



Environmental Code

TITLE 4. SEWER SYSTEM ORDINANCE

(Adopted by the Tribe 04/27/19)

CHAPTER 1. SHORT TITLE, FINDINGS, AND PURPOSE

SECTION 1. Short Title

This Ordinance shall be known as the Tribal Sewer System Ordinance of the Dry Creek Rancheria Band of Pomo Indians.

SECTION 2. Findings

(A) Since time immemorial, the creek informally known as Rancheria Creek and the Russian River, its tributary streams, the streambeds thereof and the riparian areas adjacent thereto, have been natural resources of profound significance to the Dry Creek Rancheria Band of Pomo Indians and the Dry Creek Rancheria Pomo people have used these resources for cultural, ceremonial, religious, fishery, seasonal residential, and other purposes fundamental to the Tribe's way of life.

(B) The people of Dry Creek Rancheria have a primary interest in the protection, control, and conservation of the water resources which flow into and through the Dry Creek Rancheria and the quality of such waters must be protected to insure the health, economic, aesthetic, and cultural well-being of the Dry Creek Rancheria Pomo People.

(C) Disposal of waste in the Dry Creek Rancheria Tribal sewer system without careful planning and management will present a danger to public health and the environment.

(D) The Dry Creek Rancheria Tribal Council hereby finds it imperative to establish and maintain a comprehensive Tribal sewer system management policy, the objectives of which is to manage and control and prohibit the introduction of waste into the Dry Creek Rancheria Tribal sewer system in order to protect the health, safety, and welfare of tribal members and to preserve the environment.

(E) Under 1988 amendments to the Clean Water Act, 33 U.S.C. §1377, Indian Tribes are entitled to be certified by the U.S. Environmental Protection Agency as authorized to exercise exclusive jurisdiction (Tribal primacy) over all on-Rancheria surface and ground water quality matters, including over on-

Rancheria portions of waters, such as those of the creek informally known as Rancheria Creek, that flow through other jurisdictions.

SECTION 3. Purpose

The purpose of this Ordinance is to exercise Tribal regulatory authority over all Tribal sewer systems to protect fundamental Tribal cultural, ceremonial, religious, fishery, seasonal residential, public health and safety, and water quality issues by developing rules and regulations to ensure proper maintenance, use, and monitoring of the Tribal sewer systems.

CHAPTER 2. DEFINITIONS

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

- (A) “Board” shall mean the Board of Directors of the Dry Creek Rancheria Band of Pomo Indians.
- (B) “Building” shall mean the extension from the building drain to the public sewer or other place of disposal, also called a house connection.
- (C) “Floatable oil” is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (D) “Garbage” shall mean the animal and vegetable waste resulting from food handling, preparation, cooking, and serving of foods.
- (E) “May” is permissive when used as a verb.
- (F) “Person” shall mean any individual natural person, firm, company, association, society, group, partnership or corporation, or group whether acting by themselves or through a servant, agent or employee.
- (G) “Plant Operations” shall mean the Plant Operations Division of the Department of Environmental Protection of the Dry Creek Rancheria Band of Pomo Indians.
- (H) “Public sewer” shall mean a common sewer controlled by the Tribal Board, other governmental agency, or public utility.
- (I) “Sanitary sewer” shall mean 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.
- (J) “Sewage” is the spent water of a community. The preferred term is wastewater.
- (K) “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.

(L) “Shall” is mandatory when used as a verb.

(M) “Tribal sewer system” shall mean all sewer facilities, structures, processing equipment, pipelines and appurtenances, vehicles, and material storage facilities owned and operated by the Tribe.

(N) “Wastewater facilities” shall mean the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes, and dispose of the effluent.

CHAPTER 3. PERMIT REQUIRED FOR WORKING ON PUBLIC SEWER

No unauthorized person(s) shall uncover, make any connection with or opening into, use, alter or disturb the Tribal sewer system or appurtenance thereof without first obtaining a written permit from the Plant Operations Division.

CHAPTER 4. COST OF SEWER CONNECTION

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the customer. The customer shall indemnify the Tribe from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The fee for a new service connection shall be \$500.00 determined by resolution of the Board.

CHAPTER 5. PROHIBITED DISCHARGES

No person(s) shall discharge or cause to be discharged any of the following described waters or wastes into any public sanitary sewer:

(A) Storm water, ground water, roof runoff, or subsurface drainage;

(B) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;

(C) Any waste waters containing toxic or poisonous solids, liquids, or gas;

(D) 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 wastewater facilities;

(E) Wastewater from industrial plants, commercial establishments, or institutions containing floatable oils, fat or grease; or

(F) Any garbage from homes, hotels, restaurants, institutions, 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.

CHAPTER 6. SOLID OR INSOLUBLE MATERIAL PROHIBITED

No person shall place or cause to be placed in the Tribal sanitary sewer system of the Board any solid object or material not soluble in water, excepting particulate matter suspended in water or other liquid and capable of passing through a one-inch square mesh.

CHAPTER 7. LIABILITY FOR DAMAGE TO SEWER SYSTEM

The owner or customer of each property a premises served by the Tribal sanitary sewer system shall be liable for damage caused to the Tribal sanitary sewer system, including its pumps, lift stations, and other appurtenances, by objects or materials which are placed in such system in violation of Section 5 provided, that such owner or occupant shall be exonerated from such liability upon proof by a preponderance of the evidence that such object or material was placed in such system by a person or persons not lawfully on such property. The burden of proving such fact shall be upon such owner or the customer.

CHAPTER 8. CONTROL OF PROHIBITED WASTES

If any waters or wastes are discharged or are proposed to be discharged into the Tribal sewer system, which waters contain the substances or possess the characteristics enumerated in Section 4 and which in the opinion of the Plant Operations may have a deleterious effect upon the wastewater facilities processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Plant Operations may:

- (A) Reject the wastes;
- (B) Require pretreatment to an acceptable condition for discharge into the public sewers;
- (C) Require control over the quantities and rates of discharge; and/or
- (D) Require payment to cover added costs of handling and treating the wastes.

CHAPTER 9. INTERCEPTORS REQUIRED

Grease, oil, and sand interceptors shall be provided on building sewers when, in the opinion of the Plant Operations Division, they are necessary for the proper handling of liquid waste containing floatable oil and/or grease, any flammable waste, garbage, sand or other harmful ingredients, except that such interceptors shall not be required for residential dwelling units private living quarters. All such interceptors shall be of a type and capacity approved by Plant Operations the District and shall be located so as to be readily accessible for cleaning and inspection. Unless otherwise stipulated, maintenance and cleaning shall be the responsibility of the owner and the owner shall maintain records of cleaning dates and the method of waste disposal. Said records are subject to inspection by the Plant Operations Division.

CHAPTER 10. REQUIREMENT TO PROVIDE INFORMATION

The Board may require the user of sewer service to provide any information needed to determine compliance with this Ordinance.

CHAPTER 11. INSPECTION-RIGHT OF ENTRY

Duly authorized employees or representatives of the Board, bearing proper credentials and identification, shall be permitted to enter all properties, at a reasonable time during business hours, for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge into the sanitary sewer system in accordance with the provisions of this Ordinance.

CHAPTER 12. SEWER SERVICE CHARGE

Each single-family residence, multi-family unit, and commercial unit shall be charged at a rate established by resolution of the Board.

CHAPTER 13. PENALTY FOR VIOLATIONS

Any person(s) found to be in violation of this Ordinance shall first be given written notice of the nature of the violation and thirty (30) days in which to affect a remedy or appear in front of the Board for an administrative hearing. If the Board determines after an administrative hearing that said person(s) violated this Ordinance, he/she shall have fifteen (15) days from the date of the hearing in which to remedy the violation. Any person who does not correct the violation within the thirty-day grace period, they shall be guilty and shall be fined in an amount not to exceed \$300.00 for each violation.

(A) Each day in which any such violation shall continue shall be deemed a separate violation.

(B) Any person(s) who is violating any of the provisions of this Ordinance chapter shall become liable to the Board for any expense, loss, or damage occasioned the Board by reason of such violation.



CERTIFICATION

The foregoing Sewer System Ordinance was presented at a General Membership Meeting held on April 27, 2019, and was approved with a quorum present and such Ordinance has not been rescinded or amended in any way.

 CWF-
Chris Wright
Chairman

 4-27-2019
Date

 Margie Rojas
Margie Rojas
Secretary/Treasurer

 4-27-2019
Date