

CHAPTER 6-7 SEWER

6-7-1 Sewer Service Area and Sewer Board

(a) There is hereby established the Colville Sewer Board (hereinafter "board") to serve as the administrative board for sewer services and facilities within the Greater Nespelem Sewer Service Area.

(b) The Greater Nespelem Sewer Service Area shall mean all real property encompassed within the lands described as follows:

Section 24, 25, 36; T31N; R30E; W.M.

Section 1; T30N; R30E; W.M.

Section 19, 30, 31; T31N; R31E; W.M.

Section 6; T30N; R31E; W.M.

(c) The board shall be responsible for assuring that the operation of the system set out in this Chapter adheres to the dictates of the sewer Chapter and any regulations promulgated thereunder and that the system is responsive to the needs of this customers, fiscally responsible, and viable.

(d) The board will consist of five members. Four members will be appointed by the Colville Business Council from among the residents of the Greater Nespelem Sewer Service Area. The fifth member will be appointed by the Colville Business Council upon the recommendation of the Council of the town of Nespelem. All members of the board shall serve at the pleasure of the Colville Business Council.

(e) Within ten (10) days after the appointment of the initial board, there shall be an organizational meeting of the board to elect a chairman, vice chairman, and secretary-treasurer. The initial officers shall serve until the first anniversary date of the approval of this Chapter by the Colville Business Council. Thereafter, new officers shall be elected each year on the anniversary date of such approval. All officers shall serve until their successors are elected.

(f) The secretary shall keep or cause to be kept a complete and accurate record of all meetings, copies of which will be furnished to the board.

(g) A minimum of three members of the board shall constitute a quorum. Any action taken by the board must be taken by approval of at least three board members.

(h) If any members of the board shall die, resign, or be terminated by the Council, a vacancy in his office shall automatically be created which vacancy shall be filled immediately by the Colville Business Council. Such appointment shall be made consistent with the membership pattern for the board established by this Chapter.

(i) The board shall meet when business demands and requires attention. Meetings may be called by the chairman, or upon request in writing of two members of the board. If the chairman fails to call a meeting within five (5) days after receipt of a written request, any other two members of the board may call such meeting.

(j) The chairman or vice chairman of the board may sign such papers as the board may authorize for and on behalf of the board. All such authorizations shall be reflected in the records of the meetings.

(k) Each member of the board, including the chairman, shall be entitled to vote on each matter coming properly before the board.

(l) The Colville Business Council shall have full plenary authority over the board. The board shall be responsible for providing management and overall responsibility for the sewer service area and its projects. It shall have the power, with prior approval of the Council in each case, to borrow funds for the operation and/or expansion of the sewer system, to take and give evidence of indebtedness, collateral, and other security for loans and advances. It shall have the power, with prior approval of the Council in each case, to enter into business contracts and to do all things necessary to carry out the responsibilities hereunder, and

specifically the responsibilities delegated to it under this Chapter. However, the board shall not enter into any litigation without specific authorization of the Council nor may the board waive immunity from suit without such specific authorization. This Chapter shall not constitute a waiver of the sovereign immunity of the Colville Confederated Tribes.

6-7-2 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

- (a) "Authorized personnel" means employees of the Colville Confederated Tribes bearing current credentials and identification.
- (b) "Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C., expressed in milligrams per liter.
- (c) "Board" means the Colville Sewer Board as defined in section 6-7-1(a).
- (d) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from wastes inside the walls of the building and conveys it to the building sewer, beginning two (2) feet (0.6 meters) from outside the outer face of the building wall.
- (e) "Building sewer" means the extension from the building drain to the side sewer or other place of disposal, also called house-connection.
- (f) "Easement" means an acquired legal right for the specific use of land owned by others.
- (g) "Floatable oil" means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (h) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- (i) "Industrial wastes" means the wastewater from industrial processes, trade, or business as distinct from normal domestic or sanitary wastes.
- (j) "Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (k) "May" is permissive (see "shall," section 6-7-2(s)).
- (l) "Person" means any individual, firm, company, association, society, corporation, or group.
- (m) "pH" means the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10⁻⁷.
- (n) "Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.
- (o) "Sanitary sewer" means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- (p) "Sewage" means the spent water of a community. The preferred term is "wastewater," section 6-7-2(z).

- (q) “Sewer” means a pipe or conduit that carries wastewater and pumping stations and other appurtenances as may be required or included to facilitate flow of wastewater.
- (r) “Sewer system” means the total system of sewers controlled by the Colville Sewer Board.
- (s) “Shall” is mandatory (see “may,” section 6-7-2(k)).
- (t) “Side sewer” means the sewer from the main collection sewer, in either public right-of-way or easement to the building sewer (usually at the boundary of the property being served).
- (u) “Slug” means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (v) “Storm drain” (sometimes termed “storm sewer”) means a drain or sewer for conveying rainwater, groundwater, subsurface water or unpolluted water from any other source.
- (w) “Suspended solids” means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as nonfilterable residue.
- (x) “Tribe” means the Confederated Tribes of the Colville Reservation.
- (y) “Unpolluted water” means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (z) “Wastewater” means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.
- (aa) “Wastewater treatment works” means an arrangement of devices and structures for treatment and disposal of wastewater and certain industrial wastes. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”
- (bb) “Watercourse” means a natural or artificial channel for the passage of water either continuously or intermittently.

6-7-3 Use of Sewer System Required

- (a) It shall be unlawful to discharge to any natural outlet within the Greater Nespelem Sewer Service Area, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- (b) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (c) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, business, recreation, or other purposes, situated within the Greater Nespelem Sewer Service Area, and located within 200 feet of any sanitary sewer within and part of the sewer system is hereby required, at the owner(s)’ expense, to install suitable toilet facilities therein, and to connect such facilities directly with and to the proper sanitary sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so by the Board.

6-7-4 Sanitary Sewers and Connections

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any sewer or appurtenance thereof without first obtaining a written permit from the board.

- (b) There shall be one (1) class of building sewer permits: residential or commercial service. The owner(s) or his agent shall make application on a special form furnished by the board. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the board. A connection or permit fee shall be charged as set forth in section 6-7-8.
- (c) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Tribe from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) Connections by users outside the Greater Nespelem Sewer Service Area shall be made only upon specific approval from the board. Upon approval, the user shall install all required extensions to the sewer system in accordance with specifications established by the board and shall pay all applicable fees and charges.
- (e) A separate and independent building sewer shall be provided for every building or residence, except where one building or residence stands at the rear of another on an interior lot and no sewer is available or can be constructed to the rear building or residence through an adjoining alley, courtyard, or driveway. In this case the side sewer to the front building or residence may be extended to the rear building or residence with the board's approval. The Tribes does not and will not assume any obligation or responsibility for maintenance or damage caused by or resulting from any single connection aforementioned.
- (f) Old building sewers may be used in connection with new buildings only when they are found on examination and test by the board to meet all requirements of this Chapter.
- (g) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, resting, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Tribe and/or as required by the board.
- (h) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the sewer system, sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (i) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer unless such connection is approved by the board for purposes of disposal of polluted surface drainage.
- (j) The connection of the building sewer into the sewer system shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Tribe and/or as required by the board. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the board before installation.
- (k) The applicant for the building sewer permit shall notify the board when the building sewer is ready for inspection and connection to the sewer system. The connection and testing shall be made under the supervision of an authorized representative of the board.
- (l) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the board.
- (m) All construction related to sewer installation within the Greater Nespelem Sewer Service Area shall be governed by the latest edition of the Washington State Chapter American Public Works Association Standard Specifications for Municipal Public Works Construction.

6-7-5 Use of Sanitary Sewers

- (a) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to the sewer system.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm drains or to a natural outlet. Unpolluted industrial cooling water or process waters shall be discharged to a storm drain or natural outlet.

(c) No person shall discharge or cause to be discharged any of the following described waters or wastes to the sewer system:

(1) Any gasoline, benzene, naphtha, fuel oil, lubricating oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, or create a public nuisance.

(3) Any waters or wastes having a pH lower than 5.5., or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system and wastewater treatment works such as but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(d) The following described substances, materials, waters, or waste shall be limited in discharges to the sewer system to concentrations or quantities which will not harm either the sewer system, waste water treatment works processes, or equipment, will not have an adverse effect on the underlying groundwater, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The board may set limitations lower than the limitations established in the regulations below if, in the opinion of the board, such more severe limitations are necessary to meet the above objectives. In forming an opinion as to the acceptability, the board will give consideration to such factors as the quantity of subject waste in relations to flows and velocities in the sewers, materials or construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment works, degree of treatability of the waste in the wastewater treatment works, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sewer system which shall not be violated without approval of the board are as follows:

(1) Wasterwater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

(2) Wastewater containing petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin exceeding limits which may be established by the board.

(3) Wastewater containing floatable oils, fat, or grease.

(4) Any garbage that has not been properly shredded (see section 6-7-2(n)). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the board for such materials.

(6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the board.

(7) Any radioactive wastes or isotopes of such half-life concentration as may exceed limits established by the board.

(8) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment works, or are amenable to treatment only to such degree that the effluent from the wastewater treatment works may degrade the quality of the underlying groundwater.

(10) Any water or wastes which, by integration with other water or wastes in the sewer system, may release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(e) If any waters or wastes are discharged or are proposed to be discharged to the sewer system, which waters contain the substances or possess the characteristics enumerated in section 6-7-5(d) and which in the judgment of the board may have a deleterious effect upon the sewer system, wastewater treatment works, processes, equipment, or underlying groundwater, or which otherwise create a hazard to life or constitute a public nuisance, the Board may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the sewer system;

(3) Require control over the quantities and rates of discharge.

If the board permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the board.

(f) Grease, oil, and sand interceptors shall be provided when, in the opinion of the board, such devices are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in section 6-7-5(d)(3), or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the board and shall be located as to be readily and easily accessible for cleaning and inspections. In the maintaining of the interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal. Any removal and hauling of the collected materials not performed by owner(s) personnel shall be performed by currently licensed waste disposal firms.

(g) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

(h) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in the Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the board.

6-7-6 Protection from Damage

(a) No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewer system and wastewater treatment works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

6-7-7 Powers and Authorities of Inspectors

(a) The members of the board and any duly authorized employees of the Tribe shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the sewer system in accordance with the provisions of this Chapter.

(b) The members of the board and any duly authorized employees of the Tribe shall be permitted to enter all private properties through which the Tribe holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewer system lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

6-7-8 Rates and Fee

(a) The following classifications of users and the following monthly usage rates are hereby established and shall be charged to all users of the sewer system and treatment facility of the Greater Nespelem Sewer Service area as set forth herein below:

<i>TOWN OF NESPELEM</i>	<i>Monthly Rate:</i>
Customer Categories	
Single family residence	\$ 6.50/mo.
Fraternal Orders	\$ 3.25/mo.
Churches	\$ 3.25/mo.
Commercial (except below)	\$ 6.50/mo.
City Hall	\$ 3.25/mo.
Indian Head	\$ 6.50/mo.
Taverns	\$ 9.75/mo.
Service Stations	\$13.00/mo.
Laundromat	\$19.50/mo.
School	\$45.50/mo.

<i>COLVILLE INDIAN AGENCY</i>	<i>Monthly Rates:</i>
Customer Categories	
Single family residence	\$ 6.50/mo.
Duplex and multiplex per unit	\$ 6.50/mo.
Mobile homes	\$ 6.50/mo.
Commercial (except below)	\$ 6.50/mo.
Tribal Offices	\$26.00/mo.
BIA Office	\$26.00/mo.
Health Clinic	\$19.50/mo.
Tribal Restaurant	\$45.50/mo.
Indian Action Team	\$13.00/mo.
Roads Shop	\$13.00/mo.
Fire Control	\$13.00/mo.
Community Center	\$26.00/mo.
Land Operation	\$ 3.25/mo.

(b) The owners of all improved real property served by the sewer system shall be legally liable to the Colville Confederated Tribes for payment of all sewer charges assessed against said property. The Colville Confederated Tribes shall have a lien against all real property, except property held in trust by the United States of America, together with improvements thereon, for all delinquent charges assessed against said real property.

In the event of delinquency in payment of sewer use charges or other proper charges related to the operation of the sewer system, the Colville Confederated Tribes shall have the right to collect said delinquent charges by all appropriate means, including but not limited to foreclosure of said lien. In event such charges remain delinquent for more than fourteen (14) days, the Tribe shall have the right to disconnect the water or other utility service and a charge of \$5.00 shall be made for reconnecting such service.

(c) Monthly billings for sewer use charges shall be rendered to all customers. All accounts shall be due and payable within thirty (30) days from the date of billing, and delinquent accounts shall bear interest at the rate of 8% per annum from the date upon which payment is due.

(d) There shall be a permit fee of \$25.00 assessed to all customers making application for connection into the sewer system.

6-7-9 Penalties

(a) Any person found to be violating any provision of this Chapter except section 6-7-6 shall be served with written notice stating the nature of the violation and providing a ninety (90) day time limit for the satisfactory correction thereof. The offender shall, within the period of the time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in section 6-7-9(a) shall be guilty of an offense and on conviction thereof shall be fined in an amount not exceeding \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this Chapter shall become liable for any engineering, legal, or administrative expense, loss, or damage occasioned by reason of such violation.

6-7-10 Validity

The invalidity of any section, clause, sentence, or provision of this Chapter shall not affect the validity of any other part of this Chapter which can be given effect without such invalid part or parts.

6-7-11 Chapter in Work

This Chapter shall take effect and be in force five (5) days from and after date of passage of the resolution of approval and adoption.

(Chapter 6-7 Adopted 8/14/78, Resolution 1978-611)