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Proposed Rule Changes for Cured-in-Place Pipe Lining in the Public Right of Way

The Bureau of Environmental Services works with Portland residents and businesses to protect water quality, public health, and the environment through wastewater collection and treatment, sewer construction and maintenance, stormwater management, and stream and watershed restoration.

The City of Portland's Bureau of Environmental Services (BES) is proposing permanent administrative rules governing the use of cured-in-place pipe (CIPP) lining technology to repair privately owned and/or privately maintained sewer lines and laterals within the public right of way in the City of Portland. The proposed permanent rules will replace temporary rules currently in effect. Those temporary rules, adopted in late 2014 and currently found in ENB-4.33, authorized a pilot program that allowed CIPP technology to be used in the public right of way by qualified contractors working for private property owners. CIPP lining has been successfully installed under the temporary rules of over 200 private properties to date and has proved to be beneficial to property owners seeking to repair existing sewer lines and laterals in the public right of way that serve their buildings and which they must maintain.

Through the present rulemaking, BES primarily aims to provide the public with greater clarity on program implementation and requirements. BES proposes no significant substantive changes to the requirements for using CIPP lining in the public right of way but does propose provisions not included in the temporary rules that will help ensure compliance with the substantive requirements of the rules. Public comment on the proposal will be accepted (*see box top right*).

What is CIPP lining?

CIPP lining technology is a pipe rehabilitation method that involves inserting a flexible liner into the existing pipe and curing the liner with either water or steam. The result is a rigid, smooth surface that seals cracks and restores the old pipe to near-new condition.

The chief advantage of using CIPP lining technology is its "trench-less" nature. CIPP lining allows installers to reduce and sometimes avoid the need to excavate and replace sidewalks, curbs, trees, utilities,

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PUBLIC COMMENT

The proposed rules, this fact sheet, and any updated information about the rulemaking for ENB-4.33 will be posted online at www.portlandoregon.gov/bes/72478. Public comments will be accepted from 8:00 a.m. May 2 through 5:00 p.m. June 1, 2017. Please submit written comments by email to Rachele Altman at Rachele.Altman@portlandoregon.gov.



CIPP liner is prepared for use.



Liner is inserted into lateral.



ENVIRONMENTAL SERVICES
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Nick Fish, Commissioner
Michael Jordan, Director

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and other features, making CIPP less disruptive to the community and more sustainable than traditional open-trench methods. The City has already authorized use of this technology to repair publicly owned and maintained lines in BES construction projects.

Where and how does BES regulate the use of CIPP lining technology in the public right of way?

BES regulates the use of CIPP lining technology to repair privately owned and/or maintained sewer lines and laterals that are within the public right of way under temporary rules found in ENB-4.33 and adopted by the BES Director in November 2014. Those rules will be replaced by the final rules adopted through the rulemaking described here. BES oversees compliance by private parties with the CIPP lining rules through the City's centralized permit process, and this will be true for the proposed permanent rules as well.

Citizens may obtain a permit for CIPP lining in the public right of way, along with any associated plumbing permits, at the City's Permit Center (1900 SW 4th Avenue, Portland). This rulemaking will not affect the CIPP lining permitting process. Note: The Bureau of Development Services (BDS), not BES, regulates the use of CIPP lining technology to repair sewer pipes on private property.

Why does BES regulate the use of CIPP lining in the public right of way?

Portland City Code Chapter 17.32, "Public Sewer and Drainage System Permits, Connections and Maintenance," authorizes the BES Director to administer and regulate access and connection to, and the use, construction, modification, maintenance, repair, and removal of, components of the City sewer, storm sewer, and drainage systems and their easements. With very few exceptions for some privately-owned nonconforming sewers, BES owns the portion of the sewer lateral (i.e. "branch") that is within the public right of way. However, under Portland City Code section 17.32.070, part of a public lateral is maintained by the City and the other portion, closest to the private building served by the lateral, generally must be maintained by the property owner.

It is vital that there is proper application of approved materials and methods by property owners and their contractors when repairs to the privately maintained portion of the sewer system, which connects to the publicly owned and maintained portion of the sewer system, are completed. Oversight of repair and connection activities by

BES, as proposed by this rulemaking, ensures that property owners and their properties are served by a sound sewer collection system that protects water quality, public health, and the environment.

What is the goal of this rulemaking?

This rule supports BES' mission to protect public health, water quality, and the environment. The goal of this rulemaking is to provide private property owners with an additional tool to repair the portions of sewer lines and laterals they are responsible for maintaining in the public right of way. Through this rulemaking, BES also aims to provide the public with greater clarity regarding CIPP lining requirements without making significant substantive changes. In addition, the proposed rules would continue to provide consistency with State of Oregon plumbing regulations and materials allowed on private property.

As proposed, what will ENB-4.33 do?

The proposed permanent ENB-4.33 will replace the existing temporary ENB-4.33 and will provide clear requirements and criteria for using CIPP lining technology to repair privately owned or maintained sewer lines and laterals in the public right of way. For example, the proposed rules clarify pre-installation and installation requirements for CIPP liner installers, including requirements to evaluate and document pre-installation site conditions and use approved products, materials, and installation methods. Further, the rules lay out the criteria governing acceptance or rejection of repairs by BES following inspection of any CIPP repairs. In addition, the rules specify when and how a property owner may request reconsideration of a BES decision under the proposed rules through administrative review with BES staff and appeal to the City's Code Hearings Office. The proposed rules also include provisions not included in the temporary rules that will help ensure compliance with the substantive requirements of the rules.

Will a public hearing on the rulemaking be held?

A hearing on this rulemaking will be held by request only on Tuesday, May 23, 2017 from 5:30-7:00 p.m. in Room B (2nd floor) of the Portland Building at 1120 SW 5th Ave. The City will cancel the tentative hearing if it receives no hearing request by 5:00 p.m. on Tuesday, May 16, 2017 and will post a cancellation notice at www.portlandoregon.gov/bes/72478. A person may request a hearing by sending an email to rachele.altman@portlandoregon.gov or calling 503-823-7767.

FOR MORE INFORMATION, contact Rachele Altman at 503-823-7767 or email rachele.altman@portlandoregon.gov.