system?

The SWMM includes flow control requirements based on the type of system. Local systems are evaluated during the development review process to determine if capacity limitations exist. If a public system capacity limitation exists, BES staff will work with the applicant during the development review process.

6. Are other configuration options, design options, or sizing approaches allowed (e.g. orifices, underdrains, soil blends, or treatment trains)?

These are potentially allowed under the Performance Approach. The project designer must demonstrate that the project site meets the system-specific requirements provided in Chapter 1.

7. Commenters suggested technical corrections on typical details, and BES made corrections in response.

8. A number of technical comments were made that were outside of the current scope of proposed changes. These will be considered during work planning for the next SWMM revision.

They included suggestions or comments on:

- a. Evaluating setbacks, sizing, and engineering analysis for subsurface infiltration facilities
- b. Infiltration testing requirements
- c. Slope requirements for ecoroofs
- d. Implementing shared facilities and related maintenance requirements
- e. Developing mapping products that demonstrate where known capacity problems are
- f. Changes to reports produced through the online Presumptive Approach Calculator

Source Control Manual

Previously contained in Chapter 4 of Stormwater Management Manual, BES created a separate Administrative Rule titled the Source Control Manual. No substantial changes were made to content as part of this rulemaking. Minor changes were made to the Administrative Review and Appeal process to be consistent with new City and Bureau standards.

- No public comments were received.

Changes to Portland City Code 17.38

Minor code changes were proposed to give BES explicit authority to implement a Source Control Manual separate from the Stormwater Management Manual, to update code to conform with the new City and Bureau standards for Administrative Reviews and Appeals, and to confirm that removal of a required stormwater management facility is a violation of code. BES anticipates that the Portland City Council will adopt these code changes this summer.

- No public comments were received.