

## Public Comments Requested

# Proposed Rules Governing Private Capping of a Neighbor's Sewer Line

This rulemaking proposes new administrative rules to be jointly adopted and administered by the City of Portland's Bureau of Development Services (BDS) and Bureau of Environmental Services (BES) governing notification requirements applicable to a property owner who wishes to cap a neighbor's private sewer that crosses the first property owner's property without a recorded legal easement.

If a property owner has a recorded legal easement for their private sewer to cross their neighbor's property and the easement meets the requirements specified in the proposed rule, the City will not issue the neighbor a plumbing permit to cap the other property owner's sewer line. The proposed rules primarily memorialize, and thereby improve transparency of, existing policies and practices. BDS and BES will accept public comments on the proposal from 8:00 a.m. Monday, Feb. 3, 2020, through 5:00 p.m. Wednesday, March 4, 2020.

### Why is the City proposing this new rule regarding sewer capping?

Generally, a private property owner is entitled to cap a sewer that enters their lot without a legal easement. However, the implementation of a sewer cap without sufficient notice to affected property owners can create public nuisances and environmental health concerns. The proposed administrative rules are intended to reduce the potential for sewer caps to result in public nuisances or environmental health concerns. The proposed rules require property owners who wish to cap their neighbor's sewer to provide the neighbor with notice of a pending sewer cap that provides sufficient time for the neighbor to construct a conforming connection to a public sanitary sewer.

#### DEADLINE TO COMMENT

5 p.m., Wednesday, Ma. 4, 2020

Email comments to Emily Sandy at [emily.sandy@portlandoregon.gov](mailto:emily.sandy@portlandoregon.gov)

#### DEADLINE TO REQUEST A HEARING

5 p.m., Thursday Feb. 20, 2020

#### QUESTIONS?

The proposed rule and any updated information about the rulemaking will be posted at [www.portlandoregon.gov/bes/80268](http://www.portlandoregon.gov/bes/80268). You may also contact Emily Sandy at [emily.sandy@portlandoregon.gov](mailto:emily.sandy@portlandoregon.gov) or 503-823-7828.

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ENVIRONMENTAL SERVICES  
CITY OF PORTLAND



Bureau of  
Development  
Services FROM CONCEPT  
TO CONSTRUCTION

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## Proposed Rules Governing Private Capping of a Neighbor's Sewer Line

### What are the goals of this rulemaking?

The primary goal of this rulemaking is to improve transparency and predictability for residents. The proposal puts into rules the existing requirements and City processes that apply when a property owner wishes to cap another property owner's private sewer that enters the first property owner's property, with the following two exceptions.

First, the proposed rules would remove currently duplicative processes so that only the capping property owner, and not also the City, would be required to give affected property owners notice of planned capping.

Second, the proposed rules would make a new distinction between properties being capped that do have available public sewer adjacent to their property's frontage and those that do not.

- For properties that do have public sewer available, the required notice period would continue to be 180 days.
- For properties that do not have public sewer available, the required notice period would be extended from 180 days to 270 days; this would provide reasonable time for the City to extend the public sewer to the affected property if that were part of the preferred solution to avoid interruption of sewer service.

### What will the proposed rule do?

The proposed rules will provide:

- The applicable timelines and procedures for a property owner to provide satisfactory written notice to neighboring properties affected by proposed sewer capping.
- An array of potential solutions for property owners without recorded easements who will be affected by proposed capping.
- That BES will give technical assistance to the affected property owner to determine an

approved route of service and connection to the public sewer.

- The conditions under which BDS will issue a requested permit to cap a neighbor's sewer line.
- Details about enforcement and technical assistance activities that BDS and BES will carry out.

### How can I view the proposed rules?

The proposed rules will be posted online at [www.portlandoregon.gov/bes/80268](http://www.portlandoregon.gov/bes/80268).

### How do I submit comments on the proposed code and rule changes?

BDS and BES will accept public comment on this proposal from 8:00 a.m. Monday, Feb. 3, 2020, through 5:00 p.m. Wednesday, Mar. 4, 2020. Please submit comments in writing by email to Emily Sandy at [emily.sandy@portlandoregon.gov](mailto:emily.sandy@portlandoregon.gov).

### Will a public hearing on the proposed rule change be held?

BDS and BES will hold a joint public hearing **by request only** from 4:30 to 6:00 p.m., Wednesday, Feb. 26, 2020, in Conference Room 4(a) (4th Floor), Development Services Center, 1900 SW 4th Ave., Portland, OR 97201. BDS and BES will cancel the tentative hearing if they receive no hearing request by 5:00 p.m. on Thursday, Feb. 20, 2020, and will post a cancellation notice at [www.portlandoregon.gov/bes/80268](http://www.portlandoregon.gov/bes/80268). A person may request a hearing by sending an email to [emily.sandy@portlandoregon.gov](mailto:emily.sandy@portlandoregon.gov) or calling 503-823-7828.

### How do I get more information?

The proposed rule and any updated information about the rulemaking will be posted online at [www.portlandoregon.gov/bes/80268](http://www.portlandoregon.gov/bes/80268). You may also contact Emily Sandy at **503-823-7828** or [emily.sandy@portlandoregon.gov](mailto:emily.sandy@portlandoregon.gov).

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The Bureau of Environmental Services is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids, please call 503-823-7740 or Oregon Relay Service 711.

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