

1 **Administrative Rules for Public Sewer and**
2 **Stormwater Management User Charges**
3 **ENB-4.09**

4 **April 2024 Update – Public Review Draft**



ENVIRONMENTAL SERVICES
CITY OF PORTLAND
working for clean rivers

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

22 **1. Applicability**

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

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

26 **2. Purpose**

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

29 **3. Definitions**

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

- 32 **A. “Billing period”** means the period of time for which sewer service charges are billed, as
33 established by the City.
- 34 **B. “Class average sewer billing”** means the estimated typical water usage for residential customers.
- 35 **C. “Facial Challenge”** means a challenge to a requirement that is based on an argument that the
36 requirement cannot be applied fairly or reasonably in any situation. By contrast, an as-applied
37 challenge is one based on an argument that a requirement should not be applied to the
38 challenger’s particular situation because of factors that, in the challenger’s view, distinguish it
39 from similar situations.
- 40 **D. “Metered water volume”** means measured actual water usage, as indicated by a water meter.
- 41 **E. “Mixed-Use”** means a mixture of residential and nonresidential uses on the same tax lot.
- 42 **F. “Nonresidential”** means a property identified in county tax records as a nonresidential, including
43 but not limited to commercial, industrial, or institutional users.
- 44 **G. “Residential”** means a property identified in county tax records as residential, including single-
45 family and multi-family uses.
- 46 **H. “Unit of Water”** means the equivalent of 100 ccf (centrum cubic feet) of water.

47 **4. Regulatory Authority**

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

49 **5. Sanitary Sewer User Charges**

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

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55 **A. Residential User Charges.**

56 **1. Winter Review Period.** Residential ratepayers are billed based on the metered water volume
57 during the winter review period. The winter review period generally represents the volume of
58 water used indoors and discharged to the sanitary sewer system, thereby reducing the potential
59 of including metered water volumes attributed to irrigation usage.

60 **2. Non-winter Period.** For all non-winter billing periods, residential ratepayers with a winter
61 average are billed based on that winter average or on actual use, whichever is less. Ratepayers
62 without a winter average are billed based on class average or actual use, whichever is less.

63 **3. Winter Average.** Winter averages are comprised of all meter reads recorded during the winter
64 review period and prorated to 30, 60, or 90-day standard billing periods.

65 Winter averages for monthly, bimonthly and quarterly billing frequencies are calculated based
66 on the average metered water volume recorded between discrete periods:

67 **a.** Charges for accounts that are billed monthly are calculated based on the average metered
68 water volume billed between December 1 and April 30.

69 **b.** Charges for accounts that are billed bimonthly are calculated based on the average metered
70 water volume billed between January 1 and April 30.

71 **c.** Charges for accounts that are billed quarterly billed are calculated based on the average
72 metered water volume billed between February 1 and April 30.

73 **4. Minimum Use Average.** Ratepayer accounts with metered water volumes of less than 1 ccf
74 during the winter review period are assigned a minimum use average in Table 1. The minimum
75 use average is intended to establish an equitable means to cover the cost of the facilities and
76 systems that serve all customers, regardless of actual usage.

77 **Table 1: Minimum Use Averages**

Account Type	Billing Frequency	Winter Average	Minimum Use Average
Single-dwelling Residential	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
Multi-dwelling Residential	Monthly	Less than 0 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

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79



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

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

85
86 Class average rates may be adjusted due to days of service used, meter failure, the use of a non-
87 metered water source, the use of a water supplier located outside the Portland city limits, or the
88 unavailability of historical water use data.

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

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

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

101 6. Stormwater Management User Charges

102 All ratepayers who receive a direct or indirect benefit from City stormwater management services are
103 subject to the stormwater management user charge. The stormwater management user charge is based
104 on the user's proportionate share of City stormwater management services as described in Chapter
105 17.36 and this section.

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

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

113 **2. Equivalent Service Units.**

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

- 116 i. A property with one single-dwelling residential development or duplex or one single-
117 dwelling unit with an Accessory Dwelling Unit (ADU) on the same account will be
118 assigned 1.0 ESU per dwelling unit.
- 119 ii. A property with one multi-dwelling residential development of three or more dwelling
120 units per account will be assigned 0.65 ESU per dwelling unit.



121 iii. The ESU for floating home communities is based exclusively on their overland SBA,
122 where 2,400 square feet equals 1.0 ESU.

123 **b. Nonresidential Users.** The ESU for nonresidential, nonmixed-use users is calculated based
124 solely on the stormwater billable area, where 2,400 square feet equals 1 ESU.

125 **c. Mixed-Use.** Properties defined as mixed-use will be assigned 0.65 ESU for each dwelling
126 unit.

127 **B. User Service Charges.**

128 **1. Residential User Charges.** The SBA for single-dwelling developments and multi-dwelling
129 developments with four units or fewer is based on a class average. For multi-dwelling
130 developments with five or more units, the SBA will be measured or estimated. Residential
131 stormwater management user charges are assessed by unit type as described in Table 2.

132 **a. Class Average.** A property’s SBA is assumed to be equal to the class average SBA for the
133 property’s class unless the property has been measured or estimated to the satisfaction of
134 the Director.

135 **b. Insufficient data for single-dwelling development.** Where there is one individually-
136 metered, residential, single-dwelling unit per tax lot, the SBA is determined using county tax
137 assessor data. Where assessor data are not available or where data are not provided to the
138 City from the county, accounts are billed based on the Tier 2 class average as described in
139 Table 2 below.

140 i. Where the SBA is determined using county tax assessor data and the ratepayer believes
141 the assessor data to be inaccurate, the ratepayer must petition the county in which their
142 property is located to adjust the stormwater billable area value. The Bureau of
143 Environmental Services will update records in accordance with county data. Updates will
144 be effective as of the date the County provides updated records to the City and will not
145 be retroactive.

146



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

Residential Users	Billing Unit Type
Single-dwelling Development One individually-metered, residential, single-dwelling unit per tax lot.	
Tier 1 1,500 sf of SBA or less	1,200 sf
Tier 2 1,501 sf of SBA to 2,700 sf of SBA	2,400 sf
Tier 3 2,701 sf or greater	3,600 sf
Multiple Single-dwelling Development More than one individually-metered, residential, single-dwelling unit per tax lot, where each unit has an individual account.	
Two single-dwelling developments on one tax lot.	1,200 sf per individual account
Three or more single-dwelling developments on one tax lot.	1,000 sf per individual account
Insufficient data for single-dwelling development tiering.	2,400 sf per individual account
Multi-dwelling Development More than one unit per account.	
Two Dwelling Units	2400 sf
Three Dwelling Units	3,000 sf
Four Dwelling Units	4,000 sf
Five or More Dwelling Units	Based on measured or estimated SBA.

- 148 **2. Nonresidential User Charges.** Charges for all nonresidential users are calculated based on
 149 measured or estimated SBA.
- 150 **a. Multiple Accounts on a Single Tax Lot.** Where multiple accounts are associated with a single
 151 tax lot, the City may allocate all stormwater management user charges to a single account.
- 152 **C. Drainage Districts.** Residential and nonresidential ratepayers within drainage district boundaries
 153 inside the City are charged a unique stormwater management user rate. These drainage districts
 154 are also known as the 'managed floodplain' by the Urban Flood Safety Water Quality District.
 155 User charges are calculated in the same manner as other residential and nonresidential user
 156 charges described in this rule.
- 157 **D. Clean River Rewards.** Ratepayers may receive a discount on the total stormwater charge if
 158 eligible for and when enrolled in Clean River Rewards. Clean River Rewards program
 159 requirements are described in Administrative Rule ENB-4.16.
 160
 161



162 **7. Portland Harbor Superfund Charge**

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

167 **A. Sanitary Volume.** This portion of the charge is the billed sanitary sewer user volume multiplied by
168 the Portland harbor superfund sanitary volume rate.

169 **B. Stormwater Billable Area.** This portion of the charge is the stormwater billable area multiplied by
170 the Portland harbor superfund impervious area rate.

171 **8. Submeter Program Fees, Charges, and Credits**

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

177 **9. Collection of Charges**

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

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

182 **10. Administrative Review**

183 A ratepayer may request reconsideration of a BES decision through administrative review as described
184 in this Section. After the requestor has exhausted all BES administrative review, the requestor may file
185 for an appeal of a decision with the Code Hearings Officer (CHO) per PCC Title 22.

186 **A. Administrative Review Requests.** A person to whom a notice was addressed will have 20
187 business days from the date the notice is issued to submit a written request for administrative
188 review of a decision described in the notice. The requestor must provide all information known to
189 the requestor that supports an assertion made in the written request for administrative review.
190 The requestor must provide such information via graphic, written, or recorded communication or
191 in person at the administrative review meeting. BES will hold an administrative review meeting
192 within 15 business days of receipt of the written request for administrative review unless BES
193 determines in its reasonable discretion that a delay is justified. The requestor may provide
194 detailed information in writing in lieu of attending the administrative review meeting.
195



- 196 **B. Non-Reviewable Items.** A BES decision made under these rules is subject to administrative
197 review except that BES will not grant administrative review for the following:
- 198 1. Public sewer and stormwater management user rates and charges adopted by City Council;
 - 199 2. Public sewer and stormwater management user billing methodology;
 - 200 3. A requirement stated in these rules or in associated City Code provisions; and
 - 201 4. A Facial Challenge - as that term is defined in these rules - to a requirement in these rules or
202 associated City Code provisions, or to any technical standard.
- 203 **C. BES Evaluation.** BES will use authorizing City Code provisions, the provisions of these rules, City
204 records, and the testimony and documentation provided by the requestor to make a final
205 determination on the issue that is the subject of the administrative review.
- 206 **D. Final Determination.** BES will issue to the requestor a written determination within 15 business
207 days of the administrative review meeting unless BES determines that extenuating circumstances
208 justify a reasonably longer period of evaluation. The written final determination will provide
209 information about the process for filing an appeal to the CHO.

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