

working for clean rivers



Administrative Reviews

August 2019



ENVIRONMENTAL SERVICES
CITY OF PORTLAND

working for clean rivers

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Administrative Review Purpose & Intent

The purpose of an AR is to determine if City Code and bureau administrative rules were applied and interpreted consistently and correctly to the case before employees conducting the AR.

- Initiated by a person that submits a Request for Administrative Review
- Pollution Prevention Services, Business Services and Watershed Services conduct ARs



Administrative Review Proceedings

- **Fact finding** may be conducted by one employee or a committee
 - Pollution Prevention Services uses one employee
 - Business Services and Watershed Services use a committee, including a representative of the PUB
- It is at the **AR requestor's discretion** to be present at the AR meeting, provide written materials, or rely on information provided on the AR form
- An AR meeting provides a **reasonable time** for the person to present information that supports their request and for the ARC to ask clarifying questions and to explain relevant code and rule



Administrative Review Outcomes

- AR Final Determination
 - The Director or designee is the authorized decision maker
 - each group has a designee and an alternate
 - the ARC makes a meaningful recommendation
 - the designee uses professional judgement to make the final determination
- AR Appeals
 - The AR requestor may appeal the final determination to the Code Hearings Office



Administrative Review Cases

Types of AR cases for the past year include (BES tracking sheet, 7/2019):

- amount of sewer conversion charges (1)*
- calculation of sewer system development charges (2)*
- amount of sewer user charge refund (1)*
- stormwater Management Manual applicability to repaving (2)*
- dispute spill violation and associated penalty (1)
- dispute responsibility of cross connection (2)
- contest cost recovery for damages to city collection system (1)
- contest new permit (2)

*ARs in which PUB participates on a fact finding committee



BES Proposed AR Code and Rule Package

Make BES Administrative Reviews more predictable, transparent and customer friendly

- Standardize process, deadlines and timeframes
 - Person has 20 business days from date of BES notice to request an AR
 - BES has 15 business days from the date of the request to hold an AR meeting
 - BES has 15 business days from the date of the AR meeting to issue a final determination
- Remove reviewable items language and clarify existing nonreviewable items
- Anticipate Council adoption in the fall of 2019



BES Administrative Review Resources

Request an Administrative Review:

<https://www.portlandoregon.gov/BES/68285>

Proposed BES Administrative Review Code and Rule Package:

<https://www.portlandoregon.gov/bes/79018>

