

Sewer Development Services Programs Administrative Rules

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ENVIRONMENTAL SERVICES
CITY OF PORTLAND

working for clean rivers

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1. Applicability

All persons wishing to extend, connect to or otherwise use City sewer services must comply with the requirements of these rules.

2. Purpose

The purpose of the Sewer Development Services Programs administrative rules is to ensure the clear and concise application of the Portland City Code (PCC) and to formalize existing policies and practices related to permit requirements, permit review, sewer charges and the provision of sewer service.

3. Definitions

These rules use the definitions found in PCC 17.32.020 and the following definitions:

- A. **“Facial Challenge”** means a challenge to a requirement that is based on an argument that the requirement cannot be applied fairly or reasonably in any situation. By contrast, an as-applied challenge is one based on an argument that a requirement should not be applied to the challenger’s particular situation because of factors that, in the challenger’s view, distinguish it from similar situations.

4. Regulatory Authority

- A. PCC Chapters 17.24 and 17.32 establish authority for permitting connection to the sewer system and for the Director of the Bureau of Environmental Services (BES).
- B. PCC 3.13 establishes the authority for the Director of BES to create administrative rules related to BES program such as approving connections to the public sewer system.
- C. PCC 17.36.070 establishes the authority to collect charges for connection and use of City sewers.

5. Route of Service

Properties should be connected to the sewer by the most direct route possible that will provide unobstructed gravity service. In identifying the appropriate route of service, staff will make the decision based on the following criteria:

- A. **Depth.** Gravity service is preferred. Each lot must have individual gravity connections to a public sanitary sewer as approved by BES. Pumped connections require written approval from BES and the Bureau of Development Services (BDS).
- B. **Connection routes.**
 - 1. New connections or sewer extensions should not conflict with anticipated, future connection needs per adopted comprehensive planning and zoning documents, and existing underdeveloped land. Allocation of capacity is, however, on a first come, first served basis.
 - 2. Private laterals must not cross other private properties unless no other route of service is possible and the public sewer cannot be extended. If a public sewer extension is not possible, construction across adjoining properties with permission from the affected property owners in the form of easements may be approved.

- C. **Future maintenance access to the City system.** Connections must comply with the *Sewer and Drainage Facilities Design Manual* and plumbing rules for construction requirements and required clearance distances.
- D. **Length of pipe.** Sewer branches should not exceed 100 feet if possible. The *Sewer and Drainage Facilities Design Manual* and the Oregon Plumbing Specialty Code should be consulted when long branches cannot be avoided.
- E. **Slope.** A sewer line with a slope less than the minimum required grade and proposals to install private pump systems must be approved by BDS and BES. BDS and BES will consider the length of pipe, the amount of flow expected in the pipe, soil and site conditions, and installation method.
- F. **Private sewer lines.** Lines running parallel to City right of way will be avoided if possible. Private routes of connection through adjacent properties will not be allowed if a route of service is available in the right of way that can provide a gravity connection.

6. Sewer Connection

- A. **Applicability.** Sewer connection permits are required for:
 - 1. Sewer repairs in City right of way;
 - 2. Connections to the City sewer main and laterals;
 - 3. Relocations of existing laterals;
 - 4. Connections to existing laterals extended to private property; and
 - 5. Construction or extension of branches to private property for future use.
- B. **Authorized Persons.** Sewer connection permits must be obtained and sewer connections installed by:
 - 1. The legal owner of the property;
 - 2. A plumbing contractor, licensed and registered with the state of Oregon and the City of Portland;
 - 3. A sewer contractor, licensed and registered with the state of Oregon and the City of Portland; or
 - 4. A general contractor, licensed and registered with the state of Oregon and the City of Portland
- C. **Requirements.** Sewer connections must meet the technical standards from:
 - 1. The most recent *Sewer and Drainage Facilities Design Manual* and the *Stormwater Management Manual*;
 - 2. The City's Standard Construction Specifications; and
 - 3. The PCC.
 - a. *Stormwater discharge to sanitary systems.* Only the following exceptions are made to the requirements of PCC Section 17.32.90 regarding connections of stormwater to sanitary only systems:

i. Residential roof drains are allowed to be connected to sanitary only systems when there is a potential for landslide or other safety or environmental hazard and when the system ultimately discharges to a combined sewer collection system. Residential drains to sanitary only pipes with direct link to the City's treatment plants are prohibited.

4. *Sewer Location.* The permittee is responsible for verifying location and depth of existing branches and verifying that the branch is clear of obstructions before connecting to the sewer branch. If there is a problem with locating the branch as described on a sewer connection permit, costs associated with laying of line without first physically confirming the location of the branch will be borne by the permit holder.

These documents are available at the Development Services Building (1900 SW 4th).

- D. **Deviations.** Any deviations from requirements must be requested in writing. All requests will be reviewed within ten days of the received date by BES. Appeals to requirements of these rules can be made by using the process as described in PCC 17.16 and the *Stormwater Management Manual*.

7. Sewer Repair when Existing Connection is Not Preferred Route of Service

If an existing connection is in need of repair and a direct, gravity connection is available; a new connection along a more direct route will be required rather than a repair. Properties will be required to make a direct, separate connection to the sewer if and when a shared connection (a.k.a. party connection) fails or needs repair. There may be some instances where this may not be feasible and an exception will be approved. Examples are:

- A. Buildings are so close together that it is impossible to lay a second line between them without causing risk to existing structures or violating other building codes.
- B. The shared line crosses a major arterial or state highway or has an obstruction that prevents a feasible change in route of service.

8. Connections to Existing Manholes

Connections to existing sewers should be done in accordance with technical requirements as written in the *Sewer and Drainage Facilities Design Manual* and on the connection permit.

- A. **Drop Connections.** Written approval must be obtained from BES for inside drop connections to manholes. The following conditions must exist for BES to permit an inside drop.
1. Minimum depth for the main sewer must be 15 feet for an inside drop connection.

2. No other inside drop structure can exist in the manhole.

9. Building Plan Reviews

BES reviews building permits for availability of public sanitary sewer services, route of service, the adequacy of stormwater management proposals and compliance with the *Stormwater Management Manual*. BES staff reviews all residential and commercial building permits and tenant improvement permits that represent a change of use or an increased demand on sanitary and stormwater discharges.

- A. **Permit Issuance.** Permits will not be issued until the sewer lines have been released by the appropriate project manager for the sewer installation project and all related public works fees have been paid, unless an exception has been authorized in writing from Development Services Manager.

10. Public Works Permit

- A. **Applicability.** Public Works Permits are to allow an applicant to construct a sanitary or stormwater facility that will eventually be conveyed to the City. All permit conditions must be satisfied and the warranty period (typically two years) expired to convey responsibility to the City (BES) for maintenance.

1. *Public Sewer Extension Required.* The applicant must extend a public sewer to the developing property if a public sewer is within 300 feet of the developing property and when future needs justify it. A public sewer easement through an adjacent lot will be required unless site conditions would offset the advantage of the public sewer extension and BES agrees a private sewer and easement are more appropriate.

- B. **Authorized Persons.** Public Works Permits are issued by BES to the party who either owns the property to be served or a developer or contractor who is authorized by the owner to cause construction of the improvements. The contractor is the party responsible for completing the work provided for under the permit. Regardless of which party signs the permit, both the applicant and the contractor are subject to its terms and must jointly assure that its requirements are satisfied.

- C. **Public Facilities Required.** If an existing City right-of-way (ROW) or newly designated ROW is being improved to City standards, any new facility receiving flow from that improvement must be built to meet BES public facility standards. Public facilities must be either built as part of a Capital Improvement Project or reviewed under some form of Public Works Permit. All public facility designs must be reviewed and accepted by the BES Chief Engineer.

1. The permittee must ensure that the public facility has been engineered to address the drainage of the site and any drainage through the site before BES will accept it. All plans for public facilities or facilities that are being

permitted to become public, must be engineered and stamped by an engineer and the final design plans must be routed to the BES Chief Engineer. The Chief Engineer needs sufficient information to assure that the final plans have been appropriately reviewed to meet or exceed current:

- a. Engineering design specifications;
- b. Constructability needs;
- c. Maintenance standards;
- d. Environmental regulations; and
- e. Permit conditions.

Street plans with inlet leads must be on the Bureau of Transportation (PBOT) set of plans, not the BES set of plans, and be signed by the PBOT City Engineer.

2. If a private stormwater facility has been allowed to encroach in the ROW by exception and with an encroachment permit, the facility must be designed and stamped by an engineer. The encroachment agreement will include a maintenance obligation for the private property owner. Incidental runoff from a sidewalk into a private facility does not necessarily require that facility become a public facility, but should be avoided whenever possible. The types of facilities that may currently be accepted in the ROW are defined in the *Sewer and Drainage Facilities Design* and *Stormwater Management* manuals.

D. Public Facility Review. Public facilities are reviewed against the criteria and performance standards that are defined in the *BES Sewer and Drainage Facilities Design Manual* and the *Stormwater Management Manual*. Engineering calculations for sizing, depth and other attributes are checked to ensure that they provide adequate volume for the specific storm and the drainage area to be served. Appropriate overflow and disposal locations are checked against the stormwater disposal hierarchy and other standards as described in the appropriate administrative rules and technical manuals. Constructability and maintenance issues will be verified through plan review with appropriately assigned BES staff.

E. Types of Public Works (PW) Permits.

1. *BES Public Works permit.* This process is managed by the Development Engineering/Systems Development Section and is used for any stormwater or sanitary facility that is being built in an improved ROW or public easement to manage street run-off and/or sanitary flow. Developers submit design plans to Development Engineering for review against the standards in the *Sewer and Drainage Facilities Design* and *Stormwater Management Manuals*. The developer controls the contractor and pays for BES inspection and plan review. For small sanitary sewer

extensions, an applicant may request and pay for a BES design engineer to provide the facility design.

2. *Joint PBOT/BES Permit.* BES Development Engineering and PBOT jointly review plan submittals. This process is used when there is a developer-initiated permit for a street improvement that includes a stormwater facility that is receiving run-off from a street improvement. Timing and scheduling of the two components need to be coordinated to assure this joint review process is possible.

11. Easement Encroachment

Sewer easements are exclusive. No other utilities or structures are allowed within them that could inhibit access to the sewer unless, in the judgment of BES no alternative exists for locating a required use. Staff will balance the need for the encroachment against the repair and maintenance needs of that sewer.

12. Administrative Review and Appeal

A person may request reconsideration of a BES decision through administrative review as described in this Section. Administrative review and appeal of an enforcement action is also governed by BES Enforcement Program Administrative Rules, ENB-4.15. After the requestor has exhausted all BES administrative review, the requestor may file for an appeal of a decision with the Code Hearings Officer (CHO) per Portland City Code Title 22. A person may only appeal a decision that is subject to administrative review by BES.

A. Administrative Review Requests. A person to whom a notice was addressed will have 20 business days from the date the notice is issued to submit a written request for administrative review of a decision described in the notice. The requestor must provide all information known to the requestor that supports an assertion made in the written request for administrative review. The requestor must provide such information via graphic, written, or recorded communication, or in person at the administrative review meeting. BES will hold an administrative review meeting within 15 business days of receipt of the written request for administrative review unless BES determines in its reasonable discretion that a delay is justified. The requestor may provide detailed information in writing in lieu of attending the administrative review meeting.

B. Non-Reviewable Items. A BES decision made under these rules is subject to administrative review except that BES will not grant administrative review for the following:

1. Refusal to accept an improvement into the public maintenance system;
2. Refusal to grant permits for modification of a public improvement;
3. Specification of the required route of service to connect with a public improvement;

4. A Facial Challenge - as that term is defined in these rules - to a requirement in these rules or associated City Code, or to any technical standard; and
5. A requirement to meet a technical standard as applied by BES to a particular party.

Note: Although the technical BES decisions specified in Section 11.B.1-4 of these rules are not subject to administrative review, BES may reconsider and modify a BES staff decision on these matters based on site-specific facts. BES's final decision on these matters is not subject to administrative review, per section 11.B of these rules.

- C. BES Evaluation.** BES will use authorizing City Code, the provisions of these rules and ENB-4.15, City records, and the testimony and documentation provided by the requestor to make a final determination on the issue that is the subject of the administrative review.
- D. Final Determination.** BES will issue to the requestor a written determination within 15 business days of the administrative review meeting unless BES determines that extenuating circumstances justify a reasonably longer period of evaluation. The written final determination will provide information about the process for filing an appeal to the CHO.