

CHAPTER 4-5 ON-SITE WASTEWATER TREATMENT AND DISPOSAL

4-5-1 Findings

Construction and utilization of on-site wastewater treatment and disposal systems, also known as septic tank systems, affect water quality on the Colville Indian Reservation. The economy, health, safety and welfare of the people residing and doing business within the Colville Indian Reservation are affected by the construction and utilization of on-site wastewater treatment and disposal systems servicing both Indian and non-Indian people on trust and fee land within the Colville Reservation. Inadequate treatment and disposal of wastewater can contaminate and degrade water resources on which many people depend for domestic, agricultural, industrial, business, recreational and other uses. The existence of shallow groundwater, unacceptable soil percolation rates, steep slopes, shallow bedrock, silt and clay strata throughout much of the Colville Reservation together with anticipated population growth and business development on the Reservation require uniform planning, standards and permitting procedures in order to protect the quality of Reservation waters for current and future intended uses. The Colville Confederated Tribes have jurisdiction to enforce uniform on-site wastewater treatment and disposal system planning, standards and permitting procedures throughout the Colville Reservation in order to protect the economy, health, safety, and welfare of the Reservation population.

4-5-2 Territory Covered

The provisions of this Chapter, to be known as the On-Site Wastewater Treatment and Disposal System Chapter, shall apply to all territory and waters of the Colville Indian Reservation. Every residence, place of business, other building or other place where persons congregate, reside, or are employed, in which plumbing fixtures are installed and to which a public sewer or other wastewater treatment and disposal system is not available and connected, shall be provided with an on-site sewage disposal system which shall be constructed, operated and maintained in accordance with this Chapter.

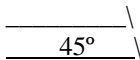
4-5-3 Administration

The Water Quality Department of the Colville Confederated Tribes shall administer this Chapter. Fees may be charged for permits and administration services provided under this Chapter in accordance with a Fee Schedule proposed by the Water Quality Department and adopted by the Tribal Council.
(Amended 4/6/06, Certified 4/10/06, Resolution 2006-173)

4-5-4 Definitions

For the purpose of this Chapter the following words and phrases shall have the meanings ascribed to them in this section.

- (a) "Alternative system" means any on-site sewage system consisting of treatment and/or disposal components other than a septic tank and subsurface soil absorption system (SSAS).
- (b) "Approved" means acceptable by the Engineer and/or Department as stated in writing
- (c) "Bed" means a soil dispersal component consisting of an excavation with a width greater than three feet.
(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)
- (d) "Cover" means soil placed over a subsurface disposal area composed predominately of mineral material with no greater than ten percent organic content. Cover material may contain an organic surface layer for establishing a vegetative landscape to reduce soil erosion.
(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)
- (e) "Cuts and/or banks" means any naturally occurring or man formed slope which is greater than 100% (45°) and extends vertically at least five feet from the toe of the slope to the top of the slope as follows:



- (f) "Department" means the Colville Confederated Tribes Water Quality Department.

(Amended 4/6/06, Certified 4/10/06, Resolution 2006-173)

(g) "Design Manual" or "EPA Design Manual" means the document entitled "Onsite Wastewater Treatment System Manual," published by the U.S. Environmental Protection Agency, Report No. EPA/625/R-00/008 (February 2002) as subsequently revised or modified.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(h) "Design flow" means the maximum volume of sewage a residence, structure, or other facility is estimated to generate in a twenty-four hour period. It incorporates both an operating capacity and a surge capacity for the system during periodic heavy use events. The sizing and design of the on-site sewage system components are based on the design flow.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(i) "Drainrock" means clean washed gravel or crushed rock used in a SSAS ranging in size from three-quarters inch to two and one-half inches, and containing no more than two percent by weight passing a US No. 8 sieve and no more than one percent by weight passing a US No. 200 sieve.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(j) "Experimental system" means alternative on-site system for which guidelines have not yet been established by the Water Quality Department.

(Amended 4/6/06, Certified 4/10/06, Resolution 2006-173)

(k) "Expansion" means a change in a residence, facility, site, or use that:

- 1) Causes the sewage quantity or quality to exceed the existing design flow of the on-site system, for example, when a residence is increased from two to three bedrooms or a change in use from an office to a restaurant; or
- 2) Reduces the treatment or dispersal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(l) "Extremely gravelly" means soil with sixty percent or more, but less than ninety percent rock fragments by volume.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(m) "Failure" means a condition of an on-site sewage system or component that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:

- 1) Sewage on the surface of the ground;
- 2) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
- 3) Sewage leaking from a sewage tank, pump chamber, holding tank, collection system, or any other integrated component;
- 4) Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;
- 5) Inadequately treated effluent contaminating ground water or surface water.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(n) Noncompliance with standards stipulated on the permit.

(o) "Geotextile" means a fabric barrier material covering the gravel trench or bed. The fabric shall be spun-bound (non-woven), free of any chemical treatment or coating which reduces permeability, inert to

chemicals commonly found in soil, free of petroleum products, and have a fabric weight of three to four ounces per square yard, or an apparent opening size (AOS) of 0.212 to 0.300 millimeters.
(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(p) "Gravelly" means soils with fifteen percent or more, but less than thirty-five percent rock fragments by volume.
(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(q) Gravity system" means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with gravity distribution of the effluent.
(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(r) "Gray water" means sewage from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen sinks. It includes sewage from any source in a residence or structure that has not come into contact with toilet wastes.
(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(s) "Groundwater" means subsurface water occupying the zone of saturation, permanently or seasonally (the top surface of which is commonly referred to as the water table), the indication of which may be demonstrated by one or all of the following methods:

- 1) Water seeping into or standing in an open excavation from the soil surrounding the excavation.
- 2) Spots or blotches of different shades of color interspersed with a dominant color in soil, commonly referred to as mottling. This is caused by an intermittent period of saturation and drying and may be indicative of poor aeration and impeded drainage.

(t) "Industrial wastewater" means the water or liquid carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.
(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(u) "Larger on-site sewage system" (LOSS) means any on-site sewage system with design flows, at any common point, greater than 3,500 gallons per day.
(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(v) "Oils and grease" (formerly referred to as FOG) means oil and grease, a component of sewage typically originating from food stuffs (animal fats or vegetable oils) or consisting of compounds of alcohol or glycerol with fatty acids (soaps and lotions), typically expressed in mg/L.
(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(x) "On-site sewage system" means any system of piping, treatment devices, or other facilities that convey, store, treat, or dispose of sewage on property where it originates or on adjacent or nearby property under the control of the user where the system is not connected to a public system.

(y) "Ordinary high water mark" means the mark on all lakes, streams, and river waters which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of this regulation or as it may naturally change thereafter; Provided, that in any area where the ordinary high water mark shall be the line to mean high water.

(z) "Percolation test" means a soil test performed according to accepted engineering standards and otherwise in accordance with this Chapter at the depth of the bottom of a proposed soil absorption system to estimate the water absorption capability of the soil. The results are normally expressed at the rate in minutes in which one inch of water is absorbed.

(aa) "Person" means any individual, association of individuals, partnership, private, public, tribal or municipal corporation, tribal enterprise, company, business enterprise, or any tribal, federal, state, or local government or governmental entity or enterprise.

(bb) "Proprietary device or method" means any device or method classified as an alternative system or component thereof that is held under a patent, trademark, or copyright.

(cc) "Public sewer system" means a sewage system which is owned or operated by the Colville Confederated Tribes, by the federal government, by the State of Washington or any subdivision thereof, or any other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal.

(dd) "Repair" means the replacement, addition, alteration or installation of one or more components of a system necessary to eliminate an existing or potential health hazard to the Reservation population or pollution or other damage to the waters of the Reservation or the Reservation environment, which may be caused by either a failure or inadequate system.

(ee) "Reserve area" means an area of land approved for the installation of a conforming system that is protected and maintained for replacement of the OSS upon its failure.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(ff) "Resident Owner" means the property owner of record who is or will be the resident or occupant of the single family residence for a minimum of six consecutive months or other individual approved by the health officer.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(gg) "Residential sewage" means sewage having the constituency and strength typical of wastewater from domestic households.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(hh) "Restrictive layer" means a layer that impedes the movement of water, air, and growth of plant roots. Examples of such layers or conditions are groundwater tables, hardpans, claypans, fragipans, and compacted soil.

(ii) "Septic tank" means watertight pretreatment receptacle which receives the discharge of sewage from a building sewer or sewers and is designed and constructed so as to permit separation of settleable and floating solids from the liquid, detention and digestion of the organic matter, prior to discharge of the liquid portion.

(jj) "Sewage" means the water-carried human or domestic waste from residences, buildings, industrial establishments or other facilities, together with such groundwater infiltration that may be present.

(kk) "Sieve test" means a laboratory test for identifying soil texture and type by quantification of soil particles less than 2 mm. in diameter.

(ll) "Soil log" means an excavation in soil of sufficient size and depth made to allow adequate determinations of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and/or any other characteristics providing information as to the soil's capacity to act as an acceptable treatment and disposal medium for sewage.

(mm) "Subdivision" means a division of land, as defined in the Land Use Chapter under the Colville Law and Order Code, now or as hereafter amended.

(nn) "SSAS" or "Subsurface Soil Absorption System" means a system consisting of trenches (three feet or less in width) or beds (more than three feet in width), together with the piping and gravel, designed and installed in original undisturbed soil for the purpose of receiving effluent from a septic tank or other

pretreatment device and transmitting it into the soil.

(oo) "Surface water" means any body of water, which either flows or is contained in natural or artificial depressions for significant periods of the year, such as, but not limited to, natural and artificial lakes, ponds, unlined canals, rivers, streams, swamps, and marshes.

(pp) "Type 1 Soil" means soil with a texture as noted in Table I-A, section 4-5-15 or other soils where conditions are such that the treatment potential is ineffective in retaining and/or removing substances of public health significance to underground sources of drinking water.

(qq) "Vertical separation" means a depth of unsaturated soil that exists between the bottom of an SSAS and a restrictive layer or water table.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(rr) "Very gravelly" means soil containing thirty-five percent or more, but less than sixty percent rock fragments by volume.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(ss) "Waters of the Reservation" means all lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface water, groundwater and watercourses located within the Colville Indian Reservation.

(tt) All words not define herein shall be defined as commonly utilized in the EPA Design Manual and or Northeast Tri County Health District On-site Sewage Systems Regulation 01-2007.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

4-5-5 Scope

(a) No person shall occupy any building, dwelling, or other place of habitation unless adequate and sanitary facilities for the disposal of sewage shall have been provided therefore in conformance with the provisions of this Chapter.

(b) Every building in which plumbing fixtures are installed and all premises having drainage piping therein and being located where no public sewer is available, shall be connected to an approved sewage disposal system.

(c) No person shall construct, alter, repair, or extend, or cause to be constructed, altered, or extended, any on-site sewage disposal system contrary to the provisions of this Chapter.

4-5-6 Applicability

This Chapter shall apply to all on-site sewage systems within the Colville Indian Reservation. Construction permits or other comparable approvals issued by the Indian Health Service, the Colville Confederated Tribes, Okanogan or Ferry Counties or the municipalities of Inchelium, Omak, Okanogan, Nespelem, Elmer City or Coulee Dam prior to the effective date of this Chapter are valid under this Chapter, Provided that this Chapter shall apply where its provisions are more stringent.

4-5-7 Experimental Systems

(a) Systems listed on the Washington State Department of Health List of Registered On-site Treatment and Distribution Products are considered experimental except for public domain technology with a Recommended Standards and Guidance Document, composting toilets, incinerating toilets, and gravelless chamber products.,

(b) If supportive theory and/or applied research exists, a limited number of specific experimental systems may be permitted. Prior to the installation of such a system, an experimental system permit shall be obtained from the Department. Costs for monitoring and reporting shall be included as part of the experimental system permit fee. The Department in its discretion may establish reporting requirements and a bond for system performance.

(c) The use of an experimental system may be considered when:

(1) The experimental system proposed is attempting to correct a failing system and other conventional or alternative systems are not economically feasible.

(2) The experimental system proposed is for new construction where it has been determined that an on-site sewage system meeting the requirement of this Chapter and regulations could be installed in the event of failure of the experiment. A recorded agreement shall exist stating that in the event of unsatisfactory performance or a failure to adequately monitor the system and submit the records to the Department, the Department may direct that use of the experimental system be discontinued and a new system meeting the requirements of this Chapter be installed at the earliest reasonable time considering the health effects.

(d) The Department shall require monitoring of the performance of experimental systems in a manner and with a frequency as established by the conditional permit, and the costs of such monitoring shall be borne by the applicant.

(e) Financial guarantees of installation and bonding may be required in the discretion of the Department as a condition of permitting for alternative larger and experimental systems.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

4-5-8 Maintenance

On-site sewage disposal systems shall be maintained in a manner to ensure compliance with this Chapter, including but not limited to section 4-5-19.

4-5-9 No Discharge to Waters or Ground Surface

Untreated waste or effluent from any on-site sewage disposal system shall not be discharged to surface water or upon the surface of the ground or to groundwater by any means, including but not limited to underground injection, unless guidelines allowing such use have been developed and approved by the Department.

4-5-10 Connection to Public Sewer System

Connection of any existing dwelling unit or other premises with a failing on-site sewage system shall be made to a public sewer system where there is an adequate public sewer system within two hundred (200) feet of the dwelling or other facility to be served as measured along the usual or most feasible route of access, and such connection is permitted by the sewer utility. As a condition to such connection, pretreatment of such effluent may be required by the Department in compliance with tribal or federal law.

This requirement may be waived if such waiver is consistent with local sewer district regulations and the Department determines that adequate site conditions exist which allow the installation of a replacement on-site sewage system.

4-5-11 Larger On-Site Sewage Systems

In cases where the maximum design flow of any on-site disposal system is greater than 3,500 gallons per day, review and approval of plans shall be conducted in substantial compliance with this code and the following additional requirements:

(a) Designed by a Professional Engineer.

(b) Pressure distribution shall be used for effluent distribution.

(c) 36-inch of vertical separation under the SSAS is required.

(d) SSAS shall be constructed with 100 percent of the required SSAS sizing and 50 percent of the required reserve size. The SSAS shall be capable of alternate operation.

- (e) Effluent characteristics to the SSAS system shall be of residential characteristics.
- (f) Septic tanks shall be sized for two times the design daily flow.
- (g) LOSS or onsite systems shall not be utilized for the treatment of industrial wastewater
- (h) LOSS shall not allow the Water Quality Standards to be exceeded in accordance with the Section 4-8 Colville Tribe Codes.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

4-5-12 Permits

(a) It is unlawful to construct, install, repair, modify, or alter an on-site sewage disposal system without an on-site sewage disposal permit. The Department may require recertification of existing systems for use with new construction, remodeling or expansion.

(b) On-site disposal permits may be issued to the owner of the property on which the on-site sewage disposal system is built and shall transfer automatically with transfers of ownership of the affected lands.

(c) The Department shall establish a fee for issuance of an on-site sewage disposal permit or other matters. Such fee schedule shall be presented to the Colville Tribal Council for adoption.

(d) Applications for an on-site sewage disposal permit shall be made to the Department, which may deny the application if it finds that the physical features of the property on which it is proposed to locate the system, or the design of the system, may not adequately protect the health and welfare of the Reservation population or the environmental quality of Reservation waters.

(e) The fee for application review shall be stated in the Department's fee schedule.

(f) Applications for an on-site sewage disposal system permit shall be on a form approved by the Department and shall require at least the following:

- (1) Name, address and telephone number of the applicant site owner and builder;
- (2) Legal description of site and lot size;
- (3) Type of facility to be served (including number of bedrooms if a dwelling);
- (4) Preconstruction diagram depicting the location of structures and distance of proposed system to water supplies, surface water, banks, cuts, property lines, structures, and other improvements within two hundred and fifty (250) feet of the proposed system;
- (5) General topography of site;
- (6) Source of potable water;
- (7) Soil information describing nature and depths of soils and site constraints such as shallow bedrock, shallow soil, depth of groundwater at its highest point;
- (8) Percolation test date during periods of highest soil saturation;
- (9) Maximum design flow in gallons per day and if commercial operations, then the expected effluent characteristics;
- (10) Size of septic tank (length, width, depth and number of compartments) and location;
- (11) Location, length, depth of disposal system and field;

(12) Dates of commencement and completion of system construction;

(13) Approximate date for inspection of system in place but before it is covered.

(g) Permits for the construction of an on-site sewage disposal system shall expire one year after the date issued unless the Department has approved the system for operation.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

4-5-13 Inspections

(a) All construction done and materials used in on-site sewage disposal systems shall be subject to inspection by the Department at reasonable times in order to determine compliance with this Chapter. It shall be unlawful and it is declared to be a public nuisance endangering the health, safety, welfare and economy of the people of the Colville Reservation to use any system until use of that system has been approved by the Department. The date of permit approval shall appear on the approved permit.

(b) At the time of final inspection, septic tank construction shall be completed and its cover removable so that it inside sections may be inspected, and the absorption trenches or beds must be completed except for backfilling and if any part of the work is covered before it is inspected or approved, the Department may order the system uncovered.

(c) It shall be the duty of the installer or owner to notify the Engineer on completion of the construction and to request an inspection. The Department shall, within five (5) working days or receiving notice, make a final inspection.

(d) If the Department finds the work, material, design or location of the on-site sewage disposal system not to be in compliance with this Chapter and regulations, the Department shall set forth the deficiencies in writing. If the deficiencies are not corrected within the time requested by the Department, the permit shall be revoked and the system's use prohibited as a public nuisance endangering the health, safety or welfare of the population of the Colville Reservation.

(e) The Department may delegate inspection responsibilities through a memorandum of understanding to qualified employees of the Public Health Departments of Okanogan and Ferry Counties or other appropriate public or private representatives.

(f) The Department shall use criteria set forth in the EPA Design Manual and other standard references which the Business Council may adopt as rules to further implementation of this Chapter.

(g) The Department may issue a notice to comply, a stop work order, or revoke a permit when it finds that any provision of this Chapter or any provision of a permit issued pursuant to this Chapter is being violated.

4-5-14 Minimum Lot Sizes For Subdivisions

(a) For any development approved after January 31, 1985, including but not limited to subdivisions, mobile home parks, multi-family housing, and commercial establishments where an on-site sewage system is proposed, the minimum land area requirements set forth in Table I shall be used.

**Table I
SOIL TYPE AND LOT SIZE
SOIL TYPES***

Soil Type	1	2	3	4	5	6
Public Water Supply	1	12,500	15,000	18,000	20,000	22,000
	Acre	Sq. ft.	Sq. ft.	Sq. ft.	Sq. ft.	Sq. ft.
Private Water Supply	2	1	1	1	2	2
	Acre	Acre	Acre	Acre	Acre	Acre

* See Table I-A, section 4-5-150, for soil types.

(b) Any portion of a lot which is encumbered by an easement, or road, or canal, or is submerged for a total of ten (10) days per calendar year shall not be considered in computing lot area. Larger lot sizes may be required by the Department on the basis of the information submitted. Factors to be considered when determining lot size include, but are not limited to, the following:

- (1) Soil type and depth;
- (2) Area drainage, lot drainage;
- (3) Proposed method of sewage disposal;
- (4) Slopes;
- (5) Topography, geology, and ground cover;
- (6) Individual and accumulated gross effects on water quality;
- (7) Reserve areas for additional subsurface disposal; and
- (8) Anticipated sewage volume.

(c) If soils within the subdivision are identified as Type 1, the Department may allow a reduction below one acre providing such reduction will not impact an aquifer, and providing such reduction is consistent with regulations approved by the Colville Tribal Council.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

4-5-15 Determination of Site Characteristics

(a) Site and soil characteristics shall be determined in accordance with Chapter 5 of the EPA Design Manual except where modified by or in conflict with this Chapter. Use the soil names and particle size limits of the United States Department of Agriculture Natural Resources Conservation Service classification system; Determine texture, structure, compaction and other soil characteristics that affect the treatment and water movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and Classify the soil as in Table I-A.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

**Table I-A
SOIL TYPE DEFINITIONS FOR MINIMUM LOT SIZE**

<u>Soil Type</u>	<u>Drainage</u>	<u>Percolation Rate*</u>	<u>General Soil Classification</u>
1	Excessive	Less than 1 min./inch	Gravelly and very gravelly coarse sands, all extremely gravelly soils except where soil types 5 and 6 make up the non-gravel component.
2	Good	1 - 4 min./inch	Coarse sands.
3	Fair	5 - 9 min./inch	Medium sands, loamy coarse sands, loamy medium sands.
4	Poor	10 - 19 min./inch	Fine sands, loamy fine sands, sand loams loams.
5	Marginal	20 - 29 min./inch	Very fine sands, loamy very fine sands; or silt loams, sandy clay loams, clay loams and silty clay loams with a moderate or strong structure (excluding platy structure)
6	Slow	30 – 60 min./inch	Other silt loams, sandy clay loams, clay loams, silty clay loams.

7	Unsuitable for treatment or dispersal	> 60 min./inch	Sandy clay, clay, silty clay, strongly cemented or firm soils, soil with a moderate or strong platy structure, any soil with a massive structure, any soil with appreciable amounts of expanding clays.
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(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(b) All site evaluations shall be performed by or under the direct supervision of the Department, Indian Health Service or tribal sanitarian, a registered sanitarian, professional engineer, registered soil scientist(American Registry of Certified Professional in Agronomy, Crops and Soils), or certified designer having knowledge and experience in the areas of soil and wastewater treatment and disposal.

(c) All soil tests shall be conducted using the uniform procedures and terminology in Chapter 5 of the EPA Design Manual

(d) If sufficient information is not available concerning water table conditions, the Department may require that the soils analysis be performed during the months of suspected high water table conditions.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

4-5-16 Subdivision and Individual Site Review

(a) Subdivisions: preliminary tests for subdivisions utilizing on-site sewage systems shall include at least one representative soil log per acre or tract or more as required by the Department. A reduced number of soil logs may be allowed if adequate soils information is available.

(b) Individual sites: at least one soil log shall be performed at the site of each disposal area. This requirement may be waived by the Department if adequate soils information is available. Additional soil logs may be required where the soil characteristics vary.

(c) Individuals performing subdivision and individual site reviews shall meet the requirements and use the procedures specified in section 4-5-15.

4-5-17 Location

(a) The minimum distances for location of the various component parts of an on-site sewage system are measured horizontally and shall comply with Table II :

Table II DISTANCE IN FEET FROM SYSTEM COMPONENT

Items Requiring Setback	From edge of SASS & replacement area	From septic tank & dist. Box	From bldg. sewer collection	* privy
Well or suction line	100	50	50	100
Decommissioned well	10	-	-	10
Public Drinking Water Well	100	100	100	100
Water supply line under pressure	50	10	0	50
Surface Water Measured from ordinary High Water (1 & 3)	100	50	10	100
Public drinking water spring	200	200	100	200

Bldg. Foundation	10	10	-	-
Property lines, easement lines	10	10	-	-
Interceptor/Curtain/Drain drainage ditch up slope from system component	25	25	-	-
-down slope from system component	25	5	-	-
Cuts of banks: -minimum of 5' of original soil above restrictive layer due to structural/texture change	25	--	--	--
less than 5' of original soil above restrictive layer or layer due to structural or textural change and that layer is intersected	50	--	--	--

1 With Type 1 soil and/or other sites where conditions indicate greater potential for ground or surface water contamination or pollution, the distance from any water supply or surface water may be increased by the Department.

2 A reduced separation can be allowed by the Department if it can be demonstrated that the reduction will not have an adverse effect on water quality or the health, safety or welfare of the Reservation population. However, in no case shall the separation be less than seventy-five (75) feet.

3 Setbacks from surface waters shall be measured from the ordinary ranges of slope.

* Privies will not be approved if water under pressure is supplied to the dwelling unless an approved greywater system is also installed.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

(b) SSAS shall not be permitted in areas where a minimum vertical separation of at least one and half (1.5) feet from bottom of the SSAS to a restrictive layer or water table cannot be maintained.

(c) On-site sewage systems shall not be located on slopes in excess of thirty (30) percent (17°).

(d) The reserve area where the soil and site conditions are acceptable for the installation of a SSAS shall be maintained for the purpose of system replacement. Except where otherwise authorized by the Department, it shall consist of one hundred percent of the normally needed area. Where required by the Department, or requested by the applicant, installation of alternating or dual drain fields may be specified as an alternative to provision of a reserve area. Where required, an alternative device such as a valve or diversion box, will be place between the septic tank and the drain field lines. The alternating device must meet the approval of the Department and shall be of such construction that effluent shall not enter that portion of the drain field which is being rested. Use of the different portions of the drain field shall be on a scheduled basis, normally annually. Because of the alteration of rest and dosing cycles to the drain fields, each line may be reduced in length by up to twenty-five (25) percent from the requirement for a single line, subject to approval by the Department for alternative systems as set forth in section 4-5-7.

(e) The site of the initial and replacement SSAS shall be selected and maintained so that it is free from encroachment by buildings and other structures. The area shall not be covered by an impervious material and shall not be subject to vehicular traffic or other activity which would adversely affect the soil including easements, cover by impervious material, vehicular traffic or other activities adversely affecting the soil or the performance of the SSAS.

(f) Provisions shall be made to prevent flow or accumulation of surface water or stormwater over the area where the on-site sewage system is located.

(g) On-site sewage systems shall not be located on landforms which are unstable as determined by the Department.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

4-5-18 Design

(a) The detailed design and construction of all on-site sewage systems shall conform to the EPA Design Manual, except where modified by, or in conflict with, this Chapter. Other acceptable design guidelines include Recommended Standards and Guidance Documents created by the Washington State Department of Health.

(b) The design for an on-site sewage system shall be performed by or under the supervision of a professional engineer, registered sanitarian or certified designer. A resident owner, at the discretion of the Department, may design his or her own system if a minimum vertical separation of four feet can be maintained and the waste is residential sewage.

(c) The system shall be designed to receive all sanitary sewage and domestic waste from the building served unless otherwise approved by the Department. For establishments other than individual residences, the typical values noted in the Design Manual referred to in sections 4-5-4 (f) and 4-5-18 (a) shall be used. Any deviations shall be supported by appropriate water usage information and/or the use of low water use fixtures. Drainage from footing or roof drains or any other type of drain shall neither enter the sewage system nor be directed over the area where the on-site sewage system is located.

(d) All wastes with quality greater than residential sewage shall be pretreated to reduce the waste strength to a quality of residential sewage.

(e) On-site sewage systems shall not be utilized for the treatment or disposal of industrial wastewater.

(f) All food service establishments and or commercial business shall have grease traps and or oil water separators to reduce the oils and grease to the quality of residential sewage.

(g) All onsite systems shall be sited in accordance with existing Colville Tribal Codes including the following:

- 4-3 Land Use and Development
- 4-4 Cultural Protection
- 4-5 On-site Wastewater Treatment and Disposal
- 4-10 Water Use and Permitting
- 4-15 Shoreline Permitting

(h) All septic tanks shall be designed in accordance with section 4-5-18(a). Moreover, where applicable the following additional requirements shall apply:

- (1) All tanks must have a minimum of two compartments with the first compartment consisting of one-half to two-thirds of the required total volume.
- (2) Intercompartmental apparatus shall be sanitary tees, slots, or baffles assuring that effluent only from the clarified zone passes into the next compartment.
- (3) Septic tanks to service single family residences shall have a minimum liquid capacity based on the number of bedrooms in the residence, as follows:

Number of Bedrooms	Required Minimum
up to 4 bedrooms	1000
for each additional bedroom add:	250

(A septic tank designed to service a facility other than one single family residence shall have a minimum liquid capacity equal to two (2) times the projected daily sewage volume with a minimum of 1500 gallons.)

(4) Tanks meeting standards acceptable to the Department shall be approved for use pursuant to this Chapter.

(5) All septic tanks and pump chambers to be located in high water table areas shall be adequately treated to preclude groundwater intrusion.

(6) All tanks shall be water tight.

(7) All access openings shall be extended to the ground surface with water tight extensions.

(h) Effluent shall be disposed of by means of a SSAS except when approval for other disposal system is granted by the Department. The size of the SSAS shall be determined from the results of the site review, soil logs per the Design Manual, and by applying Table IV

TABLE IV

The SSAS shall be sized according to the following Table:

Soil Type	EFFLUENT APPLICATION RATE (gallons per day per square foot of absorption area)
1*	1.0
2	1.0
3	0.8
4	0.6
5	0.4
6	0.2
7	Not Allowable

SSAS systems in type 1 soil shall have pretreatment of intermittent sand filter or mound system

(i) SSAS systems shall have the following minimum vertical separation requirements.

Vertical Separation	SSAS System
>36"	Gravity
24-30"	Pressure Distribution
18-24"	Pretreatment by mound or intermittent sand filter and pressure distribution
<18"	Not Acceptable

- (j) The installation and use of cesspools and seepage pits for the disposal of sewage is not permitted.
- (k) The bottom of a SSAS shall not be deeper than three feet below the finished grade except under special conditions approved by the Department. Under no circumstances shall the depth of a system exceed ten feet from finished grade.
- (l) Subsurface absorption beds (see definition of SSAS) may be considered for use only when authorized by the Department and when the soils are Type 1, 2 or 3.
- (m) Piping material shall be approved by the Department.
- (n) Colville Confederated Tribes Design and Construction Standards for Conventional On-site Sewage Disposal Systems” as presently constituted and hereafter amended, are hereby adopted and incorporated by reference in this regulation.
- (o) When sewage holding tank systems are to be used, a management program assuring ongoing operation and maintenance, which shall be approved by the Department, shall be in effect. Sewage holding tanks shall only be used for the following situations.
 - (1) Controlled, part-time, nonresidential usage situations including, but not limited to recreational vehicle parks and trailer dump stations; and
 - (2) On an interim use basis to handle emergency situations or to correct existing problem systems.
- (p) Systems shall be installed in compliance with the permit specifications unless a change is authorized in writing by the Department. Record drawings drawn to scale with measurements (accurate to +/- ½ foot) and directions to all buried components shall be completed after installation of the system. Record drawings shall include initial setting of electrical or mechanical parts.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

4-5-19 SSAS System Maintenance

(a) On-site sewage disposal system being used within the Colville Reservation on and after the effective date of this Chapter must be inspected and pumped as required at per the following schedule ~~two~~ years by the septic tank pumper certified to do such work in accordance with this Chapter. It shall be the owner’s responsibility to have such system inspected and pumped as required in accordance with this Chapter. It shall be the owner’s responsibility to notify the Department when pumping and inspection have been completed in accordance with this Chapter. Such notification shall be in writing on a form approved by the Department. It shall be unlawful and it is declared to be a public nuisance endangering the health, safety, welfare and economy of the population of the Colville Reservation to use or operate an on-site septic sewage disposal system that has not been inspected and pumped as required contrary of this Chapter.

Gravity SSAS	Every Three Years
SSAS with pumps or mechanical devices	Every Year
Larger On-site Sewage Disposal System	Twice a Year.

(b) The Department may, upon prior application, grant writing waivers to subsection (1) above. Such waivers may extend the pumping and inspection period to five years when the Department finds that factors such as minimal use or other just cause do not require pumping every two years. If the factors upon which the waiver is granted change, the waiver may be revoked by the Department.

(c) If the inspection called for in this section determines that the system is in need of repairs or is otherwise defective, the Department shall establish in writing the repairs or there changes that must be made together with a reasonable timetable. It shall be unlawful and it is declared to be a public nuisance to operate a system other than in compliance with the Department’s directives.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

4-5-20 Areas of Special Concern

(a) The Water Quality Department shall declare a defined area to be an Area Of Special Concern when, in their opinion, there is significant reason to believe that on-site sewage disposal systems create pollution of ground or surface water, or there is significant potential for ground or surface water pollution, or there is significant potential that additional on-site sewage disposal systems will pollute the ground water or surface water.

(b) The Water Quality Department may adopt such requirements as it deems necessary prior to approval of an on-site sewage disposal system in an area of special concern. The Water Quality Department may restrict, or take whatever other action *is* required, to protect the ground and surface water and public health in areas of special concern.

(c) Each permit approval shall be conditioned upon connection to a central public sewage system when one becomes available and connection is required by the Water Quality Department.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

4-5-21 Construction, Installation or Repair

(a) All systems except as noted shall be installed by a certified installer.

(b) Nothing in this section shall prohibit owners from installing an individual gravity on-site sewage system or making repairs or alterations on his or her own premises as long as all other requirements of these regulations are satisfied. The owner may not contract or hire a person or concern to perform that work unless that person is a certified installer as set forth in this section.

(c) All on-site sewage disposal systems requiring pumps shall be installed by a certified installer.

(d) It shall be unlawful for any person to engage in the business of installing and /or repairing sewage waste disposal systems within the Colville Indian Reservation who does not possess a valid commercial installer's license. Application for such license shall be made to the Department on forms provided by the Department. Such license may be denied by the Department, if it finds the applicant is not qualified to install and/or repair sewage disposal systems in accordance with this Chapter.

(e) Any commercial installer's license issued pursuant to these rules and regulations may be revoked by the Department for incompetence, negligence, misrepresentation, giving fraudulent information in making application for a license or permit, failure to comply with the requirements of this Chapter or revocation of the bond required herein or upon cancellation of such bond.

(f) Any person feeling aggrieved because of the revocation or denial of this license by the Department may, within thirty (30) days of the revocation or denial appeal to the Colville Environmental Quality Commission from said revocation, and a hearing will be granted.

(g) The Department may require the applicant for a commercial installer's license to submit to a written and/or oral examination on installation regulations and standards.

(h) Commercial Installer's Surety Bond: Prior to the issuance of a commercial installer's license the applicant must post a bond to the Department in a form approved by the Department in the sum of fifty thousand (\$50,000) dollars, executed by a surety company duly authorized to do business in the State of Washington, or by two (2) good and sufficient sureties not connected in business with the applicant and approved by the Department. The said bond is to guarantee the faithful performance of all work undertaken to be done under the provisions of this Chapter. Any person who may be damaged by the wrongful act of the licensee, by the licensee's failure to perform any contracted work, or by the licensee's failure to perform in a workmanlike manner, may sue upon said bond for damages in a sum not exceeding fifty thousand (\$50,000) dollars. This remedy shall be in addition to any other remedies available to such injured person and is not to be construed as an exclusive remedy.

(i) State Bonding of Commercial Installers: Confirmation of the applicant for a Commercial Installer's

License that the applicant is currently bonded by way of "Registration and Bonding: under sections 18.27.010 and 17.27.040, Revised Code of Washington, may be accepted as fulfilling the requirement for a Commercial Installer's Surety Bond under this Chapter, except that where such State laws are inconsistent herewith, this Chapter shall control.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

4-5-22 Septic Tank Pumpers and Disposal of Septic Tank Wastes

(a) Permit Required: It shall be unlawful for any person, firm or corporation to clean any septic tank, cesspool, or seepage pit, or other means of disposal without first obtaining a registration permit from the Department.

(b) Applicant: The person shall make application to the Department on a form provided by the Department.

(c) Disposal Site Approval Required: All disposal sites shall be noted on the application form. Only those sites receiving approval by the Department shall be used for dumping of the contents of the pumping tanks. The Department shall note on the permit which sites have been approved.

(d) Any septic tank pumper's license issued pursuant to this Chapter may be revoked by the Department for incompetence, negligence, misrepresentation, giving fraudulent information in making application of filing of reports or failure to comply with the requirements of this Chapter or applicable federal laws and regulations or revocation of the bond as required herein or upon cancellation of such bond.

(e) Equipment Approval Required: The applicant must furnish his equipment for inspection by the Department at reasonable times. The equipment must meet the following minimum requirements.

(1) All hoses and pumping equipment must be stored in a cleanable watertight enclosed area on the truck. (Hoses may be exempt if watertight fitting caps are used.)

(2) Truck equipment must be designed to adequately control effluent disposal from the truck to manholes or other receiving stations.

(3) All equipment must be in good repair and of easily cleanable construction.

(4) The effluent capacity of the truck holding tank(s) must be a minimum of 1,000 gallons.

(5) The name and address of the operating firm shall be conspicuously displayed on both sides of the truck in bold letters not less than three (3) inches high for firm name and not less than two (2) inches high for other information.

(6) All equipment and premises must be maintained and left in a clean and sanitary manner.

(f) Bond Required: Prior to the issuance of a septic tank pumper's permit, the applicant must show proof of a bond in the amount of \$100,000 for said purpose. Performance shall be per bond requirements of commercial installer's license.

(g) Septic tank pumpers shall submit quarterly in writing on a form approved by the Department the following minimum information:

(1) Gallons pumped according to area and site address:

(2) Gallons disposed of at each authorized site;

(3) Statistics on disposal site maintenance;

(A) Dates of cover;

(B) Maintenance problems;

(4) Any additional information required by the Department;

(5) Said report shall be submitted a minimum of fifteen (15) days after each calendar quarter.

(Amended 7/7/11, Certified 7/14/11, Resolution 2011-470)

4-5-23 Enforcement Policy

It is the policy of this Chapter to encourage informal, practical, result-orientated resolution of alleged violations and actions needed to prevent damage to reservation resources or harm to the health, safety or welfare of the reservation population. It is also the policy of this Chapter, consistent with the principles of due process, to provide effective procedures for enforcement. This Chapter provides the following enforcement procedures: informal conferences; Notices to Comply; Stop Work Orders; corrective actions by the Department; civil penalties; injunctions and other civil administrative and judicial relief. The enforcement procedure used in any particular case shall be appropriate in view of the nature and extent of the violation or the damage or risk to reservation resources and the health, safety and welfare of the Reservation population and the degree of bad faith or good faith of the persons involved.

4-5-24 Informal Conferences

(a) Opportunity Mandatory: The Department shall afford the landowner or his representative reasonable opportunities to discuss proposed enforcement actions at an informal conference prior to taking further enforcement action, unless the Department determines that there may be either imminent environmental damages to a reservation resource or adverse impact upon the health, safety and welfare of the reservation population. Informal conferences may be used at any stage in enforcement proceedings, except that the Department may refuse to conduct informal conferences with respect to any matter then pending before the Colville Environmental Quality Commission or the Colville Tribal Court.

(b) Reports Required: Department personnel in attendance at informal conference shall keep written notes of the date and place of the conference, the persons in attendance, the subject matter discussed, and any decisions reached with respect to further enforcement action.

(c) Records Available: Copies of written notes shall be sent to each participant in the conference, be kept in the Department files until one (1) year after final action on the application involved, and be open to public inspection.

4-5-25 Notice to Comply—Contents—Procedures—Hearing—Final Order—Limitations on Actions

(a) Where a violation has occurred, and such violation may result in or may cause material damage to a reservation resource or harm to the Reservation population, then the Department may issue and serve upon the landowner a notice which shall clearly set forth:

(1) The specific nature, extent, and time of failure to comply with the approved permit; or identifying the damage or potential damage to a Reservation resource or harm to the Reservation population; and/or

(2) The relevant provisions of this Chapter relating thereto;

(3) The right of the landowner to a hearing before the Department; and

(4) The specific course of action ordered by the Department to be followed by the landowner to correct such failure to comply and to prevent, correct and/or compensate for material damage to Reservation resources or harm to the reservation population which resulted from any violation, unauthorized deviation, or willful or negligent disregard for potential damage to a reservation resource; and/or those courses of action necessary to prevent continuing damage to reservation resources or harm to the reservation population where the damage is resulting from any violations, unauthorized deviation, or negligence.

(b) The Department shall mail a copy thereof to the landowner at the addresses on the permit, showing the date of service upon the landowner. The landowner shall undertake the course of action so ordered by the Department unless, within fifteen days after the date of service of such Notice to Comply, the landowner shall request the Department in writing to schedule a hearing. If so requested by the landowner, the Department shall schedule a hearing on a date not more than twenty (20) days after receiving such request. Within ten (10) days after such hearing, the Department shall issue an interim order either withdrawing its Notice to Comply or clearly setting forth the specific course of action to be followed by the landowner. Such interim order shall undertake the course of action so ordered by the Department unless within this ten (10) day period the landowner elects to exhaust his administrative remedies by appealing such interim order to the Colville Environmental Quality Commission. The order of the Colville Environmental Quality Commission shall be final agency action from which there is the right of judicial review.

4-5-26 Stop Work Order—Grounds—Contents—Procedure—Appeals

(a) The Department shall have the authority to serve a Stop Work Order upon a landowner if the Department determines that such landowner has violated either the provisions of this Chapter or the approved permit and that immediate action on the part of the Department is necessary to prevent or abate material damage to Reservation resources or harm to the health and welfare of the reservation population.

(b) The Stop Work Order shall set forth:

- (1) The specific nature, extent, and time of the violation, deviation, damage, or potential damage;
- (2) An order to stop all work connection with the violation, deviation, damage, or potential damage;
- (3) The specific course of action needed to correct such violation or deviation or to prevent damage and to correct and/or compensate for damage to reservation resources which has resulted from any violation, unauthorized deviation, or willful or negligent disregard for potential damage to a Reservation resource or potential harm to the reservation population; and/or those courses of action necessary to prevent continuing damage to reservation resources or harm to the Reservation population where the damage is resulting from any violation, unauthorized deviation, or negligence; and
- (4) The right of the landowner to a hearing before the Colville Environmental Quality Commission.

(c) The Department shall immediately file a copy of such order with the Colville Environmental Quality Commission and mail a copy thereof to the landowner at the addresses shown on the permit. The landowner may commence an appeal to the Colville Environmental Quality Commission within fifteen (15) days after service upon the landowner. If such appeal is commenced, a hearing shall be held not more than twenty days after copies of the Notice of Appeal were filed with the Colville Environmental Quality Commission. The landowner shall comply with the order of the Department immediately upon being served, but the Colville Environmental Quality Commission, if requested, shall have authority to continue or discontinue in whole or in part the order of the Department under such conditions as it may impose pending the outcome of the proceeding.

4-5-27 Failure to Take Required Course of Action—Notice of Cost—Department Authorized to Complete Course of Action—Liability for Costs

If a landowner fails to undertake and complete any course of action as required by a final order of the Department or a final decision of the Colville Environmental Quality Commission, the Department may determine the cost thereof and give written notice of such cost to the landowner. If such landowner fails within thirty (30) days after such notice is given to undertake such course of action, or having undertaken such course of action fails to complete it within a reasonable time, the Department may expend any funds available to undertake and complete such course of action and such landowner shall be liable for the actual, direct cost thereof, but in no case more than the amount set forth in the notice from the Department, plus attorney fees, investigatory, court and other costs. If not paid within sixty (60) days after the Department

completes such course of action and notifies such landowner in writing of the amount due, the Department may request that the Reservation Attorney take action to enforce this obligation to the extent provided by law.

4-5-28 Failure to Obey Stop Work Order—Departmental Action Authorized—Liability of Owner or Operator for Costs

When the landowner has failed to obey a Stop Work Order the Department may take immediate action to prevent continuation of or avoid material damage to Reservation resources or adverse impact on the health, safety and welfare of the reservation population. If a final order or decision fixes liability, the landowner shall be liable for such emergency costs which may be collected in any manner provided for by tribal law.

4-5-29 Failure to Comply with Water Quality Protection—Department of Hydrology Authorized to Petition Colville Environmental Quality Commission—Action on Petition

If the Department of Hydrology determines that a person has failed to comply with this Chapter or any approved permit relating to water quality protection, and that the Department of Water Quality has not issued a Stop Work Order or Notice to Comply, the Department of Hydrology shall inform the Department of Water Quality thereof. If the Department of Water Quality fails to take authorized enforcement action within twenty-four (24) hours under this Chapter, the Department of Hydrology may petition to the Chairman of the Colville Environmental Quality Commission, who shall, within forty-eight (48) hours, initiate negotiations between the Department heads or directors and either deny the petition or direct the Department of Water Quality to immediately issue a Stop Work Order or Notice to Comply or to impose a penalty. This action is in the nature of internal agency deliberations and shall not give rise to administrative or judicial review therefrom.

(Amended 4/6/06, Certified 4/10/06, Resolution 2006-173)

4-5-30 Civil Remedies

(a) Every person who fails to comply with the provisions of this Chapter, as now or hereafter amended, shall be required to pay civil monetary damages to the full extent of detecting and repairing any damages done as a result of the violation, plus the cost of enforcement and collection of such damages, including testing, investigatory, expert witness, remedial action costs and reasonable attorneys fees.

(b) In the event a specific monetary value cannot readily be placed on such damages, every such violating person shall be required to pay civil, monetary damages in the minimum liquidated amount of one hundred dollars (\$100.00) per day for each such violation. Each day of such operation shall constitute a separate violation.

(c) The remedial action provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the Department describing the violation with reasonable particularity. Within fifteen (15) days after the notice is received, the person incurring the remedial action may apply in writing to the Department for the remission or mitigation of such remedial action. Upon the receipt of the application, the Department may remit or mitigate the remedial action upon whatever terms the Department in its discretion deems proper: Provided, that the Department deems such mitigation or remission to be in the best interest of carrying out the purposes of this Chapter. The Department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such regulations as they deem proper.

(d) Any person incurring any civil remedial action hereunder may appeal the same to the Colville Environmental Quality Commission. Unless such an appeal is taken, the civil remedial action hereunder shall be final and binding upon the person(s) affected by that civil remedial action. Appeals to the Colville Environmental Quality Commission shall be filed within thirty (30) days of receipt of notice imposing any civil remedy unless an application for remission or mitigation made to the Department is pending under subsection (c) proceeding. When an application for remission or mitigation is made, such an appeal shall be filed within thirty (30) days after receipt of notice from the Department setting forth the disposition of the application. The decision of the Colville Environmental Quality Commission shall be final agency action for the purposes of judicial review.

(e) Any damages or other compensation imposed hereunder shall become due and payable thirty (30) days after receipt of this notice imposing the same unless application for remission or mitigation is made or an appeal is made. When such an application for remission or mitigation is made, any damages or compensation incurred hereunder shall become due and payable thirty (30) days after receipt of the notice setting forth the disposition of such application.

(f) If the amount of any damages or compensation is not paid to the Department within thirty (30) days after it becomes due and payable, the Reservation Attorney, upon request of the Department, shall bring a civil action in the Colville Tribal Court to recover such damages or compensation.

4-5-31 Enforcement

The Department, through the Colville Tribal Court, may take any action necessary to enforce any final order or final decision, or to enjoin any person who fails to comply with a final order or final decision.

4-5-32 Administrative and Judicial Review

(a) Any person aggrieved by any order, decision, or other action of the Department may obtain administrative appellate review thereof by the submission of a timely petition to the Colville Environmental Quality Commission pursuant to the standards and procedures of the Colville Administrative Procedure Act. Such petition for administrative appellate review shall be filed with the Chairman of the Colville Environmental Quality Commission within thirty (30) days of the date of the order, decision, or other action which is the subject of such appeal. Exhaustion of such administrative appellate review is a jurisdictional requirement to the judicial review.

(b) Any person directly affected by any final order, final decision or other final action of the Colville Environmental Quality Commission may obtain judicial review of such order, decision or action by filing a timely petition with the Colville Tribal Court pursuant to the Colville Administrative Procedure Act. Such petition for judicial review shall be filed with the Court, as a civil matter under the Colville Tribal Code, within twenty (20) days of the decision of the Colville Environmental Quality Commission. Unless declared invalid upon judicial review, a final order, final decision, or other final action of the Colville Environmental Quality Commission shall be binding upon all parties.

4-5-33 Waiver of Regulations

Whenever a strict interpretation of this Chapter, or other regulatory program established pursuant to this Chapter, would result in extreme hardship, the Department may waive or modify such regulatory requirements or portion thereof; Provided, that such waiver or modification shall be consistent with the intent of this Chapter and; Provided further, that no such waiver shall be granted where material damage to the reservation resources, or adverse impact upon the health and welfare of the reservation population, shall result therefrom.

4-5-34 Cooperation With Public Agencies—Grants and Gifts

Subject to approval of the Colville Business Council, the Department is authorized to accept, receive, disburse and administer grants or other funds or gifts from any source, for the purposes of carrying out the provisions of this Chapter and to consult and cooperate with federal and state agencies in matters pertaining to this Chapter. Subject to approval by the Business Council, the Department is further authorized to negotiate inter-governmental agreements which may create, modify, or change duties established by this Chapter; Provided that no regulatory changes shall be valid unless made in accordance with the Colville Administrative Procedure Act.

4-5-35 Statutes and Trust Responsibility Not Modified

Nothing in this Chapter as now or hereafter modified shall modify or waive any requirement to comply with applicable federal laws and regulations. Nothing in this Chapter as now or hereafter amended shall be construed to modify, waive or impair the trust responsibility of the United States.

4-5-36 Severability

If any provision of this Chapter or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared to be severable.

(Chapter 4-5 Adopted 1/18/85, Resolution 1985-20)