

Septage Hauler Program Administrative Rules

ENB – 4.12

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ENVIRONMENTAL SERVICES
CITY OF PORTLAND

working for clean rivers

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These rules describe the regulatory activities of the Bureau of Environmental Services (BES) Septage Hauler Program.

1. Applicability

These rules apply to any person who wishes to discharge septage at the City's Columbia Boulevard Wastewater Treatment Plant (CBWTP).

2. Purpose

These rules establish the BES decision-making criteria for approving septage discharges to City treatment systems. These rules are implemented in conjunction with the BES

Enforcement Program Administrative Rules (PPD item ENB-4.15) and support the following City program goals:

- A. Providing sewage treatment services for the Citizens of Portland;
- B. Requiring adequate training for all professionals hired to collect and properly dispose of private septage; and
- C. Recovering costs associated with additional treatment needs of a specialty group of users.

3. Definitions

- A. **“Columbia Boulevard Wastewater Treatment Plant (CBWTP)”** means the City of Portland’s wastewater treatment plant located at 5001 N. Columbia Boulevard, Portland, Oregon
- B. **“Director”** means the Director of the Bureau of Environmental Services or the Director’s designee.
- 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. **“Septage”** means domestic wastes in a tank or container such as chemical toilets.

4. Regulatory Authority

These rules are authorized by PCC Section 3.13.040 and implement PCC Chapter 17.35.

5. Application Requirements

- A. **Septage Discharge Permit Required.** To apply for a Septage Discharge Permit, septage haulers must complete and submit an application packet. Permits will authorize discharges for one year, unless a shorter time frame is authorized by the Director.
 - 1. Haulers must submit annually the following documents to retain septage discharge authorization:
 - a. A BES Septage Discharge Permit application form;
 - b. A completed Signatory Authorization form;
 - c. Verification of truck capacity through a certificate of origin, certificate of compliance, manufactures specifications, or tank certification from a certified engineer;
 - d. A copy of valid Oregon DEQ *License for Sewage Disposal Service*;
 - e. A copy of current Oregon DEQ *Sewage Pumping Equipment Inspection Form* for each truck;
 - f. A copy of proof of insurance at Public Utility Commission (PUC) Levels of Coverage;
 - g. Proof that an approved performance guaranty of \$10,000 minimum coverage has been posted;
 - h. A copy of the certificate of completion for the City septage Hauler Training Class (see Section 5.D); and
 - i. The annual permit fee as specified on the BES annual rate ordinance.
 - 2. Materials must be mailed to:

City of Portland, Bureau of Environmental Services
6543 N. Burlington Ave.
Portland, OR 97203-5452

3. Septage discharge permit applications may also be requested by phone at (503) 823-7180 (M-F 8:00 am-4:30 p.m.). The application review process takes approximately three to five days when BES will issue or deny a septage discharge permit.
 4. Septage permits may be amended for:
 - a. A change in a permittee's operations, ownership or responsible corporate official;
 - b. A change in City Code Chapter 17.35: Septage Discharge; or
 - c. Changes in applicable state or federal laws or regulations.
- B. Load Source Identification.** Septage sources must be identified for each load on a Septage Receiving Ticket (SRT) form. Each septage hauler must deliver a completed SRT for each individual truck load *prior* to discharging septage. Residential and non-residential sources have specific SRT reporting requirements:
1. *Residential sources.* The hauler must enter the customer name, street address, county, phone number, and volume for each source. Apartments and duplexes are considered commercial sources and must follow the procedures for non-residential septage source verification listed in Section 5.B.2.
 2. *Non-residential sources.* Septage haulers must receive a septage source verification number for each non-residential source and discharge authorization from BES prior to pumping an onsite non-residential disposal system.
 - a. Source information. BES will need the following information for each new septage source:
 - i. Business name;
 - ii. Type of business;
 - iii. Contact information, including street address, contact name, telephone number, and e-mail;
 - iv. Onsite disposal system type and capacity; and
 - v. Date and time of pump-out service.
 - b. Portable or chemical toilet source approval. Chemical toilet wastes from portable trailers in use at commercial or industrial sources need to be approved before discharging to CBWTP. Portable toilets at recreational or event sites do not need pre-approval. Haulers with portable or chemical toilets who will be servicing local events (e.g., fairs, festivals, concerts, etc.) and need approval for after-hours discharge should notify BES at least 24 hours before the event start.
 3. *Source approval or rejection.* BES will review the informational documents required by these rules and perform inspections or verify customer use of hauler service to determine the nature and source of all non-residential wastes prior to issuance of source verification number. This review will be completed in a timely manner (up to 24 hours).
 - a. If the source is accepted, BES will issue a source verification number for that source. The hauler must enter that number on the SRT for that load and subsequent loads from that source.

- b. If the source is not accepted, the wastes cannot be discharged at the CBWTP.
- C. **SRT Information.** The hauler's SRT form must report all septage source(s) in the load, the waste hauler's name, permit number, truck number, truck capacity, current time, and the following information for the full load:
1. *pH.* Haulers must measure and self-report the pH for each load on the SRT. BES may confirm the hauler's self-reporting at least once a month, or collect or observe the hauler collecting the necessary septage sample.
 2. *Interim Storage.* If delivering waste from an interim storage facility, the hauler must use source identification numbers for the storage facility on the SRT for the load delivered. If further loads of the same wastes are delivered, the hauler must document the sources on the Interim Storage Log provided by BES.
 3. Each SRT must be complete, accurate, verifiable, and signed by the hauler or source representative. If a representative of the approved source was not available to sign the SRT, the hauler must sign that line.
- D. **Driver Training and Certification.** All drivers discharging loads of septage at CBWTP must receive training and a certificate of completion in Septage Receiving Program procedures from BES staff. Training must be completed prior to the first discharge with a new permit. All drivers, including certified drivers, must attend training every two years for recertification. Certified septage hauler drivers may be photographed for security purposes.

6. Discharge Procedures

Septage loads will be accepted at the CBWTP on Monday through Friday between the hours of 7:00am - 4:00pm. Saturday, after-hours, and emergency discharges may be permitted only with prior approval from BES.

- A. **Arrival Procedures.** On arrival at CBWTP, the hauler should drive directly to the standpipe disposal location. The hauler may be directed by BES personnel to an alternative dump site disposal location.
- B. **pH Testing.** Once parked at the designated disposal location (standpipe or the dumpsite), the hauler must measure the pH of the load and record the data on the SRT.
- C. **SRT submittal.** The hauler must deposit the completed SRT into the secure SRT receiving box (located in the old Headwork's office or CBWTP Admin Building) or present the SRT to BES staff, if present. SRTs must be submitted prior to hooking into disposal standpipes or the City systems. If approved by BES staff, haulers may then connect discharge hosing to disposal site and commence discharge. Haulers are responsible for clean-up and rinse of the disposal site after each discharge event.

7. Load Rejection

- A. **Load Rejection Criteria.** Individual hauler loads may be rejected by BES for any of the following reasons:
1. The load is not within acceptable pH range (6.0 to 9.0);
 2. The load is from a non-approved source;
 3. The SRT does not include all required information;
 4. There is obvious contamination in the load (e.g., oils & grease, solvent odor, etc.);
 5. BES staff observes inconsistencies between listed and actual load contents;

6. There are operational or capacity limitations at CBWTP, such as a wet weather event; or
 7. The septage discharge permit is expired, has been revoked, or is otherwise not valid.
- B.** If a load is rejected, the hauler will receive a Rejected Load Form (RLF) from BES listing the reason(s) for rejection. Before any load from an un-approved source is approved for discharge, the hauler must select a treatment or alternate disposal site option:
1. *Treatment Option.* A hauler must notify BES of an intent to treat the load and return it to CBWTP for discharge. BES will verify sources and evaluate acceptability of wastes in the truck, and then notify the hauler of the results of source verification or load evaluation.
 - a. Onsite pH adjustment. The pH of the load may be adjusted and then returned to CBWTP for reconsideration with an explanation of the treatment process on the RLF.
 2. *Alternate Disposal Site Option.* If an alternate disposal site is utilized, the RLF must be completed and returned to BES with disposal information and hauler signature on the RLF.

8. Violations

Haulers or approved source managers violating these rules may be subject to the enforcement actions specified in the BES Enforcement Administrative Rules (PPD item ENB-4.15). BES enforcement actions will escalate based on the violation's impacts or potential to impact public health, safety or the environment. Each day a violation occurs will be considered a separate violation. Any violation of these rules may result in revocation of the Septage Discharge Permit.

- A. Violations.** Failure to comply with any of the requirements of these rules will be deemed a violation. The main enforcement action taken for a violation of these rules is revocation of the Septage Discharge Permit.
- B. Revocation of the Septage Discharge Permit.** A Septage Discharge Permit issued to an applicant by BES may be revoked for any of the following reasons:
1. Failure to accurately certify the source of a load of septage prior to discharge;
 2. Failure to pay all charges for discharge within 60 days of billing by the City; or
 3. Any act that is named as a cause for forfeiture of the performance guaranty outlined in PCC Section 17.35.060.
- C. Penalties.** Penalties will be assessed as described in the BES Enforcement Rules (PPD item ENB-4.15) and per applicable BES staff guidance.

9. 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. 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;
 2. BES’s authority to recover costs for City abatement of a violation of these rules or of associated City Code; and
 3. BES’s determination of the cost to the bureau of staff time, materials, supplies, services, equipment, other assets, administrative costs, overhead, etc., unless the person seeking administrative review alleges a mathematical error in how BES calculated a cost.
- 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.