

# Administrative Rules for Public Sewer and Stormwater Management User Charges

## ENB-4.09

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ENVIRONMENTAL SERVICES  
CITY OF PORTLAND

working for clean rivers

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These are administrative rules of the Bureau of Environmental Services (BES) governing sanitary sewer and stormwater management user charges.

## 1. Applicability

Sanitary sewer and stormwater management user charges apply to all ratepayers who:

- A. Discharge to the sanitary or combined sewer system; or
- B. Receive a direct or indirect benefit from City stormwater management services.

## 2. Purpose

The purpose of these rules is to assess fair, equitable, and appropriate sanitary sewer and stormwater management user charges.

## 3. Definitions

These rules rely on a number of program-specific terms as defined in Portland City Code (PCC) Title 17 and the following:

- A. **“Billing period”** means the period of time for which sewer service charges are billed, as established by the City.
- B. **“Class average sewer billing”** means the estimated typical water usage for residential customers.
- C. **“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.
- D. **“Metered water volume”** means measured actual water usage, as indicated by a water meter.
- E. **“Mixed-Use”** means a mixture of residential and nonresidential uses on the same tax lot.
- F. **“Nonresidential”** means a property identified in county tax records as a nonresidential, including but not limited to commercial, industrial, or institutional users.
- G. **“Residential”** means a property identified in county tax records as residential, including single-family and multi-family uses.
- H. **“Unit of Water”** means the equivalent of 100 ccf (centrum cubic feet) of water.

## 4. Regulatory Authority

These rules are authorized by PCC Chapter 3.13 and implement PCC Chapter 17.36.

## 5. Sanitary Sewer User Charges

All ratepayers who discharge to the City’s sanitary sewer system must pay the sanitary sewer user charge. Charges for sanitary sewer services may include, but are not limited to, sanitary sewer volume charges and account service charges.



**A. Residential User Charges.**

- 1. Winter Review Period.** Residential ratepayers are billed based on the metered water volume during the winter review period. The winter review period generally represents the volume of water used indoors and discharged to the sanitary sewer system, thereby reducing the potential of including metered water volumes attributed to irrigation usage.
- 2. Non-winter Period.** For all non-winter billing periods, residential ratepayers with a winter average are billed based on that winter average or on actual use, whichever is less. Ratepayers without a winter average are billed based on class average or actual use, whichever is less.
- 3. Winter Average.** Winter averages are comprised of all meter reads recorded during the winter review period and prorated to 30, 60, or 90-day standard billing periods.  
 Winter averages for monthly, bimonthly and quarterly billing frequencies are calculated based on the average metered water volume recorded between discrete periods:
  - a. Charges for accounts that are billed monthly are calculated based on the average metered water volume billed between December 1 and April 30.
  - b. Charges for accounts that are billed bimonthly are calculated based on the average metered water volume billed between January 1 and April 30.
  - c. Charges for accounts that are billed quarterly billed are calculated based on the average metered water volume billed between February 1 and April 30.
- 4. Minimum Use Average.** Ratepayer accounts with metered water volumes of less than 1 ccf during the winter review period are assigned a minimum use average in Table 1. The minimum use average is intended to establish an equitable means to cover the cost of the facilities and systems that serve all customers, regardless of actual usage.

**Table 1: Minimum Use Averages**

Account Type	Billing Frequency	Winter Average	Minimum Use Average
<b>Single-dwelling Residential</b>	Monthly	Less than 1 ccf	3 ccf per billing period
	Bimonthly	Less than or equal to 1 ccf	6 ccf per billing period
	Quarterly	Less than or equal to 1 ccf	8 ccf per billing period
<b>Multi-dwelling Residential</b>	Monthly	Less than 1 ccf	3 ccf per dwelling unit
	Bimonthly	Less than or equal to 1 ccf	6 ccf per dwelling unit
	Quarterly	Less than or equal to 1 ccf	6 ccf per dwelling unit



5. **Class Average.** A class average of 5 ccf per unit per month will be applied to all residential development when:

- a. The City has not received meter reads before the billing date to verify water use;
- b. New residential accounts are opened and activated after the winter review period; or
- c. There is insufficient data to determine a winter average.

Class average rates may be adjusted due to days of service used, meter failure, the use of a non-metered water source, the use of a water supplier located outside the Portland city limits, or the unavailability of historical water use data.

B. **Nonresidential User Charges.** All nonresidential ratepayers are billed sanitary sewer user charges based on metered or estimated water volume or sewer discharge volume in the City's discretion.

- a. **Mixed-Use Developments.** Mixed-use developments are billed based on the nonresidential user charge methodology and charged the nonresidential user charge rate unless water usage for all residential and nonresidential use areas are metered or billed separately.
- b. **Estimates.** Water provided by the City and not discharged to the sewer system can be estimated if metering is impractical and the method of estimation is based on other verifiable measures approved by the City, including but not limited to virtual meters.

C. **Extra-Strength User Charge.** Extra-strength user charges must be paid by any ratepayer who discharges high-strength wastewater to the City's separate sanitary or combined sewer system. Ratepayers are charged an extra-strength sewer charge in addition to the nonresidential sanitary sewer user volume charges as described in Administrative Rule ENB-4.25.

## 6. Stormwater Management User Charges

All ratepayers who receive a direct or indirect benefit from City stormwater management services are subject to the stormwater management user charge. The stormwater management user charge is based on the user's proportionate share of City stormwater management services as described in Chapter 17.36 and this section.

A. **Basis of Charge.** Stormwater management user charges are calculated based on a property's measured or estimated stormwater billable area (SBA) and equivalent service units (ESU):

1. **Stormwater Billable Area.** The following areas are excluded from a property's SBA, in addition to those areas exempted by the City Code: Right-of-way dedicated to the public and over which the City exercises regulatory jurisdiction and management and outdoor recreation areas, except for associated parking lots and buildings, that are owned by governmental bodies and available to the general public at all times without fees for use.

2. **Equivalent Service Units.**

a. **Residential Users.** The ESU for residential users is generally calculated based on the estimated number of dwelling units:

- (1) A property with one single-dwelling residential development or duplex or one single-dwelling unit with an Accessory Dwelling Unit (ADU) on the same account will be assigned 1.0 ESU per dwelling unit.



- (2) A property with one multi-dwelling residential development of three or more dwelling units per account will be assigned 0.65 ESU per dwelling unit.
- (3) The ESU for floating home communities is based exclusively on their overland SBA, where 2,400 square feet equals 1.0 ESU.
- b. Nonresidential Users.** The ESU for nonresidential, nonmixed-use users is calculated based solely on the stormwater billable area, where 2,400 square feet equals 1 ESU.
- c. Mixed-Use.** Properties defined as mixed-use will be assigned 0.65 ESU for each dwelling unit.

**B. User Service Charges.**

- 1. Residential User Charges.** The SBA for single-dwelling developments and multi-dwelling developments with four units or fewer is based on a class average. For multi-dwelling developments with five or more units, the SBA will be measured or estimated. Residential stormwater management user charges are assessed by unit type as described in Table 2.
  - a. Class Average.** A property's SBA is assumed to be equal to the class average SBA for the property's class unless the property has been measured or estimated to the satisfaction of the Director.
  - b. Insufficient data for single-dwelling development.** Where there is one individually-metered, residential, single-dwelling unit per tax lot and the City lacks sufficient SBA data, accounts will be billed based on the Tier 2 category for single-dwelling developments as described in Table 2.
    - (1) Where the ratepayer believes the Tier assignment to be inaccurate, the ratepayer may petition the City to adjust the SBA value. The City will review the SBA on the property and update records in accordance with that review. Updates will be effective as of the date the City is able to verify the SBA and will not be retroactive.



**Table 2: Residential Stormwater Management User Charges**

Residential Users	Billing Unit Type
<b>Single-dwelling Development Categories</b> One individually-metered, residential, single-dwelling unit per tax lot.	
<b>Tier 1 (Small)</b> 1,500 sf of SBA or less	1,200 sf
<b>Tier 2 (Standard)</b> 1,501 sf of SBA to 2,700 sf of SBA	2,400 sf
<b>Tier 3 (Large)</b> 2,701 sf or greater	3,600 sf
<b>Multiple Single-dwelling Development</b> More than one individually-metered, residential, single-dwelling unit per tax lot, where each unit has an individual account.	
<b>Two single-dwelling developments on one tax lot.</b>	1,200 sf per individual account
<b>Three or more single-dwelling developments on one tax lot.</b>	1,000 sf per individual account
<b>Insufficient data for single-dwelling development tiering.</b>	2,400 sf per individual account
<b>Multi-dwelling Development</b> More than one unit per account.	
<b>Two Dwelling Units</b>	2,400 sf
<b>Three Dwelling Units</b>	3,000 sf
<b>Four Dwelling Units</b>	4,000 sf
<b>Five or More Dwelling Units</b>	Based on measured or estimated SBA.

2. **Nonresidential User Charges.** Charges for all nonresidential users are calculated based on measured or estimated SBA.
  - a. **Multiple Accounts on a Single Tax Lot.** Where multiple accounts are associated with a single tax lot, the City may allocate all stormwater management user charges to a single account.
- C. **Drainage Districts.** Residential and nonresidential ratepayers within drainage district boundaries inside the City are charged a unique stormwater management user rate. These drainage districts are also known as the 'managed floodplain' by the Urban Flood Safety Water Quality District. User charges are calculated in the same manner as other residential and nonresidential user charges described in this rule.
- D. **Clean River Rewards.** Ratepayers may receive a discount on the total stormwater charge if eligible for and when enrolled in Clean River Rewards. Clean River Rewards program requirements are described in Administrative Rule ENB-4.16.



## 7. Portland Harbor Superfund Charge

The City calculates and collects user charges for the Portland Harbor Superfund Program. If the property is not subject to other City utility charges, the Director determines the ratepayer responsible for the Portland Harbor Superfund charge. This user charge appears as a line item on the City utility bill and is the sum of the following two rate calculations:

- A. **Sanitary Volume.** This portion of the charge is the billed sanitary sewer user volume multiplied by the Portland harbor superfund sanitary volume rate.
- B. **Stormwater Billable Area.** This portion of the charge is the stormwater billable area multiplied by the Portland harbor superfund impervious area rate.

## 8. Submeter Program Fees, Charges, and Credits

A ratepayer may request or be directed to participate in the Submeter Program to assess more precisely sewer and stormwater management service user charges. A program participant is required to pay both the Portland Water Bureau and BES administrative or special meter charges for each meter in use, which are assessed each billing cycle. Submeter program requirements, fees, charges, and credits are established in Administrative Rule ENB-4.32.

## 9. Collection of Charges

The process for collecting charges, including billing due dates, collections, and discontinuation of services, is described in PCC Chapter 17.36.

- A. **Adjustments.** Billing adjustments, including corrections and refunds, are governed by PCC Chapter 17.36.

## 10. Administrative Review

A ratepayer may request reconsideration of a BES decision through administrative review as described in this Section. 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 PCC Title 22.

- 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. Public sewer and stormwater management user rates and charges adopted by City Council;
  2. Public sewer and stormwater management user billing methodology;
  3. A requirement stated in these rules or in associated City Code provisions; and
  4. A Facial Challenge - as that term is defined in these rules - to a requirement in these rules or associated City Code provisions, or to any technical standard.
- C. BES Evaluation.** BES will use authorizing City Code provisions, the provisions of these rules, 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.

