

STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION

As Amended through Resolution No. 18-007 (January 22, 2018)

ENVIRONMENTAL HEALTH
AND SAFETY CODE

CONFEDERATED TRIBES
OF THE
UMATILLA INDIAN RESERVATION

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ENVIRONMENTAL HEALTH AND SAFETY CODE

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ENVIRONMENTAL HEALTH AND SAFETY CODE

CHAPTER 1. INTRODUCTORY PROVISIONS

1.005 PURPOSE

The purpose of this Code is to set forth the administrative procedures, regulations, standards and protocols to assure the highest quality of environmental, public, and personal health and safety on the Umatilla Indian Reservation.

1.010 DEFINITIONS

The following definitions are applicable to all parts of this Code. Words defined in this Code include the following meanings: words used in the present tense include the future; the singular number includes the plural; the masculine form includes the feminine; the word “shall” is mandatory and not directory, and the term “this chapter” shall be deemed to include all amendments hereafter made to that chapter. The definitions applicable to the entire Code are:

- (1) “BIA” means the U.S. Department of Interior Bureau of Indian Affairs.
- (2) “Board of Trustees” or “BOT” means the governing body of the Confederated Tribes of the Umatilla Indian Reservation.
- (3) “Commission” means the Natural Resources Commission of the Confederated Tribes of the Umatilla Indian Reservation.
- (4) “Completed Application” means one in which the application form is completed in full, is signed by the owner or that person’s authorized representative, and is accompanied by all required exhibits and required fee.
- (5) “Confederated Tribes of the Umatilla Indian Reservation”, “Confederated Tribes”, “CTUIR”, “Tribes”, and “Tribal” means the government of the Umatilla Indian Reservation as modified under the Constitution and Bylaws of the Confederated Tribes of the Umatilla Indian Reservation in Oregon, as approved December 7, 1949.
- (6) “Environmental Health Officer” means the person within the Tribal Planning Office who is has been assigned the responsibility for the administration and enforcement of this Code, or the Officer’s designee.
- (7) “Municipality” means any county, city, special service district, or other governmental entity having authority recognized by the Confederated Tribes of the Umatilla Indian Reservation, or any combination or two or more of the foregoing acting jointly.
- (8) “Person” includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, a State of the United States and any agencies thereof, and the federal government and any agencies thereof, or any other entity whatsoever.
- (9) “Tribal Planning Office” (TPO) means the Tribal office responsible for oversight of the Land Development Code program and the Environmental Health Office of the Confederated Tribes of the Umatilla Indian Reservation.

1.015 SCOPE OF AUTHORITY

The authority and provisions of this Code extend to all Indian and Non-Indian lands, private business operations, public facilities and uses on the Umatilla Indian Reservation to the fullest extent authorized by applicable law.

1.020 JURISDICTION

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All administrative and enforcement actions under this Code shall be matters of civil jurisdiction. Appeals of permit denials or revocations shall be to the Umatilla Tribal Court. Trial of citations shall be heard in the Umatilla Tribal Court. Any other causes of action arising under this Code shall be the sole jurisdiction of the Umatilla Tribal Court.

1.025 TRIBAL HEALTH PHILOSOPHY

The following statement is the tribal health and safety policy that shall govern the interpretation and administration functions of this Code:

Spiritually, we do not separate ourselves from the surrounding natural world. Therefore, the land, air, water and natural resources of the Umatilla Reservation must be maintained in a healthy and safe condition to sustain all forms of life using both traditional ways and modern technology. We recognize that the responsibility to intervene in human activities that create an unhealthy imbalance in nature is essential to protecting all natural resources.

1.030 ENVIRONMENTAL HEALTH OFFICER

The duties and authority of the Environmental Health Officer are as follows:

- (1) **ADMINISTRATION.** The Environmental Health Officer shall administer this Code. This responsibility includes issuing administrative rules; reviewing permit applications and issuing or denying permits; recommending amendments to the Code; receiving and processing applications for Code amendments; consulting with qualified tribal staff, consultants, technical experts and physicians; and exercising other powers as described in this Code. The procedures regarding most of these powers can be found in Chapter 2.
- (2) **ENFORCEMENT.** The Environmental Health Officer shall enforce this Code. This responsibility includes receiving and responding to complaints, conducting investigations, issuing citations for Code violations and permit violations, ordering or performing abatement actions, and using the expertise, services and authority of other Tribal departments as well as exercising other powers as described in this Code. The procedures regarding most of these powers can be found in Chapter 3.
- (3) **CONSULTATION.** The Environmental Health Officer shall contract for and use the services of qualified consultants and technical experts as needed to administer the provisions of this Code. The Environmental Health Officer will consult with and use the expertise, services and authority of other Tribal departments (such as the Tribal Police, Fire, and Public Works departments) to administer and enforce the provisions of this Code.
- (4) **MEDICAL REFERRALS.** When needed (in the judgment of the Environmental Health Officer) to administer and enforce those provisions of this Code which require the exercise of medical judgment, the Environmental Health Officer will use the services of:
 - (a) a licensed physician at the Yellowhawk Clinic through the Tribal Board of Health,
 - (b) other medical doctors available from Indian Health Services (IHS), or
 - (c) other physician by contract.
- (5) **IMMUNITY.** The Environmental Health Officer and his agents (including consultants, technical experts and physicians) shall be immune from any liability, either civil or criminal, for any of their actions (or omissions) performed while acting in an official capacity and in compliance with this Code.

1.035 ADMINISTRATIVE APPEALS

When the Environmental Health Officer takes an administrative action that a party can demonstrate is contrary to the interest of that party, and which the party believes is arbitrary,

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capricious or otherwise not in conformity with law or established policy, that party may appeal the Officer's action to the Umatilla Tribal Court. The procedures regarding appeals are set forth in Section 2.060.

1.040 ENFORCEMENT HEARINGS

When the Environmental Health Officer issues a citation under this Code, the person to whom the citation is issued is entitled to a hearing before the Umatilla Tribal Court. At such a hearing, the Environmental Health Officer must demonstrate by the preponderance of the evidence that the person to whom the citation has been issued has violated this Code or a permit issued under this Code. The person issued the citation may chose not to contest the citation and waive their right to a hearing by paying the fine indicated on the citation. These procedures are described in more depth in Chapter 3.

1.045 TECHNICAL REVIEW COMMITTEE

The Environmental Health Officer shall form a Technical Review Committee (TRC) to assist with the implementation of this code.

- (1) The purpose of the TRC shall be:
 - (a) To advise and assist the Environmental Health Office to implement the intent of this code, including recommendations to the Environmental Health Officer for appropriate changes in administrative rules and the Code;
 - (b) To review and advise the Environmental Health Office on the use of new or innovative technologies, materials or designs that maintain or advance protection of the public health, and the overall public health and general welfare. The TRC may utilize performance standards and criteria as appropriate to evaluate the efficiency and safety of new technologies, materials or designs.
- (2) Committee composition and term. Only those people having expertise in public health and sanitation should be on the TRC. The TRC shall be appointed by and serve at the pleasure of the Executive Director of the Confederated Tribes of the Umatilla Indian Reservation. The TRC may include on-site sewage disposal experts from local governments, DEQ, IHS, BIA, Yellowhawk Clinic, Tribal Public Works Office, equipment manufacturers, consultants, installers and pumpers, and other appropriate persons or groups.
- (3) Meeting Frequency. The TRC shall meet as necessary, but at least two times per year. The Office shall reimburse Committee members who are not employed by, or under contract with, the Confederated Tribes for reasonable expenses in accordance with Tribal policy.
- (4) The Environmental Health Officer shall Chair the TRC.
- (5) The Environmental Health Office shall provide the necessary clerical staff and services in order for the TRC to fulfill its responsibilities.
- (6) The TRC is advisory to the Environmental Health Officer and has no authority to conduct inspections for compliance with this Code, except as requested, in an advisory capacity to the Environmental Health Officer.

1.050 ADOPTION

- (1) The adoption of this Code repeals the 1975 Sanitation Code in its entirety.
- (2) The adoption of this Code repeals in its entirety Board of Trustees Resolution 94-27,

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adopting a “Dog Control Code”

1.055 AMENDMENT AND REVIEW CLAUSE

This Code is subject to review and amendment as required.

1.060 INTER-GOVERNMENTAL AGREEMENTS

- (1) It is the intent of the Tribes to prevent all violations of this Code. The Environmental Health Office may propose to the Board of Trustees (through the Commission) intergovernmental agreements with the United States, the state of Oregon, Umatilla County, or local municipalities for the enforcement of this Code.
- (2) The Tribes reserve the exclusive right to enforce this Code on all entities, organizations, corporations, partnerships, and all others including, but not limited to, Indians and non-Indians within the exterior boundaries of the Umatilla Indian Reservation.

1.065 CONSTRUCTION

Should any portion of this Code be held unlawful and unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section or portion thereof directly specified in the decision. All other sections or portions of this Code shall remain in full force and effect.

1.070 CERTIFICATION AND ADOPTION OF PUBLISHING

The Secretary of the Board of Trustees shall certify the adoption of this Code and cause the notification of same to be published in the Confederated Umatilla Journal and in a newspaper of general circulation that services the Umatilla Indian Reservation.

1.075 EFFECTIVE DATE

This Code and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect 30 days from and after the date of its final passage and approval.

CHAPTER 2. ADMINISTRATIVE PROVISIONS

2.005 INTRODUCTION

This chapter is enacted to provide uniform procedures for administrative actions under this code

2.010 CODE ADMINISTRATION

- (1) The Environmental Health Officer shall administer this Code. The authority to administer this Code includes the following duties and powers.
- (2) The Environmental Health Officer shall have the authority to issue administrative rules to implement, interpret and administer this Code. Such rules may be appealed to the Natural Resources Commission.
- (3) The Environmental Health Officer shall accept and review applications for permits and issue or deny permits in compliance with the requirements of this Code.
- (4) The Environmental Health Officer shall create and maintain such forms as are necessary to obtain the information needed to carry out the requirements of this code.
- (5) The Environmental Health Officer shall make available to the public all information and application processes necessary to fulfilling the requirements of this code, including

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copies of this code and all tables, graphs, charts and reference material herein adopted.

- (6) The Environmental Health Officer may establish such fees as are necessary to cover the costs of copies, documents, and other direct expense items.
- (7) The Environmental Health Officer shall review this code, including Chapter 5, Fees, on at least an annual basis and make such recommendations as are necessary to fulfill the intent of this code. Said recommendations shall be presented to the Natural Resources Commission at a public hearing and the NRC recommendation subsequently presented to the Board of Trustees for the final decision.

2.015 PERMIT REQUIREMENTS

No person, firm or corporation, natural or otherwise, shall cause, allow, or permit any activity or use without a permit required by this code. Violation of the terms of a permit is a violation of this Code, and is subject to the same enforcement actions as other violations of this Code.

2.020 REVIEW OF PERMIT APPLICATION

Within 30 days of the receipt of a completed application (as defined at 1.010 (3)), the Environmental Health Officer shall review and issue a decision on the permit application. The purpose of the review shall be to determine if the proposed activity will take place in compliance with this Code, administrative rules issued under this Code, as well as other applicable law and administrative rules. The Environmental Health Officer shall record findings of fact and a decision regarding the permit application in a letter to the applicant. The Environmental Health Officer shall issue one of the following decisions, as the Officer deems appropriate:

- (1) Approval of the permit without conditions
- (2) Approval of the permit with conditions, or
- (3) Denial of the permit.
Any conditions attached to the permit by the Environmental Health Officer shall be justified on the basis of their necessity to ensure compliance with applicable law or regulations.

2.025 FALSE INFORMATION ON APPLICATION FOR PERMIT

The filing of false information on a permit application or renewal shall be a violation of this code. All information submitted with an application or to be considered in making a decision is a part of the application and will be used to evaluate the request and make a decision. False information is grounds for denial of a permit request and prosecution for a false swearing.

2.030 REVOCATION, AMENDMENT OF PERMIT

In addition to the enforcement procedures described in Chapter 3, and in response to frequent, recurring or extreme violations of this Code, the Environmental Health Officer may revoke permits previously issued by the Environmental Health Officer, or impose new conditions on those permits.

2.035 DURATION OF PERMITS

Unless permit periods are otherwise indicated in chapters specific to the type of permit issued, permits shall be valid for a period of one year from the date of approval, unless a longer duration is granted as part of the approval. Permits may be issued for a shorter period of time, as a condition of approval, if the Environmental Health Officer determines that the limitation is

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necessary to meet the goals and objectives of the Comprehensive Plan, this Code, or any other applicable law or regulation.

2.040 EXTENSION OF PERMIT PERIOD

- (1) The expiration date for a permit may be extended, prior to expiration, by the Environmental Health Officer or designee, for periods of three months up to one year. Such extensions shall be administrative and in writing.
- (2) No permit shall be extended unless significant progress occurred during the duration of the permit or extension.
- (3) Changes in the standards of this code, for which the permit was issued, shall be reflected in all permit extensions.

2.045 FEE COLLECTION

The Environmental Health Officer shall be responsible for the collection of all fees except as provided to the contrary in a chapter of this Code. All such fees shall be deposited in an account designated by the Tribal Accounting Office and shall be used to offset the cost of administering this Code.

2.050 EXCEPTIONS FROM STANDARDS

- (1) Exceptions from standards contained in this code may be granted to applicants for permits by the Environmental Health Officer.
- (2) No exceptions may be granted unless alternative measures will, in the opinion of the Environmental Health Officer, provide adequate public health and safety protection and the Environmental Health Officer finds the following:
 - (a) The public or private interest in the granting of a Standards Modification is found by the Environmental Health Officer to clearly outweigh the interest of the application of uniform standards; and
 - (b) Strict compliance with certain specific requirements would be highly burdensome or impractical due to special conditions or cause; or
 - (c) Special physical conditions render strict compliance unreasonable, burdensome, or impractical.
- (3) Applications.
 - (a) Applications shall be made to the Environmental Health Officer. A separate application must be filed for each site considered for an exception.
 - (b) Each application shall be accompanied by:
 - (A) A site evaluation report, unless waived by the Environmental Health Officer; and
 - (B) Plans and specifications for the proposed exception; and
 - (C) The appropriate fee; and
 - (D) All other information requested by the Environmental Health Officer,

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necessary for rendering a proper decision; and

- (E) The application shall be signed by the property owner.
- (c) An applicant for an exception of this code is not required to pay the application fee, if at the time of filing, the applicant:
 - (A) Is sixty-five (65) years of age or older; and
 - (B) Is a resident of the Umatilla Indian Reservation; and
 - (C) Has not previously applied under the provisions of this section.
- (4) Hardship Exceptions
 - (a) The Environmental Health Officer may grant exceptions from standards pertaining to on-site sewage disposal systems in cases of extreme and unusual hardship.
 - (b) The Environmental Health Officer may consider the following factors in reviewing an application for an exception based on hardship:
 - (A) Advanced age or bad health of applicant;
 - (B) Need of applicant to care for aged, incapacitated or disabled relatives;
 - (C) Relative insignificance of the environmental impact of granting an exception.
 - (c) Hardship exceptions granted by the Environmental Health Officer may contain conditions such as:
 - (A) Permits for the life of the applicant.
 - (B) Limiting the number of permanent residents using the system.
 - (C) Use of experimental systems for specified periods of time.
 - (d) Before an application is considered for a hardship exception it must be denied for a standard exception based on technical considerations. At the time of application for an exception, the applicant must designate on the application whether it is to be considered for a hardship exception.
 - (e) Documentation of hardship must be provided before the application is accepted by the Environmental Health Officer.
 - (f) The Environmental Health Office personnel shall strive to aid and accommodate the needs of applicants for exceptions due to hardship.
- (5) Exceptions Review
 - (a) The Environmental Health Officer shall draft a report including findings of fact, conclusions of law, and a decision document.
 - (b) Each exception shall be reviewed within thirty (30) days after receipt of a completed application.

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- (c) A decision to grant or deny the exception shall be made in writing within thirty (30) days after completion of the review. If the exception is granted, the Environmental Health Officer shall set forth in writing the specifications, conditions and location of the system.
 - (d) The burden of presenting the supportive facts shall be the responsibility of the applicant.
 - (e) The Environmental Health Officer shall visit the site of the proposed activity prior to conducting the review. If inclement weather conditions exist that would preclude an adequate site review, the Environmental Health Officer shall document said conditions and the review and decision dates shall be adjusted to accommodate the reasonable review of the site.
 - (f) Except for hardship exceptions, granted exceptions shall run with the land.
- (6) Exceptions Permit Issuance, Inspections, Certificate of Satisfactory Completion.
- (a) When an exception is granted the Environmental Health Officer shall notify the applicant in writing.
 - (b) The Environmental Health Officer shall issue permits, perform necessary inspections and issue Certificates of Satisfactory Completion or Compliance.
- (7) In all exceptions the applicant accepts full responsibility for the requested exception in the event that the granted exception fails to perform as proposed or does not otherwise meet the intent of this code. When the Environmental Health Officer determines that the exception does not perform as proposed, the applicant shall correct the defect to the extent necessary to comply with the intent of this code or discontinue the use and perform remediation necessary to neutralize the hazard.
- (8) Exceptions Appeals. Decisions of the Environmental Health Officer to grant or deny an exception may be appealed to the Umatilla Tribal Court.

2.055 CODE AMENDMENTS

- (1) Amendments to this code may be requested on an application provided by the Environmental Health Office.
- (2) Code amendment fees shall be charged according to the schedule in Chapter 5 of this Code.
- (3) Hearings shall be held according to the standards set forth in Chapter 13 of the Land Development Code.
- (4) Decision criteria for a code amendment shall be compliance with the intent of this code and with the intent of the chapter proposing to be changed, as well as the Comprehensive Plan and all other Tribal laws and codes. The burden of proof shall be upon the applicant.

2.060 APPEALS

- (1) The decision of the Environmental Health Officer shall be final unless a written notice of appeal is filed with the Umatilla Tribal Court within fifteen (15) days following the mailing of a decision.

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- (2) The following persons may file an appeal:
 - (a) A party to the decision
 - (b) A member (citizen) of the Confederated Tribes of the Umatilla Indian Reservation.
 - (c) A resident of the Umatilla Indian Reservation
 - (d) Any other person deemed entitled to file an appeal as provided for in the applicable chapter of this code.
- (3) A person who was sent a notice as required under the applicable chapter of this code is deemed notified, even if notice was not received.
- (4) Every notice of appeal shall contain the specific grounds relied upon for appeal.
- (5) All parties shall be mailed notice of the appeal by the Umatilla Tribal Court, at least ten (10) days prior to the hearing on appeal.
- (6) All records of the Environmental Health Office for which the appeal has been filed shall be subject to review by the court and shall be a part of the record.
- (7) Appeal process
 - (a) An appeal shall be filed within fifteen (15) days from the date of the decision of the Environmental Health Officer, by filling out the appeal form provided by the Court Clerk.
 - (b) Filing an appeal is not deemed effective until the filing fee is paid to the Court Clerk.
 - (c) The Environmental Health Officer shall make a copy of the documents used to make the decision available to any party who requests a copy thereof. The cost of obtaining such copy shall be determined according to the cost of reproduction and personnel time, as determined by the Environmental Health Officer. Said copies shall be made within 5 working days of the request, after filing of an appeal with the Umatilla Tribal Court.
 - (d) If a hearing was held, within fifteen (15) days of the filing of appeal, the appellant shall submit to the Court, and the Environmental Health Office, a complete transcript of the hearing being appealed. The cost of producing the transcript shall be borne by the applicant. The Court may, at its discretion, allow extensions to the period for submission of a transcript when extenuating circumstances dictate that such extensions are necessary.
 - (e) Upon receipt of the documents and transcript (if appropriate), the Court:
 - (A) May review the record and decide the appeal without oral argument or written briefs; or
 - (B) May schedule oral argument on the appeal or request written briefs from the parties involved.
 - (f) The Environmental Health Office shall transmit to the Court, within ten (10) working days after notification of appeal, a list containing the names and

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addresses of all persons who where mailed notice of the hearing, if a hearing was held.

- (g) The Environmental Health Office shall transmit to the Court, within ten (10) working days after notification of appeal, a list containing the names and addresses of all persons who testified or gave evidence at the hearing, if a hearing was held.
- (h) The Court shall send written notice of appeal to all persons having standing as well as the Environmental Health Officer.
- (i) The Court may, upon review of a decision issued by the Environmental Health Officer:
 - (A) Affirm the decision of the Environmental Health Officer, either in whole or in part; or
 - (B) Reverse the decision of the Environmental Health Officer, either in whole or in part; or
 - (C) Remand the case to the Environmental Health Officer for reconsideration.
- (j) The Court shall issue findings of fact and conclusions of law supporting its decision.

2.065 REHEARINGS

When a hearing has been conducted, rehearings shall not be allowed.

2.070 JURISDICTION OF TRIBAL COURT

- (1) The Umatilla Tribal Court shall have the jurisdiction to hear appeals of decisions issued by the Environmental Health Officer.
- (2) All appeals shall be to the Court on the record.
- (3) There shall be no testifying or submission of evidence to the Court at the appellate level.
- (4) The Court may allow oral arguments or written briefs by the parties to the appeal.

2.075 SCOPE OF THE COURT'S REVIEW

- (1) The Court shall review the record to determine whether the decision is consistent with the Comprehensive Plan, this Code, and other applicable law.
- (2) The Court shall not overrule the Environmental Health Officer unless the Court determines that the facts set forth in the record are:
 - (a) Insufficient to support the Environmental Health Officer's decision; or
 - (b) Inconsistent or in violation of the Comprehensive Plan, this code, or other applicable law.

2.080 UNLAWFUL INTERFERENCE

No person holding office in Tribal government or employed by the Confederated Tribes of the

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Umatilla Indian Reservation or other governmental entities on the Umatilla Indian Reservation shall use or attempt to use their position to influence any decision of the Umatilla Tribal Court.

CHAPTER 3. ENFORCEMENT PROCEDURES

3.005 CODE ENFORCEMENT

Under authority of the Board of Trustees, the Environmental Health Officer shall enforce this Code. The authority to enforce this Code includes the following duties and powers.

- (1) The Environmental Health Officer shall receive and investigate any complaint of violation to this Code.
- (2) The Environmental Health Officer shall conduct inspections, interview all involved parties and perform other duties for the purpose of determining possible violations of this Code.
- (3) The Environmental Health Officer shall issue citations for failure to comply with this Code.
- (4) The Environmental Health Officer shall, when necessary, take abatement actions.

3.010 COMPLAINTS

- (1) Any resident of the Reservation having attained at least eighteen years of age may file a complaint alleging that a person has violated this Code. All complaints shall be in writing and filed with the Environmental Health Office.
- (2) The complaint shall contain a form of certificate by the complainant to the effect that there are reasonable grounds to believe, and the complainant does believe, that the person complained against has committed a violation of this Code.
- (3) Any person filing a false complaint or knowingly providing false information in the complaint shall be charged with violation of (insert tribal law here), and cited into Tribal Court.

3.015 INVESTIGATION

Upon receipt of a written complaint, or reasonable suspicion of a Code violation, the Environmental Health Officer shall conduct an investigation. For the purpose of such investigation, the Environmental Health Officer may enter private property at reasonable times to conduct inspections and interview involved parties.

3.020 CITATIONS

The Environmental Health Officer shall follow the procedure set forth below when a violation of this code is observed.

- (1) Upon observing a violation, the Environmental Health Officer shall issue a warning to the violator. The warning shall specify the nature of the violation and request that the violation be corrected in 30 days, unless other action is specified by the applicable chapter or section of this code.
- (2) If the violation is not corrected within the allotted time, the Environmental Health Officer shall issue a citation to the violator. The citation shall serve as a civil complaint and

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shall:

- (a) Be in writing and in the name of the Confederated Tribes of the Umatilla Indian Reservation;
 - (b) State the name of the violator;
 - (c) Bear the signature of the Environmental Health Officer;
 - (d) State the name and section number of the code violation, or the provision of a permit that has been violated;
 - (e) State a brief summary describing the violation;
 - (f) State the approximate time and place of the violation;
 - (g) State the fine or remedial action to be imposed for the violation;
 - (h) State the time and place the suspect(s) must appear in court to answer to the alleged violation;
 - (i) State the suspect may waive the right to a hearing by paying a fine or performing the remedial action specified in the citation prior to the date of the hearing.
- (3) Within three days of issuance of a citation, the Environmental Health Officer shall file a copy with the Clerk of the Umatilla Tribal Court.
- (4) The Environmental Health Officer may issue a citation in lieu of a warning at the Officers discretion. The citation shall follow the same requirements as subsection (2) of this section.

3.025 ABATEMENT ACTIONS

When the Environmental Health Officer observes a violation which poses an immediate hazard to the health and safety of Reservation residents, property, or resources, the Officer may order the person in charge of the property (or the person responsible for the violation) to carry out specified remedial actions necessary to abate the hazard. If the person so ordered by the Officer is unwilling or unable to carry out the specified remedial action, or cannot be readily contacted, then the Environmental Health Officer may enter the premises and direct actions necessary to abate the hazard. The alleged violator and/or the landowner shall be responsible for all costs incurred by the Environmental Health Office or other entities or businesses, including costs of travel, time, equipment, other services needed to remedy the violations, and established indirect costs. The Environmental Health Officer shall issue a citation to the violator seeking fines adequate to recover costs incurred by the Environmental Health Office. Private parties may seek to recover damages from the violator by filing claims with the Umatilla Tribal Court.

3.030 UMATILLA TRIBAL COURT

- (1) Umatilla Tribal Court shall adjudicate the merits of a citation.
- (2) Umatilla Tribal Court has the authority to exercise its inherent judicial powers to facilitate adjudication of violations.
- (3) In ruling on violations of this Code, the Umatilla Tribal Court has the authority to assess and collect civil penalties in amounts commensurate with the damage, danger, or risk created by a violation, and has the authority to enjoin or mandate action in its

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enforcement.

- (4) The Tribes shall have the burden of proof.
- (5) The defendant shall have the right to put on a defense to the citation.

CHAPTER 4. [THIS CHAPTER RESERVED FOR FUTURE USE]

CHAPTER 5. FEE SCHEDULE

5.005 EXCEPT AS OTHERWISE NOTED IN THIS CODE, THE FOLLOWING FEES SHALL APPLY

5.010 APPEALS PROCEDURES (CHAPTER 2)

The fee for filing an appeal shall be \$50.00 to be paid to the Umatilla Tribal Court at the time of filing the appeal.

5.015 ONSITE SEWAGE DISPOSAL SYSTEMS (CHAPTER 6)

- (1) Except as provided in section (5) of this chapter, the following non-refundable fees are required to accompany applications for site evaluations, permits, licenses and services provided by the Environmental Health Office.
 - (a) New site evaluation
 - (A) Single Family Dwelling
 - (i) First lot \$380.00
 - (ii) Each additional lot evaluated during initial visit \$205.00
 - (B) Commercial Facility System
 - (i) First one thousand (1000) gallons Projected Daily Sewage Flow \$380.00
 - (ii) For systems with projected sewage flows greater than one thousand (1000) gallons but not more than 5,000 gallons, the site evaluation application fee shall be \$380 plus an additional \$100 for each 500 gallons or part thereof above 1,000 gallons.
 - (C) Site Evaluation Report Review \$335.00
 - (D) Each fee paid for a site evaluation report entitles the applicant to as many site inspections on a single parcel or lot as are necessary to determine site suitability for a single system. The applicant may request additional site inspections within ninety (90) days of the initial site evaluation, at no extra cost.
 - (E) Separate fees shall be required if site inspections are to determine site suitability for more than one system on a single parcel of land
 - (b) Construction-installation permit

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(A) For first one thousand (1,000) gallons Projected Daily Sewage Flow

(i) Standard On-Site system \$565.00

(ii) Alternative System

(I) Aerobic System \$565.00

(II) Capping fill \$860.00

(III) Disposal Trenches in Saproliite \$565.00

(IV) Evapotranspiration-absorption \$565.00

(V) Gray water waste disposal sump \$240.00

(VI) Pressure distribution \$860.00

(VII) Redundant \$565.00

(VIII) Sand filter \$1,100.00

(IX) Seepage pit \$565.00

(X) Seepage Trench \$565.00

(XI) Steep slope \$565.00

(XII) Tile dewatering \$860.00

(iii) At the discretion of the Environmental Health Officer, the permittee may be assessed a reinspection fee, not to exceed \$200, when a precover inspection correction notice requires correction of improper construction and, at a subsequent inspection, the Officer finds system construction deficiencies have not been corrected. The Officer may elect not to make further precover inspections until the reinspection fee is paid.

(iv) With the exceptions of sand filter and pressure distribution systems, a \$25 fee may be added to all permits that specify the use of a pump or dosing siphon.

(B) For systems with projected daily sewage flows greater than one thousand (1,000) gallons, the Construction-Installation permit fee shall be equal to the fee required in Paragraph (1)(b)(A) of this section plus \$50 for each five hundred (500) gallons or part thereof above one thousand (1000) gallons

NOTE: Fees for construction permits for systems with projected daily sewage flows greater than two thousand five hundred (2,500) gallons shall be in accordance with the fee schedule for WPCF permits.

(C) Commercial Facility System, Plan Review

(j) For a system with a projected daily sewage flow of less than six hundred (600) gallons, the cost of plan review is included in the

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application fee.

(ii) For a system with a projected daily sewage flow of six hundred (600) gallons, but not more than one thousand (1,000) gallons projected daily flow \$200.00

(iii) For a system with a projected sewage flow greater than 1,000 gallons, the plan review fee shall be \$200, plus an additional \$25 for each five hundred (500) gallons or part thereof above one thousand (1,000) gallons, to a maximum sewage flow limit of two thousand five hundred (2,500) gallons per day

(D) Permit renewal

(j) If field visit required \$290.00

(ii) No field visit \$85.00

NOTE: Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original permit expiration date.

(E) Alteration permit \$555.00

(D) Repair permit

(i) Single family dwelling

(I) Major \$310.00

(II) Minor \$150.00

(ii) Commercial facility

(I) Major - The appropriate fees identified in paragraphs (1)(b)(A), (B), and (C) of this chapter apply.

(II) Minor \$280.00

(G) Permit denial review \$335.00

(c) Authorization notice

(A) If field visit required \$350.00

(B) No field visit required \$90.00

(C) Authorization denial review \$335.00

(d) Annual evaluation of alternative system (where required) \$280.00

(e) Evaluation of temporary or hardship mobile home \$280.00

(f) Exception to on-site system standards \$225.00

NOTE: The exception application fee may be waived if the applicant meets the

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requirements of section 2.045(3)(c).

(g) Rural area exception to Subsurface Standards:

(A) Site evaluation \$380.00

NOTE: In the event there is on file a site evaluation report for that parcel that is less than ninety (90) days old, the site evaluation fee shall be waived.

(B) Construction-Installation permit - the appropriate fee identified in subsection (1) (b) of this section applies

(h) Sewage disposal service

(A) New business license \$300.00

(B) Renewal of existing and valid business license \$200.00

(C) Transfer of or amendments to license \$150.00

(D) Reinstatement of suspended license \$175.00

(E) Pumper truck inspection, first vehicle

(i) Each inspection \$80.00

(ii) Each additional vehicle, each inspection \$45.00

(i) Experimental Systems): Permit \$3,670.00

(j) Existing System Evaluation Report \$285.00

NOTE: The fee shall not be charged for an evaluation report on any proposed repair, alteration or extension of an existing system.

(2) Fees for WPCF Permits.

The following fee schedule shall apply to WPCF Permits for on-site sewage disposal systems:

(a) Application filing fee (all categories) \$50.00

(b) Permit processing fees for sewage lagoons and other on-site disposal systems over 1,200 gpd:

(A) Applications \$2,000.00

(B) Permit Renewals (including request for effluent limit modifications) \$1,000.00

(C) Permit Renewal (without request for effluent limit modifications) \$500.00

(D) Permit modification (involving increase effluent limits) \$1,000.00

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- (E) Permit modification (not involving an increase in effluent limits)
\$500.00
- (c) Permit processing fees for on-site systems of 1,200 gpd or less:
 - (A) New Applications \$400.00
 - (B) Permit Renewals (involving request for effluent limit modifications.
\$200.00
 - (C) Permit Renewals (without request for effluent limit modifications)
\$100.00
 - (D) Permit Modifications (involving increase in effluent limitations)
\$150.00
 - (E) Permit Modifications (not involving an increase in effluent limits)
\$100.00
- (d) Registration fee for General Permits \$150.00
- (e) Site Evaluation Fee:
 - (A) Facilities with design flow of 5,000 gpd or less same as subsection (1)(a) of this section.
 - (B) Facilities with design flow greater than 5,000 gpd \$1,200.00
- (f) Site Evaluation Confirmation Fee \$350.00
- NOTE:** A Site Evaluation Confirmation Fee is required if the site evaluation is performed by a qualified consultant but, through the site evaluation review process, a site visit is still required by the Environmental Health Officer.
- (g) Plan Review Fee:
 - (A) Commercial Facilities with design flows less than 5,000 gpd same as subsection (1)(b)(C) of this section;
 - (B) Commercial Facilities with design flows of 5,000 gpd or more
\$500.00
 - (C) Non-commercial Facilities \$100.00
- NOTE:** A plan review fee is required when engineered plans must be reviewed for a facility that requires a WPCF permit.
- (h) Annual Compliance Determination Fee:
 - (A) On-site sewage lagoon with no discharge \$600.00
 - (B) On-site subsurface systems with individual WPCF Permit or general permit:
 - (i) Standard or alternative subsurface system not listed below, with design flow of 20,000 gpd or more \$500.00

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- (ii) Standard or alternative subsurface system not listed below with design flow less than 20,000 gpd \$250.00
- (iii) Aerobic systems, 1,500 gpd or more \$500.00
- (iv) Aerobic systems, less than 1,500 \$250.00
- (v) Recirculating Gravel Filter, 1,500 gpd or more \$500.00
- (vi) Recirculating Gravel Filter, less than 1,500 gpd \$250.00
- (vii) Sand filter, 1,500 gpd or more \$500.00
- (viii) Sand Filter, less than 1,500 gpd. \$250.00
- (ix) Holding tanks \$200.00

NOTE: The annual compliance determination fee (ACDF) is due July of each year. For permits that are issued between July 1 and September 31, the full fee is due before the permit will be issued. For permits issued after September 31, the ACDF will be prorated by calendar quarter.

5.020 [RESERVED FOR FUTURE USE]

5.025 FOOD SANITATION (CHAPTER 8)

(1) Full Service Restaurant Fees Based on Seating Criteria

- (a) 0-15 seats \$275.00
- (b) 16-50 seats \$295.00
- (c) 51-150 seats \$350.00
- (d) >150 seats \$395.00

(2) Limited service restaurant \$100.00

(3) Commissaries \$195.00

(4) Warehouses \$50.00

(5) Mobile units \$75.00

(6) Facilities that are later than a month past due will be assessed a penalty fee of 50% of the original fee for each successive month of delinquency.

(7) Temporary restaurant license fees

- (a) One day event \$35.00
- (b) Two or more days \$50.00

(8) Vending machines (# of machines)

- (a) 1-10 \$25.00

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- (b) 11-20 \$50.00
- (c) 21-30 \$75.00
- (d) Each additional 10 machines, add \$25.00
- (9) Food Service Plan Review Fees
 - (a) Initial Construction
 - (A) Full Service Restaurant \$250.00
 - (B) Commissary \$125.00
 - (C) Warehouse \$50.00
 - (D) Limited service restaurant \$75.00
 - (E) Mobil Unit \$75.00
 - (b) Remodeling
 - (A) Full Service Restaurant \$100.00
 - (B) Any other facility \$50.00
- 5.030 BED AND BREAKFAST FOOD SANITATION (CHAPTER 9)
 - (1) Initial Construction plan review fee (food service) \$75.00
 - (2) Remodeling plan review fee (food service) \$50.00
 - (3) Food Service Fee \$95.00
 - (4) Tourist Facility Fee \$60.00
- 5.035 PUBLIC SWIMMING POOLS (CHAPTER 10)
 - (1) Pool plan review \$300.00
 - (2) First Pool \$100.00
 - (3) Additional Pool \$60.00
- 5.040 PUBLIC SPA POOLS (CHAPTER 11)
 - (1) Spa Plan Review \$300.00
 - (2) First Spa \$100.00
 - (3) Additional Spa \$60.00
- 5.045 ORGANIZATIONAL CAMPS (CHAPTER 12)
 - (1) Fee for an original license or the annual renewal of a license \$60.00

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- (2) The fee for a license for any camp granted accreditation exemption pursuant of Section 12.030 \$20.00

5.050 DOG CONTROL (CHAPTER 13)

The URHA shall be authorized to charge fees for a Tribal Dog License and tags and for the impoundment of dogs. Fees shall be retained by URHA for implementation of Chapter 13. The fees shall be as follows:

- (1) Tribal Dog License Tags
- (a) Fees for spayed and/or neutered dogs \$2.00
- (b) Fees for dogs that are not spayed and/or neutered \$5.00
- (2) Impound Fees, per day \$5.00
- (3) Fees may be adjusted by the URHA and the Environmental Health Office as required. A public notice of proposed changes in fees shall be published in the Confederated Umatilla Journal at least 30 days prior to intended date of adoption of the change and the notice shall call for public opinions regarding the proposed change. The notice shall specify what the current rates are, what the proposed rates will be if adopted, and the reason for a change in the fees.

5.055 MAINTENANCE OF LIVESTOCK AND OTHER ANIMALS (CHAPTER 14)

- (1) Site Plan review fee \$50.00
- (2) AFO permit fee \$100.00
- (3) AFO annual renewal fee \$50.00
- (4) Waste disposal facilities, in addition to Site Plan Review fee, actual cost for time and expenses unless the facility is covered under chapter 6.

5.060 HAZARDOUS WASTE (CHAPTER 15)

Fees shall be based upon actual time and expenses incurred by the Office from the time of initial response to a hazardous waste incident, or illicit drug lab, until the case is closed upon completion of the final report. It shall include all expenses deemed appropriate by the Environmental Health Officer.

5.065 REFUNDS

The Environmental Health Officer may refund all or a portion of a fee accompanying an application if the applicant withdraws the application before the Environmental Health Officer has done any field work or other substantial review of the application.

CHAPTER 6. ON-SITE SEWAGE DISPOSAL

6.005 PURPOSE

This Chapter prescribes the requirements for the construction, alteration, repair, operation, and maintenance of on-site sewage disposal systems. The purpose is to restore and maintain the quality of all waters and to protect the public health and general welfare of the people of the

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6.010 DEFINITIONS

- (1) “Absorption Facility” means a system of open-jointed or perforated piping, alternative distribution units, or other seepage systems for receiving the flow from septic tanks or other treatment facilities and designed to distribute effluent for oxidation and absorption by the soil within the zone of aeration.
- (2) “Active Sand Dune” means wind-drifted ridges and intervening valleys, pockets, and swales of sand adjacent to the beach. The sand is grayish-brown (color value of four (4) or more), with little or no horizon, color, or textured differences. Active dunes are either bare of vegetation or lack sufficient vegetation to prevent blowing of sand.
- (3) “Aerobic Sewage Treatment Facility” means a sewage treatment plant which incorporates a means of introducing air and oxygen into the sewage so as to provide aerobic biochemical stabilization during a detention period. Aerobic sewage treatment facilities may include anaerobic processes as part of the treatment system. Mechanical Oxidation Sewage Treatment Facility means an aerobic treatment facility.
- (4) “Aerobic System” means an alternative system consisting of a septic tank or other treatment facility, an aerobic sewage treatment facility and an absorption facility, designed to provide a level of treatment before disposal.
- (5) “Alteration” means expansion and/or change in location of an existing system, or any part thereof.
- (6) “Alternative System” means any approved on-site sewage disposal system identified within this Chapter, for use in lieu of the standard subsurface system.
- (7) “Approved Material” means construction items that have been reviewed and accepted for use by the Environmental Health Officer.
- (8) “Approved Criteria” means methods of design or construction that have been reviewed and accepted for use by the Environmental Health Office.
- (9) “ASTM” means American Society of Testing Materials.
- (10) “Authorization Notice” means a written document issued by the Environmental Health Officer which establishes that an existing on-site sewage disposal system appears adequate to serve the purpose for which a particular application is made.
- (11) “Automatic Siphon” means a hydraulic device designed to rapidly discharge the contents of a dosing tank between predetermined water or sewage levels.
- (12) “Bedroom” means any room within a dwelling that is accepted as such by the Umatilla Indian Reservation building codes representative or the local authorized building official having jurisdiction.
- (13) “Biochemical Oxygen Demand (BOD)” means a measure of the decomposable organic matter in wastewater. It is used as an indication of wastewater strength. For the purpose of this chapter, all references to BOD shall be for the five-day BOD.
- (14) “Black Waste” means human body wastes including feces, urine, other extraneous substances of body origin and toilet paper.

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- (15) “Capping Fill System” means an alternative system where the disposal trench effective sidewall is installed a minimum of twelve (12) inches into the natural soil below a soil cap of specified depth and texture.
- (16) “Cesspool” means a lined pit that receives raw sewage, allows separation of solids and liquids, retains the solids and allows liquids to seep into the surrounding soil through perforations in the lining.
- (17) “Chemical Recirculating Toilet Facility” means a toilet facility wherein black wastes are deposited and carried from the bowl by a combination of liquid waste and water which has been chemically treated and filtered.
- (18) “Chemical Toilet Facility” means a non-flushing, non-recirculating toilet facility wherein black wastes are deposited directly into a chamber containing a solution of water and chemical.
- (19) “Clayey Soil” means mineral soil that is over forty (40) percent clay that shrinks and develops wide cracks when dry and swells and shears when wet forming slickensides and wedge-shaped structure. Clayey soil is very hard or extremely hard when dry, very firm when moist, and very sticky and very plastic when wet.
- (20) “Claypan” means a dense, compact clay layer in the subsoil. It has a much higher clay content than the overlying soil horizon from which it is separated by an abrupt boundary. Claypans are hard when dry and very sticky and very plastic when wet. They impede movement of water and air and growth of plant roots.
- (21) “Combustion Toilet Facility” means a toilet facility wherein black wastes are deposited directly into a combination chamber for incineration.
- (22) “Commercial Facility” means any structure or building, or any portion thereof, other than a single-family dwelling.
- (23) “Common sewer” means a collecting sewer, and a part of the sewerage system that either initially or ultimately will serve two or more allotments or tax lots, parcels, or ownerships which may or may not be owned or controlled by a municipality or government either initially or ultimately.
- Exception:** It does not include, for purposes of this code, common sewers within a Unit Ownership Development such as a condominium. Such facilities are community systems.
- (24) “Community System” means an on-site system that will serve more than one (1) lot or parcel or more than one (1) condominium unit or more than one (1) unit of a planned unit development.
- (25) “Conditions Associated With Saturation” means:
- (a) Reddish brown or brown soil horizons with gray (chromas of two (2) or less) and red or yellowish red mottles; or
 - (b) Gray soil horizons, or gray soil horizons with red, yellowish red, or brown mottles; or
 - (c) Dark colored highly organic soil horizons; or
 - (d) Soil profiles with concentrations of soluble salt at or near the ground surface.

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- (26) “Confining Layer” means a layer associated with an aquifer that because of its low permeability does not allow water to move through it perceptibly under head differences occurring in the groundwater system.
- (27) “Construction” includes installation of a new system or part thereof, or the alteration, repair or extension of an existing system. The grading, excavating, and earth-moving work connected with installation, alteration, or repair of a system, or part thereof, is considered a part of system construction.
- (28) “Conventional Sand Filter” means a filter with two (2) feet or more of medium sand designed to chemically and biologically process septic tank or other treatment unit effluent from a pressure distribution system operated on an intermittent basis.
- (29) “Curtain Drain” means a groundwater interceptor that is installed as a trench with a minimum width of twelve (12) inches and extending into the layer that limits effective soil depth. It has a perforated pipe installed along the bottom of, and the length of the trench and has a minimum of twelve (12) inches of drain media over the drainline and filter fabric placed over the drain media. The curtain drain must meet the setbacks from septic tanks and disposal areas as required in Table 1.
- (30) “Cut-Manmade” means a land surface resulting from mechanical land shaping operations where the modified slope is greater than fifty (50) percent, and the depth of cut exceeds thirty (30) inches.
- (31) “Design Criteria” means the criteria used in designing on-site sewage disposal systems including, but not necessarily limited to, dimensions, geometry, type of materials, size of drain media or filter media, disposal field sizing, depth, grade or slope, hydraulic loading rate or any other factor relevant to the successful operation of the system. It does not include disposal area siting criteria.
- (32) “Disposal Area” means the entire area used for underground dispersion of the liquid portion of sewage including the area designated for the future replacement system. It may consist of a seepage pit or of a disposal field, or a combination of the two. It may also consist of a seepage bed, bottomless sand filter, or evapotranspiration-absorption system.
- (33) “Disposal Field” means a system of disposal trenches or a seepage trench or system of seepage trenches.
- (34) “Disposal System” means a system for disposing of wastes, either by surface or underground methods, and includes municipal sewerage systems, domestic sewerage systems except on-site sewage disposal systems authorized to be constructed by a construction-installation permit issued pursuant to this chapter, industrial and agricultural waste systems, treatment works, disposal wells and other systems.
- (35) “Disposal Trench” means a ditch or a trench installed into natural soil, permeable saprolite or diggable bedrock, with vertical sides and substantially flat bottom with a minimum of twelve (12) inches of clean, coarse, drain media or other material approved by this chapter, into which a single distribution pipe has been laid, the trench then being backfilled with a minimum of six (6) inches of soil.
- (36) “Distribution Box” means a watertight structure that receives septic tank or other treatment facility effluent and distributes it concurrently into two (2) or more header pipes leading to the disposal area.
- (37) “Distribution Pipe” means an open-jointed or perforated pipe used in the dispersion of septic tank or other treatment facility effluent into disposal trenches, seepage trenches, or seepage beds.

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- (38) “Distribution Unit” means a distribution box, dosing tank, diversion valve or box, header pipe, or other means of transmitting septic tank or other treatment unit effluent from the effluent sewer to the distribution pipes.
- (39) “Diversion Valve” means a watertight structure that receives septic tank or other treatment facility effluent through one (1) inlet, distributes it to two (2) outlets, only one (1) of which is utilized at a given time.
- (40) “Dosing Tank” means a watertight receptacle placed after a septic tank or other treatment facility equipped with an automatic siphon or pump.
- (41) “Dosing Septic Tank” means a unitized device performing functions of both a septic tank and a dosing tank.
- (42) “Drainfield” means a Disposal Field.
- (43) “Drain Media” means clean washed gravel, clean crushed rock, or other media approved by the Environmental Health Officer, for the purpose of distributing effluent. When gravel or crushed rock is used it shall have a minimum size of three quarters (3/4) inches and a maximum size of two and one-half (2-1/2) inches. The material shall be durable and inert so that it will maintain its integrity and not collapse or disintegrate with time and shall not be detrimental to the performance of the system.
- (44) “Dwelling” means any structure or building, or any portion thereof which is used, intended, or designed to be occupied for human living purposes including, but not limited to: houses, houseboats, boathouses, mobile homes, travel trailers, hotels, motels, and apartments.
- (45) “Effective Seepage Area” means the sidewall area within a disposal trench or a seepage trench from the bottom of the trench to a level two (2) inches above the distribution pipes, or the sidewall area of any seepage pit, unsealed earth pit privy, or gray water waste disposal sump seepage chamber; or the bottom area of a pressurized soil absorption facility installed in soil as defined in sub-section (135) of this section.
- (46) “Effective Soil Depth” means the depth of soil material above a layer that impedes movement of water, air, and growth of plant roots. Layers that differ from overlying soil material enough to limit effective soil depth are hardpans, claypans, fragipans, compacted soil, bedrock, saprolite, and clayey soil.
- (47) “Effluent Filter” means an effluent treatment device installed on the outlet of a septic tank that is designed to prevent the passage of suspended matter larger than one-eighth inch in size.
- (48) “Effluent Lift Pump” means a pump used to lift septic tank or other treatment facility effluent to a higher elevation. (See section 6.440).
- (49) “Effluent Sewer” means that part of the system of drainage piping that conveys partially treated sewage from a septic tank or other treatment facility into a distribution unit or an absorption facility. (See section 6.450).
- (50) “Emergency Repair” means repair of a failing system where immediate action is necessary to relieve a situation in which sewage is backing up into a dwelling or building, or repair of a broken pressure sewer pipe. It does not include the construction of new or additional absorption facilities, but would allow use of the septic tank as a temporary holding tank until such time as new or additional absorption facilities could be constructed pursuant to an issued permit.

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- (51) “Equal Distribution” means the distribution of effluent to a set of disposal trenches in which each trench receives effluent in equivalent or proportional volumes.
- (52) “Escarpment” means any naturally occurring slope greater than fifty (50) percent that extends vertically six (6) feet or more as measured from toe to top and is characterized by a long cliff or steep slope that separates two (2) or more comparatively level or gently sloping surfaces, and may intercept one (1) or more layers that limit effective soil depth.
- (53) “Evapotranspiration-Absorption (ETA) System” means an alternative system consisting of a septic tank or other treatment facility, effluent sewer and a disposal bed or disposal trenches, designed to distribute effluent for evaporation, transpiration by plants, and by absorption into the underlying soil.
- (54) “Existing On-Site Sewage Disposal System” means any installed on-site sewage disposal system constructed in conformance with the rules, laws and local codes or codes in effect at the time of construction, or which would have conformed substantially with system design provided for in Oregon State Board of Health, Oregon State Health Division, or Indian Health Service rules in effect at the time of installation.
- (55) “Existing System” means “Existing On-Site Sewage Disposal System.”
- (56) “Failing System” means any system which discharges untreated or incompletely treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters.
- (57) “Family Member” means any one (1) of two (2) or more persons related by blood or legally.
- (58) “Filter Fabric” means a woven or spun-bonded sheet material used to impede or prevent the movement of sand, silt and clay into drain media. A specification for filter fabric is found in section 6.425.
- (59) “Five-Day Biochemical Oxygen Demand (BOD5)” means the quantity of oxygen used in the biochemical oxidation of organic matter in five days at twenty (20) degrees centigrade under specified conditions and reported as milligrams per liter (mg/L).
- (60) “Fragipan” means a loamy subsurface horizon with high bulk density relative to the horizon above, seemingly cemented when dry, and weakly to moderately brittle when moist. Fragipans are mottled and low in organic matter. They impede movement of water, air, and growth of plant roots.
- (61) “General Permit” means a permit issued to a category of qualifying sources pursuant to section 2.720, in lieu of individual permits being issued to each source.
- (62) “Grade” means the rate of fall or drop in inches per foot or percentage of fall of a pipe.
- (63) “Gray Water” means household sewage such as bath water, kitchen waste water and laundry wastes.
- (64) “Gray Water Waste Disposal Sump” means a receptacle or series of receptacles designed to receive hand-carried gray water for disposal into the soil.
- (65) “Grease and Oils” means a component of sewage typically originating from food stuffs, consisting of compounds of alcohol or glycerol with fatty acids.
- (66) “Groundwater Interceptor” means any natural or artificial groundwater or surface water

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drainage system including agricultural drain tile, cut banks, and ditches which intercept and divert groundwater or surface water from the area of the absorption facility.

- (67) “Hardpan” means a hardened layer in soil caused by cementation of soil particles with either silica, calcium carbonate, magnesium carbonate, or iron and/or organic matter. The hardness does not change appreciably with changes in moisture content. Hardpans impede movement of water and air and growth of plant roots.
- (68) “Header Pipe” means a tight jointed part of the sewage drainage conduit which receives septic tank effluent from the distribution box, or drop box, or effluent sewer and conveys it to the disposal area.
- (69) “Headwall” means a steep slope at the head or upper end of a land slump block or unstable landform.
- (70) “Holding Tank” means a watertight receptacle designed to receive and store sewage to facilitate disposal at another location.
- (71) “Holding Tank System” means an alternative system consisting of the combination of a holding tank, service riser and level indicator (alarm), designed to receive and store sewage for intermittent removal for disposal at another location.
- (72) “Hydrasplitter” means a hydraulic device to proportion flow under pressure by the use of one or more orifices. Also may be referred to as a Hydrosplitter.
- (73) “Incinerator Toilet Facility” means “Combustion Toilet Facility”.
- (74) “Individual System” means a system that is not a community system.
- (75) “Individual Water Supply” means a source of water and a distribution system that serves a residence or user for the purpose of supplying water for drinking, culinary, or household uses and which is not a public water supply system.
- (76) “Industrial Waste” means any liquid, gaseous, radioactive, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, business, or from the development or recovery of any natural resources.
- (77) “Intermittent Sand Filter” means a conventional sand filter.
- (78) “Intermittent Stream” means any surface public water or groundwater interceptor that continuously flows water for a period of greater than two months in any one year, but not continuously for that year.
- (79) “Invert” is the lowest portion of the internal cross section of a pipe or fitting.
- (80) “Large System” means any on-site system with a projected daily sewage flow greater than two thousand five hundred (2,500) gallons.
- (81) “Lateral Pipe” means “Distribution Pipe”.
- (82) “Mechanical Sewage Treatment Facility” means an aerobic sewage treatment facility.
- (83) “Medium Sand” means a mixture of sand with 100 percent passing the 3/8 inch sieve, 95 percent to 100 percent passing the No. 4 sieve, 80 percent to 100 percent passing the No. 8 sieve, 45 percent to 85 percent passing the No. 16 sieve, 15 percent to 60 percent passing the No. 30 sieve, 3 percent to 15 percent passing the No. 50 sieve, and 4 percent

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or less passing the No. 100 sieve.

- (84) “NPDES” means Non-Point Discharge Elimination System.
- (85) “Non-water-Carried Waste Disposal Facility” means any toilet facility that has no direct water connection, including pit privies, vault privies and portable toilets.
- (86) “Occupant” means any person living or sleeping in a dwelling.
- (87) “On-Site Sewage Disposal System” means any existing or proposed on-site sewage disposal system including, but not limited to a standard subsurface, alternative, experimental or non-water carried sewage disposal system, installed or proposed to be installed on land of the owner of the system or on other land of which the owner of the system has the legal right to install said system. This does not include systems that are designed to treat and dispose of Industrial Waste as defined in section 6.010(76) or for which an NPDES permit is required.
- (88) “Operating Permit” means a Water Pollution Control Facility (WPCF) permit issued pursuant to this code.
- (89) “Owner” means any person who alone, or jointly, or severally with others:
has legal title to any single lot, dwelling, dwelling unit, or commercial facility; or
has care, charge, or control of any real property as agent, executor, administrator, trustee, lessee, commercial lessee, or guardian of the estate of the holder of legal title; or
is the contract purchaser of real property.

NOTE: Each such person as described in subsections (b) and (c) of this section, thus representing the legal title holder, is bound to comply with the provisions of these rules as if he were the legal title holder.

- (90) “Permanent Groundwater Table” means the upper surface of a saturated zone that exists year-round. The thickness of the saturated zone, and, as a result, the elevation of the permanent groundwater table may fluctuate as much as twenty (20) feet or more annually; but the saturated zone and associated permanent groundwater table will be present at some depth beneath land surface throughout the year.
- (91) “Permit” means the written document issued and signed by the Environmental Health Officer that authorizes the permittee to install a system or any part thereof, and which may also require operation and maintenance of the system.
- (92) “Person” includes individuals, corporations, associations, firms, partnerships, joint stock companies, public and municipal corporations, political subdivisions, a State of the United States and any agencies thereof, and the federal government and any agencies thereof.
- (93) “Pollution” or “Water Pollution” means such alteration of the physical, chemical or biological properties of any waters of the Reservation, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gas, solid, radioactive or other substance into any waters of the Reservation, that will or tends to, either by itself or in connection with any other substance, create a public nuisance or that will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wildlife, fish or other aquatic life or the habitat thereof.
- (94) “Portable Toilet” means any self contained chemical toilet facility that is housed within a portable toilet shelter and includes but is not limited to construction type chemical toilets.

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- (95) “Portable Toilet Shelter” means any readily relocatable structure built to house a toilet facility.
- (96) “Pressure Distribution Lateral” means piping and fittings in pressure distribution systems that distribute septic tank or other treatment unit effluent to drain media through small diameter orifices.
- (97) “Pressure Distribution Manifold” means piping and fittings in a pressure distribution system that supplies effluent from pressure transport piping to pressure distribution laterals.
- (98) “Pressure Distribution System” means any system designed to uniformly distribute septic tank or other treatment unit effluent under pressure in an absorption facility or sand filter.
- (99) “Pressure Transport Piping” means piping that conveys sewage effluent from a septic tank or other treatment or distribution unit by means of a pump or siphon.
- (100) “Pretreatment” means the wastewater treatment that occurs prior to discharging to any component of an on-site sewage treatment and disposal system, including but not limited to, pH adjustment, oil and grease removal, BOD5 and TSS reduction, screening and detoxification.
- (101) “Pretreatment System”, as it applies to industrial wastes, means a system for giving partial treatment to industrial wastes prior to being discharged to a domestic sewerage system for further treatment and ultimate disposal.
- (102) “Privy” means a structure used for disposal of human waste without the aid of water. It consists of a shelter built above a pit or vault in the ground into which human waste falls.
- (103) “Projected Daily Sewage Flow” means the peak quantity of sewage a facility is forecast to produce on a daily basis upon which system sizing and design is based. It may be referred to as design flow. The Projected Daily Sewage Flow allows for a safety margin and reserve capacity for the system during periods of heavy use.
- (104) “Public Health Hazard” means a condition whereby there are sufficient types and amounts of biological, chemical or physical, including radiological, agents relating to water or sewage that are likely to cause human illness, disorders or disability. These include, but are not limited to, pathogenic viruses, bacteria, parasites, toxic chemicals, and radioactive isotopes.
- (105) “Public Waters” means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, marshes, inlets, canals, and all other bodies of surface or underground waters, natural or artificial, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), that are wholly or partially within or bordering the Reservation or within its jurisdiction.
- (106) “Recirculating Gravel Filter (RGF)” means a type of gravel filter wastewater treatment system that utilizes an effluent recycle system where a portion of the filtered effluent is mixed with septic tank effluent in a recirculation/dilution tank and redistributed to the filter, in conformance with this chapter.
- (107) “Recirculating Gravel Filter System” means a Recirculating Gravel Filter and an absorption facility used to treat and dispose of sewage.
- (108) “Redundant Disposal Field System” means a system in which two complete disposal systems are installed, the disposal trenches of each system alternate with each other and

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only one system operates at a given time.

- (109) “Repair” means installation of all portions of a system necessary to eliminate a public health hazard or pollution of public waters created by a failing system. Major repair is defined as the replacement of the soil absorption system. Minor repair is defined as the replacement of a septic tank, broken pipe, or any part of the on-site sewage disposal system except the soil absorption system.
- (110) “Residential Strength Wastewater” means the primary sewage effluent from a septic tank that does not exceed the following parameters: Biochemical Oxygen Demand (BOD) of 300 mg/L; Total Suspended Solids (TSS) of 150 mg/L; Total Kjeldahl Nitrogen (TKN) of 150 mg/L; and Oil & Grease of 25 mg/L. Other contaminants may also be present in the wastewater, however, they shall not exceed the concentrations or quantities normally found in residential sewage. Effluent parameters are to be measured using approved Standard Method or EPA procedures.
- (111) “Sand Filter Media” means a medium sand or other approved material used in a conventional sand filter. The media shall be durable and inert so that it will maintain its integrity and not collapse or disintegrate with time and shall not be detrimental to the performance of the system.
- (112) “Sand Filter Surface Area” means the area of the level plane section in the medium sand horizon of a conventional sand filter located two (2) feet below the bottom of the drain media containing the pressurized distribution piping.
- (113) “Sand Filter System” means the combination of septic tank or other treatment unit, dosing system with effluent pump and controls, or dosing siphon, piping and fittings, sand filter, and absorption facility used to treat and dispose of sewage.
- (114) “Sanitary Drainage System” means that part of the system of drainage piping that conveys untreated sewage from a building or structure to a septic tank or other treatment facility, service lateral at the curb or in the street or alley, or other disposal terminal holding human or domestic sewage. The sanitary drainage system consists of a building drain or building drain and building sewer.
- (115) “Saprolite” means weathered material underlying the soil that grades from soft thoroughly decomposed rock to rock that has been weathered sufficiently so that it can be broken in the hands or cut with a knife. It does not include hard bedrock or hard fractured bedrock. It has rock structure instead of soil structure.
- (116) “Saturated Zone” means a three (3) dimensional layer, lens, or other section of the subsurface in which all open spaces including joints, fractures, interstitial voids, pores, etc. are filled with groundwater. The thickness and extent of a saturated zone may vary seasonally or periodically in response to changes in the rate or amount of groundwater recharge or discharge.
- (117) “Scum” means a mass of sewage solids floating at the surface of sewage that is buoyed up by entrained gas, grease, or other substances.
- (118) “Seepage Area” means “Effective Seepage Area”.
- (119) “Seepage Bed” means an absorption system having disposal trenches wider than three (3) feet.
- (120) “Seepage Pit” means a “cesspool” that has a treatment facility such as a septic tank ahead of it.

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- (121) “Seepage Trench System” means a system with disposal trenches with more than six (6) inches of drain media below the distribution pipe.
- (122) “Self-Contained Nonwater-Carried Waste Disposal Facility” includes, but is not limited to, vault privies, chemical toilets, combustion toilets, recirculating toilets, and portable toilets, in which all waste is contained in a watertight receptacle.
- (123) “Septage” means the domestic liquid and solid sewage pumped from septic tanks, cesspools, holding tanks, vault toilets, chemical toilets or other similar domestic sewage treatment components or systems and other sewage sludge not derived at sewage treatment plants.
- (124) “Septic Tank” means a watertight receptacle that receives sewage from a sanitary drainage system, is designed to separate solids from liquids, digest organic matter during a period of detention, and allow the liquids to discharge to a second treatment unit or to a soil absorption facility. (See 6.400 through 6.410).
- (125) “Septic Tank Effluent” means partially treated sewage that is discharged from a septic tank.
- (126) “Serial Distribution” means the distribution of effluent to a set of disposal trenches constructed at different elevations in which one (1) trench at a time receives effluent in consecutive order beginning with the uppermost trench, by means of a Drop Box, a serial overflow or other approved distribution unit. The effluent in an individual trench must reach a level of two (2) inches above the distribution pipe before effluent is distributed to the next lower trench.
- (127) “Sewage” means water-carried human and animal wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, surface waters, or industrial waste as may be present.
- (128) “Sewage Disposal Service” means:
- (a) The construction of on-site sewage disposal systems (including the placement of portable toilets), or any part thereof; or
 - (b) The pumping out or cleaning of on-site sewage disposal systems (including portable toilets), or any part thereof; or
 - (c) The disposal of material derived from the pumping out or cleaning of on-site sewage disposal systems (including portable toilets); or
 - (d) Grading, excavating, and earth-moving work connected with the operations described in subsection (a) of this section.
- (129) “Sewage Stabilization Pond” means a pond designed to receive the raw sewage flow from a dwelling or other building and retain that flow for treatment without discharge.
- (130) “Sewerage System” means pipelines or conduits, pumping stations, and force mains, and other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal. Generally limited to “common sewers”.
- (131) “Slope” means the rate of fall or drop in feet per one hundred (100) feet of the ground surface. It is expressed as percent of grade.

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- (132) “Soil Permeability Rating” refers to that quality of the soil that enables it to transmit water or air, as outlined in the United States Department of Agriculture Handbook, Number 18, entitled Soil Survey Manual.
- (133) “Soil Separate” means the size of soil particles according to Table 7.
- (134) “Soil Texture” means the amount of each soil separate in a soil mixture. Field methods for judging the texture of a soil consist of forming a cast of soil, both dry and moist, in the hand and pressing a ball of moist soil between thumb and finger.

The major textural classifications are defined as follows. (See Table 6):

- (a) Sand: Individual grains can be seen and felt readily. Squeezed in the hand when dry, this soil will fall apart when the pressure is released. Squeezed when moist, it will form a cast that will hold its shape when the pressure is released, but will crumble when touched;
- (b) Loamy Sand: Consists primarily of sand, but has enough silt and clay to make it somewhat cohesive. The individual sand grains can readily be seen and felt. Squeezed when dry, the soil will form a cast which will readily fall apart, but if squeezed when moist, a cast can be formed that will withstand careful handling without breaking;
- (c) Sandy Loam: Consists largely of sand, but has enough silt and clay present to give it a small amount of stability. Individual sand grains can be readily seen and felt. Squeezed in the hand when dry, this soil will readily fall apart when the pressure is released. Squeezed when moist, it forms a cast that will not only hold its shape when the pressure is released, but will withstand careful handling without breaking. The stability of the moist cast differentiates this soil from sand;
- (d) Loam: Consists of an even mixture of the different sizes of sand and of silt and clay. It is easily crumbled when dry and has a slightly gritty, yet fairly smooth feel. It is slightly plastic. Squeezed in the hand when dry, it will form a cast that will withstand careful handling. The cast formed of moist soil can be handled freely without breaking;
- (e) Silt Loam: Consists of a moderate amount of fine grades of sand, a small amount of clay, and a large quantity of silt particles. Lumps in a dry, undisturbed state appear quite cloddy, but they can be pulverized readily; the soil then feels soft and floury. When wet, silt loam runs together in puddles. Either dry or moist, casts can be handled freely without breaking. When a ball of moist soil is passing between thumb and finger, it will not press out into a smooth, unbroken ribbon, but will have a broken appearance;
- (f) Clay Loam: Consists of an even mixture of sand, silt, and clay, which breaks into clods or lumps when dry. When a ball of moist soil is pressed between the thumb and finger, it will form a thin ribbon that will readily break, barely sustaining its own weight. The moist soil is plastic and will form a cast that will withstand considerable handling;
- (g) Silty Clay Loam: Consists of a moderate amount of clay, a large amount of silt, and a small amount of sand. It breaks into moderately hard clods or lumps when dry. When moist, a thin ribbon or one-eighth (1/8) inch wire can be formed between thumb and finger that will sustain its weight and will withstand gentle movement;
- (h) Silty Clay: Consists of even amounts of silt and clay and very small amounts of

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sand. It breaks into hard clods or lumps when dry. When moist, a thin ribbon or one-eighth (1/8) inch or less sized wire formed between thumb and finger will withstand considerable movement and deformation;

- (i) Clay: Consists of large amounts of clay and moderate to small amounts of sand. It breaks into very hard clods or lumps when dry. When moist, a thin, long ribbon or one-sixteenth (1/16) inch wire can be molded with ease. Fingerprints will show on the soil, and a dull to bright polish is made on the soil by a shovel.
 - (j) These and other soil textural characteristics are also defined as shown in the United States Department of Agriculture Textural Classification Chart which is hereby adopted as part of this Code. This textural classification chart is based on the Standard Pipette Analysis as defined in the United States Department of Agriculture, Soil Conservation Service Soil Survey Investigations Report No. 1. (See Table 6).
- (135) “Soil With Rapid or Very Rapid Permeability” means:
- (a) Soil which contains thirty-five (35) percent or more of coarse fragments two (2) millimeters in diameter or larger by volume with interstitial soil of sandy loam texture or coarser as defined in subsection (134) of this section and as classified in Soil Textural Classification Chart, Table 6; or
 - (b) Coarse textured soil (loamy sand or sand as defined in subsection (134) of this section and as classified in Soil Textural Classification Chart, Table 6); or
 - (c) Stones, cobbles, gravel, and rock fragments with too little soil material to fill interstices larger than one (1) millimeter in diameter.
- (136) “Split Waste Method” means a procedure where “black waste” sewage and “gray water” sewage from the same dwelling or building are disposed of by separate systems.
- (137) “Stabilized Dune” means a sand dune that is similar to an active dune except vegetative growth is dense enough to prevent blowing of sand. The surface horizon is either covered by a mat of decomposed and partially decomposed leaves, needles, roots, twigs, moss, etc., or to a depth of at least six (6) inches contains roots and has a color value of three (3) or less.
- (138) “Standard Subsurface System” means an on-site sewage disposal system consisting of a septic tank, distribution unit and absorption facility constructed in accordance with Section 6.095, using six (6) inches of drain media below the distribution pipe, and maintaining not less than eight (8) feet of undisturbed earth between disposal trenches.
- (139) “Steep Slope System” means a seepage trench system installed on slopes greater than thirty (30) percent and less than or equal to forty-five (45) percent, pursuant to this chapter.
- (140) “Subsurface Sewage Disposal” means the physical, chemical or bacteriological breakdown and aerobic treatment of sewage in the unsaturated zone of the soil above any temporarily perched groundwater body.
- (141) “Subsurface Disposal System” means a cesspool or the combination of a septic tank or other treatment unit and effluent sewer and absorption facility.
- (142) “Surface Waters” means public waters, but excludes underground waters and wells.

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- (143) “System” means “On-Site Sewage Disposal System”.
- (144) “Temporary Groundwater Table” means the upper surface of a saturated zone that exists only on a seasonal or periodic basis. Like a permanent groundwater table, the elevation of a temporary groundwater table may fluctuate. However, a temporary groundwater table and associated saturated zone will dissipate (dry up) for a period of time each year.
- (145) “Test Pit” means an open pit dug to sufficient size and depth to permit thorough examination of the soil to evaluate its suitability for subsurface sewage disposal.
- (146) “Tile Dewatering System” means an alternative system in which the absorption facility is encompassed with field collection drainage tile, the purpose of which is to reduce and control a groundwater table to create a zone of aeration below the bottom of the absorption facility.
- (147) “Toilet Facility” means a fixture housed within a toilet room or shelter for receiving black waste.
- (148) “Total Kjeldahl Nitrogen (TKN)” means the combination of ammonia and organic nitrogen but does not include nitrate and nitrite nitrogen.
- (149) “Total Suspended Solids” (TSS) means solids in sewage that can be removed readily by standard filtering procedures in a laboratory and reported as milligrams per liter (mg/L).
- (150) “Treatment” means the alteration of the quality of wastewaters by physical, chemical or biological means or combination thereof such that tendency of said wastes to cause degradation in water quality, risk to public health or degradation of environmental conditions is reduced.
- (151) “Treatment Works” means any plant or other works used for the purpose of treating stabilizing or holding wastes, including pretreatment systems.
- (152) “Underdrain Media” means that material placed under the sand filter media in a sand filter. It shall be clean, washed pea gravel with 100 percent passing the ½ inch sieve, 18 to 100 percent passing the ¼ inch sieve, 5 to 75 percent passing the No. 4 sieve, 24 percent or less passing the No. 10 sieve, 2 percent or less passing the No. 16 sieve, and 1 percent or less passing the No. 100 sieve.
- (153) “Unstable Landforms” means areas showing evidence of mass downslope movement such as debris flow, mass wasting, landslides, rockfall, and hummock hill slopes with undrained depressions upslope. Unstable landforms may exhibit slip surfaces roughly parallel to the hillside; landslide scars and curving debris ridges; fences, trees, and telephone poles which appear tilted; or tree trunks which bend uniformly as they enter the ground. Active sand dunes are unstable landforms.
- (154) “Vertisols” means a mineral soil characterized by a high content of swelling-type clays which in dry seasons, causes the soils to develop deep wide cracks.
- (155) “WPCF Permit” means a Water Pollution Control Facilities Permit that has been issued pursuant to Section 6.140.
- (156) “Wastes” means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances that will or may cause pollution or tend to cause pollution of any waters of the Umatilla Indian Reservation.
- (157) “Wastewater” means Sewage.

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- (158) “Zone of Aeration” means the unsaturated zone that occurs below the ground surface and above the point at which the upper limit of the water table exists.

6.015 ON-SITE SEWAGE DISPOSAL SYSTEMS

On site sewage disposal systems shall be installed in conformance with Environmental Protection Agency Design Manual, Onsite Wastewater Treatment and Disposal Systems, October, 1980, and this chapter.

6.020 RESPONSIBILITY FOR SYSTEMS

Each owner of real property is jointly and severally responsible for:

- (1) Disposing of sewage on that property in conformance with this chapter; and
- (2) Connecting all plumbing fixtures on that property, from which sewage is or may be discharged, to a sewerage facility or on-site sewage disposal system approved by the Environmental Health Office; and
- (3) Maintaining, repairing, or replacing the system as necessary to assure proper operation of the system.

6.025 GENERAL STANDARDS, PROHIBITIONS, AND REQUIREMENTS

- (1) Unapproved sewage disposal systems prohibited. It shall be a violation of this chapter for any person to construct, operate, or maintain a sewage disposal system on the Umatilla Indian Reservation that does not comply with these standards.
- (2) Permits for construction are required. No person shall construct, alter, or connect to an individual septic tank, lagoon, cesspool system, community sewerage system, or any other type of liquid or sewage waste disposal system unless they hold a valid permit issued by the Environmental Health Officer for the specific construction. Applications for the permits shall be in writing, signed by the applicant and include the following:
 - (a) Name, mailing address and phone number of the applicant.
 - (b) Plans and specifications for the proposed facilities.
 - (c) Location of the proposed construction.
 - (d) Location of water supplies, piping, existing facilities, buildings or proposed buildings.
 - (e) Results of soil tests or soil percolation tests.
- (3) Applications shall be reviewed by the Environmental Health Officer and written recommendations made before construction is approved. All new connections shall be inspected and approved by the Environmental Health Officer before being placed into service. All premises within the community sewerage service area shall be connected to that service. Sewer interceptor lines of more than 100 feet shall be a minimum of 8” in diameter to allow for additional connections if necessary.
- (4) All construction shall be subject to the provisions of the Land Development Code and Uniform Building Codes, as adopted.
- (5) Disposal of privy and septic tank contents shall be collected, transported, and disposed of

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in a manner approved by the Environmental Health Officer. Permits for septic tank pumper operators are required and shall be renewed on an annual basis.

- (6) Under no circumstances will septic tank effluent be discharged into the Mission sanitary sewer trunk line or any unauthorized location.
- (7) Public Waters or Public Health Hazards.
 - (a) If, in the judgment of the Environmental Health Officer, proposed operation of a system would cause pollution of public waters or create a public health hazard, system installation or use shall not be authorized.
 - (b) If, in the judgement of the Environmental Health Officer, the minimum standards contained in this chapter do not afford adequate protection of public waters or public health, the requirements shall be more stringent. This may include, but is not limited to, increasing setbacks, increasing drainfield sizing or utilizing an Alternative System.
 - (c) If the Environmental Health Officer imposes requirements more stringent than the minimum, a written statement of the specific reasons why the requirements are necessary shall be provided to the applicant.
- (8) Approved Disposal Required. All sewage shall be treated and disposed of in a manner approved by the Environmental Health Office. After review by the Technical Review Committee and by the Environmental Health Office, the Environmental Health Officer may approve the use of new or innovative technologies, materials, or designs that differ from those specified within this chapter, if such technologies, materials, or designs provide equivalent or better protection of the public health and safety, and of waters of the Confederated Tribes and meet the purposes of this code.
- (9) Discharge of Sewage Prohibited. Discharge of untreated or partially treated sewage or septic tank effluent directly or indirectly onto the ground surface or into public waters constitutes a public health hazard and is prohibited.
- (10) Discharges Prohibited. No cooling water, air conditioning water, water softener brine, groundwater, oil, hazardous materials, roof drainage, or other aqueous or non-aqueous substances that are, in the judgement of the Environmental Health Officer, detrimental to the performance of the system or to groundwater, shall be discharged into any system.
- (11) Increased Flows Prohibited. Except where specifically allowed within this chapter, no person shall connect a dwelling or commercial facility to a system if the total projected sewage flow would be greater than that allowed under the original system construction permit.
- (12) System Capacity. Each system shall have adequate capacity to properly treat and dispose of the maximum projected daily sewage flow. The quantity of sewage shall be determined from Table 2 or other information the Environmental Health Officer determines to be valid that may show different flows.
- (13) Material Standards. All materials used in on-site systems shall comply with standards set forth in this chapter.
- (14) Encumbrances. A permit to install a new system can be issued only if each site has received an approved site evaluation and is free of encumbrances (i.e., easements, deed restrictions, etc.) that could prevent the installation or operation of the system from being in conformance with this chapter.

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- (15) Future Connection to Sewerage System. In areas where a district has been formed to provide sewerage facilities, placement of house plumbing to facilitate connection to the sewerage system shall be encouraged.
- (16) Plumbing Fixtures Shall be Connected. All plumbing fixtures in dwellings and commercial facilities from which sewage is or may be discharged, shall be connected to, and shall discharge into an approved area-wide sewerage system, or an approved on-site system that is in good working order.
- (17) Property Line Crossed.
 - (a) A recorded utility easement and covenant against conflicting uses, on a form approved by the Environmental Health Officer, is required whenever a system crosses a property line separating properties under different ownership. The easement must accommodate that part of the system, including setbacks, that lies beyond the property line, and must allow entry to install, maintain and repair the system;
 - (b) Whenever an on-site system is located on one lot or parcel and the facility it serves is on another lot or parcel under the same ownership, the owner shall execute and record in the Bureau of Indian Affairs or county land title records, as appropriate, on a form approved by the Environmental Health Officer, an easement and a covenant in favor of the Umatilla Indian Reservation;
 - (c) Allowing its officers, agents, employees and representatives to enter and inspect, including by excavation, that portion of the system, including setbacks, on the other lot or parcel; and
 - (d) Agreeing not to put that portion of the other lot or parcel to a conflicting use; and
 - (e) Agreeing that upon severance of the lots or parcels, to grant or reserve and record a utility easement, in a form approved by the Environmental Health Officer, in favor of the owner of the lot or parcel served by the system.
- (18) Disposal and Replacement Area. Except as provided herein, the disposal area, including installed system and replacement area shall not be subject to activity that would, in the opinion of the Environmental Health Officer, adversely affect the soil or the functioning of the system. This may include, but is not limited to, vehicular traffic, covering the area with asphalt or concrete, filling, cutting, or other soil modification.
- (19) Operation and Maintenance. All systems shall be operated and maintained so as not to create a public health hazard or cause water pollution. Those facilities specified in subsections (21) or (22) of this section as requiring a WPCF permit shall have operation and maintenance requirements established in the permit.
- (20) Construction. The Environmental Health Officer may limit the time period a system can be constructed due to soil conditions, weather, groundwater, or other conditions which could affect the reliability of the system.
- (21) Operating Permit Requirements. The following systems shall be constructed and operated under a renewable WPCF permit:
 - (a) Any system with a projected daily sewage flow greater than 2,500 gallons;
 - (b) A system of any size, if the sewage produced is greater than residential strength waste water;

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- (c) Holding tanks;

NOTE: This requirement does not apply to septic tanks used as temporary holding tanks.
 - (d) A system that serves a commercial facility and includes a conventional sand filter as part of the treatment system.
 - (e) A system having an aerobic treatment facility as part of the treatment process if:
 - (A) The system serves a commercial facility; or
 - (B) The system does not meet the requirements of Sections 6.095 and 6.190 of this chapter.
 - (f) Recirculating Gravel Filters (RGFs);
 - (g) Other systems that are not described in this chapter, that do not discharge to surface public waters.
- (22) WPCF Permits for Existing Facilities. Owners of existing systems, other than owners of holding tanks, which this code would otherwise require to be constructed and operated under a WPCF permit, are not required to apply for a WPCF permit until such time as a system repair, correction, alteration, or expansion is necessary. All owners of existing holding tanks that require a WPCF permit under this code shall make application for a WPCF permit within twelve (12) months of the effective date of this code.
- (23) Perpetual Surety Bond Requirements. Pursuant to Chapter 2 of this code, a perpetual surety bond, or approved alternate security, in the amount of \$1.00 per gallon per day installed sewage disposal capacity, shall be filed with the Environmental Health Office by any person proposing to construct or operate facilities for the collection, treatment, or disposal of sewage with a design capacity of 5,000 gallons per day or more.
- (24) Exemptions From the Surety Bond Requirements:
- (a) Systems serving only food handling establishments, travel trailer accommodations, tourist and travelers facilities, or other development operated by a public entity or under license issued by the Environmental Health Office for food service. (Systems which serve both licensed facilities and unlicensed facilities require a surety bond if the portion requiring a Food Service license has a design capacity of 5,000 gallons per day or more);
 - (b) Systems owned and operated by a state or federal agency, city, county service district, sanitary authority, sanitary district, or other public body;
 - (c) Systems serving the sewerage needs of industrial or commercial operations where there are no permanent residences.
 - (d) Alternate Security: The approved forms of alternate security are specified in Chapter 2.
- (25) Engineering Plan Review. Unless specifically exempted by code, all plans and specifications for the construction, installation or modification of disposal systems, shall be submitted to the Environmental Health Office for approval. The design criteria and standards governing the plan review are as follows:

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- (a) For on-site systems that do not require a WPCF permit, the standards and design criteria for construction are found in this code. Construction standards manufactured items are found in Sections 6.400 through 6.475 of this code.
 - (b) For on-site systems that require a WPCF permit, the criteria in this code shall be used. However, the Environmental Health Officer may allow exceptions to the criteria and technologies, when the applicant or Environmental Health Office has adequate documentation of successful operation of that technology or design. The burden of proof for demonstrating new processes, treatment systems, and technologies that the Environmental Health Office is unfamiliar with, lies with the applicant and system designer.
- (26) **Manufacturer's Specifications.** All materials and equipment, including but not limited to tanks, pipe, fittings, solvents, pumps, controls, valves, etc. shall be installed, constructed, operated, and maintained in accordance with manufacturer's minimum specifications.
- (27) **Sewer and Water Lines.** Effluent sewer and water line piping which is constructed of materials that are approved for use within a building, as defined by the current Plumbing Specialty Code, as adopted by the Confederated Tribes of the Umatilla Indian Reservation, may be run in the same trench. Where the effluent sewer pipe is of material not approved for use in a building, it shall not be run or laid in the same trench as water pipe unless both of the following conditions are met:
- (a) The bottom of the water pipe at all points shall be set at least 12 inches above the top of the sewer pipe;
 - (b) The water pipe shall be placed on a solid shelf excavated at one side of the common trench with a minimum clear horizontal distance of at least 12 inches from the sewer pipe.
- (28) **Septage Disposal.** No person shall dispose of sewage, septage (septic tank pumpings), or sewage contaminated materials in any location not authorized by the Environmental Health Office under applicable codes for such disposal.
- (29) **Groundwater Levels.** All groundwater levels shall be predicted using "Conditions Associated With Saturation" as defined in section 6.010 (25). If conditions associated with saturation do not occur in soil with rapid or very rapid permeability, predictions of the highest level of the water table shall be based on past recorded observations of the Environmental Health Officer. If such observations have not been made, or are inconclusive, the application shall be denied until observations can be made. Groundwater level determinations shall be made during the period of the year in which high groundwater normally occurs in that area.

6.30 SITE EVALUATION PROCEDURES

- (1) A site evaluation is the first step in the process of obtaining a construction permit for an on-site system. Except as otherwise allowed in this chapter, any person who wishes to install a new on-site sewage system shall first obtain a Site Evaluation Report.
- (2) Applications for site evaluations shall be made to the Environmental Health Officer, on forms approved by the Environmental Health Office. Each application must be completed in full, signed by the owner or legally authorized representative, and be accompanied by all required exhibits and appropriate fee. Incomplete applications shall be returned to the applicant to be completed. Unless other procedures approved by the Environmental Health Office are provided, applicants shall provide at least two (2) test pits with dimensions and configuration as directed by the Environmental Health Officer, which are located approximately seventy-five (75) feet apart and within the area of the proposed

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system, including the repair/replacement area.

(3) Site Evaluation Report:

- (a) The Environmental Health Officer shall evaluate the site of the proposed system, shall consider all system options, and shall provide a report of such evaluation;
- (b) The Site Evaluation Report shall be on a form approved by the Environmental Health Officer;
- (c) The report shall contain, at a minimum, a site diagram and observations of the following site characteristics, if present:
 - (A) Parcel size;
 - (B) Slope - in disposal field and replacement areas (percent and direction);
 - (C) Surface streams, springs, wetlands, swales - other bodies of water;
 - (D) Existing and proposed wells;
 - (E) Escarpments;
 - (F) Cuts and fills;
 - (G) Unstable landforms;
 - (H) Soil profiles - determined from test pits provided by applicant;
 - (I) Water table levels;
 - (J) Useable area for initial and replacement disposal areas;
 - (K) Encumbrances (applicant list on application);
 - (L) Sewerage availability;
 - (M) Other observations as appropriate.
- (d) Site evaluation reports for subdivisions or other land divisions shall be based upon an evaluation of each lot;
- (e) Specific conditions or limitations imposed on an approved site shall be listed on the evaluation report;
- (f) An Environmental Health Officer approved site evaluation report assures that the property owner will receive a permit to construct a system on that property provided procedures and conditions for permit issuance found in section 6.040 are met.

(4) Approval or Denial:

- (a) In order to obtain a favorable site evaluation report the following conditions shall be met:
 - (A) Compliance with all criteria for approval of a specific type or types of systems, as outlined in this chapter;

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- (B) Each lot or parcel must have sufficient usable area available to accommodate an initial and replacement system. The usable area may be located within the lot or parcel, or within the bounds of another lot or parcel if secured pursuant to section 6.025 (17). Sites may be approved where the initial and replacement systems would be of different types, e.g., a standard subsurface system as the initial system and an alternative system as the replacement system. The site evaluation report shall indicate the type of the initial and type of replacement system for which the site is approved.

EXCEPTION: A replacement area is not required in areas under control of a Tribally recognized government entity such as a city, county, or sanitary district, provided the entity gives a written commitment that sewerage service will be provided within five (5) years.

- (b) A site evaluation shall be denied where the conditions identified in subsection (4)(a) of this section are not met;
- (c) Technical code changes shall not invalidate a favorable site evaluation, but may require the use of a different kind of system.
- (5) Site Evaluation Report Review. A site evaluation report issued by the Environmental Health Officer shall be reviewed at the request of the applicant. The application for review shall be submitted to the Environmental Health Office, in writing, within thirty (30) days of the site evaluation report issue date, and be accompanied by the review fee. The review shall be conducted and a report prepared by the Environmental Health Officer.

6.035 EXISTING SYSTEM EVALUATION REPORT

- (1) Any person, upon application, may request an evaluation report on an existing on-site sewage disposal system. The application shall be on a form provided by the Environmental Health Office.
- (2) The application is complete only when the form, on its face, is completed in full, signed by the owner or the owner's legally authorized representative, and is accompanied by all necessary exhibits including the fee. A fee shall not be charged for an evaluation report on any proposed repair, alteration or extension of an existing system for which a permit application has been made pursuant to section 6.145.
- (3) The Environmental Health Officer shall:
- (a) Examine the records, if available, on the existing system; and
 - (b) Conduct a field evaluation of the existing system; and
 - (c) Issue a report of findings to the applicant.

6.040 PERMIT APPLICATION PROCEDURES - GENERAL REQUIREMENTS

- (1) No person shall cause or allow construction, alteration, or repair of a system, or any part thereof, without first applying for and obtaining a permit.

EXCEPTION: Emergency repairs as set forth in Section 6.090.

- (2) Applications for permits shall be made on forms provided by the Environmental Health

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Office.

- (3) An application is complete only when the form, on its face, is completed in full, is signed by the owner or the owner's legally authorized representative, and is accompanied by all required exhibits and fee. Except as otherwise allowed in this chapter, the exhibits shall include:
 - (a) Favorable Site Evaluation Report. At the Environmental Health Officer's discretion, the requirement for an evaluation report may be waived when the application is for a repair permit or an alteration permit;
 - (b) A land use compatibility statement from the Land Code Administration Office signifying that the proposed land use is compatible with the Land Development Code and the Comprehensive Plan.
 - (c) Plans and specifications for the on-site system proposed for installation within the area identified by the Environmental Health Officer in the favorable site evaluation report. The Environmental Health Officer shall determine and request the minimum level of detail necessary to insure proper system construction;
 - (d) Any other information the Environmental Health Officer finds is necessary to complete the permit application.
- (4) The application form shall be received by the Environmental Health Officer only when the form is complete, as detailed in section 6.040 (3) of this code.
- (5) Upon receipt of a completed application the Environmental Health Officer shall deny the permit if:
 - (a) The application contains false information;
 - (b) The application was wrongfully received by the Environmental Health Officer;
 - (c) The proposed system would not comply with this code;
 - (d) The proposed system, if constructed, would violate a moratorium as described in section 6.215;
 - (e) The proposed system location is encumbered as described in section 6.025 (17);
 - (f) A sewerage system that can serve the proposed sewage flow is both legally and physically available, as described in paragraphs (A) and (B) of this subsection:
 - (A) Physical Availability. A sewerage system shall be deemed physically available if its nearest connection point from the property to be served is:
 - (j) For a single family dwelling, or other establishment with a maximum projected daily sewage flow of not more than four hundred fifty (450) gallons, within three hundred (300) feet;
 - (ii) For a proposed subdivision or group of two (2) to five (5) single family dwellings, or equivalent projected daily sewage flow, not further than two hundred (200) feet multiplied by the number of dwellings or dwelling equivalents;
 - (iii) For proposed subdivisions or other developments with more than

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five (5) single family dwellings, or equivalents, the Environmental Health Officer shall make a case-by-case determination of sewerage availability.

EXCEPTION: A sewerage system shall not be considered available if topographic or man-made features make connection physically impractical.

- (B) Legal Availability. A sewerage system shall be deemed legally available if the system is:
- (i) Not under an Environmental Health Office connection permit moratorium, and;
 - (ii) The sewerage system owner is willing or obligated to provide sewer service, and;
 - (iii) Within the boundaries of a Tribally recognized sewerage service area.
- (6) A permit shall be issued only to a person licensed under Section 6.230, or to the owner or easement holder of the land on which the system is to be installed.
- (7) No person shall construct, alter or repair a system, or any part thereof, unless that person is licensed under Section 6.230, or is the permittee.
- (8) The Environmental Health Officer shall either issue or deny the permit within **twenty (20)** days after receipt of the completed application.

EXCEPTION: If weather conditions or distance and unavailability of transportation prevent the Environmental Health Officer from acting to either issue or deny the permit within **twenty (20) days**, the applicant shall be notified in writing. The notification shall state the reason for delay. The Environmental Health Officer shall either issue or deny the permit within **sixty (60) days** after the mailing date of such notification.

- (9) A permit issued pursuant to this chapter shall be effective for one (1) year from the date of issuance for construction of the system. The construction-installation permit is not transferable. Once a system is installed pursuant to the permit, and a Certificate of Satisfactory Completion has been issued for the installation, conditions imposed as requirements for permit issuance shall continue in force as long as the system is in use.
- (10) Renewal of a permit may be granted to the original permittee if an application for permit renewal is filed prior to the original permit expiration date. Application for permit renewal shall conform to the requirements of sub-sections (2) and (4) of this section. The permit shall be issued or denied consistent with sub-sections (5), (6), (8), and (9) of this section.
- (11) If a permit has been issued pursuant to this chapter but existing soil moisture conditions preclude the construction of the soil absorption system, the septic tank may be installed and used as a temporary holding tank upon approval of the Environmental Health Officer. Before the Environmental Health Officer will approve such use, the permittee shall demonstrate that the outlet of the tank has been sealed with a water tight seal and that the permittee or owner has entered into a pumping contract for the tank. The maximum length of time a septic tank can be used as a temporary holding tank is 12 months.

6.45 PERMIT APPLICATION PROCEDURES - WPCF PERMITS

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- (1) Any person wishing to obtain a new, modified, or renewal WPCF permit shall submit a written application on forms provided by the Environmental Health Office. Applications must be submitted at least 60 days before a permit is needed. All application forms must be completed in full, signed by the applicant or the applicant's legally authorized representative, and accompanied by the specified number of copies of all required exhibits. The name of the applicant must be the legal name of the owner of the facilities, the owner's agent, or the lessee responsible for the operation and maintenance. Some, but not necessarily all of the required exhibits that must accompany the application are:
 - (a) A land use compatibility statement indicating that the site is approved for the activity for which the applicant is applying (if the activity is approved only upon condition of a conditional use permit, a copy of the issued conditional use permit shall be one of exhibits);
 - (b) A copy of a favorable site evaluation report indicating that the site is approved for the type and quantity of wastes to be disposed;
 - (c) Evidence that the permit processing fees and the first year's annual compliance determination fee have been paid to the Environmental Health Office, as directed;
 - (d) A site diagram meeting the requirements of section 6.040 (3)(c).
- (2) Applications that are obviously incomplete, unsigned, or that do not contain the required exhibits will not be accepted by the Environmental Health Office for filing and may be returned for completion.
- (3) Within 15 days after filing, the Environmental Health Office will preliminarily review the application to determine the adequacy of the information submitted:
 - (a) If the Environmental Health Office determines that additional information is needed, it will promptly request the needed information from the applicant. The application will not be considered complete for processing until the requested information is received. The application will be considered withdrawn if the applicant fails to submit the requested information within 90 days of the request;
 - (b) If, in the opinion of the Environmental Health Officer, additional measures are necessary to gather facts regarding the application, the Environmental Health Office will notify the applicant that said measures will be instituted, and the timetable and procedures to be followed. The application will not be considered complete for processing until the necessary additional fact finding measures are completed. When the Environmental Health Officer determines the information in the application is adequate, the applicant shall be notified in writing that the application is complete for processing.
- (4) Following a determination that the application is complete for processing, each application will be reviewed on its own merits. Recommendations will be developed in accordance with the provisions of this chapter.
- (5) Draft Permit Review. If the Environmental Health Officer makes a preliminary determination to issue a permit, a permit will be drafted and sent to the applicant for review. The applicant will have up to **14 calendar** days to comment on the draft permit.
- (6) Public Participation. For on-site disposal systems with a design flow of 5,000 gallons per day or greater, a public notice of the pending Environmental Health Office action shall be distributed to the interested public. If in the public interest, at the discretion of the Environmental Health Officer, a public notice may be distributed regarding pending Environmental Health Office actions or other on-site disposal systems requiring WPCF

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permits. If a public notice is distributed, it shall be for a period of at least **30 days**. If, during the public notice period, the Environmental Health Office receives written requests from ten persons, or from an organization representing at least 10 persons, for a public hearing to allow interested persons to appear and submit oral or written comments on the proposed provisions, the Environmental Health Office shall provide such a hearing, at a reasonable place, time, and on reasonable notice, before the Natural Resources Commission, prior to taking final action on the application.

- (7) Final Environmental Health Office Action. Within 45 days after closing of the public comment period, the Environmental Health Office shall take final action on the permit application. In making its final determination, the Environmental Health Office shall consider the comments received and any other information obtained that may be pertinent to the application being considered.
- (8) Applicant's Appeal Rights. If the applicant is dissatisfied with the conditions or limitations of the permit, the applicant may appeal to the Umatilla Tribal Court. Appeals shall be conducted according to chapter 2 of this Code.
- (9) Permit Term. A permit issued pursuant to this section shall be for a period not to exceed 5 years. The expiration date shall be recorded on each permit issued. At least 90 days prior to the expiration of the permit, a permit renewal application, on forms provided by the Environmental Health Office, shall be filed with the Environmental Health Office to obtain renewal of the permit.
- (10) For systems that are proposed to be or that are operating under a WPCF permit, no person shall construct, alter or repair the absorption facility, or any part thereof, unless that person is licensed under section 6.230 of this chapter, or is the permittee.
- (11) No person shall connect to or use any system authorized by a WPCF permit, unless the system has been inspected and certified as per this sub-section, and that certification has been received and accepted by the Environmental Health Office.
 - (a) The construction of all sewerage projects shall be under the supervision of, and shall be thoroughly inspected by, the design engineer or the engineer's authorized representative, unless relieved under subsection (b). At the completion of the project, the engineer shall certify in writing to the owner and the Environmental Health Office that such construction was inspected by the engineer and found to be in accordance with the plans and specifications, including any changes therein approved by the Environmental Health Office. Nothing in the forgoing exempts an owner from monitoring the project for conformance to requirements and performing supplementary inspections or prevents an owner's qualified staff from assuming responsibility for inspection and certification.
 - (b) If the design engineer is to have no further involvement or have limited involvement with the project after obtaining Environmental Health Office approval of plans, the engineer must notify the Environmental Health Office, the owner, and the developer upon submittal of plans or immediately upon being disassociated or limited in control over materials or workmanship within the project. (Nothing precludes either the owner or the developer from giving such notice if this is more appropriate). Thereupon, if the project is to continue on to construction, the owner shall assume necessary responsibility for satisfactory construction of the project in accordance with the approved plans. He shall employ or apply such construction engineering/inspection services as appropriate for the project. The owner shall thereupon certify in accordance with subsection (a) of this section. No project shall proceed to construction without adequate and capable construction engineering/inspection services. (This assumption of construction engineering/inspection services responsibility by the owner does not

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necessarily relieve the design engineer of design responsibility).

- (c) Sewerage system integrity and watertightness is the system owner's ultimate responsibility. The owner shall monitor all private sewer construction and control all common sewer construction in the sewerage system to the extent necessary to this end.
- (12) **Renewal of a Permit.** The procedures for issuance of a permit shall apply to renewal of a permit. If a completed application for renewal of a permit is filed with the Environmental Health Office in a timely manner, prior to expiration date of the permit, the permit shall not be deemed to expire until final action has been taken, on the renewal application, to issue or deny a permit.
- (13) **Permit Modification.** In the event it becomes necessary for the Environmental Health Office to institute modification of a permit due to changing conditions or standards, receipt of additional information or any other reason pursuant to applicable law, the Environmental Health Office shall notify the permittee by registered or certified mail of its intent. Such notification shall include the proposed modification and reasons for modification. The modification shall become effective 20 days from the date of mailing of such notice unless within that time the permittee files an appeal with the Umatilla Tribal Court. The appeal shall be made in writing and state the grounds for appeal. Appeals shall be conducted pursuant to Chapter 4 of this code.
- (14) **Permit Suspension or Revocation.** In the event it becomes necessary for the Environmental Health Office to suspend or revoke a permit due to non-compliance, unapproved changes in operation, false information submitted in the application, failure to pay fees, or to maintain the required surety bond or equivalent security, the Environmental Health Office will notify the permittee by registered or certified mail of its intent. Notification shall include the reasons for the suspension or revocation. The suspension or revocation shall become effective 20 days from the date of mailing of such notice unless within that time the permittee appeals to the Natural Resources Commission or resolves the issue which would cause the permit to be suspended. Appeals shall be in writing to the Umatilla Tribal Court and shall state the grounds for appeal. Appeals shall be conducted pursuant to Chapter 4 of this code.
- (15) **Transfer of a WPCF Permit.** No WPCF permit shall be transferred to a third party without prior written approval from the Environmental Health Officer. Such approval may be granted by the Environmental Health Office where the transferee acquires a property interest in the permitted activity and agrees in writing to fully comply with all the terms and conditions of the WPCF permit and Tribal law.
- (16) **General Permits**
 - (a) The Environmental Health Office may issue general permits for certain categories of on-site sewage disposal systems where an individual WPCF permit is not necessary in order to adequately protect public health and the environment. Prior to issuing the general permit, the Environmental Health Office shall follow the same public notice procedures found in sub-section (6) of this section. In order to be covered by a general permit issued by the Environmental Health Office, a person shall:
 - (A) Submit a registration application on a form provided by the Environmental Health Office, along with the necessary attachments, including, but not limited to, favorable site evaluation;
 - (B) Demonstrate that the on-site disposal facility fits into the category of sources covered by the general permit;

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- (C) Submit applicable fees.
 - (b) Any person covered by a general permit may request to be covered by an individual WPCF, in lieu of the general permit, upon submission of the required application and fees.
 - (c) The Environmental Health Office may revoke a general permit as it applies to any person's on-site sewage disposal system and require such person to apply for and obtain an individual WPCF permit, if:
 - (A) The covered source or activity is a significant contributor of pollution or creates other environmental problems;
 - (B) The permittee is not in compliance with the terms and conditions of the general permit; or
 - (C) Conditions or standards have changed so that the source or activity no longer qualifies for a general permit.
- (17) Sections that do not apply to WPCF Applicants or Permittees.
- (a) Because the permit review and issuance procedures for WPCF permits are different from those of other on-site permits regulated by this chapter, the following sections of this code do not apply to WPCF applicants or permittees: 6.035, 6.040 (6), (8), (9), (10), 6.050 (1), 6.055, 6.060, 6.065, 6.070, 6.075, 6.080, 6.085, 6.090 (1), (2), (3), 6.110, 6.115 (5)(a), 6.130 (1), 6.150, 6.165, 6.170, 6.175, 6.190, 6.195(2)(b)(B), 6.205.
 - (b) The following portions of Chapter 6 do not apply to WPCF applicants or permittees: Section 6.410(1); Section 6.455; Section 6.460; and Section 6.465.
- (18) Permit applicants and permittees are not subject to any WPCF permit-related fees other than those specifically contained within Chapter 5 of this code;

6.050 PERMIT DENIAL REVIEW

- (1) A permit denied by the Environmental Health Officer shall be reviewed at the request of the applicant. The application for review shall be submitted to the Environmental Health Office in writing, within thirty (30) days of the permit denial notice from the Environmental Health Officer, and be accompanied by the denial review fee. The denial review shall be conducted and a report prepared by the Environmental Health Office.
- (2) Permit denials for systems proposed to serve a commercial facility, intended to be used in a commercial activity, trade, occupation or profession, and all systems covered by WPCF permit, may be appealed through the appeals procedure set forth in Chapter 2 of this Code.
- (3) If the Environmental Health Officer intends to deny a permit for a parcel of ten (10) acres or larger in size, the Environmental Health Officer shall:
 - (a) Provide the applicant with a Notice of Intent to Deny;
 - (b) Specify reasons for the intended denial; and
 - (c) Offer an appeal in accordance with Chapter 2 of this code.

6.055 PRE-COVER INSPECTIONS

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- (1) When construction, alteration or repair of a system for which a permit has been issued is complete, except for backfill (cover), or as required by permit, the system installer shall notify the Environmental Health Officer. The Environmental Health Officer shall inspect the installation to determine if it complies with this chapter.
- (2) The system installer shall submit the following information to the Environmental Health Officer at the time construction of the system is complete:
 - (a) A detailed and accurate as-built plan of the constructed system; and
 - (b) A list of all materials used in the construction of the system; and
 - (c) A written certification (on a form acceptable to the Environmental Health Office) that the construction was in accordance with the permit and this chapter.

6.060 CERTIFICATE OF SATISFACTORY COMPLETION

- (1) The Environmental Health Officer shall issue a Certificate of Satisfactory Completion if, upon inspection of installation, the system complies with this chapter and the conditions of the permit.
- (2) If inspected installation does not comply with this chapter and the conditions of the permit, the permittee shall be notified in writing or a Correction Notice shall be posted on the site. System deficiencies shall be explained and satisfactory completion required. Follow-up inspections may be waived by the Environmental Health Officer. After satisfactory completion, a Certificate shall be issued.
- (3) A system, once installed, shall be backfilled (covered) only after an inspection has been conducted by the Environmental Health Officer and a Certificate of Satisfactory Completion has been issued.
- (4) Failure to meet requirements for satisfactory completion within thirty (30) days after written notification or posting of a Correction Notice at the site constitutes a violation of this code.
- (5) No person shall connect to or use any system, completed on or after January 1, 1974, unless a Certificate of Satisfactory Completion has been issued for the installation.
- (6) Unless otherwise required by the Environmental Health Officer, the system installer shall backfill (cover) a system within ten (10) days after issuance of a Certificate of Satisfactory Completion for that system.
- (7) A Certificate of Satisfactory Completion shall be valid for a period of five (5) years, for connection of the system to the facility for which it was constructed. After the five (5) year period, rules for Authorization Notices or Alteration Permits apply, as outlined in sections 6.080 and 6.085.
- (8) Denial of a Certificate of Satisfactory Completion may be appealed in accordance with Chapter 4 of this code.

6.065 DECOMMISSIONING OF SYSTEMS

- (1) The owner shall decommission a system when:
 - (a) A sewerage system becomes available and the building sewer has been connected thereto; or

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- (b) The source of sewage has been permanently eliminated; or
 - (c) The system has been operated in violation of this code, unless and until a repair permit and Certificate of Satisfactory Completion are subsequently issued therefor; or
 - (d) The system has been constructed, installed, altered, or repaired without a required permit authorizing same, unless and until a permit is subsequently issued therefor; or
 - (e) The system has been operated or used without a required Certificate of Satisfactory Completion or Authorization Notice authorizing same, unless and until a Certificate of Satisfactory Completion or Authorization Notice is subsequently issued therefor.
- (2) Procedures for Decommissioning:
- (a) The tank(s), cesspool or seepage pit shall be pumped by a licensed sewage disposal service to remove all septage;
 - (b) The tank(s), cesspool or seepage pit shall be filled with reject sand, bar run gravel, or other material approved by the Environmental Health Officer, or the container shall be removed and properly disposed;
 - (c) If, in the judgment of the Environmental Health Officer, it is not reasonably possible or necessary to comply with subsections (2)(a) and (2)(b) of this subsection, the Environmental Health Officer may grant an exception for either or both of these requirements provided such action does not constitute a menace to public health, welfare or safety.

6.070 UPGRADING DISPOSAL SYSTEMS

- (1) When upgrading systems that approximate a pit privy and gray water discharge to the surface or to a pit, Repair of Existing Systems, section 6.090 shall apply, provided:
- (2) The system serves an occupied dwelling; and
- (3) The system and dwelling were constructed prior to January 1, 1974.

6.075 PRIOR CONSTRUCTION PERMITS OR APPROVALS

- (1) Construction Permits and approvals granted by the Oregon Department of Environmental Quality or by Indian Health Service prior to the date of adoption of this code, for which a permit or approval is required as of the date of adoption of this code, are accepted as valid.
- (2) Except as provided in (1) of this section, as of the date of adoption of this code, all sites proposed for on-site systems must meet appropriate requirements of this code.

6.080 AUTHORIZATION TO USE EXISTING SYSTEMS

- (1) Authorization Notice Required. Except as otherwise allowed in this chapter no person shall place into service, change the use of, or increase the projected daily sewage flow into an existing on-site sewage disposal system without first obtaining an Authorization Notice, Construction-Installation Permit or Alteration Permit as appropriate. Exceptions for this sub-section are hereinafter stated. The burden of proof for an exception from this

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sub-section lies with the person seeking the exception.

- (2) An Authorization Notice is not required when a mobile home is replaced with similar mobile home in a mobile home park, or a recreation vehicle is replaced by another recreation vehicle in a lawful recreation vehicle park, provided the sanitary wastewater system has adequate capacity for safe treatment and disposal of sewage generated within the park.
- (3) Authorization Notice is not required for placing into service a previously unused system for which a Certificate of Satisfactory Completion has been issued within five (5) years of the date such system is placed into service, providing the projected daily sewage flow does not exceed the design flow, and there is no other violation of this code.
- (4) An application for the Authorization Notice shall be submitted on a form approved by the Environmental Health Office. The application is complete only when the form, on its face, is completed in full, is signed by the owner or the owner's legally authorized representative, and is accompanied by all required exhibits and fee. The exhibits shall include:
 - (a) An accurate property development plan;
 - (b) A sewage treatment and disposal system description;
 - (c) Allotment or tax lot map or equivalent plat map for the property;
 - (d) Documentation of hardship if such is being claimed;
 - (e) All other information the Environmental Health Officer finds is necessary to complete the application.
- (5) For placing into service or for changes in the use of an existing on-site sewage disposal system where no increase in sewage flow is projected, or where the design flow is not exceeded; an Authorization Notice valid for a period not to exceed one (1) year may be issued if:
 - (a) The existing system is not failing; and
 - (b) All set-backs between the existing system and the structure can be maintained; and
 - (c) In the opinion of the Environmental Health Officer the proposed use would not create a public health hazard on the ground surface or in surface public waters; and
 - (d) The applicant has obtained a permit authorizing such use consistent with the Land Development Code.
- (6) For placing into service, or for changing the use of a system where projected daily sewage flow would be increased by not more than three hundred (300) gallons beyond the design capacity or by not more than fifty (50) percent of the design capacity for the system, whichever is less; an Authorization Notice valid for a period not to exceed one (1) year may be issued if:
 - (a) The existing system is shown not to be failing; and
 - (b) All setbacks between the existing system and the structure can be maintained; and

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- (c) Sufficient area exists so that a complete replacement area meeting all requirements of these rules (except those portions relating to soil conditions and groundwater) is available; and
 - (d) In the opinion of the Environmental Health Officer the proposed increase would not create a public health hazard or water pollution; and
 - (e) The applicant has obtained a permit authorizing such use consistent with the Land Development Code.
- (7) Only one (1) Authorization Notice for an increase of up to three hundred (300) gallons beyond the design capacity, or increase of not more than fifty (50) percent of the design capacity, whichever is less, will be allowed per system.
- (8) For placing into service, or for changing the use of a system where projected daily sewage flows would be increased by more than three hundred (300) gallons beyond the design capacity, or increased by more than fifty (50) percent of the design capacity of the system, whichever is less, a Construction-Installation Permit shall be obtained. The permit application procedure described in Section 6.040 entitled "PERMIT APPLICATION PROCEDURES – GENERAL REQUIREMENTS" shall be followed.
- (9) Personal Hardship:

The Environmental Health Officer may allow a mobile home to use an existing system serving another dwelling, in order to provide housing for a person suffering hardship, or for an individual providing care for such a person, by issuing an Authorization Notice, if:

- (a) The Environmental Health Officer receives satisfactory evidence which indicates that a person is suffering physical or mental impairment, infirmity, or is otherwise disabled (a hardship approval issued under the Land Development Code shall be accepted as satisfactory evidence); and
 - (b) The system is not failing; and
 - (c) The application is for a mobile home; and
 - (d) Evidence is provided that a hardship mobile home placement is allowed on the subject property by Land Code Administration.
 - (e) The Authorization Notice shall remain in effect for a specified period not to exceed 5 years, but shall not exceed cessation of the hardship. A hardship shall cease to be recognized when the Land Use Permit for that hardship, issued by Land Code Administration, expires. Authorization Notice may be extended for additional periods by submitting an application in accordance with the requirements in sub-section (3) of this section. The Environmental Health Officer shall impose conditions in the Authorization Notice which are necessary to assure protection of public health.
- (10) Temporary Placement:
- (a) The Environmental Health Officer may allow a mobile home to use an existing system serving another dwelling in order to provide temporary housing for a family member in need, and may issue an Authorization Notice provided:
 - (A) The Environmental Health Officer receives evidence that the family member is in need of temporary housing; and

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- (B) The system is not failing; and
 - (C) A full system replacement area is available; and
 - (D) A temporary mobile home placement is allowed on the subject property as evidenced by a Land Use Permit issued by Land Code Administration.
- (b) The Authorization Notice shall authorize use for no more than two (2) years and is not renewable. The Environmental Health Officer shall impose conditions in the Authorization Notice necessary to assure protection of public health. If the system fails during the temporary placement and additional replacement area is no longer available, the mobile home shall be removed from the property.
- (11) If the conditions of sub-sections (5), (6), (8), (9) and (10) of this section cannot be met, the Environmental Health Officer shall either deny the Authorization Notice or shall not issue it until such time as necessary alterations and/or repairs to the system are made. The fee submitted as part of the Authorization Notice application shall be credited towards the fee for the appropriate permit. If the appropriate permit fee is higher than the fee already paid, the owner shall pay the difference. The Environmental Health Officer may require submittal of the exhibits described in section 6.040(3) to complete the application, and shall issue or deny the appropriate permit consistent with sub-sections (5), (6), (8), and (9) of that section.
- (12) An Authorization Notice denied by the Environmental Health Officer may be appealed to the Umatilla Tribal Court in accordance with Chapter 4 of this Code.

6.085 ALTERATION OF EXISTING ON-SITE SEWAGE DISPOSAL SYSTEMS

- (1) Permit Required. No person shall alter or increase the design capacity of an existing on-site sewage disposal system without first obtaining an Alteration Permit or Construction-Installation Permit, as appropriate. The permit application procedure is described in section 6.040.
- (2) An application for an Alteration Permit shall be submitted to the Environmental Health Officer for proposed alterations to an existing system. The permit may be issued if the provisions of either subsections (a) or (b) of this section are met:
- (a) Alterations that do not increase the system's design capacity beyond the original design flow:
 - (A) The existing system is not failing; and
 - (B) The site setbacks in Table 1 can be met except; If the setbacks in Table 1 for septic tanks, treatment units, effluent sewer and distribution units cannot be met, the Environmental Health Officer may allow a reasonable installation; and
 - (C) In the opinion of the Environmental Health Officer, use of the on-site system would not create a public health hazard or water pollution.
 - (b) Alterations do not exceed the existing system design capacity by more than three hundred (300) gallons per day or fifty (50) percent, whichever is less, and:
 - (A) The existing system is not failing; and
 - (B) The setbacks in Table 1 can be met; and

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- (C) In the opinion of the Environmental Health Officer, use of the on-site system would not create a public health hazard or water pollution.
- (3) An application for a Construction-Installation Permit shall be submitted to the Environmental Health Officer when the existing system's design capacity is proposed to be exceeded by greater than three hundred (300) gallons per day or greater than fifty (50) percent, whichever is less. The permit application procedure described in section 6.040 shall be followed.
- (4) Certificate of Satisfactory Completion Required. Upon completion of installation of that part of a system for which a permit has been issued, the system installer shall comply with the requirements for pre-cover inspections, as described in section 6.055. The Environmental Health Officer shall issue or deny the Certificate of Satisfactory Completion for the completed construction pursuant to section 6.060. An increase in the projected daily sewage flow into the system is prohibited until the Certificate is issued.

6.090 REPAIR OF EXISTING SYSTEMS

- (1) A failing system shall be immediately repaired.

EXCEPTION: If in the opinion of the Environmental Health Officer adverse soil conditions exist due to climatic conditions that would likely preclude a successful repair, the Environmental Health Officer may allow a delay in commencing repairs until the soil conditions improve. If this exception is exercised, a compliance date shall be specified in the repair permit or in a Notice of Violation to the system owner, as applicable.

- (2) No person shall repair a failing system without first obtaining a Repair Permit. The permit application procedure is described in section 6.040.

EXCEPTION: Emergency repairs may be made without first obtaining a permit provided that a repair permit application is submitted to the Environmental Health Officer within three (3) working days after the emergency repairs are begun.

- (3) Certificate of Satisfactory Completion. Upon completion of installation of that part of a system for which a repair permit has been issued, the system installer shall comply with the requirements for pre-cover inspections, as described in section 6.055. The Environmental Health Officer shall issue or deny the Certificate of Satisfactory Completion pursuant to section 6.060.

- (4) Criteria for Permit Issuance:

- (a) If the site characteristics and standards described in section 6.095 can be met, then the repair installation shall conform with them;
- (b) If the site characteristics or standards described in section 6.095 cannot be met, the Environmental Health Officer may allow a reasonable repair installation in order to eliminate a public health hazard. Reasonable repairs may require the installation of an alternative system in order to eliminate a public health hazard.

- (5) Failing systems that cannot be repaired shall be decommissioned in accordance with section 6.065.

6.095 STANDARD SUBSURFACE SYSTEMS

- (1) Criteria for Standard Subsurface System Approval. In order to be approved for a standard subsurface system each site must meet all the following conditions:

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- (a) Effective soil depth shall extend thirty (30) inches or more from the ground surface as shown in Table 3. A minimum six (6) inch separation shall be maintained between the layer that limits effective soil depth and the bottom of the absorption facility.
 - (b) Water table levels shall be predicted using Standards in sub-section 6.025 (29).
 - (c) A permanent water table shall be four (4) feet or more from the bottom of the absorption facility.
 - (d) A temporary water table shall be twenty-four (24) inches or more below the ground surface. An absorption facility shall not be installed deeper than the level of the temporary water table;
- (2) Groundwater Interceptors. A groundwater interceptor may be used to intercept and/or drain temporary water from a disposal area; however, it may be required to demonstrate that the site can be de-watered prior to issuing a Construction-Installation permit. Groundwater interceptors may be used only on sites with adequate slope to permit proper drainage. Unless otherwise authorized by the Environmental Health Officer, each outlet shall be protected by a short section of Schedule 40 PVC or ABS plastic pipe and a grill to exclude rodents. Where required, groundwater interceptors are an integral part of the system, but do not need to meet setback requirements to property lines, wells, streams, lakes, ponds or other surface waterbodies which are required of the sewage disposal area.
- (3) Soil with rapid or very rapid permeability shall be thirty six (36) inches or more below the ground surface. A minimum eighteen (18) inch separation shall be maintained between soil with rapid or very rapid permeability and the bottom of disposal trenches.

EXCEPTION: Sites may be approved with no separation between the bottom of disposal trenches and soil as defined in sub-section 6.010 (135)(a) and (b), with rapid or very rapid permeability, and disposal trenches may be placed into soil as defined in sub-section 6.010 (135)(a) and (b), with rapid or very rapid permeability if any of the following conditions occur:

- (a) A confining layer occurs between the bottom of disposal trenches and the groundwater table. A minimum six (6) inch separation shall be maintained between the bottom of disposal trenches and the top of the confining layer; or
 - (b) A layer of non-gravelly (less than 15% gravel) soil with sandy loam texture or finer at least eighteen (18) inches thick occurs between the bottom of the disposal trenches and the groundwater table; or
 - (c) The projected daily sewage flow does not exceed a loading rate of four hundred fifty (450) gallons per acre per day.
- (4) Slopes shall not exceed thirty (30) percent and the slope/depth relationship set forth in Table 3;
- (5) The site has not been filled or the soil has not been modified in a way that would, in the opinion of the Environmental Health Officer, adversely affect functioning of the system;
- (6) The site shall not be on an unstable landform, where operation of the system may be adversely affected;
- (7) The site of the initial and replacement absorption facility shall not be covered by asphalt or concrete, or subject to vehicular traffic, livestock, or other activity that would

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adversely affect the soil;

- (8) The site of the initial and replacement absorption facility will not be subjected to excessive saturation due to, but not limited to, artificial drainage of ground surfaces, driveways, roads, and roof drains;
- (9) Setbacks in Table 1 can be met:
- (10) Surface Waters Setbacks. Setback from streams or other surface waters shall be measured from bank drop-off or mean yearly high water mark, whichever provides the greatest separation distance;
- (11) Water Lines and Sewer Lines Cross. Where water lines and building or effluent sewer lines cross, separation distances shall be as required in the Uniform Plumbing Code as adopted;
- (12) Septic Tank Setbacks. The Environmental Health Officer shall encourage the placement of septic tanks and other treatment units as close as feasible to the minimum separation from the building foundation in order to minimize clogging of the building sewer.
- (13) Criteria For System Sizing: Disposal Fields. Disposal fields shall be designed and sized on the basis of:
 - (a) **Table 2**, Quantities of Sewage Flows; or other information determined by the Environmental Health Officer to be reliable.

EXCEPTIONS: Systems shall be sized on the basis of three hundred (300) gallons sewage flow per day, plus seventy-five (75) gallons per day for the third bedroom when systems are proposed to serve single family dwellings on lots of record that were created prior to February 6, 1974, which are inadequate in size to accommodate a system sized for a daily sewage flow of four hundred fifty (450) gallons.

- (b) **Table 4**, Minimum Length of Disposal Trench Required, Soil Texture Versus Effective Soil Depth;
- (c) **Table 5**, Minimum Length of Disposal Trench Required, Soil Texture Versus Depth to Temporary Water;
- (14) Strength of the Wastewater. Where the strength of the wastewater exceeds the maximum limits for “Residential Strength Wastewater”, as defined in section 6.010, or the contents of the wastewater are atypical of the same or are foreseen as a threat to groundwater, public health, or the environment, the wastewater shall first receive pre-treatment to reduce the factor(s) to acceptable levels before it can be discharged into a standard or alternative treatment and disposal system. Any system that requires pre-treatment requires a WPCF permit for construction and operation.
- (15) Septic Tanks:
 - (a) Liquid Capacity:
 - (A) Septic tanks for commercial facilities shall have a liquid capacity of at least two (2) times the projected daily sewage flow, unless otherwise authorized by the Environmental Health Officer; but in no case shall capacity be less than 1500 gallons;
 - (B) Additional volume may be required by the Environmental Health Officer

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for special or unique waste characteristics, including but not limited to flow patterns, volumes, waste strength, or facility operation;

- (C) The quantity of daily sewage flow shall be estimated from Table 2. For structures not listed in Table 2, the Environmental Health Officer shall determine the projected daily sewage flow;
 - (D) Single Family Dwelling. A septic tank to serve a single-family dwelling shall be sized on the number of bedrooms in the dwelling. For a dwelling with four (4) or fewer bedrooms, the tank capacity shall be at least 1,000 gallons. A 1,500 gallon (or larger) septic tank shall be required when the dwelling has more than four (4) bedrooms.
- (b) Installation Requirements:
- (A) Septic tanks shall be installed on a level, stable base that will not settle;
 - (B) Septic tanks located in high groundwater areas shall be weighted or provided with an antibuoyancy device to prevent flotation;
 - (C) All septic tanks shall be installed with a watertight manhole riser extending to the ground surface or above. The riser shall have a minimum nominal diameter of 20 inches. A cover shall be provided and securely fastened or weighted to prevent easy removal. Septic tanks with a soil cover depth of more than 36 inches or having a capacity of more than 3,000 gallons shall have at least one manhole riser which is 30 inches in diameter or more;
 - (C) Septic tanks shall be installed in a location that provides access for servicing and pumping;
- (16) Where practicable, the sewage flow from any establishment shall be consolidated into one septic tank.
- (17) At the discretion of the Environmental Health Officer, a removable plug may be placed in the top of the septic tank's inlet sanitary tee if the septic tank discharges directly into a gravity-fed absorption facility;
- (18) All tanks shall be tested for water tightness in accordance with Section 6.400;
- (19) The outlet of all septic tanks serving commercial facilities shall be equipped with an effluent filter meeting the requirements of Section 6.445, complete with a service riser for the filter which meets all the requirements of Section 6.200(3)(b)(C).
- (20) Construction. Septic tank construction shall comply with minimum standards set forth in section 6.400, unless otherwise authorized in writing by the Environmental Health Office.
- (21) Double Compartment. Where a septic tank is preceded by a sewage ejector pump, the tank shall be constructed as a two (2) compartmentalized tank. The first compartment shall be not less than two thirds the required tank capacity. All other requirements of this chapter apply. An effluent filter shall be installed on the outlet of the tank.
- (22) Distribution Techniques. Disposal trenches shall be constructed according to one of the following methods:
- (a) Gravity Fed Equal Distribution (including Loop).

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- (A) Equal distribution shall be used on generally level ground.
 - (B) All trenches and piping shall be level within a tolerance of plus or minus one (1) inch.
 - (C) All lateral piping shall be at the same elevation;
 - (b) A pressure operated hydrosplitter may be used to achieve equal distribution. To determine the total useable area of a looped soil absorption facility, the Environmental Health Officer shall take the sum of the lengths of the parallel disposal trenches plus the lengths of a maximum of two (2) disposal trenches intersecting the parallel trenches.
 - (c) Serial Distribution. Serial distribution is generally used on sloping ground. Each trench shall be level within a tolerance of plus or minus one (1) inch. Serial distribution may be a combination of equal distribution and serial distribution;
 - (d) Pressurized Distribution Systems. Refer to section 6.115, for pressurized distribution requirements.
 - (e) Distribution Boxes and Drop Boxes:
 - (A) Construction. Construction of distribution boxes and drop boxes shall comply with minimum standards in section 6.415 and 6.420.
 - (B) Foundation. All distribution boxes and drop boxes shall be bedded on a stable, level base;
 - (f) In all gravity distribution techniques, the connection of the effluent piping to the distribution piping shall include at least one distribution or drop box or other device acceptable to the Environmental Health Officer as a means for locating and monitoring the disposal field.
- (23) Dosing Tanks:
- (a) Construction of dosing tanks shall comply with the minimum standards in section 6.400 and section 6.435, unless otherwise authorized in writing by the Environmental Health Officer on a case-by-case basis;
 - (b) Each dosing tank shall be installed on a stable, level base;
 - (c) Each dosing tank shall be provided with at least one watertight riser and manhole cover, extending to the ground surface or above. Provision shall be made for securely fastening the manhole cover unless the manhole cover weighs at least 50 pounds, except that no manhole should weigh more than 75 pounds;
 - (d) Dosing tanks located in high groundwater areas shall be weighted or provided with an antibuoyancy device to prevent flotation.

(24) Disposal Trenches:

Disposal trenches shall be constructed in accordance with the standards contained in the following table, unless otherwise allowed or required within a specific section of this chapter:

- (a) Minimum bottom width of trench 24 inches;
- (b) Minimum depth of trench, using:

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- (i) Equal or loop distribution 18 inches;
 - (ii) Serial distribution 24 inches;
 - (iii) Pressure distribution 18 inches;
 - (c) Maximum depth of trench 36 inches;
 - (d) Minimum distance of undisturbed earth between disposal trenches 8 feet.
 - (e) The bottom of the disposal trench shall be level within a tolerance of plus or minus one (1) inch.
 - (f) When the sidewall within the disposal trench has been smeared or compacted, sidewalls shall be raked to insure permeability.
 - (g) Trenches shall not be constructed in a manner that would allow septic tank effluent to flow backwards from the distribution pipe to undermine the distribution box, the septic tank, or any portion of the distribution unit.
 - (h) Drain media shall extend the full width and length of the disposal trench to a depth of not less than twelve (12) inches. There shall be at least six (6) inches of drain media under the distribution pipe and at least two (2) inches over the distribution pipe.
 - (i) Prior to backfilling the trench, the drain media shall be covered with filter fabric, untreated building paper, or other material approved by the Environmental Health Officer.
 - (j) Where trenches are installed in sandy loam or coarser soils, filter fabric or other non-degradable material approved by the Environmental Health Officer shall be used to cover the drain media.
- (25) Trench Backfill:
- (a) The installer shall assume responsibility for backfilling the system. Backfill shall be carefully placed to prevent damage to the system.
 - (b) A minimum of six (6) inches of backfill is required, except in serial systems where twelve (12) inches is required.
 - (c) Backfill shall be free of large stones, frozen clumps of earth, masonry, stumps, or waste construction materials, or other materials that could damage the system.
 - (d) Header Pipe (Section 6.450): Header pipe shall be watertight, have a minimum diameter of three (3) inches, and be bedded on undisturbed earth. Where distribution boxes or drop boxes are used, header pipe shall be at least four (4) feet in length.
- (26) Distribution Pipe (Section 6.450):
- (a) Distribution pipes shall have a minimum diameter of three (3) inches;
 - (b) Each disposal trench shall have distribution piping that is centered in the trench and laid level within a tolerance of plus or minus one (1) inch;

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- (c) Distribution piping, which complies with standards in Section 6.450, may consist of perforated bituminized fiber, perforated plastic, clay tile or concrete tile;
 - (d) All perforated pipe shall be installed with centerline markings up;
 - (e) Concrete tile and clay tile shall be laid with grade boards and with one-quarter (1/4) inch open joints. The top one-half (1/2) of the joints shall be covered with strips of treated building paper, tar paper, tile connectors, spacers, collars or clips, or other materials approved by the Environmental Health Officer.
- (27) Effluent Sewer (Section 6.450): The effluent sewer shall extend at least five (5) feet beyond the septic tank before connecting to the distribution unit. It shall be installed with a minimum fall of four (4) inches per one hundred (100) feet, but in no instance shall there be less than two (2) inches of fall from one end of the pipe to the other. In addition, there must be a minimum difference of 8 inches between the invert of the septic tank outlet and the invert of the header to the distribution pipe of the highest lateral in a serial distribution disposal field or the invert of the header pipe to the distribution pipes of an equal distribution disposal field.
- (28) Large Systems. Systems with a projected daily sewage flow greater than two thousand five hundred (2,500) gallons shall be designed in accordance with requirements set forth in section 6.225.

6.100 ALTERNATIVE SYSTEMS, GENERAL

- (1) Unless otherwise noted, all requirements pertaining to the siting, construction, and maintenance of standard subsurface systems shall apply to alternative systems.
- (2) General Requirements:
 - (a) Periodic Inspection of Installed Systems. The Environmental Health Officer may require periodic inspections of installed alternate systems. An inspection fee may be charged;
 - (b) A report of each inspection shall be prepared by the Environmental Health Officer. The report shall list system deficiencies and correction requirements and timetables for correction. A copy of the report shall be provided promptly to the system owner. Necessary follow-up inspections shall be scheduled.
- (3) Completed systems shall have a manual with instructions for the proper operation and maintenance (O&M) of the system. Included in the operation and maintenance manual will be legible as-built plans, identification and explanation of manholes/inspection ports, and a 10 year projected homeowner cost for O&M.

6.105 CAPPING FILLS

- (1) Criteria for Approval. In order to be approved for a capping fill system, each site must meet all the following conditions:
 - (a) Slope does not exceed twelve (12) percent;
 - (b) Temporary water table is not closer than eighteen (18) inches to the ground surface at anytime during the year. A six (6) inch minimum separation must be maintained between the bottom of the disposal trench and the temporary water table;

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- (c) Where a permanent water table is present, a minimum four (4) feet separation shall be maintained between the bottom of the disposal trench and the water table;
 - (d) Where material with rapid or very rapid permeability is present, a minimum eighteen (18) inches separation shall be maintained between the bottom of the disposal trench and soil with rapid or very rapid permeability;
 - (e) Effective soil depth is eighteen (18) inches or more below the natural soil surface;
 - (f) Soil texture from the ground surface to the layer that limits effective soil depth is no finer than silty clay loam;
 - (g) A minimum six (6) inch separation shall be maintained between the bottom of the disposal trench and the layer that limits effective soil depth;
 - (h) The system can be sized according to effective soil depth in Table 4.
- (2) Installation Requirements. The cap shall be constructed pursuant to permit requirements. Unless otherwise required by the Environmental Health Officer, construction shall be as follows:
- (a) The soil shall be examined and approved by the Environmental Health Officer prior to placement. The texture of the soil used for the cap shall be of the same textural class, or of one textural class finer, as the natural topsoil;
 - (b) Construction of capping fills shall occur between June 1 and October 1 unless otherwise allowed by the Environmental Health Officer. The upper eighteen (18) inches of natural soil must not be saturated or at a moisture content which causes loss of soil structure and porosity when worked;
 - (c) The disposal area and the borrow site shall be scarified to destroy the vegetative mat;
 - (d) The system shall be installed as specified in the construction permit. There shall be a minimum ten (10) feet of separation between the edge of the fill and the absorption facility;
 - (e) Filter fabric shall be used between the drain media and the soil cap, unless otherwise authorized by the Environmental Health Officer on a case-by-case basis;
 - (f) Fill shall be applied to the fill site and worked in so that the two (2) contact layers (native soil and fill) are mixed. Fill material shall be evenly graded to a final depth of ten (10) inches over the drain media for an equal system, or sixteen (16) inches over the drain media for a serial system. This is to allow for appropriate settled depths. Both initial cap and repair cap may be constructed at the same time;
 - (g) The site shall be landscaped according to permit conditions and be protected from livestock, automotive traffic or other activity that could damage the system.
- (3) Required Inspections. Unless waived by the Environmental Health Officer, the following minimum inspections shall be performed for each capping fill installed:
- (a) Both the disposal area and borrow material must be inspected for scarification, soil texture, and moisture content, prior to cap construction;

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- (b) Pre-cover inspection of the installed absorption facility;
- (c) After cap is placed, to determine that there is good contact between fill material and native soil (no obvious contact zone visible), adequate depth of material, and uniform distribution of fill material;
- (d) Final inspection after landscaping or other erosion control measures are established. A Certificate of Satisfactory Completion may be issued at this point.

6.110 EVAPOTRANSPIRATION-ABSORPTION (ETA) SYSTEMS

- (1) Criteria for Approval. ETA systems will only be approved for waste flows that do not exceed 600 gallons per day and that meet criteria for residential strength.
- (2) Installation permits may be issued for ETA systems on sites that meet all of the following conditions:
 - (a) The soil has moist matrix values and chromas greater than 2 within the first twelve (12) inches of the soil profile;
 - (b) Mean annual precipitation does not exceed twenty-five (25) inches;
 - (c) There exists a minimum of thirty (30) inches of moderately-well to well drained soil. The subsoil at a depth of twelve (12) inches and below shall be fine textured;
 - (d) Slope shall not be less than six (6) percent nor more than fifteen (15) percent. Exposure may be taken into consideration.
- (3) Criteria for System Design. ETA beds shall be designed under the following criteria:
 - (a) Beds shall be sized using a minimum eight hundred fifty (850) square feet of bottom surface area per one hundred fifty (150) gallons of projected daily sewage flow in areas where annual precipitation is fifteen (15) to twenty-five (25) inches, or six hundred (600) square feet of bottom surface area per one hundred fifty (150) gallons of projected daily sewage flow in areas where annual precipitation is less than fifteen (15) inches;
 - (b) Beds shall be installed not less than twelve (12) inches nor deeper than twenty-four (24) inches into natural fine textured soil on the downhill side and not more than thirty-six (36) inches deep on the uphill side
 - (c) A minimum of one (1) distribution pipe shall be placed in each bed;
 - (d) The surface shall be seeded according to permit conditions
 - (e) The bottom of the system shall be a minimum of six (6) inches above the layer that limits effective soil depth;
 - (f) Laterals in the system shall not be further than ten (10) feet apart and shall not be further than five (5) feet from the side of the excavated bed or trench;
 - (g) The bed or trench shall be within two (2) inches of level;
 - (h) A minimum of twelve (12) inches of drain media is to be installed in the trench;
 - (i) Filter fabric or material approved by the Environmental Health Officer shall cover

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the drain media before the system is covered with soil;

- (j) The system is to be covered with soil approved by the Environmental Health Officer. The soil cover depth is to be a minimum of twelve (12) inches.

6.115 PRESSURIZED DISTRIBUTION SYSTEMS

- (1) Pressurized distribution systems receiving residential strength wastewater may be permitted on any site meeting the requirements for installation of a standard subsurface sewage disposal system(s), or other sites where this method of effluent distribution is preferable and all the following minimum site conditions can be met.
- (2) Except as provided in section 6.095 (1)(c), pressurized distribution systems shall be used where depth to soil as defined in 6.010 (135)(a) and (b) is less than thirty-six (36) inches and the minimum separation distance between the bottom of the disposal trench and soil as defined in section 6.010 (135)(a) and (b) is less than eighteen (18) inches.
- (3) Pressurized distribution systems installed in soil as defined in section 6.010 (135)(a) and (b) in areas with permanent water tables shall not discharge more than four hundred fifty (450) gallons of effluent per one-half (1/2) acre per day except where:
 - (a) Groundwater is degraded and designated as a non-developable resource by the Tribal Water Resources Office; or
 - (b) A detailed hydrogeological study discloses loading rates exceeding four hundred fifty (450) gallons per one-half (1/2) acre per day would not increase the nitrate-nitrogen concentration in the groundwater beneath the site, or at any down gradient location, above five (5) milligrams per liter.
- (4) Materials and Construction:
 - (a) General:
 - (A) All materials used in pressurized systems shall be structurally sound, durable, and capable of withstanding normal stresses incidental to installation and operation;
 - (B) Nothing in this chapter shall be construed to set aside applicable building, electrical, or other codes. An electrical permit and inspection from the Tribal Building Codes Official is required for pump wiring installation.
 - (b) Pressurized Distribution Piping. Piping, valves and fittings for pressurized systems shall meet the following minimum requirements:
 - (A) All pressure transport, manifold, lateral piping, and fittings shall meet or exceed the requirements for PVC 1120 pressure pipe as identified in ASTM Specification D2241. For pipe diameters of one inch or less, the minimum pressure rating shall be 200 pounds per square inch (psi); for diameters greater than one inch, the minimum pressure rating shall be 160 psi;
 - (B) Pressure transport piping shall be uniformly supported along the trench bottom, and at the discretion of the Environmental Health Officer, it shall be bedded in sand or other material approved by the Environmental Health Officer. A minimum eighteen (18) gauge green jacketed tracer wire or green color coded metallic locate tape, shall be placed above piping when

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crossing property lines or entering public property or right of way;

- (C) Orifices shall be located on top of the pipe, except as noted in sub-section 4(b)(I) of this section;
 - (D) The ends of lateral piping shall be constructed with long sweep elbows or equal method to bring the end of the pipe to ground level. The ends of the pipe shall be provided with threaded plugs or caps;
 - (E) All joints in the manifold, lateral piping, and fittings shall be solvent welded, using the appropriate joint compound for the pipe material. Pressure transport piping may be solvent welded or rubber ring jointed;
 - (F) An isolation valve shall be placed on the pressure transport pipe, in or near the dosing tank, when appropriate;
 - (G) A check valve shall be placed between the pump and the gate valve, when appropriate;
 - (H) All orifices shall be covered by a protective, durable, non-corrosive orifice shield designed to keep orifices from being blocked by drain media or other system components. The shields shall be removable for access to the orifices;
 - (I) Where conditions include but are not limited to, extended freezing temperatures, temporary or seasonal use, or effluent characteristics, the Environmental Health Officer may specify alternate orifice orientation, and/or valve arrangements;
 - (J) Where the operation of a pump could result in siphonage of effluent to below the normal off level of the pump, an anti-siphon measure, in the form of a non-discharging valve, designed for the specific purpose, shall be used. The anti-siphon valve shall be installed and operated in accordance with manufacturer's specifications.
- (5) Disposal Trench Sizing and Construction:
- (a) A system using disposal trenches shall be designed and sized in accordance with the requirements of section 6.095 (2);
 - (b) Disposal trenches shall be constructed using the specifications for the standard disposal trench unless otherwise allowed by the Environmental Health Officer on a case-by-case basis;
 - (c) Pressure lateral piping shall have not less than six (6) inches of drain media below, nor less than four (4) inches of drain media above the piping;
 - (d) The top of the drain media shall be covered with filter fabric, or other non-degradable material permeable to fluids that will not allow passage of soil particles coarser than very fine sand. In unstable soils, lining the sidewall may be required.
- (6) Seepage Bed Construction:
- (a) Seepage beds may only be used in soil as defined in section 6.010(135)(b) as an alternative to the use of disposal trenches, for flows less than or equal to 600

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gallons per day;

- (b) The effective seepage area shall be based on the bottom area of the seepage bed. The minimum area shall be determined on the basis of 200 square feet minimum per 150 gallons per day waste flow;
 - (c) Beds shall be installed not less than eighteen (18) inches (twelve (12) inches with a capping fill) nor deeper than thirty-six (36) inches into the natural soil. The seepage bed bottom shall be level;
 - (d) The top of the drain media shall be covered with filter fabric, or other non-degradable material that is permeable to fluids but will not allow passage of soil particles coarser than very fine sand;
 - (e) Pressurized distribution piping shall have not less than six (6) inches of drain media below, nor less than four (4) inches of drain media above the piping;
 - (f) Pressurized distribution piping shall be horizontally spaced not more than four (4) feet apart, and not more than two (2) feet away from the seepage bed sidewall. At least two (2) parallel pressurized distribution pipes shall be placed in the seepage bed;
 - (g) A minimum of ten (10) feet of undisturbed earth shall be maintained between seepage beds.
- (7) Notwithstanding other requirements of this code, when the projected daily sewage flow is greater than two thousand five hundred (2500) gallons the Environmental Health Office may approve other design criteria it deems appropriate.
- (8) Hydraulic Design Criteria. Pressurized distribution systems shall be designed for appropriate head and capacity:
- (a) Head calculations shall include maximum static lift, pipe friction and orifice head requirements:
 - (A) Static lift where pumps are used shall be measured from the minimum dosing tank level to the level of the perforated distribution piping;
 - (B) Pipe friction shall be based upon a Hazen Williams coefficient of smoothness of 150. All pressure lateral piping and fittings shall have a minimum diameter of two (2) inches unless submitted plans and specifications show a smaller diameter pipe is adequate;
 - (C) There shall be a minimum head of five (5) feet at the remotest orifice and no more than a ten (10) percent flow variation between nearest and remotest orifice in an individual unit.
 - (b) The capacity of a pressurized distribution system refers to the rate of flow given in gallons per minute (gpm):
 - (A) Lateral piping shall have discharge orifices drilled a minimum diameter of one-eighth (1/8) inch, and evenly spaced at a distance not greater than twenty-four (24) inches in coarse textured soils or greater than four (4) feet in finer textured soils;
 - (B) The system shall be dosed at a rate not to exceed twenty (20) percent of

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the projected daily sewage flow;

- (C) The effect of back drainage of the total volume of effluent within the pressure distribution system shall be evaluated for its impact upon the dosing tank and system operation.

6.120 SEEPAGE TRENCH SYSTEM

- (1) Criteria for Approval. Construction permits may be issued by the Environmental Health Officer for seepage trench systems on lots created prior to February 6, 1974, for sites that meet all the following conditions:
 - (a) Groundwater degradation would not result;
 - (b) Lot or parcel is inadequate in size to accommodate a standard subsurface disposal system with a projected flow of four hundred fifty (450) gallons per day;
 - (c) All other requirements for standard subsurface systems can be met.
- (2) Design Criteria:
 - (a) The seepage trench may have a maximum depth of forty-two (42) inches;
 - (b) The seepage trench system shall be sized according to the following formula: Length of seepage trench = (4) x (length of standard disposal trench) divided by (3 + 2D), where D = depth of drain media below distribution pipe in feet. Maximum depth of drain media (D) shall be two (2) feet;
 - (c) The projected daily sewage flow shall be limited to a maximum of four hundred fifty (450) gallons.

6.125 REDUNDANT SYSTEMS

- (1) Criteria for Approval. Construction installation permits may be issued by the Environmental Health Officer for redundant disposal field systems to serve single family dwellings on sites that meet all the following conditions:
 - (a) The lot or parcel was created prior to February 6, 1974; and
 - (b) There is insufficient area to accommodate a standard system.
- (2) Design Criteria:
 - (a) Each redundant disposal system shall contain two (2) complete disposal fields;
 - (b) Each disposal field shall be adequate in size to accommodate the projected daily sewage flow from the dwelling;
 - (c) A minimum separation of ten (10) feet (twelve (12) feet on centers) shall be maintained between disposal trenches designed to operate simultaneously, and a minimum separation of four (4) feet (six (6) feet on centers) shall be maintained between adjacent disposal trenches;
 - (d) The system shall be designed to alternate between the disposal fields with the use of a diversion valve or other method approved by the Environmental Health Officer.

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6.130 CONVENTIONAL SAND FILTER SYSTEMS

- (1) Criteria for Approval. A conventional sand filter, which meets the requirements of this code may be approved for a construction-installation permit, provided that wastewater strength does not exceed that of residential strength wastewater and the system is to serve a single family dwelling. All others shall be constructed pursuant to a WPCF Permit.
- (2) Inspection and Maintenance Requirements.
 - (a) Each sand filter system installed under this code, and those filters installed under this section may be inspected by the Environmental Health Officer periodically . The Environmental Health Officer may charge an inspection fee each year the sand filter is inspected. The Environmental Health Officer may also periodically inspect sand filter systems previously installed under the permits and standards of the State of Oregon or Indian Health Service.
 - (b) Any permit issued by the Environmental Health Officer shall include requirements for periodic inspection and maintenance. Reports of this maintenance may be required to be submitted to the Environmental Health Officer.
- (3) Sites Approved for Sand Filter Systems. Sand filters may be permitted on any site meeting requirements for standard subsurface sewage disposal systems contained under section 6.095, or where standard or pressurized disposal trenches would be used, or where selected by the Environmental Health Officer, and all the following minimum site conditions can be met:

NOTE: Groundwater levels shall be predicted using standards in section 6.025 (29).

- (a) The highest level attained by temporary water would be:
 - (A) Twelve (12) inches or more below ground surface where gravity equal distribution trenches are used. Pressurized distribution trenches may be used to achieve equal distribution on slopes up to twelve (12) percent; or
 - (B) Twelve (12) inches or more below ground surface on sites requiring serial distribution where disposal trenches are covered by a capping fill, provided: trenches are excavated twelve (12) inches into the original soil profile, slopes are twelve (12) percent or less, and the capping fill is constructed according to provisions under section 6.105 (2) and 6.105 (3)(a) through (c); or
 - (C) Eighteen (18) inches or more below ground surface on sites requiring serial distribution where standard serial distribution trenches are used.
- (b) The highest level attained by a permanent water table would be equal to or more than distances specified as follows, based on soil groups:

Minimum Separation Distance from Bottom Effective Seepage Area

- (A) Gravel, sand, loamy sand, sandy loam 24 inches;
- (B) Loam, silt loam, sandy clay loam, clay loam 18 inches;
- (C) Silty clay loam, silty clay, clay, sandy clay 12 inches.

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NOTE: Shallow disposal trenches (placed not less than twelve (12) inches into the original soil profile) may be used with a capping fill to achieve separation distances from permanent groundwater. The fill shall be placed in accordance to the provisions of section 6.105 (2) and section 6.105 (3)(a) through (c).

- (c) Sand filters installed in soils as defined in section 6.010 (135), in areas with permanent water tables shall not discharge more than four hundred fifty (450) gallons of effluent per one-half (1/2) acre per day except where a detailed hydrogeological study discloses loading rates exceeding four hundred fifty (450) gallons per one-half (1/2) acre per day would not increase nitrate-nitrogen concentration in the groundwater beneath the site, or any down gradient location, above five (5) milligrams per liter.
 - (d) Soils, fractured bedrock or saprolite diggable with a backhoe occur such that a standard twenty-four (24) inch deep trench can be installed and, in the judgment of the Environmental Health Officer, the soils, fractured bedrock, or saprolite is permeable to the extent that effluent will absorb adequately so as not to hinder the performance of the filter or disposal field. The Environmental Health Officer may require that an absorption test be conducted to determine the permeability of the bedrock or saprolite. Test methods must be acceptable to the Environmental Health Office.
 - (e) Where slope is thirty (30) percent or less, except as specified in subsection (f) of this section;
 - (f) A sand filter may be installed on land slopes up to 45 percent where:
 - (A) The installation is for a single family dwelling and is sized in accordance with sand filter disposal area criteria;
 - (B) The soil is diggable with a backhoe to a depth of at least 36" (12" below the bottom of the trench); and
 - (C) The temporary water table is at least 30" below the ground surface (6" below the bottom of the trench).
 - (g) Setbacks in Table 1 can be met, except the minimum separation distance between the sewage disposal area and surface public waters shall be no less than one hundred (100) feet.
- (4) The minimum length of standard disposal trench per one hundred fifty (150) gallons projected daily sewage flow required for a sand filter absorption facility is indicated in the following table:

Soil Groups	
Gravel, sand, loamy sand, sandy loam.....	35;
Loam, silt loam, sandy clay loam, clay loam.....	45;
Silty clay loam, silty clay, sandy clay, clay	50;
Permeable saprolite or fractured bedrock.....	50;
High shrink-swell clays (Vertisols).....	75.

NOTES:

- 1- Disposal trenches in Vertisols shall contain twenty-four (24) inches of drain media and twenty-four (24) inches of soil backfill.

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- 2- On lots created prior to February 6, 1974, that have insufficient suitable area within which to install an absorption facility sized in accordance with this table, seepage trenches may be used at the Environmental Health Officer's discretion, providing: the design criteria and limitations contained in section 6.120 (2) are met; the soil is not a high shrink-swell clay; and all other provisions of this code are met except that a temporary water table shall be thirty (30) inches or more below the ground surface.
 - 3- Seepage trenches in Vertisols are limited to areas with an annual rainfall of 25 inches or less, with minimum slopes of 5 percent, and a temporary water table which is at least 48 inches below the ground surface.
- (5) Sand Filter Without a Bottom. Sites with saprolite, fractured bedrock, gravel or soil textures of sand, loamy sand, or sandy loam in a continuous section at least two (2) feet thick in contact with and below the bottom of the sand filter, that meet all other requirements of sub-section (3) of this section may, utilize either a conventional sand filter without a bottom or a sand filter in a trench that discharges biologically treated effluent directly into those materials. The application rate shall be based on the design sewage flow in section 6.135 (1) and the basal area of the sand in either type of sand filter. A minimum twenty-four (24) inch separation shall be maintained between a water table and the bottom of the sand filter. The water table shall be no less than 24 inches below the ground surface at any time of the year. In the judgment of the Environmental Health Officer, the saprolite, fractured bedrock, gravel or soil, shall be permeable over the basal area to the extent that effluent will absorb adequately so as not to hinder the performance of the filter. The Environmental Health Officer may require that an absorption test be conducted to determine the permeability of the basal area. Test methods must be acceptable to the Environmental Health Office.
- (6) Materials and Construction:
- (a) All materials used in sand filter system construction shall be structurally sound, durable and capable of withstanding normal installation and operation stresses. Component parts subject to malfunction or excessive wear shall be readily accessible for repair and replacement;
 - (b) All filter containers shall be placed over a stable level base;
 - (c) In a gravity operated distribution system, a vertical separation between the invert of the underdrain piping outlet and the top of the drain media in the uppermost disposal trench shall be maintained that will not allow effluent to back up into the sand filter base before surfacing over the uppermost disposal trench;
 - (d) Piping and fittings for the sand filter distribution system shall be as required under pressure distribution systems, section 6.115;
 - (e) The specific requirements for septic tanks, dosing tanks, etc. are found in section 6.095;
 - (f) The requirements in section 6.135 shall be met;
 - (g) A bottomless sand filter unit does not require a minimum 10 foot separation between the original and replacement unit.
- (7) "Graveless Absorption Method"
- (a) Following a sand filter, disposal trenches may be constructed without the use of drain media, to the following minimum criteria:

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- (A) Twelve (12) inches wide by ten (10) inches deep incorporating pressurized distribution and a chamber constructed of half sections of twelve (12) inch diameter plastic irrigation pipes (PIP);
 - (B) Trenches shall be level end to end and across their width;
 - (C) At the discretion of the Environmental Health Officer, trenches may be installed on minimum three (3) foot centers maintaining at least two (2) feet of undisturbed earth between parallel trench sidewalls;
 - (D) Piping shall be minimum one inch diameter PVC meeting all the requirements of this Code;
 - (E) Distribution piping shall be perforated with one-eighth inch diameter orifices on maximum two foot centers at the twelve o'clock position. The hydraulic design shall provide at least two feet residual head at the distal orifice; and
 - (F) The chambers shall have an adequate footing to support the soil cover and all normal activity, and at a minimum shall be constructed of twelve inch PIP rated at 43 pounds per square inch meeting the appendix standards of ASTM D-2241. Each line shall be equipped with a minimum six inch diameter inspection port.
- (b) Except as noted in section 6.130 (7)(a) of this section, all other construction and siting criteria including but not limited to the disposal field sizing for sand filter systems in section 6.130 (4), and area to accommodate the installation of an initial and replacement absorption facility meeting standard trench separations in section 6.095 (7)(a)(D), shall apply. Plans verifying that a system could be installed on the parcel that will meet the requirements in section 6.130 (4) and section 6.095 (7)(a)(D) and all other applicable rules, are required before approval of this method.
 - (c) This disposal field option may be used wherever a standard or alternative type disposal trench is authorized by this chapter for sand filter systems, except for Vertisols.

6.135 CONVENTIONAL SAND FILTER DESIGN AND CONSTRUCTION

(1) Sewage Flows:

- (a) Design sewage flows for a system proposed to serve a commercial facility shall be limited to twenty-five hundred (2,500) gallons or less, with a wastewater strength not to exceed that defined for residential waste strength, unless otherwise authorized in writing by the Environmental Health Officer;
- (b) Design sewage flows for a system proposed to serve a single family dwelling shall be in accordance with the provisions of section 6.095 (2)(a).

(2) Minimum Filter Area:

- (a) A sand filter proposed to serve a single family dwelling shall have an effective medium sand surface area of not less than three hundred sixty (360) square feet. If the design sewage flow exceeds four-hundred fifty (450) gallons per day, the medium sand surface area shall be determined with the following equation:

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Area = (projected daily sewage flow) divided by (1.25) gallons per square foot;

- (b) A sand filter proposed to serve a commercial facility shall be sized on the basis of projected peak daily sewage flow. If the waste strength is projected to be greater than residential strength wastewater, as defined in this chapter, a pre-treatment device shall be required which will reduce the BOD₅, TSS, and oil and grease to no more than 300, 150, and 25 mg/l, respectively, and to eliminate any other contaminants prior to treatment in the sand filter system.
- (3) Design Criteria:
- (a) The interior base of the filter container shall be level or constructed at a grade of one (1) percent or less to the underdrain piping elevation;
 - (b) Except for sand filters without a bottom, underdrain piping shall be installed in the interior of the filter container at the lowest elevation. The piping shall be level or on a grade of one (1) percent or less to the point of passage through the filter container;
 - (c) The underdrain piping and bottom of the filter container shall be covered with a minimum of six (6) inches of drain media or underdrain media. Where underdrain media is used, the underdrain piping shall be enveloped in an amount and depth of drain media to prevent migration of the underdrain media to the pipe perforations;
 - (d) Where drain media is used at the base of the filter, it shall be covered by a layer of filter fabric meeting the specifications found in section 6.425. Where underdrain media is used, filter fabric is not required or prescribed;
 - (e) A minimum of twenty-four (24) inches of approved sand filter media shall be installed over the filter fabric or underdrain media. Where medium sand is used, the sand shall be damp at the time of installation. The top surface of the media shall be level. Unless waived by the Environmental Health Officer, the sand filter media proposed for each sand filter, shall be sieve tested to determine conformance with the criteria outlined in this chapter. The sieve analysis shall be done in accordance with ASTM C-136, Standard Methods for Sieve Analysis of Fine and Coarse Aggregate, and in conjunction and accordance with ASTM C-117, Standard Test Method for Materials Finer than No. 200 Sieve in Mineral Aggregates by Washing. A sieve analysis by a qualified party shall be conducted and report issued prior to each sand filter installation;
 - (f) There shall be a minimum of three (3) inches of clean drain media below the distribution laterals, and sufficient media above the laterals equal to or covering the orifice shields to provide a smooth even cover. Underdrain media may be used in lieu of drain media;
 - (g) Within the zone described in subsection (f) of this section, a pressurized distribution system, meeting the requirements of section 6.115 (4) and (5), shall be constructed, with the following requirements:
 - (A) Distribution laterals shall be spaced on maximum thirty (30) inch centers. Orifices shall be placed such that there is one orifice for each six (6) square feet of sand surface area;
 - (B) The distribution laterals shall have not less than three (3) inches of drain or underdrain media below the piping;
 - (C) The ends of the distribution laterals shall be designed and constructed with

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a means to perform flushing of the piping, collectively or individually, through the operation of a non-corrosive and accessible valve. The flushed effluent may be discharged to the septic tank or into the sand filter;

- (D) The diameters of the distribution manifold and laterals shall not be less than one half (1/2) inch diameter;
 - (E) A sand filter shall be dosed at a rate not to exceed ten (10) percent of the projected daily sewage flow.
 - (h) The top of the media in which the pressure distribution system is installed shall be covered with filter fabric meeting the specifications found in section 6.425;
 - (i) The top of the sand filter area shall be backfilled with a soil cover, free of rock, vegetation, wood waste, etc. The soil cover shall have a textural class no finer than loam, unless otherwise authorized by the Environmental Health Officer. The soil cover shall have a minimum depth of six (6) inches and a maximum depth of twelve (12) inches;
 - (j) The passage of all piping through the sand filter container shall be done in a watertight manner.
- (4) Container Design and Construction:
- (a) A reinforced concrete container consisting of watertight walls and floors shall be used where water tightness is necessary to prevent groundwater from infiltrating into the filter or to prevent the effluent from exfiltrating from the filter, except as provided in this chapter. The container structure may require a building permit for construction;
 - (b) Container may be constructed of materials other than concrete where equivalent function, workmanship, water-tightness and at least a twenty (20) year service life can be documented:
 - (A) Flexible membrane liner (FML) materials must have properties that are at least equivalent to thirty (30) mil un reinforced polyvinyl chloride (PVC) described in section 6.475. To be approved for installation, FML materials must:
 - (i) Have field repair instructions and materials which are provided to the purchaser with the liner; and
 - (ii) Have factory fabricated “boots” suitable for field bonding onto the liner to facilitate the passage of piping through the liner in a waterproof manner.
 - (B) Where accepted for use, flexible sheet membrane liners shall be installed as required in section 6.475.
- (5) Internal Pump Option: Where the effluent from a sand filter is to be discharged by means of a pump to another treatment unit, a distribution unit, or to an absorption facility, the design and construction of the filter may include provisions for an internal pump station, providing the following conditions are met:
- (a) The location, design, and construction of the pump station does not conflict with rules for design, construction and operation of a sand filter system;

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- (b) The design and construction of the pump, discharge plumbing, controls, and alarm shall meet the requirements of section 6.440, except section 6.440(4)(d) and (4)(h);
- (c) The pump and related apparatus shall be housed in a corrosion resistant vault designed to withstand the stresses placed upon it and not allow the migration of drain media, sand, or underdrain media to its interior. The vault shall have a durable, affixed floor. The vault shall provide watertight access to finished grade with a diameter equal to that of the vault and designed to receive treated effluent from an elevation equal to that of a gravity discharging sand filter;
- (d) The depth of underdrain media and the operating level of the pump cycle and alarm shall not allow effluent to come within two inches of the bottom of the sand filter media. The pump off level shall be no lower than the invert of the perforations of the underdrain piping;
- (e) The internal sand filter pump shall be electrically linked to the sand filter dosing apparatus in such a manner as to prevent effluent from entering the sand filter in event the internal sand filter pump fails.

6.140 OTHER SAND FILTER DESIGNS

- (1) Other sand filters that vary in design from the conventional sand filter may be authorized by the Environmental Health Officer if they can be demonstrated to produce comparable effluent quality.
- (2) Sand filters authorized under this Section, which serve a single family dwelling with residential strength wastewater, may be approved for a construction/ installation permit. All other sand filters shall be constructed and operated under a renewable WPCF permit issued pursuant to section 6.150.
- (3) Pre-Application Submittal. Prior to applying for a construction permit for an exception to the conventional sand filter the Environmental Health Officer must approve the design. To receive approval the applicant shall submit the following required information to the Environmental Health Office:
 - (a) Effluent quality data. Filter effluent quality samples shall be collected and analyzed by a testing agency acceptable to the Environmental Health Office using procedures identified in the latest edition of "Standard Methods for the Examination of Wastewater," published by the American Public Health Association, Inc. The duration of filter effluent testing shall be sufficient to ensure results are reliable and applicable to anticipated field operating conditions. The length of the evaluation period and number of data points shall be specified in the test report. The following parameters shall be addressed:
 - (A) BOD5;
 - (B) TSS;
 - (C) Fecal coliform;
 - (D) Nitrogen (Ammonia, Nitrate and Total Kjeldahl Nitrogen).
 - (b) A description of unique technical features and process advantages;
 - (c) Design criteria, loading rates, etc;

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- (d) Filter media characteristics;
 - (e) A description of operation and maintenance details and requirements;
 - (f) Any additional information specifically requested by the Environmental Health Office.
- (4) Construction Procedure. Following pre-application approval, a permit application shall be submitted in the usual manner. Applications shall include applicable drawings, details and written specifications to fully describe proposed construction and allow system construction by contractors. Included must be the specific site details peculiar to that application, including soils data, groundwater type and depth, slope, setbacks, existing structures, wells, roads, streams, etc. Applications shall include a manual for homeowner operation and maintenance of the system.

6.145 RECIRCULATING GRAVEL FILTER (RGF)

- (1) WPCF Permit Required. A WPCF wastewater disposal permit is required for all recirculating gravel filters. The permit will establish the effluent limitations to be achieved. No construction shall take place until the permit has been issued and final construction plans have been approved by the Environmental Health Officer. Conceptual (preliminary) plans shall accompany all applications.
- (2) Plan Approval Required. Facility construction plans shall be submitted to the Department for review. Review of plans shall follow section 6.600 through section 6.640.
- (3) Technical Requirements and Guidelines. The following sections describe minimum technical requirements and guidelines for design. Use of “shall” denotes a requirement. Use of “should” implies a guideline to be followed unless sufficient justification is provided to the contrary as determined by the Environmental Health Officer. The Environmental Health Office will consider variations in design established in this section on a case-by-case basis. Plans that vary in design shall include evidence that the proposed system will meet the limitations established in the permit, and that the facility can be reliably operated and maintained. The burden of proof of compliance is upon the applicant.
 - (a) Filter Design and Dosing:
 - (A) Filter area shall be sized based on a maximum organic load. The area shall mean basal or bottom area. For residential strength wastewater that has been pre-treated through a septic tank, the maximum hydraulic load shall be 5 gal/ft²/day.
 - (B) For BOD₅ waste strengths stronger than residential strength wastewater but not exceeding 400 mg/l (milligrams per liter), the filter size shall be increased proportionately.
 - (C) Higher strength wastewaters shall be pre-treated or will require special consideration. The concentration of greases and oil applied shall in no case exceed 30 mg/l.
 - (b) Filter Media:
 - (A) Where carbonaceous BOD₅ removal must be at least 85 percent, based upon the raw sewage concentration applied to the septic tank and nitrification of wastewater is necessary, a filter media of the following fine

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gravel shall be required: 3 feet of very fine washed gravel, 100 percent passing a 3/8" sieve with an Effective Size between 3 and 5 millimeters, and an Uniformity Coefficient of 2 or less. Washed shall mean that negligible fines (less than 1.0%) pass the No. 10 sieve;

- (B) Where additional removal of BOD5 and denitrification is intended or required, a treatment media of the following coarse sand may be approved: 2 feet of very coarse washed sand, 100 percent passing a 3/8" sieve with an Effective Size between 1.5 and 2.5 millimeters, and an Uniformity Coefficient of 2 or less. Washed shall mean that negligible fines (less than 4.0%) pass the No. 100 sieve;
 - (C) Sieves used in gradation analysis shall include 3/8 inch, 1/4 inch, and Nos. 4, 6, 8, 10, 50 and 100;
 - (D) For each project, and prior to shipment of any media to the project site, the permittee shall take fresh samples of the intended media. The permittee shall have a laboratory gradation analysis performed, and the gradation data plotted on semi-log paper as a gradation curve. Lab data, gradation curve, and a 5 pound sample of the media shall be submitted to the Environmental Health Office for approval. Only Environmental Health Office approved media shall be used;
 - (E) A quality assurance plan shall be proposed by the designer to guarantee only approved media is placed. This plan shall be included in the project specifications;
 - (F) The Environmental Health Office may approve minor deviations in media gradations on a project-by-project basis.
- (c) Filter media shall be overlain by a three (3) inch bed of 1/2" to 3/4" washed gravel. It shall be only lightly covering the distribution piping. Unless otherwise authorized, each orifice shall be covered by an orifice shield. Orifice shields shall prevent aerial spray drift;
 - (d) Filter dosing shall be with a low pressure distribution piping system operating under adequate head to pressurize the system. This should usually be 5 feet of head. Each lateral pipe end shall terminate with a screwed plug or cap, accessible for removal and flushing. Wherever practical a valved backflush system shall be installed to flush groups of laterals back to a septic tank or elsewhere;
 - (e) Pressure distribution piping should be spaced 2 feet on center in a parallel grid. Orifice spacing should be every 2 feet on laterals. Piping grid edges should be within one foot of the filter basal edge;
 - (f) Filter media shall be underlain by an 6 inch bed of a 3/8 to 3/4 inch washed gravel underdrain media. There shall be no filter fabric over the underdrain media;
 - (g) Perforated collection pipes shall be bedded in the underdrain media. Pipes shall be four (4) inch minimum diameter with no filter fabric wrap. There should be at least fifteen (15) lineal feet of collection pipe for each 225 square feet of filter basal area;
 - (h) The filter container shall be watertight to suit the design conditions. Underflow shall be contained. Groundwater shall be excluded. A concrete container may be used. Other materials may be used where equivalent function, workmanship, watertightness and at least a twenty (20) year service life can be expected.

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- (4) Recirculation/Dilution Tank:
- (a) A recirculation tank receives septic tank effluent and underflow from the filter. A pumping system at this tank delivers flow to the filter dose piping network according to a project design. The recirculation tank volume (measured from tank floor to soffit) shall be numerically equal to the projected daily sewage flow volume;
 - (b) The recirculation ratio at design flow shall be not less than four (4). Recirculation ratio is the daily volume of recycle divided by design daily volume of the wastewater. A fabricated “T” or “Splitter T” float valve located in the recirculation tank should be used whenever possible. Minimum recirculation tank liquid volume should be no less than 80 percent of the gross tank volume when a float valve is used. Alternatively, a splitter basin using orifice or weir control may be used where required and reasonable to divide underflow 20 percent to disposal and 80 percent to recycle on a daily basis. Orifice control should be used wherever possible. Minimum recirculation tank liquid volume should be no less than 50 percent of the gross tank volume when a splitter basin is used;
 - (c) An evaluation and design for overflow and surge control at the recirculation tank shall be included in each design;
 - (d) A high water alarm shall be included in the recirculation tank immediately below the overflow level. A latching electrical relay shall retain the alarm, audible and/or visual, until acknowledged by a site attendant;
 - (e) Parallel pump start/stop electric controls (usually floats) should be installed to correct any unforeseen high liquid level event and keep sewage contained. This pump start function merely precludes overflow and shall operate in parallel with the start/stop function of a timer. It shall not interfere with or depend upon a timer position;
 - (f) All areas of the filter should be wetted 48 times a day, or each 30 minutes, to achieve the recirculation ratio of at least four (4);
 - (g) The recirculation tank shall be demonstrated as watertight. Testing should be witnessed by the designer. Test protocol shall be included in the plans;
 - (h) Access onto the filter shall be restricted. This should be a fence. Surface water entry onto the filter shall be positively prevented by design and construction;
 - (i) Access openings to the recirculation tank shall be provided at each end. Larger tanks should have additional openings. The least dimension of any access opening shall be 18 inches. Larger openings shall be provided if partially obstructed with piping, etc. Provision shall be made to remove dregs (settleable solids). Pumps shall be readily removable and replaceable without demolition of piping, etc.
- (5) Operation and Maintenance (O&M) Manual. The permittee shall submit a draft Operation and Maintenance manual before the facility commences operation. The facility designer should do the actual preparation of the manual. This manual shall incorporate as-constructed details, and be completed in final form for the owner’s use following final inspection of the completed facility. It shall include a statement of Inspection and Certification of Proper Construction. The designer shall affirm that the facility is operating as intended based upon actual field inspection at end of construction and start of operations. If there are any negative findings, these shall be reported and correction proposed by the permittee.

6.150 SAND FILTER SYSTEM OPERATION AND MAINTENANCE

- (1) Sand filters serving a single family dwelling with wastewater not exceeding “Residential Waste Strength” shall be subject to the following provisions:
 - (a) Sand filter operation and maintenance tasks and requirements shall be as specified on the Certificate of Satisfactory Completion. Where a conventional sand filter system or other sand filter system with comparable operation and maintenance requirements is used, the system owner shall be responsible for the continuous operation and maintenance of the system;
 - (b) The owner of a sand filter system shall inspect the septic tank and other components of the system at least every three years for sludge accumulation, pump calibration and cleaning of the laterals. The septic tank shall be pumped when there is an accumulation of floating scum less than three (3) inches above the bottom of the outlet tee or an accumulation of sludge less than six (6) inches below the bottom of the outlet tee. A dosing septic tank shall be pumped according to manufacturer’s specifications. The owner shall provide the Environmental Health Officer certification of tank pumping within two (2) months of the date required for pumping. Pump calibration, cleaning of the laterals and other maintenance shall be completed as necessary;
 - (c) No permit shall be issued for the installation of any other sand filter which in the judgment of the Environmental Health Officer would require operation and maintenance significantly greater than the conventional sand filter unless arrangements for system operation and maintenance, meeting the approval of the Environmental Health Officer, have been made which will ensure adequate operation and maintenance for the life of the system. Each permitted installation may be inspected by the Environmental Health Officer at least every twelve (12) months and checked for necessary corrective maintenance. The Environmental Health Officer may waive the annual system evaluation fee during years when the field evaluation work is not performed;
- (2) Operation and maintenance requirements for sand filters serving Commercial facilities shall be specified in a WPCF permit issued pursuant to section 6.045 of this code.
- (3) Operation and Maintenance Standards for all sand filters. The owner/purchaser of a sand filter system shall assume the continuous responsibility to preserve the installation as near as practical in its “as built” state. This responsibility includes the control of erosion of any “mound,” the control and removal of large perennial plants, the fencing out of livestock and the control of burrowing animals.

6.155 STEEP SLOPE SYSTEMS

- (1) General conditions for approval. An on-site system construction permit may be issued by the Environmental Health Officer for a steep slope system to serve a single-family dwelling on slopes in excess of thirty (30) percent provided all the following requirements can be met:
 - (a) Slope does not exceed forty-five (45) percent.
 - (b) The soil is well drained with no evidence of saturation.
 - (c) The soil has a minimum effective soil depth of sixty (60) inches.
- (2) Construction Requirements:

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- (a) Seepage trenches shall be installed at a minimum depth of thirty (30) inches and at a maximum depth of thirty-six (36) inches below the natural soil surface on the downhill side of the trench, and contain a minimum of eighteen (18) inches of filter material and twelve (12) inches of native soil backfill.
- (b) The system shall be sized at a minimum of seventy-five (75) linear feet per one hundred fifty (150) gallons projected daily sewage flow.

6.160 TILE DEWATERING SYSTEM

- (1) General conditions for approval. On-site system construction permits may be issued by the Environmental Health Officer for tile dewatering systems provided the following requirements can be met:

- (a) The site has a natural outlet that will allow a field tile installed on a proper grade around the proposed absorption facility to daylight (become exposed at the ground surface for the drainage of water) above annual high water
- (b) Soils must be silty clay loam or coarser textured and be drainable, with a minimum effective soil depth of at least thirty (30) inches in soils with temporary groundwater, and at least seventy-two (72) inches in soils with permanent groundwater;
- (c) Slope does not exceed three (3) percent;
- (d) All other requirements for the system, except depth to groundwater, can be met. However, after the field collection drainage tile is installed, the groundwater levels shall conform to the requirements of sections 6.095 (1) or 6.130 (3).

- (2) Construction Requirements:

- (a) Field collection drainage tile shall be installed on a uniform grade of two-tenths to four-tenths (0.2-0.4) feet of fall per one hundred (100) feet, and either:
 - (A) A minimum of thirty-six (36) inches deep in soils with temporary groundwater; or
 - (B) A minimum of sixty-six (66) inches deep in soils with permanent groundwater.
- (b) Maximum drainage tile spacing shall be seventy (70) feet center to center;
- (c) Minimum horizontal separation distance between the drainage tile and absorption facility shall be twenty (20) feet;
- (d) Field collection drainage tile shall be rigid smooth wall perforated pipe, or other approved pipe material accepted by the Environmental Health Officer, with a minimum diameter of four (4) inches;
- (e) Field collection drainage tile shall be enveloped in clean filter material to within thirty (30) inches of the soil surface in soils with permanent groundwater, or to within twelve (12) inches of the soil surface in soils with temporary groundwater. Drain media shall be covered with filter fabric, treated building paper or other non-degradable material approved by the Environmental Health Officer;
- (f) Outlet tile shall be rigid smooth wall solid PVC pipe, meeting or exceeding

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ASTM Standard D-3034, with a minimum diameter of four (4) inches. A flap gate or rodent guard may be required by the Environmental Health Officer;

- (g) A silt trap with a twelve (12) inch minimum diameter shall be installed between the field collection drainage tile and the outlet pipe unless otherwise authorized by the Environmental Health Office. The bottom of the silt trap shall be a minimum twelve (12) inches below the invert of the drainage pipe outlet;
- (h) The discharge pipe and tile drainage system are integral parts of the system, but do not need to meet setback requirements to property lines, wells, streams, lakes, ponds or other surface waterbodies;
- (i) The Environmental Health Officer has the discretion of requiring demonstration that a proposed tile dewatering site can be drained prior to issuing a Construction-Installation permit;
- (j) The absorption facility shall use equal or pressurized distribution.

6.165 SPLIT WASTE METHOD

Criteria for Approval. In a split waste method, wastes may be disposed of as follows:

- (1) Black wastes may be disposed of by the use of Tribal Building Codes approved nonwater-carried plumbing units such as recirculating oil flush toilets or compost toilets.
- (2) Gray water may be disposed of by discharge to:
 - (a) An existing on-site system which is not failing; or
 - (b) A new on-site system with a soil absorption facility two-thirds (2/3) normal size. A full size initial disposal area and replacement disposal area of equal size are required; or
 - (c) A public sewerage system.

6.170 GRAY WATER WASTE DISPOSAL SUMPS

- (1) Criteria for Approval:
 - (a) Hand-carried gray water may be disposed of in gray water waste disposal sumps which serve facilities including but not limited to recreation parks, camp sites, or construction sites where the projected daily gray water flow does not exceed ten (10) gallons per unit. Gray water or other sewage shall not be piped to the gray water waste disposal sump. Where projected daily sewage flow exceeds ten (10) gallons per unit, gray water shall be disposed of in facilities meeting requirements of section 6.165 (2);
 - (b) Gray water sumps may be used only where soil conditions are approved for such use by the Environmental Health Officer;
 - (c) Up to four (4) gray water waste disposal sumps may be constructed on the same property and at the same time for each construction-installation permit issued.
- (2) In campgrounds or other public use areas, gray water waste disposal sumps shall be identified as "sink waste disposal" by placard or sign in letters not less than three (3) inches in height and in a color contrasting with the background.

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6.175 NONWATER-CARRIED FACILITIES

- (1) No person shall cause or allow the installation or use of a non-water-carried waste disposal facility without prior written approval from the Environmental Health Officer.

EXCEPTIONS: A Sewage Disposal Service business licensed pursuant to section 6.230 may install portable toilets without written approval of the Environmental Health Officer, providing all other requirements of this code except Table 8 setbacks are met.

- (2) Non-water carried waste disposal facilities may be approved for temporary or limited use areas, including but not limited to recreation parks, camp sites, farm labor camps, or construction sites, provided all liquid wastes can be handled in a manner to prevent a public health hazard and to protect public waters, provided further that the separation distances in Table 8 can be met.

EXCEPTION: The use of portable toilets shall not be allowed for seasonal dwellings.

- (3) Construction. Nonwater-carried waste disposal facilities shall be constructed in accordance with requirements contained in section 6.455 through 6.465.
- (4) Maintenance. Nonwater-carried waste disposal facilities shall be maintained to prevent health hazards and pollution of public waters.
- (5) General. No water-carried sewage shall be placed in nonwater-carried waste disposal facilities. Contents of nonwater-carried waste disposal facilities shall not be discharged into storm sewers, on the surface of the ground or into public waters.
- (6) Pit Privy:
 - (a) Unsealed earth pit type privies may be approved where the highest level attained by groundwater shall not be closer than four (4) feet to the bottom of the privy pit;
 - (b) The privy shall be constructed to prevent surface water from running into the pit;
 - (c) When the pit becomes filled to within sixteen (16) inches of the ground surface, a new pit shall be excavated and the old pit shall be backfilled with at least two (2) feet of earth.
- (7) No person shall cause or allow the installation or use of a portable toilet unless the pumping or cleaning of the portable toilet is covered by a valid and effective contract with a person licensed pursuant to Section 6.230. Each portable toilet shall display the business name of the sewage disposal service that is responsible for servicing it.

6.180 CESSPOOLS AND SEEPAGE PITS

- (1) Construction of new cesspool sewage disposal systems in is prohibited.
- (2) Seepage pit sewage disposal systems may be used only to serve existing sewage loads and replace existing failing seepage pit and cesspool systems on lots that are inadequate in size to accommodate a standard system or other alternative on-site sewage systems. A construction-installation permit allowing replacement of the failing system shall not be issued if a sewerage system is both legally and physically available, as described in section 6.040 (5)(f).
- (3) Construction Requirements:

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- (a) Each seepage pit shall be installed in a location to facilitate future connection to a sewerage system when such facilities become available;
 - (b) Maximum depth of seepage pits shall be thirty-five (35) feet below ground surface;
 - (c) The seepage pit depth shall terminate at least four (4) feet above the water table.
- (4) Notwithstanding the permit duration specified in section 6.040 (9), a permit issued pursuant to this Section may be effective for a period of less than one (1) year from the date of issue if specified by the Environmental Health Officer.

6.185 HOLDING TANKS

- (1) Criteria for Approval. A holding tank requires a WPCF Permit. A WPCF permit for a holding tank may be authorized by the Environmental Health Officer for holding tanks on sites that meet all the following conditions:

(a) Permanent Use:

- (A) The site cannot be approved for installation of a standard subsurface system; and
- (B) No community or area-wide sewerage system is available or expected to be available within five (5) years; and
- (C) The tank is intended to serve a small industrial or commercial building, or an occasional use facility such as a county fair or a rodeo; and
- (D) Unless otherwise allowed by the Environmental Health Officer, the projected daily sewage flow is not more than two hundred (200) gallons; and
- (E) Setbacks as required for septic tanks can be met.

(b) Temporary Use:

- (A) In an area under the control of a city or other legal entity authorized to construct, operate, and maintain a community or area-wide sewerage system, a holding tank may be installed provided the application for permit includes a copy of a legal commitment from the legal entity that within five (5) years from the date of the application the legal entity will extend to the property covered by the application a community or area-wide sewerage system meeting the requirements of the Environmental Health Office, and provided further that the proposed holding tank will otherwise comply with the requirements of this chapter; or
- (B) The tank is to serve a temporary construction site.

(2) General:

- (a) No building may be served by more than one (1) holding tank;
- (b) A single allotment or tax lot may be served by no more than one (1) holding tank unless the holding tanks are under control of the Confederated Tribes of the

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- (3) Design and Construction Requirements:
- (a) Plans and specifications for each holding tank proposed to be installed shall be submitted to the Environmental Health Officer for review and approval;
 - (b) Each tank shall have a minimum liquid capacity of fifteen hundred (1,500) gallons;
 - (c) Each tank shall:
 - (A) Comply with standards for septic tanks contained in section 6.400;
 - (B) Be located and designed to facilitate removal of contents by pumping;
 - (C) Be equipped with both an audible and visual alarm, placed in a location acceptable to the Environmental Health Officer, to indicate when the tank is seventy-five (75) percent full. The audible alarm only may be user cancelable;
 - (D) Have no overflow vent at an elevation lower than the overflow level of the lowest fixture served;
 - (E) Be designed for antibuoyancy if test hole examination or other observations indicate seasonally high groundwater may float the tank when empty.
- (4) Special Requirements. The application for permit shall contain:
- (a) A copy of a contract with a licensed sewage disposal service company which shows the tank will be pumped periodically, at regular intervals or as needed, and the contents disposed of in a manner and at a facility approved by the Environmental Health Office;
 - (b) Evidence that the owner or operator of the proposed disposal facility will accept the pumpings for treatment and disposal.
- (5) Inspection Requirements. Each holding tank may be inspected annually. An annual compliance determination fee in accordance with the fee schedule in Chapter 5 of this code shall be charged.

6.190 AEROBIC SYSTEMS

- (1) Criteria for Approval. Aerobic sewage treatment facilities may be approved for a construction-installation permit provided all the following criteria are met:
- (a) The facility to be served is a single family dwelling;
 - (b) Wastewater strength does not exceed the maximum limits for residential strength wastewater;
 - (c) The aerobic sewage treatment facility (plant) is part of an approved on-site sewage disposal system;
 - (d) The plant has been tested pursuant to the current version of the National

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Sanitation Foundation (NSF) Standard No. 40, relating to Individual Aerobic Wastewater Treatment Plants, and been found to conform with Class I or Class II and other requirements of the standard. In lieu of NSF testing, the Environmental Health Office may accept testing by another agency which it considers to be equivalent;

- (e) The property owner records in the BIA land records office for trust lands or county land title records for fee lands, on a form approved by the Environmental Health Office, an easement and a covenant in favor of the Confederated Tribes of the Umatilla Indian Reservation:
 - (A) Allowing its officers, Environmental Health Officers, employees and representatives to enter and inspect, including by excavation, the aerobic sewage treatment facility; and
 - (B) Acknowledging that proper operation and maintenance of the plant is essential to prevent failure of the entire on-site sewage disposal system; and
 - (C) Agreeing for himself and his heirs, successors and assigns, to hold harmless, indemnify and defend the Umatilla Indian Reservation, its officers, representatives, employees and agents for any and all loss and damage caused by installation or operation of the system; and
 - (D) Agreeing not to put the land to any conflicting use.
- (2) The plant shall:
 - (a) Have a visual and audible alarm, placed at a location acceptable to the Environmental Health Officer, which are activated upon an electrical or mechanical malfunction;
 - (b) Have a minimum rated hydraulic capacity equal to the daily sewage flow or five hundred (500) gallons per day, whichever is greater;
 - (c) Have aeration and settling compartments constructed of durable material not subject to excessive corrosion or decay;
 - (d) Have raw sewage screening or its equivalent;
 - (e) Have provisions to prevent surging of flow through the aeration and settling compartments;
 - (f) Have access to each compartment for inspection and maintenance;
 - (g) Have provisions for convenient removal of solids;
 - (h) Be designed to prevent:
 - (A) Short circuiting of flow;
 - (B) Deposition of sludge in the aeration compartment;
 - (D) Excessive accumulation of scum in the settling compartment;
 - (E) The passage of untreated sewage into the disposal field if the plant

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- (3) Disposal Field Sizing. Disposal fields serving systems employing aerobic sewage treatment facilities shall be sized according to Tables 4 and 5 of this Chapter. Where a NSF Class I plant is installed, the linear footage of disposal trench installed may be reduced by twenty (20) percent, provided a full sized standard system replacement area is available.
- (4) Operation and Maintenance:
 - (a) The supply of parts must be locally available for the expected life of the unit;
 - (b) The supplier of the plant shall be responsible for providing operation training to the owner;
 - (c) The supplier of the plant shall provide the owner with an operation and maintenance (O & M) manual for the specific plant installed;
 - (d) The owner shall remove excess solids from the plant at least once per year, or more frequently if recommended by the O & M manual.
- (5) Inspection requirements. Each aerobic sewage treatment facility installed under this code shall be inspected by the Environmental Health Officer at least once per year in accordance with section 6.100 (2).
- (6) Aerobic systems that serve commercial facilities, or that do not meet the above requirements shall be permitted only by WPCF Permit. Operation and maintenance requirements shall be established in the permit.

6.195 DISPOSAL TRENCHES IN SAPROLITE

- (1) General Conditions for Approval. An on-site system construction-installation permit may be issued for a system to serve a single family dwelling on a site with soil shallow to saprolite provided requirements in either subsection (a) or (b) of this section can be met.
 - (a) Slope does not exceed thirty (30) percent:
 - (A) The saprolite is sufficiently weathered so that it can be textured, crushed, or broken with hand pressure to a depth of twenty-four (24) inches and can be dug from a test pit wall with a spade or other hand tool to a depth of forty-eight (48) inches; and
 - (B) Clay films or iron coatings with moist values of five (5) or less and moist chromas of four (4) or more or organic coatings with moist values of three (3) or less and moist chromas of two (2) or more occur on fracture surfaces of the saprolite to a depth of forty-eight (48) inches.
 - (b) Slope is in excess of thirty (30) percent but does not exceed forty-five (45) percent:

The saprolite is sufficiently weathered so that it can be textured, crushed, or broken with hand pressure to a depth of twenty-four (24) inches and can be dug from a test pit wall with a spade or other hand tool to a depth of sixty (60) inches; and

Clay films or iron coatings with moist values of five (5) or less and moist chromas of four (4) or more or organic coatings with moist values of three (3) or less and moist chromas

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of two (2) or more occur on fracture surfaces of the saprolite to a depth of sixty (60) inches.

(2) Construction Requirements.

- (a) Standard disposal trenches shall be installed where slope does not exceed thirty (30) percent:
 - (A) Standard disposal trenches shall be installed at a minimum depth of twenty-four (24) inches and a maximum depth of thirty (30) inches below the natural soil surface and contain twelve (12) inches of filter material and a minimum of twelve (12) inches of native soil backfill.
 - (B) Standard disposal trenches shall be sized at a minimum of one hundred (100) linear feet per one hundred fifty (150) gallons projected daily sewage flow.
- (b) Seepage trenches shall be installed where slope is in excess of thirty (30) percent but does not exceed forty-five (45) percent:
 - (A) Seepage trenches shall be installed at a minimum depth of thirty (30) inches and at a maximum depth of thirty-six (36) inches below the natural soil surface and contain a minimum of eighteen (18) inches of filter material and twelve (12) inches of native soil backfill.
 - (B) Seepage trenches shall be sized at a minimum of seventy-five (75) linear feet per one hundred fifty (150) gallons of projected daily sewage flow.

6.200 GEOGRAPHIC AREA SPECIAL CONSIDERATIONS

No geographic area special considerations have been identified at this time.

6.205 RURAL AREA CONSIDERATION

- (1) Departure from any standard contained in subsections 6.095 (1)(a) through (h) may be granted by the Environmental Health Officer in certain rural zones provided:
 - (a) The Tribes designate specific rural zoning classifications for purposes of this section; and
 - (b) The minimum parcel size considered under this section is ten (10) acres; and
 - (c) The parcel is an existing parcel that does not have an accessible area approvable for a standard on-site system; and
 - (d) The permit is for an on-site system designed to serve a single family dwelling, or for a commercial facility with an equivalent or less sewage flow permitted by the zone; and
 - (e) The on-site sewage disposal system will function in a satisfactory manner so as not to create a public health hazard, or cause pollution of public waters; and
 - (f) Requiring strict compliance with the standards contained in subsections 6.095 (1)(a) through (h), would in the judgment of the Environmental Health Officer, be unreasonable, burdensome, or impractical due to special physical conditions or cause.

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- (2) The Environmental Health Officer has the discretion to approve design and construction for either a standard or alternative system.

6.210 EXPERIMENTAL SYSTEMS

- (1) Policy: Alternative technologies to standard on-site sewage systems are needed in areas planned for rural or low density development. It is the policy of the Tribes to allow the Environmental Health Office to pursue a program of experimentation for the purpose of obtaining sufficient data for the development of alternative sewage disposal systems, which may benefit significant numbers of people within the Reservation.
- (2) Permit Required: Without first obtaining a permit from the Environmental Health Office, no person shall construct an experimental on-site sewage treatment and disposal system.
- (3) Application Procedures:
 - (a) Application for experimental systems shall be made on forms provided by the Environmental Health Office;
 - (b) The application shall be complete, signed by the owner and be accompanied by the required fee;
 - (c) The application shall include detailed system design specifications and plans and any additional information the Environmental Health Officer considers necessary;
 - (d) The owner shall agree, in writing, to hold the Umatilla Indian Reservation, its officers, employees, and Environmental Health Officers harmless of any and all loss and damage caused by defective installation or operation of the proposed system.
- (4) Criteria For Approval: Sites may be considered for experimental system permits where:
 - (a) Soils, climate, groundwater, or topographical conditions are common enough to benefit large numbers of people;
 - (b) A specific acceptable backup alternative is available in the event of system failure;
 - (c) For absorption systems, soils in both original and system replacement areas are similar;
 - (d) Installation of a particular system is necessary to provide sufficient data sampling base;
 - (e) Zoning, planning, and building requirements allow system installation;
 - (f) A single family dwelling will be served;
 - (g) The system will be used on a continuous basis during the life of the test project;
 - (h) Resources for monitoring, sample collection, and laboratory testing are available;
 - (i) Legal and physical access by easement for construction inspections and monitoring are available;
 - (j) The property owner records an Environmental Health Office approved affidavit which notifies prospective property purchasers of the existence of an experimental

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system;

- (k) The parcel size is at least one (1) acre.
- (5) Permit Conditions: The system installation permit shall:
 - (a) Specify method and manner of system installation, operation, and maintenance;
 - (b) Specify method, manner, and duration of system testing and monitoring;
 - (c) Identify when and where system is to be inspected;
 - (d) Require that permit not be transferable;
 - (e) Require system construction and use within one (1) year of permit issuance.
- (6) Denial Appeal: The decision of the Environmental Health Officer to either issue or deny a permit may be appealed to the Umatilla Tribal Court.
- (7) Inspection of Installed System:
 - (a) Upon completing construction for each inspection phase required under the permit, the permit holder shall notify the Environmental Health Office;
 - (b) The Department may inspect construction to determine whether it complies with permit conditions and requirements;
 - (c) After system installation is complete and complies with permit conditions, a Certificate of Satisfactory Completion shall be issued.
- (8) Repair or Replacement of System: If the Environmental Health Office finds the operation of the system is unsatisfactory, the owner, upon written notification, shall promptly repair or modify the system, replace it with another acceptable system, or as a last resort, abandon the system.
- (9) System Monitoring: The system shall be monitored by the permittee in accordance with a schedule contained in the permit. The Environmental Health Office may also monitor the operation of the system, including collection of samples for analysis.

6.215 MORATORIUM AREAS

- (1) The Environmental Health Officer shall identify areas where the construction of subsurface or alternate sewage disposal systems should be limited or prohibited and present the facts and recommendation in a staff report to the Natural Resources Commission.
 - (a) Whenever the Natural Resources Commission, through the Environmental Health Office, finds that construction of subsurface or alternative sewage disposal systems should be limited or prohibited in an area, it shall issue an order limiting or prohibiting such construction. The order shall be issued only after public hearing for which more than 30 days' notice is given. Notice must be in form reasonably calculated to notify interested persons in the affected area.
 - (b) The order shall be a regulation promulgated under this chapter and shall contain a general description of the moratorium area. A more detailed description of the area, if needed, may be an appendix to the regulation.

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- (2) Criteria For Establishing Moratoriums: In issuing an order under this section the Commission shall consider the following factors:
- (a) Present and projected density of population.
 - (b) Size of building lots.
 - (c) Topography.
 - (d) Porosity and absorbency of soil.
 - (e) Any geological formations which may adversely affect the disposal of sewage effluent by subsurface means.
 - (f) Ground and surface water conditions and variations therein from time to time.
 - (g) Climatic conditions.
 - (h) Present and projected availability of water from unpolluted sources.
 - (i) Type of and proximity to existing domestic water supply sources.
 - (j) Type of and proximity to existing surface waters.
 - (k) Capacity of existing subsurface sewage disposal systems.
- (3) No permit or site evaluation report shall be issued for construction of a new or expanded system that would violate any order of the Commission issued pursuant to this Section

6.220 COMMUNITY SYSTEMS

- (1) Without first applying for and obtaining a construction-installation permit, no person shall install a community on-site system.
- (2) Proposed community systems with projected sewage flows greater than two thousand five hundred (2,500) gallons per day shall have a WPCF permit prior to construction and shall have plans reviewed and approved by the Environmental Health Officer.
- (3) Plans for all community systems shall include operation and maintenance details including details for financing system operation and maintenance.
- (4) The site criteria for approval of community systems shall be the same as required for standard subsurface systems contained in section 6.095 (1), or in the case of community alternative systems, the specific site conditions for that system contained in sections 6.100 through 6.115; sections 6.130 through 6.150; section 6.160; and section 6.190.
- (5) Operation Responsibility:
 - (a) Responsibility for operation and maintenance of community systems shall be vested in a government entity, a Homeowners Association, or an Association of Unit Owners as determined by the Environmental Health Officer;
 - (b) Unless otherwise required by permit, community systems shall be inspected at least annually by the responsible entity.

6.225 LARGE SYSTEMS

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- (1) Large systems require a WPCF permit. The Environmental Health Officer may authorize construction of a large system provided the following design criteria are met.
- (2) Special Design Requirements: Unless otherwise authorized by the Environmental Health Office, large systems shall comply with the following requirements:
 - (a) Large system absorption facilities shall be designed with distribution to the cells by means of pump(s) or siphon(s);
 - (b) The disposal area shall be divided into relatively equal units. Each unit shall receive no more than thirteen hundred (1300) gallons of effluent per day;
 - (c) The replacement (repair) disposal area shall be divided into relatively equal units, with a replacement disposal area unit located adjacent to an initial disposal area unit;
 - (d) Effluent distribution shall alternate between the disposal area units;
 - (e) Each system shall have at least two (2) pumps or siphons;
 - (f) The applicant shall provide a written assessment of the impact of the proposed system upon the quality of public waters and public health.
- (3) Plans and specifications for large systems shall be prepared by any competent professional with education or experience in the specific technical field involved. The professional may accept an assignment requiring education or experience outside of his/her own field of competence provided he/she retains competent and legally qualified services to perform that part of the assignment outside his/her own field of competence, his/her client or employer approves this procedure, and he/she retains responsibility to his/her client or employer for the competent performance of the whole assignment.
- (4) Construction Requirements:
 - (a) Construction shall be in substantial conformance with approved plans and specifications and any terms of the permit issued by the Environmental Health Officer;
 - (b) After completion of the system the professional shall certify that the system was installed in accordance with approved plans and specifications.

6.230 SEWAGE DISPOSAL SERVICE

- (1) No person shall perform sewage disposal services or advertise or represent himself/herself as being in the business of performing such services without first obtaining a license from the Environmental Health Office. Unless suspended or revoked at an earlier date, a Sewage Disposal Service license issued pursuant to this code expires on July 1 next following the date of issuance. Beginning January 1 1999, in order to be licensed, the applicant must pass a written examination to demonstrate familiarization with the on-site sewage disposal standards found in this chapter of the Environmental Health Code, or attend an Environmental Health Office approved training session. All persons employed by the licensee who are involved in the construction or installation of systems shall also pass the written test or attend the training session and shall carry evidence of that on their person. The Environmental Health Office will provide all persons, who pass the test or attend the training session, with a wallet size card for this purpose. Retesting will be required every 5 years.

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- (2) Those persons making application for a sewage disposal service license shall:
 - (a) Submit a complete license application form to the Environmental Health Office for each business; and
 - (b) File and maintain with the Environmental Health Office original evidence of surety bond, or other approved equivalent security, in the penal sum of two thousand five hundred dollars (\$2,500) for each business; and
 - (c) Shall have pumping equipment inspected by the Environmental Health Officer annually if intending to pump out or clean systems and shall complete the "Sewage Pumping Equipment Description/Inspection" form supplied by the Environmental Health Office. An inspection performed after January 1st shall be accepted for licensing the following July 1st; and
 - (d) Submit the appropriate fee as set forth in chapter 5 subsection 5.015 (2) for each business; and
 - (e) Pass the written examination or have attended a Environmental Health Office approved training session; and
 - (f) If operating a septage pumping service, submit a copy of the past 12 months pumping records required by subsection (12)(d) of this section.
- (3) A Sewage Disposal Service license may be transferred or amended during the license period to reflect changes in business name, ownership, or entity (i.e., individual, partnership, or corporation), providing:
 - (a) A complete application to transfer or amend the license is submitted to the Environmental Health Office with the appropriate fee as set forth in Section 5.015(1)(h); and
 - (b) The Environmental Health Office is provided with a rider to the surety, or a new form of security as required in subsection (2)(b) of this section; and
 - (c) A valid Sewage Disposal Service license (not suspended, revoked, or expired) is returned to the Environmental Health Office; and
 - (d) If there is a change in the business name, a new "Sewage Pumping Equipment Description/Inspection" form for each vehicle is submitted to the Environmental Health Office; and
 - (e) No person who takes over a Sewage Disposal Service shall operate the business until that person has passed the written examination or attended the Environmental Health Office approved training session.
- (4) The type of security to be furnished pursuant to sub-section (2)(b) of this section may be:
 - (a) Surety bond executed in favor of the Umatilla Indian Reservation on a form approved by the Tribal Attorney and provided by the Environmental Health Office. The bond shall be issued by a surety company licensed by the Insurance Commissioner of a state or other government entity acceptable to the Confederated Tribes of the Umatilla Indian Reservation. Any surety bond shall be so conditioned that it may be cancelled only after forty-five (45) days notice to the Environmental Health Office, and to otherwise remain in effect for not less than two (2) years following termination of the sewage disposal service license,

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except as provided in subsection (e) of this section; or

- (b) Insured savings account irrevocably assigned to the Confederated Tribes of the Umatilla Indian Reservation, with interest earned by such account made payable to the depositor; or
 - (c) Negotiable securities of a character approved by the Treasurer of the Confederated Tribes of the Umatilla Indian Reservation, irrevocably assigned to the Confederated Tribes of the Umatilla Indian Reservation, with interest earned on deposited securities made payable to the depositor;
 - (d) Any deposit of cash or negotiable securities under subsection (13) of this section shall remain in effect for not less than two (2) years following termination of the sewage disposal service license except as provided in subsection (e) of this section. A claim against such security deposits must be submitted in writing to the Environmental Health Office, together with an authenticated copy of:
 - A The court judgment or order requiring payment of the claim; or
 - (B) Written authority by the depositor for the Environmental Health Office to pay the claim.
 - (e) When proceedings under subsection (13) of this section have been commenced while the security required is in effect, such security shall be held until final disposition of the proceedings is made. At that time claims will be referred for consideration of payment from the security so held.
- (5) Each licensee shall:
- (a) Be responsible for any violation of any code, statute, rule, or order of the Environmental Health Officer pertaining to their licensed business;
 - (b) Be responsible for any act or omission of any servant, agent, employee, or representative of such licensee in violation of any code, statute, rule, or order pertaining to license privileges;
 - (c) Deliver to each person for whom he performs services requiring such license, prior to completion of services, a written notice which contains:
 - (A) A list of rights of the recipient of such services which are contained in subsection (13)(b) of this section; and
 - (B) Name and address of the surety company which has executed the bond required by subsection (13)(a) of this section; or
 - (C) A statement that the licensee has deposited cash or negotiable securities for the benefit of the Confederated Tribes of the Umatilla Indian Reservation in compensating any person injured by failure of the licensee to comply with this chapter and with rules, codes, laws, statutes or orders of the Confederated Tribes of the Umatilla Indian Reservation.
 - (d) Keep the Environmental Health Office informed on company changes that affect the license, such as business name change, change from individual to partnership, change from partnership to corporation, change in ownership, etc.
- (6) Misuse of License:

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- (a) No licensee shall permit anyone to operate under his license, except a person who is working under supervision of the licensee;
- (b) No person shall:
 - (A) Display or cause or permit to be displayed, or have in his possession any license, knowing it to be fictitious, revoked, suspended or fraudulently altered;
 - (B) Fail or refuse to surrender to the Environmental Health Office any license which has been suspended or revoked;
 - (C) Give false or fictitious information, knowingly conceal a material fact, or otherwise commit a fraud in any license application.
- (7) Pumping and Cleaning Responsibilities:
 - (a) Persons performing the service of pumping or cleaning of sewage disposal facilities shall avoid spilling of sewage while pumping or while in transport for disposal.
 - (b) Any spillage of sewage shall be immediately cleaned up by the operator and the spill area shall be disinfected.
- (8) License Suspension or Revocation:
 - (a) The Environmental Health Office may suspend, revoke, or refuse to grant, or refuse to renew, any sewage disposal service license if it finds:
 - (A) A material misrepresentation or false statement in connection with a license application; or
 - (B) Failure to comply with any provisions of this chapter or an order of the Environmental Health Office; or
 - (C) Failure to maintain in effect at all times the required bond or other approved equivalent security, in the full amount specified in subsection (13) of this section; or
 - (D) Nonpayment by drawee of any instrument tendered by applicant as payment of license fee.
 - (b) Whenever a license is suspended, revoked or expired, the licensee shall remove the license from display and remove all Environmental Health Office identifying labels from equipment. The licensee shall surrender the suspended or revoked license, and certify in writing to the Environmental Health Office within fourteen (14) days after suspension or revocation that all Environmental Health Office identification labels have been removed from all equipment;
 - (c) A sewage disposal service may not be considered for re-licensure for a period of at least one (1) year after revocation of its license;
 - (d) A suspended license may be reinstated, providing:
 - (A) A complete application for reinstatement of license is submitted to the Department, accompanied by the appropriate fee as set forth in Chapter

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5.015(1)(h); and

- (B) The grounds for suspension have been corrected; and
- (C) The original license would not have otherwise expired.

(9) Equipment Minimum Specifications:

(a) Tanks for pumping out of sewage disposal facilities shall comply with the following:

(A) Have a liquid capacity of at least five hundred fifty (550) gallons.

EXCEPTION: Tanks for equipment used exclusively for pumping chemical toilets not exceeding fifty (50) gallons capacity, shall have a liquid capacity of at least one hundred fifty (150) gallons.

(B) Be of watertight metal construction;

(C) Be fully enclosed;

(D) Have suitable covers to prevent spillage.

(b) The vehicle shall be equipped with either a vacuum or other type pump which will not allow seepage from the diaphragm or other packing glands and which is self priming;

(c) The sewage hose on vehicles shall be drained, capped, and stored in a manner that will not create a public health hazard or nuisance;

(d) The discharge nozzle shall be:

(A) Provided with either a camlock quick coupling or threaded screw cap;

(B) Sealed by threaded cap or quick coupling when not in use;

(C) Located so that there is no flow or drip onto any portion of the vehicle;

(D) Protected from accidental damage or breakage.

(e) No pumping equipment shall have spreader gates;

(f) Each vehicle shall at all times be supplied with a pressurized wash water tank, disinfectant, and implements for cleanup;

(g) Pumping equipment shall be used for pumping sewage disposal facilities exclusively unless otherwise authorized in writing by the Environmental Health Officer;

(h) Chemical toilet cleaning equipment shall not be used for any other purpose.

(10) Equipment Operation and Maintenance:

(a) When in use, pumping equipment shall be operated in a manner so as not to create public health hazards or nuisances;

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- (b) Equipment shall be maintained in a reasonably clean condition at all times.
- (11) Vehicles shall be identified as follows:
- (a) Display the name or assumed business name on each vehicle cab and on each side of a tank trailer:
 - (A) In letters at least three (3) inches in height; and
 - (B) In a color contrasting with the background.
 - (b) Tank capacity shall be printed on both sides of the tank:
 - (A) In letters at least three (3) inches in height; and
 - (B) In a color contrasting with the background.
 - (c) Labels issued by the Environmental Health Office for each current license period shall be displayed at all times at the front, rear, and on each side of the “motor vehicle” as defined by United States Department of Transportation Regulations, Title 49 U.S.C.
- (12) Disposal of Septage. Each licensee shall:
- (a) Discharge no septage upon the surface of the ground unless approved by the Environmental Health Office in writing;
 - (b) Dispose of septage only in disposal facilities approved by the Environmental Health Office;
 - (c) Possess at all times during pumping, transport or disposal of septage, origin-destination records for sewage disposal services rendered;
 - (d) Maintain on file complete origin-destination records for sewage disposal services rendered. Origin-Destination records shall include:
 - (A) Source of septage on each occurrence, including name and address;
 - (B) Specific type of material pumped on each occurrence;
 - (C) Quantity of material pumped on each occurrence;
 - (D) Name and location of authorized disposal site, where septage was deposited on each occurrence;
 - (E) Quantity of material deposited on each occurrence.
 - (e) Transport septage in a manner that will not create a public health hazard or nuisance;
 - (f) Possess a current septage management plan, approved by the Environmental Health Office. The plan shall be kept current, with any revisions approved by the Environmental Health Office prior to implementation;
 - (g) Comply with the approved septage management plan, and the septage management plan approval letter issued by the Environmental Health Office.

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- (13) Bond; content; action on bond; limit on surety's liability; notice of bond.
- (a) An applicant for a license required by this Section shall execute a bond in the penal sum of \$2,500 in favor of the Confederated Tribes of the Umatilla Indian Reservation. The bond shall be executed by the applicant as principal and by a surety company authorized to transact a surety business within the Umatilla Indian Reservation as surety.
 - (b) The bond shall be filed with the Environmental Health Office and shall provide that:
 - (A) In performing sewage disposal services, the applicant shall comply with the provisions of this Chapter of the Environmental Health and Safety Code and with the rules of the Natural Resources Commission regarding sewage disposal services; and
 - (B) Any person injured by a failure of the applicant to comply with this Chapter and with the rules of the commission regarding sewage disposal services shall have a right of action on the bond in the name of the person, provided that written claim of such right of action shall be made to the principal or the surety company within two years after the services have been performed; and
 - (C) The maximum aggregate liability of the surety on the bond shall be \$2,500.
 - (c) Every person licensed pursuant to this section shall deliver to each person for whom services requiring such license are performed, prior to the completion of such services, a written notice of the name and address of the surety company which has executed the bond required by this section and of the rights of the recipient of such services as provided by subsection (13)(b) of this section.

6.400 TANK CONSTRUCTION

The following construction requirements shall apply to all holding, dosing, septic and dosing septic tanks manufactured for use in the Umatilla Indian Reservation unless specifically exempted by other portions of this code.

- (1) Compartments: Tanks may have single or multiple compartments. Multiple compartment tanks shall comply with the following:
 - (a) The first compartment shall have a minimum liquid capacity of not less than two thirds (2/3) of the total required liquid capacity, as measured from the invert of the outlet fitting;
 - (b) Each compartment shall have access provided by an access hole having not less than eighteen (18) inches across its shortest dimension unless otherwise approved by the Environmental Health Office. The access hole cover shall not weigh more than 75 pounds. All tanks shall be constructed to accommodate watertight risers per Section 6.095(3)(b)(C). Tank lids shall be constructed with or provided with a durable, non-degradable, resilient gasket, the purpose of which is to restrict access to vectors and vermin and to control odors and retard infiltration;
 - (c) No compartment shall have an inside horizontal dimension of less than 24 inches.
- (2) Liquid Depth: The liquid depth of any compartment shall be at least 30 inches. Liquid

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depths greater than 72 inches shall not be considered in determining the working liquid capacity, except for tanks greater than 3,000 gallons capacity.

- (3) Watertightness: After installation, all tanks shall be watertight. Each tank shall be water tested by filling to a point at least 2 inches above the point of riser connection to the top of the tank. During the test there shall be no more than a one gallon leakage over a 24 hour period.
- (4) In the case where the tank manufacturer does not install and/or seal the tank at the job site, the manufacturer shall provide bonding and sealing agents and instruction manual with the tank.
- (5) Structural: All tanks shall be capable of supporting an earth load of at least 300 pounds per square foot when the maximum coverage does not exceed 3 feet. Tanks installed with more than three (3) feet of cover shall be reinforced to support the additional load. Lateral load shall be 62.4 pcf of equivalent fluid pressure (EFP). Tanks shall be capable of withstanding long-term external hydrostatic loads in addition to soil loads. Internal hydrostatic pressures shall be omitted to allow for septage pumping during critical groundwater conditions. A 2,500 pound wheel load concentrated over the critical elements of the tank shall also be considered.
- (6) The inlet and outlet fittings shall be of Schedule 40 PVC plastic, Schedule 40 ABS plastic, or other materials approved by the Environmental Health Office, with a minimum diameter of four inches:
 - (a) The distance between the inlet and outlet fittings shall be equal to, or greater than, the liquid depth of the tank;
 - (b) The inlet and outlet fittings, where applicable, shall be located at opposite ends of the tank. The inlet must be readily accessible by way of the service access or other means approved by the Environmental Health Office in the design of the tank. They shall be attached in a watertight manner approved by the Environmental Health Office;
 - (c) The inlet fitting shall be a “sanitary tee” extending at least 6 inches above and at least 12 inches below the normal high and low liquid levels;
 - (d) The outlet fitting, holes or ports provided in a vault or outlet filtering device shall be positioned to withdraw effluent horizontally from the clear zone, at an elevation measured from the inside bottom of the tank 65 to 75 percent of the lowest operating liquid depth. The net area of the ports shall be not less than 6 square inches. The outlet fitting shall extend at least 6 inches above the highest normal liquid depth in order to provide scum storage. When the tank is used as a holding or dosing tank, the outlet fitting shall be provided with a watertight plug, or omitted;
 - (e) Ventilation shall be provided through the fittings by means of a 2 inch minimum space between the underside of the top of the tank and the top of the inlet “tee” fitting;
 - (f) The invert of the inlet fitting shall be not less than one inch and preferably 3 inches above the invert of the outlet fitting, or the highest normal liquid level;
 - (g) A convenient means of monitoring sludge and scum accumulation shall be provided, with access extending to ground level;
 - (h) The tank manufacturer shall provide with each fitting a rubber or neoprene rubber

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gasket meeting ASTM Specification C-564, or an appropriate coupler which the Environmental Health Office determines will provide a watertight connection between the fittings and the building and effluent sewer pipes;

- (i) Manufacturer shall provide a method to attach a specified type of riser to the tank in a watertight manner.
- (7) At least 10 percent of the inside volume of the tank shall be above liquid level to provide scum storage and reserve.
- (8) In tanks with more than one compartment, a 4 inch diameter (minimum) “tee” fitting shall be placed in each common compartment wall, using the same specifications as required for the outlet fitting. The invert of this “tee” fitting shall be at the same elevation as the outlet “tee”. Access ports and risers shall be provided for inspection and maintenance.
- (9) Except as provided in Section 6.405, tanks shall be constructed of concrete, fiberglass, or other non-corrosive materials approved by the Environmental Health Office:
 - (a) Precast concrete tanks shall have a minimum wall, compartment, and bottom thickness of 2-1/2 inches, and shall be adequately reinforced. The top shall be at least 4 inches thick;
 - (b) Cast-in-place tanks shall be designed by a civil/structural engineer to the requirements of this code and the tank construction shall be certified by the designer or qualified representative. A structural permit from the Building Codes Office is required when cast-in-place concrete tanks are used;
 - (c) Tanks made of other non-corrosive materials shall be constructed to provide structural integrity to meet the requirements of subsections (3), (4) and (5) of this section.
- (10) All prefabricated tanks shall be marked on the uppermost tank surface, over the outlet, with the liquid capacity of the tank; the burial depth limit; date of manufacture; and either the manufacturer's full business name or the number assigned by the Environmental Health Office or other agency approved by the Environmental Health Office.
- (11) Each commercial manufacturer of prefabricated tanks shall provide to the Environmental Health Officer, for review and approval, two complete sets of plans and specifications prepared by a registered professional engineer that is licensed to practice by a government agency acceptable to the Environmental Health Office. Plan submittal shall include the structural analysis, calculation of total gallons, operating gallons, gallons per inch, and buoyancy, including predetermined countermeasures.
- (12) Each commercial manufacturer of pre-fabricated tanks shall provide the Environmental Health Office with written certification that tanks for use in on-site sewage disposal systems in the Umatilla Indian Reservation will comply with all requirements of this code.
- (13) An installation manual, on waterproof paper, shall be provided by the manufacturer with each tank distributed. It shall describe proper installation of the tank, riser(s) and lid, pipe connections, testing procedures, backfill and any special precautions or limitations.

6.405 SEPTIC TANKS

- (1) Septic tanks shall be constructed of concrete, fiberglass, steel, or other non-corrosive

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materials approved by the Environmental Health Office. Steel septic tanks shall be 12 gauge or thicker steel. They shall be coated inside and out with asphalt or other protective coatings, meeting the most current American National Standards Institute UL 70 standard, Sections 25 through 43, or other coatings of equal or better performance approved by the Environmental Health Office.

- (2) The outlet of a septic tank serving a commercial facility shall be equipped with an effluent filter or treatment device meeting the requirements of Section 6.445, complete with a service riser that meets all the requirements of this chapter.

6.410 DOSING SEPTIC TANK

- (1) A dosing septic tank may discharge effluent with a pump or dosing siphon from the clear zone at the outlet end of the tank. These may be considered by the Environmental Health Office for equipment approval for installations where the design flow does not exceed 600 gallons per day.
- (2) Special Configuration:
 - (a) The minimum total primary volume of the tank shall be 1,100 gallons for flows less than or equal to 450 gallons per day and 1,500 gallons for flows up to 600 gallons per day;
 - (b) The minimum submerged volume at the lowest operating liquid level shall ensure optimum surge capacity, reserve storage capacity, sludge and scum capacity, and hydraulic retention time;
 - (c) Unless otherwise authorized by the Environmental Health Office, liquid levels shall be controlled so that no more than 20 percent of the projected daily sewage flow is discharged each cycle; except that for sand filters the discharge shall be no more than 10 percent per cycle;
 - (d) All apparatus shall be constructed and installed to facilitate ease of service without having to alter any other component;
 - (e) Besides the requirements in Section 6.400(13), the installation manual shall describe the installation of pump or siphon, piping, valves, controls, and wiring to manufacturer's specifications and this code.

6.415 DISTRIBUTION BOXES

- (1) Distribution boxes shall be constructed of concrete, fiberglass, or other materials acceptable to the Environmental Health Office.
- (2) Distribution boxes shall be constructed of durable, watertight materials, resistant to deterioration, and be designed to accommodate watertight connections for the effluent sewer and/or header pipes. The top, walls, and bottom of concrete distribution boxes shall be at least one and 1-1/2 inches thick.
- (3) The invert elevation of all outlets shall be the same, and shall be at least 2 inches below the inlet invert.
- (4) Each distribution box shall be provided with a sump extending at least 2 inches below the invert of the outlets.
- (5) Distribution box covers shall be marked with the manufacturer's full business name, or

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number assigned by the Environmental Health Office or other agency approved by the Environmental Health Office.

- (6) Each manufacturer shall provide the Environmental Health Office with complete, detailed plans and specifications of the distribution box, and shall certify, in writing, that distribution boxes manufactured for use in on-site sewage systems in the Umatilla Indian Reservation will comply with all requirements of this code.

6.420 DROP BOXES

- (1) Drop boxes shall be constructed of concrete, fiberglass, or other materials acceptable to the Environmental Health Office.
- (2) Drop boxes shall be constructed of durable, watertight materials, resistant to deterioration, and be designed to accommodate watertight connections for the effluent sewer and/or header pipes. The top, walls, and bottom of concrete drop boxes shall be at least 1-1/2 inches thick.
- (3) The inverts of the inlet and overflow port shall be at the same elevation. The invert of the header pipe port(s) leading to the disposal trench(es) shall be 6 inches below the inlet invert.
- (4) Drop box covers shall be marked with the manufacturer's full business name, or number assigned by the Environmental Health Office or other agency approved by the Environmental Health Office.
- (5) Each manufacturer shall provide the Environmental Health Office with complete, detailed plans and specifications of the drop box, and shall certify, in writing, that drop boxes manufactured for use in on-site sewage disposal systems in the Umatilla Indian Reservation will comply with all requirements of this code.

6.425 FILTER FABRIC

Except as otherwise allowed by the Environmental Health Office on a case-by-case basis, filter fabric used within on-site systems in the Umatilla Indian Reservation shall meet the following specifications:

- (1) Material synthetic fabric, either spunbonded or woven.
- (2) Burst Strength, psi—not less than 25 psi.
- (3) Air Permeability, cfm per sq. ft.—not less than 500.
- (4) Water Flow Rate—not less than 500 gpm per sq. ft. at 3 inches of head.
- (5) Surface Reaction to Water—Hydrophilic.
- (6) Equivalent Opening Size -- 70 to 100 sieve.
- (7) Chemical Properties:
 - (a) Non-biodegradable.
 - (b) Resistant to acids and alkalis within a pH range of 4 to 10.
 - (c) Resistant to common solvents.

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6.430 DIVERSION VALVES

- (1) Diversion valves shall be constructed of durable material, corrosion-resistant, watertight, and designed to accommodate the inlet and outlet pipes, in a secure and watertight manner.
- (2) Diversion valves shall be constructed with access to finished grade, adequate in size to provide for ease of operation and service of valve.
- (3) Each manufacturer shall provide the Environmental Health Office with complete, detailed plans and specifications of the diversion valve, including an instruction manual, and shall certify, in writing, that diversion valves manufactured for use in on-site sewage disposal systems in the Umatilla Indian Reservation will comply with all requirements of this rule.

6.435 DOSING TANKS

- (1) Each dosing tank employing one or more pumps shall have a minimum liquid capacity equal to the projected daily sewage flow for flows up to 1,200 gallons per day. The Environmental Health Office may use its discretion in sizing dosing tanks when the projected daily sewage flow is greater than 1,200 gallons per day. The liquid capacity shall be as measured from the invert elevation of the inlet fitting.
- (2) Each dosing tank shall be provided with an access manhole and a manhole cover, both having a minimum horizontal measurement of 18 inches.
- (3) Each dosing tank proposed to serve a commercial facility containing more than one pump or siphon shall be provided with one or more manhole accesses that provide adequate area to construct, install, service and operate the equipment in accordance with provision of this code.
- (4) Besides meeting the requirements in Section 6.400(13), the installation manual shall describe the installation of pump or siphon, piping, valves, controls, and wiring to manufacturer's specifications.
- (5) Dosing tanks with siphons shall be designed and sized for each specific project. The tank manufacturer shall specify the type or model of siphon, screen and related apparatus to be used with that tank.
- (6) The inlet fitting shall extend below the lowest operating level of the pump or siphon.

6.440 DOSING ASSEMBLIES: EFFLUENT PUMPS, CONTROLS AND ALARMS, AND DOSING SIPHONS

- (1) Design and equipment shall emphasize ease of maintenance and longevity and reliability of components, and shall be proven suitable by operational experience, test, or analysis suitable to the Environmental Health Office.
- (2) An easy means of electrical and plumbing disconnect shall be provided. All apparatus shall be constructed and installed to facilitate ease of service without having to alter any other component.
- (3) Component materials shall be durable and corrosion resistant such as Type 316 stainless steel, suitable plastics, or 85-5-5-5 bronze.
- (4) Pumps, Siphons, Controls and Alarms: All pumps, siphons, controls and related

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apparatus shall be field tested under working conditions and found to operate and perform satisfactorily in order to be considered in compliance with this chapter. Electrical components used in on-site sewage disposal systems shall comply with the Electrical Code of the Confederated Tribes of the Umatilla Indian Reservation, and the following provisions:

- (a) Motors shall be continuous-duty, with overload protection;
- (b) Pumps shall have durable impellers of bronze, cast iron, or other materials approved by the Environmental Health Office;
- (c) Submersible pumps shall be provided with an easy, readily accessible means of electrical and plumbing disconnect, and a non-corrosive lifting device as a means of removal for servicing;
- (d) Except where specifically authorized in writing by the Environmental Health Officer, the pump or siphon shall be placed within a corrosion-resistant screen that extends above the maximum effluent level within the pump chamber. The screen shall have at least 12 square feet of surface area, with one-eighth (1/8) inch openings. The use of a screen is not required if the dosing assembly is preceded by a tank with an effluent filter;
- (e) Pumps shall be automatically controlled by float switches with a minimum rating of 12 amps at 115 volts alternating current or by an Environmental Health Office approved equivalently reliable switching mechanism. The switches shall be installed so that no more than 20 percent of the projected daily sewage flow is discharged each cycle, unless otherwise authorized by the Environmental Health Office. The pump "off" level shall be set to maintain the liquid level above the top of the pump or to the pump manufacturer's specifications;
- (f) An audible and visual high water level alarm with manual silence switch shall be located in or near the building served by the pump. The audible alarm only may be user cancelable. The switching mechanism controlling the high water level alarm shall be located so that at time of activation the tank has at least 1/3 of its capacity remaining for effluent storage. Commercial applications shall provide at least 6 hours of reserve storage capacity based on projected daily flows;
- (g) When a system has more than one pump, the Environmental Health Office may require they be wired into the electrical control panel to function alternately after each pumping cycle. If either pump should fail the other pump will continue to function, while an audible (user cancelable) and visual alarm (not user cancelable) indicating pump malfunction will activate. A cycle counter shall be installed in the electrical control panel for each pump;
- (h) All pump installations shall be designed with adequate sludge storage area below the effluent intake level of the pump;
- (i) All commercial systems with a design flow greater than 600 gallons shall be constructed in duplex (two or more alternating pumps) unless otherwise authorized in writing by the Environmental Health Office. Controls shall be provided such that an alarm shall signal when one of the pumps malfunctions;
- (j) All pumps serving commercial systems shall be operated through a pre-manufactured electrical control panel. Means of monitoring pump performance through the use of elapsed time meters and cycle counters are required;
- (k) Where multiple pumps are operated in series, an electrical control panel shall be

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installed which will prevent the operation of a pump or pumps preceding a station which experiences a high-level alarm event.

- (5) Dosing Siphons. Dosing siphons used in on-site sewage disposal systems shall comply with all of the following minimum requirements:
- (a) The siphon shall be constructed of corrosion-resistant materials;
 - (b) The siphon shall be installed in accordance with the manufacturer's recommendations;
 - (c) The manufacturer's installation and maintenance instructions shall be kept on site;
 - (d) The installation shall include an electrically operated device which tracks the operation of the siphon by measuring cycle events and records them by means of an event counter mounted within the dwelling or structure served.

6.445 EFFLUENT FILTERS

- (1) Effluent filters used in on-site sewage disposal systems shall meet the following criteria:
- (a) Filters shall be of durable, resilient, corrosion resistant, non-degradable materials resistant to deformation under normal operating conditions.
 - (b) Filters shall be designed to prevent the escape of sludge or scum during normal operation and in case of a malfunction, including filter clogging.
 - (c) The filter shall retain all particles greater than 1/8 inch in size.
 - (d) The filter assembly shall baffle the sludge and scum layers to prevent the escape of gross solids during sludge bulking or gas ebullition.
 - (e) Filters shall be designed and positioned to allow for easy, trouble-free removal from and reinstallation to the screen apparatus from the assembly.
 - (f) The assembly shall be capable of withstanding stresses placed upon it by installation, operation and service.
 - (g) The assembly shall perform as a conventional tank outlet, meeting the requirements of Section 6.400(6), when the filter is removed.
 - (h) The assembly shall be vented with a nominal one-half (1/2) inch diameter opening to an elevation above the top of the tank.
 - (i) The filter must be designed to handle the flow of the system it is to serve and not result in excessive maintenance. For a single family dwelling, maintenance is considered "excessive" when the filter requires service or cleaning more than one time per year. Service shall be performed each time the tank is pumped, and in accordance with the manufacturer's specifications.
- (2) To obtain Environmental Health Office approval, the manufacturer of an effluent filter shall provide the Environmental Health Office with the necessary technical data to show that the design and materials comply with this code. Each manufacturer shall provide an operation and maintenance manual with each unit distributed.

6.450 PIPE MATERIALS AND CONSTRUCTION

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- (1) Effluent Sewer Pipe: The effluent sewer shall be constructed with materials in conformance to building sewer standards, as identified in Plumbing Code of the Confederated Tribes of the Umatilla Indian Reservation. The effluent sewer pipe shall have a minimum diameter of 3 inches. When the septic tank is fitted with an effluent filter, the minimum nominal diameter of piping may be reduced to 1-1/4 inches.
- (2) Distribution and Header Pipe and Fittings:
 - (a) Plastic Pipe and Fittings:
 - (A) Styrene-rubber plastic distribution and header pipe and fittings shall meet the most current ASTM (American Society for Testing and Materials) Specification D 2852 and Sections 5.5 and 7.8 of Commercial Standard 228, published by the U.S. Department of Commerce. Pipe and Fittings shall also pass a deflection test withstanding 350 pounds/foot without cracking by using the method found in ASTM 2412. In addition to the markings required by ASTM 2852, each manufacturer of styrene-rubber plastic pipe shall certify, in writing to the Environmental Health Office, that the pipe to be distributed for use in absorption facilities within the Umatilla Indian Reservation will comply with all requirements of this section;
 - (B) Polyethylene distribution pipe in ten foot lengths and header pipe in lengths of ten feet or greater of which pipe and fitting shall meet the current ASTM Specification F 405. Pipe and fittings shall also pass a deflection test withstanding 350 pounds per foot without cracking or collapsing by using the method found in ASTM 2412. Pipe used in absorption facilities shall be heavy duty. In addition to the markings required by ASTM F 405, each manufacturer of polyethylene pipe shall certify, in writing to the Environmental Health Office that the pipe to be distributed for use in absorption facilities within the Umatilla Indian Reservation will comply with all requirements of this section;
 - (C) Polyvinyl chloride (PVC) distribution and header pipe and fittings shall meet the most current ASTM Specification D 2729. Pipe and fittings shall pass a deflection test withstanding 350 pounds per foot without cracking or collapsing by using the method found in ASTM 2412. Markings shall meet requirements established in ASTM Specification D 2729, subsections 9.1.1, 9.1.2 and 9.1.4. Each manufacturer of polyvinyl chloride pipe shall certify, in writing to the Environmental Health Office, that pipe and fittings to be distributed for use in absorption facilities within the Umatilla Indian Reservation will comply with all requirements of this section;
 - (D) Polyethylene smooth wall distribution and header pipe (10 foot lengths) and fittings shall meet the most current ASTM Specification F 810. Pipe and fittings shall also pass a deflection test of 350 pounds per foot without cracking or collapsing by using the method found in ASTM 2412. Markings shall meet the requirements established in ASTM Specification F 810, Section 9. Each manufacturer of polyethylene smooth wall pipe shall certify, in writing to the Environmental Health Office that the pipe to be distributed for use in absorption facilities within the Umatilla Indian Reservation will comply with all requirements of this section;
 - (E) The four types of plastic pipe described above shall have two rows of holes spaced 120 degrees apart and 60 degrees on either side of a center line. For distribution pipe, a line of contrasting color shall be provided on

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the outside of the pipe along the line furthest away and parallel to the two rows of perforations. Markings, consisting of durable ink, shall cover at least 50 percent of the pipe. Markings may consist of a solid line, letters, or a combination of the two. Intervals between markings shall not exceed 12 inches. The holes of each row shall be not more than five inches on center and shall have a minimum diameter of ½ inch.

- (b) Concrete tile in twelve (12) inch lengths shall meet the current ASTM Specification C 412. Each manufacturer of concrete tile shall certify, in writing to the Environmental Health Office, that the pipe to be distributed for use in absorption facilities within the Umatilla Indian Reservation will comply with all of the requirements of this section;
- (c) Clay drain tile in 12 inch lengths shall meet the current ASTM Specification C 4. Tile used as part of an absorption facility shall bear the ASTM number above and some identification as to which quality standard it meets (Standard, Extra-Quality, Heavy-Duty). In addition to the markings required above, each manufacturer of clay tile shall certify, in writing to the Environmental Health Office, that the pipe to be distributed for use in absorption facilities within the Umatilla Indian Reservation shall comply with all of the requirements of this section;
- (d) Bituminized fiber solid pipe and fittings shall meet the current ASTM Specification D 1861. Perforated bituminized fiber pipe shall meet the current ASTM Specification D 2312. Each length of pipe and each fitting shall be marked with the nominal size, the manufacturer's name or trademark, or other symbol which clearly identifies the manufacturer and the appropriate ASTM specification number above. Markings on pipe shall be spaced at intervals not greater than two feet. In addition to markings required above, each manufacturer of bituminized pipe shall certify, in writing to the Environmental Health Office, that the pipe to be distributed for use in absorption facilities within the Umatilla Indian Reservation shall comply with all requirements of this section. In addition, all bituminized pipe that is to be installed as part of an absorption facility shall comply with the following requirements. The pipe shall have two rows of holes spaced 120 degrees apart and 60 degrees on either side of a center line. For distribution pipe, a line of contrasting color shall be provided on the outside of the pipe along the line furthest away and parallel to the two rows of perforations. Markings, consisting of durable ink, shall cover at least fifty (50) percent of the pipe. Markings may consist of a solid line, letters, or a combination of the two. Intervals between markings shall not exceed twelve (12) inches. The holes of each row shall not be more than five inches on center and shall have a minimum diameter of one-half (1/2) inch;
- (e) Polyvinyl chloride (PVC) pressure transport pipe, pressure manifolds, and pressure lateral pipe and fittings shall meet the current requirements for Class 160 PVC 1120 pressure pipe as identified in ASTM Specification D 2241. The pipe and fittings shall be marked as required by ASTM Specification D 2241.

6.455 PRIVIES AND PORTABLE TOILET SHELTERS

- (1) Privies and portable toilet shelters shall comply with the following general requirements:
 - (a) Structures shall be free of hostile surface features, such as exposed nail points, sharp edges, and rough or broken boards, and shall provide privacy and protection from the elements;
 - (b) Building ventilation shall be equally divided between the bottom and top halves of the room. All vents shall be screened with 16 mesh screen of durable material;

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- (c) Buildings shall be of fly-tight construction and shall have self-closing doors with an inside latch;
 - (d) Pits, tanks or vaults shall be vented to the outside atmosphere by a flue or vent stack having a minimum inside diameter of 4 inches. Vents shall extend not less than 12 inches above the roof;
 - (e) Interior floors, walls, ceilings, partitions, and doors shall be finished with readily cleanable impervious materials resistant to wastes, cleansers and chemicals. Floors and risers shall be constructed of impervious material and in a manner which will prevent entry of vermin;
 - (f) Seat tops shall be not less than 12 inches nor more than 16 inches above the floor. The seat openings shall be covered with attached, open-front toilet seats with lids, both of which can be raised to allow use as a urinal;
 - (g) The distance between the front of the riser and the building wall shall be not less than 21 inches.
- (2) Privies: In addition to complying with the requirements specified in sub-section (1) of this section, privies shall be provided with:
- (a) Adequate ventilation shall be provided to allow for the free escape of gases and odors;
 - (b) A minimum clear space of 24 inches between seats in multiple-unit installations and a clear space of 12 inches from the seat opening to the building wall in both single and multiple units.
- (3) Portable Toilet Shelters: Portable toilet shelters may be prefabricated, skid mounted or mobile. In addition to complying with the requirements specified in sub-section (1) of this section, portable toilet shelters shall:
- (a) Provide screened ventilation to the outside atmosphere having a minimum area of one square foot per seat;
 - (b) Provide a minimum floor space outside of the riser of nine square feet per seat;
 - (c) Be furnished with a toilet tissue holder for each seat;
 - (d) Be located in areas readily accessible to users and to pumping/cleaning services;
 - (e) Provide separate compartments with doors and partitions or walls of sufficient height to insure privacy in multiple-unit shelters except that separate compartments are not required for urinals.

6.460 UNSEALED EARTH PITS FOR PRIVIES

- (1) The pit shall be constructed of such material and in such a manner as to prevent rapid deterioration, provide adequate capacity, and facilitate maintenance in a satisfactory manner under ordinary conditions of usage.
- (2) The pit shall provide a capacity of 50 cubic feet for each seat installed in the privy building and shall be at least five feet deep. The area within 16 inches of the surface grade shall not be counted as part of the 50 cubic-foot capacity.

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- (3) Pit cribbing shall fit firmly and be in uniform contact with the earth walls on all sides, and shall rise at least 6 inches above the original ground line and descend to the full depth of the pit. However, pit cribbing below the soil line may be omitted in rock formations.

6.465 SELF-CONTAINED NON-WATER-CARRIED TOILET FACILITIES

- (1) General Standards. All self-contained non-water-carried toilet facilities shall comply with the following requirements:

- (a) They shall have water-tight chambers constructed of reinforced concrete, plastic, fiberglass, metal, or of other material of acceptable durability and corrosion resistance, approved by the Environmental Health Office, and designed to facilitate the removal of the wastes;
- (b) Black wastes shall be stored in an appropriate chamber until removal for final disposal elsewhere. Wastes shall be removed from the chamber whenever necessary to prevent overflow;
- (c) Chemicals containing heavy metals, including but not limited to copper, cadmium and zinc, shall not be used in self-contained toilet facilities;
- (d) All surfaces subject to soiling shall be impervious, easily cleanable, and readily accessible.

- (2) Vault Toilet Facilities:

- (a) The minimum capacity of vaults shall be 350 gallons or, in places of employment, 100 gallons per seat;
- (b) Caustic shall be added routinely to vault chambers to control odors.

- (3) Chemical Toilet Facilities:

- (a) Toilet bowls shall be constructed of stainless steel, plastic, fiberglass, ceramic or of other material approved by the Environmental Health Office;
- (b) Waste passages shall have smooth surfaces and be free of obstructions, recesses or cross braces which would restrict or interfere with flow of black wastes;
- (c) Biocides and oxidants shall be added to waste detention chambers at rates and intervals recommended by the chemical manufacturer and approved by the Environmental Health Office;
- (d) Chambers and receptacles shall provide a minimum storage capacity of 50 gallons per seat;
- (e) Portable shelters housing chemical toilets shall display the business name of the licensed sewage disposal service that is responsible for servicing them.

6.470 CONSTRUCTION OF GRAY WATER WASTE DISPOSAL SUMPS

A gray water waste disposal sump shall consist of a receiving chamber, settling chamber, and either a seepage chamber or disposal trench.

6.475 FLEXIBLE MEMBRANE LINERS FOR SAND FILTERS TREATING SEPTIC TANK EFFLUENT

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- (1) Unsupported polyvinyl chloride (PVC) shall have the following properties: (Property—Test Method):
 - (a) Thickness—ASTM D1593, Para 9.1.3, 30 mil, minimum;
 - (b) Specific Gravity (minimum) -- ASTM D792, Method A;
 - (c) Minimum Tensile Properties (each direction) -- ASTM D882:
 - (A) Breaking Factor (pounds/inch width) -- Method A or B (1 inch wide) 69;
 - (B) Elongation at Break (percent) -- Method A or B 300;
 - (D) Modulus (force) at 100% Elongation (pounds/inch width) -- Method A or B 27;
 - (d) Tear Resistance (pounds, minimum) -- ASTM D1004, Die C 8;
 - (e) Low Temperature—ASTM D1790 -20° F;
 - (f) Dimensional Stability (each direction, percent change maximum) -- ASTM D1204, 212° F;, 15 min. ±5;
 - (g) Water Extraction—ASTM D1239 0.35% max;
 - (h) Volatile Loss—ASTM D1203, Method A 0.7% max;
 - (i) Resistance to Soil Burial (percent change maximum in original value) -- ASTM D3083:
 - (A) Breaking Factor -5;
 - (B) Elongation at Break -20;
 - (C) Modulus at 100% Elongation ±10.
 - (j) Bonded Seam Strength (factory seam, breaking factor, ppi width) -- ASTM D3083 55.2;
 - (k) Hydrostatic Resistance—ASTM D751, Method A 82.
- (2) Installation Standards:
 - (a) Patches, repairs and seams shall have the same physical properties as the parent material;
 - (b) Site considerations and preparation:
 - (A) The supporting surface slopes and foundation to accept the liner shall be stable and structurally sound including appropriate compaction. Particular attention shall be paid to the potential of sink hole development and differential settlement;
 - (B) Soil stabilizers such as cementations or chemical binding agents shall not adversely affect the membrane; cementations and chemical binding agents may be potentially abrasive agents.

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- (c) Only fully buried membrane liner installation shall be considered to avoid weathering;
- (d) Unreinforced liners have high elongation and can conform to irregular surfaces and follow settlements within limits. Unreasonable strain reduces effective thickness and may reduce life expectancy by lessening the chemical resistance of the thinner (stretched) material. Every effort shall be made to minimize the strain (or elongation) anywhere in the flexible membrane liner;
- (e) Construction and installation:
 - (A) Surface condition:
 - (i) Preparation of earth subgrade. The prepared subgrade shall be of soil types no larger than Unified Soil Classification System 9USCS sand (SP) to a minimum of four inches below the surface and free from loose earth, rock, fractured stone, debris, cobbles, rubbish and roots. The surface of the completed subgrade shall be properly compacted, smooth, uniform and free from sudden changes in grade. Importing suitable soil may be required;
 - (ii) Maintenance of subgrade. The earth subgrade shall be maintained in a smooth, uniform and compacted condition during installation of the lining.
 - (B) Climatic conditions:
 - (i) Temperature. The desirable temperature range for membrane installation is 42° F. to 78° F. Lower or higher temperatures may have an adverse effect on transportation, storage, field handling and placement, seaming and backfilling and attaching boots and patches may be difficult. Placing liner outside the desirable temperature range shall be avoided;
 - (ii) Wind. Wind may have an adverse effect on liner installation such as interfering with liner placement. Mechanical damage may result. Cleanliness of areas for boot connection and patching may not be possible. Alignment of seams and cleanliness may not be possible. Placing the liner in high wind shall be avoided;
 - (iii) Precipitation. When field seaming is adversely affected by moisture, portable protective structures and/or other methods shall be used to maintain a dry sealing surface. Proper surface preparation for bonding boots and patches may not be possible. Seaming, patching and attaching “boots” shall be done under dry conditions.
 - (C) Structures. Where penetrations are necessary, liners shall be attached to pipes with a mechanical type seal supplemented by a chemically compatible caulking or adhesives to effect a liquid-tight seal. The highest order of compaction shall be provided in the area adjacent to pipes to compensate for any settlement;
 - (D) Liner Placement:
 - (i) Size. The final cut size of the liner shall be carefully determined and ordered to generously fit the container geometry without field

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- seaming or excess straining of the liner material;
- (ii) Transportation, handling and storage. Transportation, handling and storage procedures shall be planned to prevent material damage. Material shall be stored in a secured area and protected from adverse weather;
 - (iii) Site inspection. A site inspection shall be carried out by the Environmental Health Officer and the installer prior to liner installation to verify surface conditions, etc.;
 - (iv) Deployment. Panels shall be positioned to minimize handling. Seaming should not be necessary. Bridging or stressed conditions shall be avoided with proper slack allowances for shrinkage. The liner shall be secured to prevent movement and promptly backfilled;
 - (v) Anchoring trenches. The liner edges should be secured frequently in a backfilled trench;
 - (vi) Field seaming. Field seaming, if absolutely necessary, shall only be attempted when weather conditions are favorable. The contact surfaces of the materials should be clean of dirt, dust, moisture, or other foreign materials. The contact surfaces shall be aligned with sufficient overlap and bonded in accordance with the suppliers recommended procedures. Wrinkles shall be smoothed out and seams should be inspected by nondestructive testing techniques to verify their integrity. As seaming occurs during installation, the field seams shall be inspected continuously and any faulty area repaired immediately;
 - (vii) Field repairs. It is important that traffic on the lined area be minimized. Any necessary repairs to the liner shall be patched using the same lining material and following the recommended procedure of the supplier;
 - (viii) Final inspection and acceptance. Completed liner installations shall be visually checked for punctures, rips, tears, and seam discontinuities before placement of any backfill. At this time the installer shall also manually check all factory and field seams with an appropriate tool. In lieu of or in addition to manual checking of seams by the installer, either of the following tests may be performed:
 - (I) Wet Test: The lined basin shall be flooded to the 1 foot level with water after inlets and outlets have been plugged. There shall not be any loss of water in a 24 hour test period;
 - (II) Air Lance Test: Check all bonded seams using a minimum 50 PSI (gauge) air supply directed through a 3/16 inch (typical) nozzle, held not more than two inches from the seam edge and directed at the seam edge. Riffles indicate unbonded areas within the seam, or other undesirable seam construction.

CHAPTER 7. SOLID WASTE MANAGEMENT

7.005 PURPOSE, POLICY, AND SCOPE

This Chapter is established to protect the health, safety and welfare of the residents of the Umatilla Indian Reservation and to provide the statutory basis for a coordinated program which addresses the accumulation, collection, and disposal of solid waste; resource recovery, recycling, and utilization of recyclable materials, and the creation and operation of disposal sites and transfer stations. Recognition of the importance of preventing pollution, over attempting to clean up contaminated sites after the fact, is an integral part of this Chapter.

Solid wastes covered under this chapter include bulk wastes, industrial wastes, infectious wastes, household hazardous wastes, food wastes, animal wastes, yard wastes, paper wastes, recyclables, and asbestos.

7.010 DEFINITIONS

- (1) “Animal Wastes” includes solid and semi-solid animal excrement and solid carcasses.
- (2) “Asbestos Wastes” means those wastes that contain more than 1 percent asbestos by weight and that, by hand pressure, can be crumbled pulverized, or reduced to powder when dry.
- (3) “Auto wrecking yard” means the same as auto salvage yard. An auto-wrecking yard is a licensed commercial establishment that accepts obsolete or damaged automobiles for storage, dismantling, or recycling by lawful means in accordance with the requirements of the Land Development Code.
- (4) “Bulk Wastes” includes, but is not limited to, construction debris; discarded residential, commercial, and industrial appliances, equipment, and furniture; land cleaning debris, and discarded, inoperable and/or abandoned vehicles or vehicle parts and tires.
- (5) “Closure” means the actions take by the owner or operator of a solid waste site or facility to cease disposal operations to ensure that all such facilities are closed in conformance with applicable laws at the time of such closure and to prepare the site for the post closure period.
- (6) “Commercial” means activities of, in, or, relating to commerce or activities related to a business, profession, or other endeavor having financial gain as an object.
- (7) “Composting” means the controlled degradation of organic solid waste, yielding a product for use as a soil conditioner.
- (8) “Food Wastes” means solid waste or waste, including bones, meat and meat scraps, fat, grease, fish and fish scraps; food containers or products contaminated with food wastes, particles or residues; prepared vegetable and fruit food wastes or scraps.
- (9) “Fire Marshall” means the Tribal Fire Chief or the Fire Chief’s designee shall be considered the Fire Marshall for purposes of this chapter.
- (10) “Garbage” includes animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food; swill and carcasses of dead animals, and of such a character and proportion as to be capable of attracting or providing food for vectors.
- (11) “Hazardous Waste” means a waste or combination of wastes as identified in 40 CFR 261.3.

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- (12) “Household Hazardous Wastes” means solid or liquid wastes resulting from household use of cleaners, pesticides and herbicides, paints and paint-related products, and automotive products.
- (13) “Incinerator” means any combustion device specifically designed for reduction, by burning, of solid, semi-solid, or liquid waste.
- (14) “Industrial Wastes” means waste or solid waste resulting from any process of industry or manufacturing or from the development or recovery of any natural resources.
- (15) “Infectious Wastes” includes cultures and stocks of infectious agents and any discarded materials those agents come into contact with, contaminated sharps (i.e., equipment that may cause punctures or cuts), pathological waste, human blood and blood products, surgical wastes, and other waste identified by a Environmental Health Officer as infectious waste.
- (16) “Landfill” means a disposal site operated by means of compacting and covering waste or solid waste at specifically designated intervals, but not necessarily each operating day.
- (17) “Notice of Impending Action” means a notice providing the model, make, year, and description of vehicles that are abandoned or not operational for a period of six months or longer. Notice of Impending Action shall state the location of the property, as near as reasonably possible, by U.S. Public Land Survey and allotment or tax lot identifiers, as well as by general description; when the action shall take place; what action shall take place; and by what authority the action is occurring.
- (18) “Paper Wastes” means solid wastes including newspaper, cardboard, and other paper products.
- (19) “Recyclables” means any materials that can be collected and reused. It includes all paper wastes, certain plastics, glass bottles, ferrous and non-ferrous metals, and aluminum cans.
- (20) “Refuse” means all solid waste except body wastes includes garbage, ashes, glass, metal, paper, wood, and plastics.
- (21) “Solid Waste” means useless, unwanted, or discarded materials. Solid waste does not include sewage or hazardous materials.
- (22) “Solid Waste Service” means the provider of waste or solid waste disposal site or resource facility or collection service, including collection, transfer, and transport, as authorized by the Board of Trustees.
- (23) “TERF” is an acronym meaning “Tribal Environmental Recovery Facility”, the designated transfer station for the Confederated Tribes.
- (24) “Transfer Station” means a permanent, fixed supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste into a larger transfer vehicle for transport to a solid waste handling facility.
- (25) “Vectors” means an organism capable of bearing, carrying, or transmitting microorganisms hazardous to human health.
- (26) “Vehicle” means all motorized means of transport for people or goods, including, but not limited to, automobiles, cars, trucks, motorcycles, scooters, mopeds, snow-machines, off-road vehicles, airplanes, boats and any other motorized means of transportation, whether or not a motor is present.

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7.015 COLLECTION, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE

Where not specifically stated below, the guidelines of 40 CFR 243 shall apply.

- (1) The owner or person in charge of any property or premises within the Reservation whereon refuse, domestic, or industrial garbage or solid waste originates shall at all times keep such material in sufficient portable, leak-proof, covered cans for disposal of such material in accordance with the provisions of this chapter.
- (2) It shall be unlawful for any person, firm, or corporation to store or to permit the storage of refuse, domestic or industrial garbage, or solid waste on or about their premises or on premises owned or controlled by them unless such material is kept in proper containers.
- (3) Any person may haul or recycle their own garbage, refuse or solid waste and dispose of it in a lawful manner at any transfer station, landfill, or recycling station that complies with Environmental Protection Agency standards. The waste shall be transported in a manner that prevents leakage or scattering of the garbage or refuse.
- (4) It shall be a violation of this Code to dispose of household hazardous waste into a sewer system, or on-site sewage system; be poured onto the ground or down a storm drain; be discarded along the road or other locations; have product labels removed; be removed from their original container for storage or future use; or be refilled using the same container.
- (5) All transportation of solid waste shall be conducted in a secure manner so all solid waste under transport remains with the vehicle to its final destination. Transportation liability will be addressed with the individual(s) providing the physical transportation of solid waste.

7.020 INFECTIOUS WASTES

- (1) The Environmental Health Officer shall direct the requirements for the disposal of infectious wastes. All infectious waste generators shall dispose of said waste under the direction of the Environmental Health Officer in accordance with this code and 40 CFR 259.
- (2) Infectious waste shall be separated from other wastes at the point of origin.
- (3) Infectious waste, except for sharps, shall be contained in disposable leak-proof red plastic bags with minimum thickness of two mils, and have a strength to preclude ripping, tearing or bursting under normal conditions of use. The bags shall be appropriately labeled as containing infectious waste. Bags are not recommended for infectious waste that cannot be secured.
- (4) Sharps shall be contained in a leak-proof, rigid, puncture resistant, break resistant, labeled containers with lids.
- (5) Infectious waste shall be treated prior to disposal by one or more of the following methods: steam sterilization, incineration, and other treatment/disposal method approved in writing by the Environmental Health Officer.

7.025 ABANDONED VEHICLES

- (1) Property owners having more than one vehicle that is not operational shall arrange for the sale of all excess vehicles, placement of the vehicle in a closed garage, or transportation of the vehicle to a licensed auto-wrecking yard.

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- (2) The Environmental Health Officer shall have the authority to obtain title for any vehicles identified under Subsection (1) of this Section, and to either sell or remove such vehicles from the Reservation at the owner's expense.
- (3) If the owner cannot be located or the owner does not surrender the title, the Environmental Health Officer may elect to post a "Notice of Impending Action" in the Public Notice section of the Confederated Umatilla Journal stating that such vehicles will be removed from the Reservation if the owner does not respond within 30 days of publication. In addition, the following notifications shall be performed:
 - (a) If a vehicle identification number can be determined and an owner's name and address located, notification shall be sent to the owner.
 - (b) If the vehicle is located on private land, whether in fee or trust, the owners of the land shall be sent notification.
 - (c) If there is no residence on the particular lot of land, a "Notice of Impending Action" shall be posted at the nearest access to a public road.
- (4) Residents who can demonstrate financial hardship may petition the Environmental Health Officer for assistance to meet the requirements of this section.
- (5) Any vehicle that poses a health or safety risk to the community may be ordered removed by the Environmental Health Officer.
- (6) Motor vehicles that have a current license plate, liability insurance, and are otherwise fully operational and legal for the public highways, including all safety equipment, are not considered abandoned under this chapter. Other vehicles, not designed for highway use, are not considered abandoned if they are capable of starting and operation as intended in their design, including modifications if said modifications do not result in an increased hazard to the operator, occupant, public or environment.

7.030 BULK WASTES

- (1) The owner of such wastes shall be responsible for transportation to an acceptable disposal site. The owner shall make every effort to reuse or recycle bulk waste prior to disposal.
- (2) Construction and Demolition Wastes.
 - (a) Construction-related materials that do not contain asbestos shall be separated into uncontaminated combustible materials and other waste for collection or hauling to an approved disposal site.
 - (b) Uncontaminated combustibles may be burned in compliance with Section 7.035
 - (c) Construction and demolition wastes are subsets of bulk waste and are defined as solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other manmade structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper. Plaster (i.e., sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or leachate during the decomposition process and asbestos wastes are not considered to be demolition waste.
 - (d) Persons removing waste material containing asbestos shall contact the Environmental Health Officer for information and instruction concerning removal

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and disposal.

7.035 BURNING

Open burning of solid waste, except for the infrequent burning of agricultural waste, silvicultural waste, land-clearing debris from emergency cleanup operations, is prohibited. Burning barrels may be used only for paper waste with the approval of the Tribal Fire Marshall.

7.040 COMPOSTING

Residents should make efforts to compost yard wastes and other organic materials on their property, where possible. Composting activities shall be maintained in a manner that does not create a nuisance, attract rodents or other vectors.

7.045 DEAD ANIMALS

- (1) Carcasses of domestic animals shall be disposed at a solid waste service, or
- (2) Carcasses of domestic animals may be buried or otherwise disposed upon receipt of approval from the Environmental Health Officer. The Environmental Health Officer may impose conditions to protect the public health.

7.050 TRANSFER STATION FACILITIES

- (1) Operation of a transfer station on the Reservation must be done by a Solid Waste Service.
- (2) Transfer station(s) shall comply with 40 CFR 240 and 40 CFR 264 where applicable, and shall be available to all residents of the Reservation.

7.055 LANDFILLS

- (1) No new landfills shall be sited on the Reservation. Solid waste services shall comply with all Tribal solid waste permitting requirements and all parts of 40 CFR, Parts 257 and 258.
- (2) The Environmental Health Officer shall ascertain the location and keep files of all known information on historic landfills and solid waste dumping areas.
- (3) The Environmental Health Officer shall make periodic inspections and reports to the Board of Trustees, at least annually, of all known historic landfills and solid waste dumping areas.
- (4) The Environmental Health Officer may enter and inspect any property, premises or place at any reasonable time for the purpose of determining compliance with this chapter and applicable Federal regulations referenced herein.
- (5) No private landfills shall be sited on the Reservation. All persons shall comply with all Tribal solid waste permitting requirements and all parts of 40 CFR, Parts 257 and 258, which are more stringent than tribal requirements.
- (6) Private Landfills must undergo closure as specified by 40 CFR Part 258.
- (7) For the purposes of this Section, a location where solid waste is discarded and accumulates is considered a landfill, even if it is not licensed or being properly operated. Said landfills shall have enforcement action taken to ensure their closure and continued compliance.

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7.060 TERF THE EXCLUSIVE PROVIDER OF SOLID WASTE AND RECYCLABLES SERVICE FOR THE UMATILLA INDIAN RESERVATION

- (1) TERF shall be the exclusive provider of Solid Waste Service, as that term is defined in Section 7.010(22) of this Code, and the collection of Recyclables, as that term is defined in Section 7.010(19) of this Code, within the boundary of the Umatilla Indian Reservation, except as in a rule authorized under Subsection B of this Section.
- (2) That TERF shall have the authority to develop and implement rules that govern its Solid Waste and Recyclables collection and disposal operations, including but not limited to delegating or waiving its exclusive provider status for certain materials or areas of the Umatilla Indian Reservation that TERF is unable to serve, as determined by the TERF Operations Manager.
- (3) Any commercial entity or person providing Solid Waste Service or Recyclables collection in violation of this Section shall be subject to a citation and enforcement action by the Environmental Health and Safety Officer as provided in Chapter 3 of this Code.

CHAPTER 8. FOOD SANITATION

8.000 FOOD CODE

This Chapter shall be known as the Food Code of the Confederated Tribes of the Umatilla Indian Reservation.

8.005 PURPOSE

Adopting the current edition of the “Food Code” regulating the retail sale, commercial and institutional service, and vending of food; defining permit holder, person in charge, employee, food, potentially hazardous food, food establishment, safe material, sanitization, and other terms; and providing standards for employee food safety knowledge, health, and practices; food sources, preparation, holding temperatures, and protection; equipment design, construction, installation, cleaning, and sanitization; water, and liquid and solid wastes; facilities construction and maintenance, and storage and use of poisonous and toxic materials; requiring a permit to operate a food establishment; and providing for the restriction or exclusion of employees, the examination and condemnation of food, and the enforcement of the code including the setting of penalties.

8.010 ADOPTION OF FOOD CODE

A certain document, three copies of which are on file in the Environmental Health Office of the Confederated Tribes of the Umatilla Indian Reservation being marked and designated as the *Food Code, (current edition) Recommendations of the United States Public Health Service/Food and Drug Administration* as published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration be, and is hereby adopted as, the Food Code of the Confederated Tribes of the Umatilla Indian Reservation; for regulating the design, construction, management and operation of food establishments, and providing for plans submission and approval and the issuance of permits and collection of fees therefore. Also included in this Section are any subsequent amendments, updates or revisions thereto.

8.015 INSERTIONS AND CHANGES

- (1) The following provisions of the Food Code, described in Section 8.010, are hereby revised as follows:
 - (a) Paragraph 1-201.10(B)(67) Replace definition of “Regulatory authority” to state that “Regulatory Authority” means “The Confederated Tribes of the Umatilla

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Indian Reservation, including the Environmental Health Office and authorized representative having jurisdiction over the food establishment and responsibility for the administration and enforcement of this code. The Environmental Health Office, under the supervision of the Tribal Planning Office and the Environmental Health Officer, or designee, are assigned the responsibility for the administration and enforcement.”

- (b) Paragraph 8-811.10(B)(1) Insert (\$10,000)
- (c) Paragraph 8-811.10(B)(2) Insert (\$25,000) for the designated amount, and insert (3 years) for the designated time.
- (d) Paragraph 8-813.10(B) Insert (\$5,000)
- (e) Paragraph 1-201.10 Add to definition of “Food Establishment” to state that “Food Establishment” does not include: A “Certified Domestic Kitchen.”

8.020 DEFINITIONS

“Certified Domestic Kitchen” means a domestic kitchen certified and permitted by the CTUIR Environmental Health Program that manufactures, packages, labels, or stores certain approved types of food for commercial sale (see section 8.030) is operated by a licensed food-handler, and has not more than one full-time equivalent employee, not including family members or household members residing where the approved food products are prepared or packaged.

8.025 CERTIFICATION OF DOMESTIC KITCHENS

All Certified Domestic Kitchens shall be inspected prior to certification to ensure that the kitchen facilities meet the following standards:

- (1) All certified domestic kitchen doors or openings to other rooms of the building or structure shall be kept closed during the processing, preparing, packaging, or handling of commercial foods.
- (2) No person other than the permittee, or a person under the direct supervision of the permittee, shall directly engage in the processing, preparing, packaging, or handling of commercial foods and no other person shall be allowed in the certified domestic kitchen during such periods of operation.
- (3) No infants or small children shall be allowed in the certified domestic kitchen during the processing, preparing, packaging, or handling of commercial foods.
- (4) No pets shall be allowed in the structure or building in which the certified domestic kitchen is located; except for guide-dogs for blind or deaf persons.
- (5) No processing, preparing, packaging, or handling of commercial foods shall occur in a certified domestic kitchen while other domestic activities are being carried on in such certified domestic kitchen, including, but not limited to, family meal preparation, serving, eating, dishwashing, clothes washing and ironing, cleaning of floors, walls, cabinets and appliances, or entertaining guests.
- (6) Each certified domestic kitchen shall include and be provided with the following:
 - (a) A separate closed storage space for ingredients, finished product containers, and labels for commercial foods;
 - (b) Separate refrigerated facilities for storage of perishable products or ingredients

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utilized in the processing, preparing, or handling of commercial foods;

- (c) A separate storage area for household cleaning materials and other chemicals or toxic substances.
- (7) Medical supplies or equipment shall be stored in a kit or container that is located to prevent contamination of food, equipment, utensils, and linens, single-service and single-use articles.
- (8) All certified domestic kitchens must have a potable water supply. If the certified domestic kitchen is on a private system (well or spring) it must comply with applicable construction and water sampling test requirements. Samples must be submitted to an approved lab and results submitted to the Confederated Tribes of the Umatilla Indian Reservation Environmental Health and Safety Program as part of the certification process.
- (9) All liquid wastes resulting from cleaning and rinsing utensils, equipment and floors, from flush toilets, and from handwashing facilities, refrigeration devices and air conditioners, shall be disposed of into a public sewage system or by a method approved by the Confederated Tribes of the Umatilla Indian Reservation Environmental Health and Safety Program. Private systems require a septic authorization notice or other documented form of correspondence with the Confederated Tribes of the Umatilla Indian Reservation Environmental Health and Safety Program.
- (10) Packaged foods must be labeled with the name of the product, net weight, ingredient statement, and the name and address of the producer. If the item is perishable, an expiration date is required.
- (11) The grounds around a certified domestic kitchen that are under the control of the permit holder shall be free from conditions which may result in contamination of food, including:
 - (a) Improperly stored equipment, litter, waste, or refuse, and uncut weeds or grass, within the immediate vicinity of the establishment structures that may constitute an attractant, breeding place or harborage for rodents, insects birds and other pests;
 - (b) Excessively dusty roads, yards or parking lots that may constitute a source of contamination in areas where food is exposed; or
 - (c) Inadequately drained areas that may constitute a source of contamination of food products through seepage, or by providing a breeding place for insects or microorganisms.
- (12) Floors in a certified domestic kitchen shall be easily cleanable, smooth, and of tight construction. All new constructed, or reconstructed, floors shall be of nonabsorbent materials. When subject to flood-type cleaning, floors in new construction shall be sloped to drain and be provided with drains in compliance with the international plumbing code standards. Joints at wall-floor junctions shall be covered and tight. The floors shall be kept clean and in good repair, and sweeping compounds (dust arrestors) shall be used when dry-sweeping floors.
- (13) Walls and Ceilings: The surface of walls and ceilings of all display, storage and processing rooms in a certified domestic kitchen shall be reasonably smooth and easily cleanable. All walls and ceilings shall be kept clean, in good repair and of a light color.
- (14) Doors and Windows: All openings to the outside in a certified domestic kitchen shall have tight-fitting doors, windows and effective screens. Properly operating air screens are acceptable. All doors used by the public shall be self-closing.

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- (15) Lighting: Adequate lighting shall be provided in handwashing areas, dressing and locker rooms, toilet rooms, all areas where food or food ingredients are examined, processed or stored, and areas where equipment and utensils are cleaned. Light bulbs, fixtures, skylights or other glass fixtures suspended over exposed food in any step of preparation shall be of the safety type or the food otherwise protected to prevent contamination in case of breakage.
- (16) All certified domestic kitchens shall be inspected annually or as needed in the event of a complaint or reasonable suspicion of code violations by the Confederated Tribes of the Umatilla Indian Reservation Environmental Health and Safety Program between the week-day hours of 8 a.m. to 4 p.m., and the Program may, if it deems it advisable or necessary, inspect such premises on Saturdays or holidays or other times commercial foods are being processed, prepared, packaged, or handled.
- (17) Certified domestic kitchens that will have on-site direct sales shall provide documentation of land use approval.

8.030 APPROVED FOOD PRODUCTS

Certified Domestic Kitchens may only produce certain approved non-potentially hazardous foods for commercial sale. These are foods that do not support the rapid growth of bacteria when held outside of refrigeration temperatures. The Confederated Tribes of the Umatilla Indian Reservation Environmental Health and Safety Program shall maintain, and make available upon request, a current list of approved foods. The burden of proof lies on the applicant for sale and production of foods not on the approved foods list.

CHAPTER 9. BED AND BREAKFAST FOOD SANITATION

9.005 DEFINITIONS

- (1) “Appurtenant structure” means a building that belongs to, is accessory or incident to, adjacent, appended or annexed to a single family residence. The single family residence and appurtenant structure must be on the same tax lot or trust allotment. Appurtenant structure includes but is not limited to a carriage house, garage, livery, pool or cabana building, guest cottage, bunkhouse, or similar building converted for human occupancy.
- (2) “Bed and Breakfast Facility” means any establishment located in a structure designed for a single family residence and structures appurtenant thereto, regardless of whether the owner or operator of the establishment resides in any of the structures, which:
 - (a) Has more than two rooms for rent on a daily basis to the public;
 - (b) Offers a breakfast meal as part of the cost of the room;
 - (c) Serves only one breakfast meal a day to guests, staff and owners, only.
- (3) “Breakfast meal” is the meal served to guests during the a.m. or morning hours each day.
- (4) “Designated Employees’ Restroom” means toilet room with handwashing lavatory accessible to employees only, during breakfast meal preparation and service.
- (5) “Guests’ Restroom” means toilet room located in the area of the guestrooms.

9.010 APPLICATION OF THIS CHAPTER

- (1) Except as otherwise set forth in this Chapter, Bed and Breakfast Facilities shall meet the

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applicable requirements of the “Food Code” as adopted in Chapter 8, “Food Sanitation”, of the Environmental Health and Safety Code.

- (2) If more than nine (9) bedrooms or accommodations for nineteen (19) or more persons are available on a daily basis, commercial grade dishwashing and separate refrigeration equipment must be provided.

9.015 ANIMAL RESTRICTIONS

Bed and Breakfast Facilities shall be exempt from the provisions of Chapter 8, Food Sanitation, provided, however, that no live animal, bird, or turtle will be kept or allowed in any portion of the premises where food for the registered guests of the establishment is stored, prepared, served, offered for sale, or given away. Aquariums and aviaries shall be allowed if enclosed so as not to create a public health problem.

9.020 EQUIPMENT REPLACEMENT

Replacement equipment and new equipment acquired after the effective date of this code may be of residential design, construction and installation. The equipment must be in good repair, capable of being maintained in a sanitary condition, have nontoxic food-contact surfaces and meet all other requirements of this chapter.

9.025 EMPLOYEE CHANGE ROOMS

Bed and Breakfast Facilities shall be exempt from the provisions of 6-305.11, of the Food Code, provided that no person shall change clothes, store clothing or personal effects in any area used for the storage or preparation of food or for utensil washing or storage.

9.030 DISHWASHING

- (1) All food service utensils and equipment shall be scraped, cleaned, and/or sanitized as circumstances of use require.
- (2) Bed and Breakfast Facilities shall comply with provisions of the Food Code, 4-5 through 4-7 for manual and/or mechanical cleaning and sanitizing of equipment and utensils, however, at the option of the owner or operator a domestic or homestyle dishwasher may be used provided the following performance criteria can be met:
 - (a) The dishwasher must effectively remove physical soil from all surfaces of dishes.
 - (b) The dishwasher must sanitize dishes either by the application of enough accumulative heat or by the application of adequate chemical solutions to the surface of the dish.
 - (c) Machines relying on heat for sanitizing shall produce heat unit equivalents in the final rinse and drying cycles which comply with time and temperature relationships or equivalents listed in this table (155F. minimum):

Temp F.	Time (Sec.)
155	150
161	30
165	16
170	5

- (d) If machine or water line mounted thermometers which indicate temperature of the final rinse water as it enters the manifold are not provided, the operator shall provide and daily use a registering thermometer or thermopaper to check the

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temperature at the dish surface during the final sanitizing rinse and drying cycles.

- (e) The dishwasher must be installed and operated according to manufacturer's instructions for the highest level of sanitization possible when sanitizing Bed and Breakfast Facility utensils. A copy of the dishwasher operating instructions must be available on the premises at all times.
- (f) The pressure of the final rinse water supplied to the dishwasher shall not be less than 15 nor more than 25 pounds per square inch (psi).
- (g) There shall be sufficient area or facilities such as portable dish tubs and drain boards for the proper handling of soiled utensils prior to washing and of cleaned utensils after sanitization so as not to interfere with safe food handling, handwashing and the proper use of dishwashing facilities.

9.035 PLUMBING

- (1) Existing food preparation sinks and mechanical dishwashers in Bed and Breakfast Facilities are not required to have indirect sewer connections. However, any new food preparation sinks or dishwashers installed after the effective date of this Code or existing installations in which backflow has been demonstrated shall comply with the current Uniform Plumbing Code as adopted. Food preparation sinks, installed prior to the adoption of this Code, that are directly plumbed and where food is placed in the sink below the rim, food must be placed in a container where the rim is above the flood rim of the sink.
- (2) Bed and Breakfast Facilities shall have the potable water system installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and back siphonage at all fixtures and equipment with an air gap of a minimum of 1 inch or twice the diameter of the water supply inlet between the water supply inlet and the fixture's flood level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.
- (3) New plumbing in a Bed and Breakfast Facility shall be installed and maintained in accordance with the Uniform Plumbing Code as adopted.

9.040 VENTILATION

In the event that the Environmental Health Officer determines that there is insufficient ventilation, sufficient ventilation shall be installed and operated according to the Uniform Building Code as adopted.

9.045 CONSTRUCTION

In Bed and Breakfast Facilities, only new and replacement walls and ceilings (or their coverings), constructed after the effective date of this code need comply with 6-201.16 through 6-210.17 of the Food Code, provided that all walls and ceilings (and their coverings) must be in good repair and maintained in a clean and sanitary condition.

9.050 UTILITY FACILITIES

Bed and Breakfast Facilities shall be exempt from the provisions of 5-203.13 of the Food Code, provided that hot water must be available for janitorial purposes. The use of handwashing lavatories, utensil-washing or equipment-washing or food preparation sinks for this purpose is prohibited.

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9.055 FOOD STORAGE

Bed and Breakfast Facilities shall be exempt from 6-202.112, of the Food Code, provided that no sleeping accommodations shall be allowed in any area where utensils are washed or where food is stored, prepared, or served.

9.060 FOOD SOURCE

All food intended for consumption by guests shall meet the Department of Agriculture requirements as being obtained from an approved source. The use of home canned foods and meat and dairy products from unapproved sources is prohibited, and the storage of such food items shall not be allowed in any area where food is prepared or served to guests.

9.065 LAUNDRY FACILITIES

Bed and Breakfast Facilities shall be exempt from the provisions of 4-803.13, of the Food Code, provided that food service laundry be laundered and stored separately from guest or resident laundry and that laundry operations are separated from food preparation areas.

9.070 TOILET AND HANDWASHING FACILITIES

Toilet and handwashing facilities in Bed and Breakfast Facilities shall comply with the Food Code, except as follows:

- (1) Employee Restroom. Bed and Breakfast Facilities may designate an employee restroom during meal preparation and service, and guests' restrooms are available. New toilet facilities shall be installed according to the Uniform Plumbing Code as adopted.
- (2) Handwashing Facilities. Handwashing facilities may be designated at a sink compartment used for dishwashing provided the sink is not being used to store or wash soiled dishes or prepare food during food preparation and service. Handwashing facilities, in the kitchen, shall be available at all times during food preparation and service. If facility operation results in handwashing facilities being unavailable, then a separate handwashing lavatory in the food preparation area will be required.
- (3) Handwashing Signs. Handwashing signs shall be properly posted at all sinks designated for employee handwashing. Handwashing signs are not required to be posted at sinks not designated for employee handwashing.

CHAPTER 10. PUBLIC SWIMMING POOLS

10.000 PURPOSE

This chapter prescribes the requirements for the construction and operation of public swimming pools, public wading pools and bathhouses. The requirements are for protecting the health, safety, and welfare of persons using those facilities.

10.005 ADOPTION BY REFERENCE

Outside standards, listings, publications and subsequent amendments referred to in this chapter are by reference made a part of this code.

10.010 DEFINITIONS

As used in this chapter, unless otherwise required by context:

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- (1) “Approved” means approved in writing by the Environmental Health Office.
- (2) “Athletic Club” means a facility constructed to provide athletic or physical conditioning for its members, guests or patrons. It includes but is not limited to racquetball clubs, health spas, fitness facilities, aerobics, etc.
- (3) “Bathhouse” means a structure that contains dressing rooms, showers and toilet facilities for use with an adjacent public swimming pool.
- (4) “Builder” means a person who, in the pursuit of an independent business, undertakes, or offers to undertake, or submits a bid, to construct, alter, repair, or improve any public swimming pool, spa pool or bathhouse and the appurtenances thereto.
- (5) “Cross Connection” means an unprotected connection between the piping carrying potable water and the piping or fixtures that carry other water or other substances.
- (6) “DE filter” means a filter that utilizes diatomaceous earth as a filter medium.
- (7) “General-Use Public Swimming Pool” means any public swimming pool other than limited-use public swimming pool. Public swimming pools operated in conjunction with a companion facility but not limited to use of the residents, patrons or members of the companion facility are general-use swimming pools.
- (8) “Guest Protection Zone” means a defined and prescribed area of a swimming pool or aquatic feature. A designated lifeguard is responsible for scanning a guest protection zone. Scanning refers to the actions performed by the lifeguard to visually survey and continuously and comprehensively monitor the guest protection zone.
- (9) “10/20 Guest Protection Standard” means a nationally recognized professional lifeguarding system that enables and requires a lifeguard to consistently and completely scan his/her assigned guest protection zone within 10 seconds and, should the guest need assistance, reach the guest to begin managing an incident within 20 seconds.
- (10) “Horseplay” means any unsafe activity that in the opinion of the Environmental Health Office or the pool operator endangers the pool users or by-standers.
- (11) “Instructor” means a currently certified American Red Cross Water Safety Instructor, YMCA Swim Instructor, or a person having equivalent certification as determined by the Environmental Health Office.
- (12) “Lifeguard” means a person with current American Red Cross lifeguard, National Pool and Waterpark Lifeguard, YMCA lifeguard (or equivalent as determined by the Environmental Health Office) certification or license.
- (13) “Limited-Use Public Swimming Pool” means any public swimming pool located at and operated in connection with a companion facility such as a residential housing facility having five or more living units, travelers’ accommodations, mobile home park, recreation park, boarding school, organizational camp, dude ranch, club or association where use of the pool is limited to residents, patrons or members of the companion facility.
- (14) “Private Swimming Pool” means any swimming pool, wading pool or spray pool owned by no more than four individuals, either jointly, individually or through association, incorporation or otherwise, and operated and maintained in conjunction with a companion residential housing facility having no more than four living units, for the use of the occupants thereof and their personal friends only. Private pools shall not be subject to the provisions of this Code.

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- (15) “Public Spa Pool” means any public swimming or wading pool designed primarily to direct water or air-enriched water under pressure onto the bather’s body with the intent of producing a relaxing or therapeutic effect.
- (16) “Public Swimming Pool” means an artificial structure, and its appurtenances, that contains water more than two feet deep which is expressly designated or which is used with the knowledge and consent of the owner or operator for swimming or recreational bathing and which is for the use of any segment of the public. “Public swimming pool” includes, but is not limited to, swimming pools owned or operated by:
- (a) Travelers’ accommodations;
 - (b) Recreation parks;
 - (c) Colleges;
 - (d) Schools;
 - (e) Organizational camps as defined in Chapter 12 of this code;
 - (f) Clubs;
 - (g) Associations;
 - (h) Business establishments for their patrons or employees;
 - (i) Private persons and that are open to the public;
 - (j) Recreation districts;
 - (k) The Confederated Tribes, municipalities, counties, states, or any other government entity.
- (17) “Public Wading Pool” means an artificial structure, and its appurtenances, that contains water less than two (2) feet deep (60cm), and is expressly designated or used with the knowledge and consent of the owner or operator for wading or recreational bathing and that is for the use of any segment of the public, whether limited to patrons of a companion facility or not.
- (18) “Special-use Pool” means a public swimming pool that is designed specifically for sporting or recreational purposes and may include, but is not limited to, special features such as wave pools, diving pools, splash pools, zero depth pools, portable slides, and water slides.
- (19) “Supplemental Disinfectant” means a disinfectant that is intended to augment water quality in a public swimming pool or spa and will provide disinfection in conjunction with the approved disinfectant.
- (20) “Waterpark Slide” means a slide at a public pool that has a length of at least twenty feet (6.1m), not including the platform.

10.015 COMPLIANCE

- (1) Swimming pools and wading pools that were in public use prior to the date of adoption of this code shall not be required to comply with Structural Stability, Section 10.045(2); and

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Dimensions, Section 10.055(3) and (4), provided such pools are operated in compliance with all other sections of this Chapter.

- (2) All swimming pools and wading pools that were constructed and in use but were not in public use as defined in Section 10.010(18), prior to the adoption of this Code, shall have complete and detailed plans submitted to the Environmental Health Office, and a permit issued, before being operated for any public use. A license to operate as a public pool shall not be issued until the pool is made to comply with the requirements of this Chapter.
- (3) Any limited-use swimming pool operated in conjunction with a companion residential housing facility having five or more living units and that was operated and maintained for the use of the occupants thereof and their personal friends only, but was not required to be licensed prior to the effective date of this Code shall not be required to comply with Structural Stability, Section 10.045(2); Dimensions, Section 10.055 (3), (4), and (5); Piping, Section 10.130(1), (2), (3); and Overflow Systems, Section 10.115(1)(b), (2) and (3); provided such pools are operated in compliance with all other requirements of this Chapter.

10.020 PERMIT TO CONSTRUCT

- (1) No person shall construct a public swimming pool, public wading pool, or bathhouse adjacent thereto, or alter any such structures without:
 - (a) Submitting complete plans and specifications to the Environmental Health Office;
 - (b) Receiving a written plan approval or conditional approval from the Environmental Health Office;
 - (c) Paying a construction permit fee to the Environmental Health Office;
 - (d) Receiving a permit to construct from the Environmental Health Office.
- (2) Plans, specifications, and fees required herein shall be submitted at the time of filing an application for a construction permit.
- (3) No person shall deviate from the approved or conditionally approved plans and specifications during the construction or alteration of a facility described in subsection (1) of this section without written approval of the Environmental Health Office.
- (4) Construction permits will be issued only to the owner or authorized agent of the owner.
- (5) The Environmental Health Office may issue a conditional construction permit where the plans and specifications for the proposed public swimming pool demonstrate a new technology or alternative mode of operation not contemplated in this chapter. Such a permit may be issued only when the proponent of the facility has provided information to the Environmental Health Office from which the Environmental Health Officer is clearly able to determine that the swimming pool may be reasonably expected to:
 - (a) Operate continuously in a clean and sanitary manner;
 - (b) Not constitute a menace to public health and safety; and
 - (c) Provide health and safety protection equal to or greater than that required by this chapter.
- (6) The conditional permit may impose conditions that will be set forth in a license for

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operation. These conditions may include, but not be limited to, submission of monitoring reports, sampling requirements, use restrictions and such other conditions as the Environmental Health Officer may deem necessary to protect the public health and safety or to establish further the Environmental Health Office's expectancy of such protection. Furthermore, any license issued subject to a conditional permit shall carry the condition that, by its acceptance, the holder understands that a conditional license may not be renewed, may be revoked or suspended, or a permanent license not issued in the future, if the Environmental Health Officer determines that the provisions of subsections (5)(a), (b), and (c) of this section are not met.

10.025 PLANS

- (1) Plans and specifications shall be prepared by a professional engineer or architect registered by a government entity recognized by the Confederated Tribes. Specific exemptions to this requirement may be granted by the Environmental Health Office, where in the judgment of the Environmental Health Officer no architectural or engineering problems are presented and the plans accurately depict the proposed pool and address all requirements of this chapter.
- (2) Plans shall be submitted in duplicate, drawn to scale and shall include:
 - (a) One plan view;
 - (b) One longitudinal section;
 - (c) One transverse section through the main drain;
 - (d) One overall plan showing the pool in relation to other facilities in the area. (This plan may be combined with subsection (2)(a) of this section.);
 - (e) One detailed view of the equipment room layout;
 - (f) One vicinity map;
 - (g) One piping schematic showing piping, pipe size, inlets, main drains, skimmers, gutter outlets, vacuum fittings, and all other appurtenances connected to the pool piping system. (This plan may be combined with subsection (2)(a) of this section);
 - (h) One cross section of the step treads and risers.
- (3) Plan notes such as "fence by owner" or "deck to be under separate contract" shall not be acceptable as a substitute for scale drawings.
- (4) Plans shall include the following information in tabulated form:
 - (a) Legal address of the facility;
 - (b) Location of the facility if different from legal address;
 - (c) Owner's name, address and telephone number;
 - (d) Surface area of pool;
 - (e) Pool volume, turn over time, flow rate, filter rate/unit area, type of filter and total system head loss;

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- (f) Manufacturer, make and model numbers of the pump, filter and automatic chemical feed apparatus, filter head loss (clean and dirty), and pump curve showing design flow rate and head;
- (g) Source of water used at the pool;
- (h) Means of disposing backwash water.

10.030 LICENSES

- (1) No person shall operate a public swimming pool, without the following:
 - (a) Securing an approved final construction inspection from the Environmental Health Officer;
 - (b) Making application for a license to operate such pool;
 - (c) Paying the license fee; and
 - (d) Securing a license from the Environmental Health Office.
- (2) Such license terminates and is renewable on December 31 of each year.

10.035 CONDITIONAL LICENSES

- (1) Conditional licenses may be issued by the Environmental Health Office in circumstances where:
 - (a) There is substantial compliance with this chapter;
 - (b) A written schedule for total compliance approved by the Environmental Health Officer is instituted and maintained; and
 - (c) In the judgment of the Environmental Health Officer, there is no immediate threat to the health and safety of bathers during the time in which complete compliance is attained. The Environmental Health Office may also require special safeguards to be instituted and maintained as a condition of the conditional license.
- (2) Conditional licenses may also be issued by the Environmental Health Office, as provided in section 10.020(5).

10.040 MAINTENANCE AND MODIFICATION

- (1) All equipment of public swimming pools shall be operational and shall be kept in good repair. Such equipment shall be maintained in conformance with the original design or better.
- (2) The structural components of all public swimming pools and their appurtenances shall be maintained in good repair.

10.045 STRUCTURAL STABILITY

- (1) All public swimming pools shall be water-tight, constructed of water-proof and enduring materials compatible with the swimming pool environment and shall be designed to withstand all anticipated loading for both pool-empty and pool-full conditions.

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- (2) Where a high water table may be encountered, provisions shall be made for relief of hydrostatic pressure from under the pool floor and around the pool walls.

10.050 SIZE

Public swimming pools shall be sized according to and shall not exceed the design limit of the user load functions shown below. User loads are specific in-pool loads only. Area of deep water, "D" equals the surface area of the pool greater than five feet (1.5m) deep. Area of shallow water, "S" equals the surface area of the pool less than five feet (1.5m) deep. Surface area, "A" equals the area of the entire pool.

- (1) Outdoor swimming pools with a surface area of more than 2,000 square feet—Maximum load = $(D/27) + (S/15)$;
- (2) Outdoor swimming pools with a surface area of less than 2,000 square feet—Maximum load = $A/24$;
- (3) Indoor swimming pools—Maximum load = $A/24$;
- (4) Spray pools, wading pools—Maximum load = $A/24$.

10.055 DIMENSIONS

- (1) Public swimming pools shall have no sharp edges or protrusions where walls meet at an acute angle. Public swimming pools shall be shaped to provide for complete water recirculation and mixing.
- (2) There shall be no wall ledges in public swimming pools.
- (3) Public swimming pools shall be not less than 3' (90cm) or more than 3' 6" (105cm) in depth at their shallowest point.
- (4) Walls in public swimming pools shall be vertical or within 11 degrees of vertical for a minimum distance of 2'9" (82.5cm) in deep areas or 2'6" (75cm) in shallow areas from which point they may be radius to join the floor.
- (5) Floor slopes in the shallow area shall be uniform to a depth of 5' (1.5m), and shall not exceed the following:
 - (a) General-use pools: 1' of fall in 12' horizontally;
 - (b) Limited-use pools: 1' of fall in 10' horizontally.
 - (c) Floor slopes in the transition area between the deep and shallow portions of the pool shall not exceed 1' of fall in 3' horizontally.
- (6) The wall-floor transition radius shall:
 - (a) Have its center no less than 2'9" (82.5cm) below the surface of the water in deep areas, or 2'6" (75cm) in shallow areas;
 - (b) Be tangent to the wall;
 - (c) Be less than or equal to the depth of the pool minus the vertical wall depth measured from the water line in deep areas minus 3" (7.5cm), to allow draining to the main drain. (R maximum = Pool Depth—Vertical Wall Depth - 3" (7.5cm)).

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- (7) Pools intended for diving shall comply with Section 10.080.

10.060 FINISHES, MARKINGS AND LIFELINES

- (1) Walls and floors
- (a) Wall and floor finishes shall be of non-toxic materials, shall be impervious and enduring. Such finishes shall be smooth and easily cleanable;
 - (b) Walls and floors of public swimming pools shall be white, of a light color, or a light-colored pattern.
- (2) A lifeline shall be provided 2' (60cm) on the shallow side of the break in grade between shallow and deep portions of the pool. Where there is a uniform slope, a lifeline is not required.
- (4) The lifeline shall be securely fastened to wall anchors. Wall anchors shall be of corrosion-resistant materials and shall be recessed or have no projections which constitute safety hazards when the lifeline is removed.
- (4) The lifeline shall be marked with visible floats at intervals of 7 feet or less. The line shall be of sufficient size and strength to offer a good handhold and to support loads normally imposed by bathers.
- (5) The lifeline shall lie in place except when pool use is restricted to lap swimming by competent swimmers or to supervised swimming instruction by a certified swim instructor.
- (6) The break in grade of the pool shall be marked with a 4" (10cm) minimum width of floor tile or painted stripe of a color contrasting with the bottom. Where there is a uniform slope, a stripe is not required.
- (7) Depth of water (in feet) shall be plainly and conspicuously marked above or at water level on the vertical pool wall except for splash-out (deck level overflow) pools and on the top of the coping or edge of the deck or walk next to the pool. There shall be such markers at the maximum and minimum depth points and at 1' (30cm) depth increments in the shallow portion of the pool. Depth markings shall be spaced at no more than 25' (7.6m) intervals. There shall be depth markings at slope breaks. Pools built prior to adoption of this code shall comply with this section pertaining to vertical pool wall markings when the interior pool finish is repaired or resurfaced.
- (8) Depth markings shall be at least 4" (10cm) in height and of a color contrasting with the background.

10.065 ILLUMINATION

- (1) Where underwater lighting is used, not less than 0.5 watts incandescent or the equivalent shall be employed per square foot of pool area.
- (2) Where underwater lighting is used, and night or indoor swimming is permitted, area lighting shall be provided for the deck areas and directed away from the pool surface. No less than 0.6 watts incandescent or the equivalent per square foot of deck area shall be used.
- (3) Where underwater lighting is not employed and night swimming is permitted, area and pool lighting combined shall be provided at not less than two watts incandescent or the equivalent per square foot of deck area.

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10.070 VENTILATION

Buildings enclosing swimming pools shall be ventilated in accordance with the requirements of the Uniform Building Code as adopted.

10.075 LADDERS, RECESSED STEPS AND STAIRWAYS

- (1) All public swimming pools shall have a ladder, set of recessed steps or stairway located at 75' (22.9m) intervals around the pool perimeter with a minimum of two such means of egress.
- (2) There shall be at least one ladder, set of recessed steps or stairway at the shallow end and another at the deep end of the pool.
- (3) Ladder treads, recessed step surfaces and stairs shall have slip-resistant surfaces.
- (4) Handrails
 - (a) Ladders and recessed steps shall be provided with two handrails;
 - (b) Stairways shall be provided with at least one handrail.
- (5) Recessed steps shall drain into the pool.
- (6) Ladders, recessed steps and stairways shall be located so as not to interfere with racing lanes.
- (7) Stairway treads shall have a minimum unobstructed horizontal tread depth of 10" (25cm) and a minimum unobstructed surface area of 240 square inches.
- (8) Risers at the centerline of the stairway treads shall have a maximum uniform height of 12" (30cm). The vertical riser height from deck surface down to the top of the first tread shall not exceed 12" (30cm).
- (9) Ladders and handrails shall be securely mounted.

10.080 DIVING

- (1) Public swimming pools used for diving shall provide water depths and lateral and vertical clearances as follows:
 - (a) Pools constructed after the date of adoption of this code shall comply with the minimum dimensions of Figure 1, Table 1.
 - (b) Pools constructed prior to May 1, 1986 shall comply with the minimum dimensions of Figure 2, Table 2.
 - (c) There shall be at least 16' (4.9m) of unobstructed vertical clearance above any diving board measured from the center of the front end of the board. This clearance shall extend horizontally 8' (2.4m) behind, 16' (4.9m) in front, and 8' (2.4m) to each side of the end of the board.
- (2) Diving Boards
 - (a) Diving boards one meter or more in height above the water shall be equipped with a stairway or ladder and two handrails;

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- (b) Diving boards one meter or higher shall be protected with one guardrail on each side of the board. Guardrails shall extend to the edge of the pool wall.
- (c) Diving platforms higher than three meters shall not be installed at public swimming pools without the approval of the Environmental Health Office. The Environmental Health Officer shall determine the necessary standards to be applied for said installation if it is to be allowed.

10.085 SLIDES

- (1) Slides shall comply with the requirements of the U.S. Consumer Product Safety Commission Safety Standards for Swimming Pool Slides as published in the Code of Federal Regulations Vol. 16, Part 1207, Pages 265-281 (16 CFR Part 1207).
- (2) Slides shall:
 - (a) Be sturdily constructed of corrosion-resistant material;
 - (b) Be securely fastened to the pool deck;
 - (c) Have a ladder equipped with slip-resistant treads and rigidly attached handrails;
 - (d) Have runways which are smooth, of one piece, and free of cutting, pinching, puncturing or abrasion hazards;
 - (e) Have slide runways that are provided with side rails on both sides; such side rails shall be no less than 2" (5cm) in height.
- (3) Slide runways shall be water lubricated when in use.
- (4) There shall be no slides higher than 12 feet (30cm) above the water level.
- (5) Water depths 4.5 feet (1.4m) beyond the end of the slide shall be based on the slide height as follows: Height to Minimum Water Depth.

Height	Minimum Water Depth
More than 3 feet (90cm) up to 7.5 feet (2.3m)	4 feet (1.2m)
More than 7.5 (2.3m) feet up to 8 feet (2.4m)	5 feet (1.5m)
More than 8.0 feet (2.4m) up to 11 feet (3.4m)	5.5 feet (1.7m)
More than 11.0 feet (3.4m) up to 12 feet (3.7m)	6 feet (1.8m)

- (6) Portable toddler slides (3 feet or less)(90cm) shall have an entry into water depths that are recommended by the manufacturer and approved by the Environmental Health Office. Water depths for slide entry are determined by, but not limited to, platform height, length of slide, and weight of bather.

10.090 WATERPARK SLIDES

- (1) Water park slides shall comply with the requirements of the U.S. Consumer Products Safety Commission safety standards for Swimming Pool Slides as published in the Code of Federal Regulations Vol. 16, Part 1207, Pages 265-281 (16 CFR Part 1207).

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- (2) Prior to entering the pool, the last ten feet (3m) of the slide must be horizontal.
- (3) The slide shall be designed so that it enters the pool at or below the water level.
- (4) The pool shall be constructed of concrete or other structurally rigid, impervious materials with a smooth, slip resistant finish:
 - (a) There shall be a three and a half (3.5) foot (1m) minimum distance between the exterior slide wall and the adjacent vertical pool wall;
 - (b) There shall be a minimum twenty (20) feet (6.1m) between the slide exit and the opposite side of the pool, excluding steps;
 - (c) Centerlines for multiple slides shall be parallel, a minimum of eight (8) feet (2.4m) apart, and not intersect for twenty (20) feet (6.1m);
 - (d) The water depth at the slide exit shall be a minimum of three (3) feet (1m). This depth shall be maintained for a minimum distance of ten (10) feet (3m).
- (5) If a public pool is for the exclusive use of a waterpark slide splash area, the pool's recirculation system shall be designed to provide a 60 minute turnover rate.
- (6) During operation:
 - (a) Lifeguards shall be on duty at the slide splash area;
 - (b) The platform area shall have an attendant in place;
 - (c) Entry shall be regulated at a minimum of ten (10) second intervals per slide user.
- (7) A sign shall be posted describing the proper way to use the slide. The sign shall include at least the following:
 - (a) Slide feet first only!
 - (b) Slide sitting up or lying on your back!
 - (c) Slide one at a time only!
 - (d) Always enter the pool feet first! Do not somersault, twist, or dive from the end of the slide.

10.095 ELEVATED LIFEGUARD CHAIRS

- (1) Elevated lifeguard chairs or elevated lifeguard platforms shall be provided at all general-use swimming pools.
- (2) There shall be one lifeguard chair or elevated lifeguard platform for each 120 (36.6m) feet of pool perimeter and with the exception of subsection (3) of this section may be spaced at the discretion of the pool operator.
- (3) Where more than one lifeguard chair or elevated lifeguard platform is required, there shall be one chair or platform located on each side of the pool.
- (4) Portable lifeguard chairs or elevated lifeguard platforms shall be acceptable providing they are structurally sound and tilt proof.

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- (5) Lifeguard chairs shall be at least 6' (1.8m) in height from the deck surface to the chair seat or elevated lifeguard platforms shall be at least 34" (85cm) in height from the deck surface to the platform surface.
- (6) Where pool decks are at least 6 feet (1.8m) in width, all general-use pools built prior to adoption of this code, shall comply with subsection (2) of this section. All such pools shall comply with subsection (5) of this section at such time as new elevated chairs or platforms are installed, or existing elevated chairs or platforms need replacement, provided that the existing chairs are a minimum of 4 feet (1.2m) in height.

10.100 LIFE SAVING EQUIPMENT

The following life saving equipment shall be provided in good working order at all public swimming pools:

- (1) A non-adjustable reach-pole not less than twelve (12) feet (3.6m) in length with an attached life hook.
- (2) One life buoy with an attached thirty (30) foot (9.2m) long line. Such equipment shall be mounted conspicuously within the pool enclosure or the pool room and be readily available to lifeguards and pool users.

10.105 SWIMMING POOL ENCLOSURE

- (1) Public swimming pools shall be protected by an enclosure. Such enclosure shall be a fence, wall, or building without private entrances to the pool area.
- (2) Swimming pool enclosures including windows, gates and doors shall be constructed in such a manner so as to discourage access to the pool by unsupervised children and/or domestic animals and shall incorporate the following construction standards:
 - (a) Enclosures shall be not less than 4 feet (1.2m) in height measured from the outside ground level at a point one foot (30cm) horizontal from the base of the enclosure;
 - (b) There shall be not more than 4 inches (10cm) of space between the bottom of the enclosure and the ground's surface or pool deck;
 - (c) Separation between vertical sections and bars shall be a maximum of 4 inches (10cm);
 - (d) Horizontal rails shall be spaced with a minimum 42 inches (105cm) separation;
 - (e) All exterior projections or recessions shall be 42 inches (105cm) from either the top or bottom of the fence;
 - (f) Gates and doors in swimming pool enclosures shall be self-closing and shall be equipped with a lockable self-latching device. The operating controls for the self-latching device shall be located at least 42 inches (105cm) above the exterior ground surface or pool deck. Entrances with self-closing and self-locking devices requiring the use of a key or combination to gain access shall have controls located at a minimum of 36 inches (90cm);
 - (g) Construction methods and materials shall be used that provide a durable and low maintenance structure;

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- (h) Buildings enclosing public swimming pools shall be constructed in accordance with the requirements of the Uniform Building Code as adopted by the Confederated Tribes.
- (3) The Environmental Health Officer may approve alternate enclosure materials and methods where the Environmental Health Officer finds such materials and methods equivalent to those described in subsection (2) of this section.
- (4) Swimming pool enclosures constructed prior to the date of adoption of this code, that are a minimum of 42 inches (105cm) in height; or with spacing not greater than 5 inches (13cm) between vertical boards (bars); or with spacing not greater than 5 inches (13cm) between the bottom of the fence and the pool deck; or with spaces between the horizontal rails not less than 38 inches (95cm), shall be acceptable until such time as the enclosure requires repair or replacement.

10.110 DECKS

- (1) The following minimum continuous unobstructed deck widths, which may include the coping, shall be provided at all public pools:
 - (a) General-use swimming pools – 8 feet (2.4m);
 - (b) Limited-use swimming pools, spray pools, wading pools – 4 feet (1.2m).
- (2) A minimum of 4 feet (1.2m) unobstructed deck shall be provided on all sides of diving equipment and slides.
- (3) Decks shall slope no less than ¼” per foot (6mm per 30cm) and shall be drained to perimeter or area drains.
- (4) Deck surfaces:
 - (a) Shall be constructed of concrete, non-slip tile, or equally impervious material with a slip-resistant, easily cleanable surface that is impervious to water;
 - (b) Surfaces meeting the requirements of subsection (a) of this section must be maintained for a minimum width of 8 feet (2.4m) around the perimeter of general-use pools and 4 feet (1.2m) around the perimeter of limited-use pools or within the limits of the deck drainage area, whichever is greater. Wood decking, carpeting or artificial turf deck surfaces are prohibited within 8 feet (2.4m) of general-use pools or 4 feet (1.2m) of limited-use pools or within the limits of the deck drainage area, whichever is greater;
 - (c) Pools previously approved with deck surfaces not complying with subsection (a) of this section shall comply when the surface requires repair or is replaced.
- (5) Joints between concrete deck slabs shall be watertight and shall be designed to protect the pool, coping, and its mortar bed from movement of the deck.
- (6) Decks shall be provided with expansion joints.
- (7) The distance between adjoining concrete deck slabs shall be no greater than 3/16” (5mm).
- (8) Adjoining deck surface elevations shall vary no more than ¼” (6mm).
- (9) New and replacement expansion joints shall not be constructed of wood.

10.115 OVERFLOW SYSTEMS

- (1) All public swimming pools shall be operated with a continuous overflow. Overflow systems shall be either of the perimeter type or a series of surface skimmers:
 - (a) A perimeter type overflow system shall be used at all general-use public swimming pools and at limited-use public swimming pools that are greater than 30 feet (9.1m) in width or have more than 2,500 square feet of surface area. Such perimeter system shall:
 - (A) Extend completely around the pool;
 - (B) Have a gutter that is smooth, cleanable and provides positive drainage.
 - (b) A perimeter-type or skimmer-type overflow system shall be used at all limited-use public swimming pools less than 30 feet (9.1m) in width or with less than 2,500 square feet of surface area:
 - (A) Where skimmers are used, there shall be one skimmer for each 400 square feet of surface area, with a minimum of two skimmers;
 - (B) Skimmers shall be located to achieve effective skimming action over the entire surface area of the pool.
 - (c) Perimeter overflow systems
 - (A) Perimeter overflow systems shall be connected to the recirculation system with a system surge capacity of at least one-gallon per square foot of pool surface. External surge systems shall be capable of transferring water at a rate equal to 100 percent of the design pool flow rate. Gutters shall drain in two minutes or less after sudden flooding;
 - (B) Pools with perimeter overflow systems shall be provided with surge tanks unless predesigned and prefabricated to use in gutter of in-pool surge. Surge tanks shall have a capacity of one gallon per square foot of pool surface.
- (2) Overflow systems shall be designed to return overflow water to the recirculation system ahead of the filters. Provisions shall be made for diverting gutter water to waste when cleaning the gutter.
- (3) Pools built prior to the implementation of this code, that were constructed without the overflow system being connected to the recirculation system shall satisfy this requirement by overflowing at least daily, provided the water quality parameters of Pool Water Quality, Section 10.195, and Table 3 are met.

10.120 RECIRCULATION SYSTEM

- (1) All public swimming and wading pools shall have recirculation and filtration systems with piping, pumps, filters, disinfection and other equipment to maintain pool water quality as required by this code.
- (2) The system of pumps, filters, disinfection facilities and other equipment shall be of adequate size to recirculate, filter and disinfect the entire volume of pool water in the following maximum time intervals:
 - (a) General-use public pools and limited-use public pools of over 2,000 square feet of

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surface area: Maximum Turnover Time 6 hours;

- (b) Limited-use public pools of less than 2,000 square feet of surface area: Maximum Turnover Time 8 hours;
 - (c) Public wading pools: Maximum Turnover Time 3 hours;
 - (d) Limited use pools operated in conjunction with athletic clubs: Maximum Turnover Time 6 hours.
- (3) Overflow water shall not be less than 50 percent of the total recirculated water.
 - (5) Recirculation and filtration systems shall be in operation continuously while the facility is in use.

10.125 INLETS AND OUTLETS

- (1) Pool inlets and outlets shall be provided, sized and arranged to produce a uniform circulation of water to maintain a uniform disinfectant residual throughout the pool.
- (2) There shall be at least one inlet per 400 square feet of pool area, or 10,000 gallons of water, whichever is greater.
- (3) At least one outlet shall be provided at the lowest point of the pool floor to drain the entire floor area.
- (4) When the main outlets for pool pump suction are installed in the pool floor near one end, the spacing shall be not greater than 20 feet (6m) on center and an outlet shall be provided not more than 15 feet (4.6m) from each side wall.
- (5) Total velocity through outlet grate openings shall not exceed two feet/second (60cm per second).
- (6) Grates shall be designed to prevent entrapment of fingers.
- (7) Pool outlets shall be valved and connected to the recirculation pump and shall have a design capacity equal to 100 percent of the recirculation pump capacity.
- (8) Direct pool inlets shall:
 - (a) Be over-the-rim fill spouts with air gaps located under a diving board, beside grab rails; or
 - (b) Be through-the-wall fill lines located above the water level and equipped with an appropriate backflow prevention device installed per standards available from the Environmental Health Office; or
 - (c) Be directly connected to the recirculation water supply and equipped with a reduced pressure device installed, per standards available from the Environmental Health Office, on the potable water supply adjacent to the connection with the pool recirculation water.

10.130 PIPING

- (1) Pool recirculation piping shall be sized to carry the following maximum design flows:

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- (a) Discharge piping (except copper) – 10 ft./sec. (3m/sec.);
 - (b) Discharge piping (copper) -- 8 ft./sec. (2.4m/sec.);
 - (c) Suction velocity -- 6 ft./sec. (1.8m/sec.)
- (2) Pool recirculation piping, if plastic, shall comply with National Sanitation Foundation Standard #14 for Plastic Materials, Pipe, Fittings and Appurtenances for Potable Water and Waste-Water.
 - (3) All pool recirculation piping shall be rated and capable of withstanding four times the maximum operating pressure at maximum water temperatures.
 - (4) Provisions shall be made to de-water all recirculation piping and equipment.
 - (5) Pool backwash and drain lines shall be permanently piped with an air-break. For all pools built after the date of implementation of this code, the pool backwash and/or drain line shall be permanently piped with an air gap to discharge into an approved sewerage system.

10.135 PUMPS

- (1) A pump and motor shall be provided for recirculation of pool water:
 - (a) All pumps shall be provided with a strainer on the suction side of the pump. The strainer shall be at least equal in size to the pump suction line;
 - (b) Strainers installed below water level shall be provided with a valve on each side to facilitate cleaning.
- (2) Performance of pumps shall meet the conditions of flow required for filtering and backwashing the filters against the total dynamic head (TDH) developed by the complete system. Pumps shall be capable of providing design flow rates at 60 feet of TDH unless the TDH for the system is calculated to be less than 60 feet.
- (3) Pumps shall be capable of pumping at a rate sufficient to turn over the total pool volume within the period specified in Recirculation System, Section 10.120(2).
- (4) Pumps on public swimming pools shall comply with National Sanitation Foundation Standard Number #50 on centrifugal pumps.
- (5) Pumps shall be sized to pump the flow required in subsection (3) of this section under filter soil conditions that create pressures or vacuums at which manufacturers recommend filter cleaning.

10.140 FILTERS

- (1) Filters shall be capable of maintaining pool water clarity as described in Pool Water Quality, Section 10.195 and Table 3 under conditions of maximum user load.
- (2) Filter rate shall not exceed the following:
 - (a) High rate sand filters -- 18 gpm per square foot of filter media or that rate approved by the manufacturer for that particular filter, whichever is less. Pools constructed prior to the adoption of this Code, may continue to use filters sized at 20 gpm per square foot of filter media until replaced;

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- (b) Rapid sand filters -- 3 gpm per square foot of filter media;
 - (c) Diatomaceous earth filters -- 2 gpm per square foot of filter media;
 - (d) Cartridge filters -- 0.375 gpm per square foot of effective filter area.
- (3) A means shall be provided to permit release of air that enters the filter tank.
 - (4) Filter components that require servicing shall be accessible and available for inspection and repair.
 - (5) Filters shall be designed so that the filter surfaces can be easily inspected and serviced.
 - (6) Filters shall meet the safety performance standards of the National Sanitation Foundation Standard Number #50 depending on the filter media.
 - (7) Separation tanks or settling sumps are required with DE filters. Separation tanks shall:
 - (a) Be provided with a manual means of air release or a lid which provides a slow and safe release of pressures;
 - (b) Have a precautionary statement affixed warning the user that the air release must be opened before starting the circulation pump.

10.145 POOL HEATERS

- (1) Fired water heaters installed after the effective date of this code, used exclusively for heating water for swimming pools are considered pool boilers and are exempt from requirements of the Boiler and Pressure Vessel Law if:
 - (a) Units are equipped with a flow switch or pressure switch set at a minimum of 1.5 psig;
 - (b) No intervening stop valves are installed on the discharge side of the unit;
 - (c) Discharge piping is not reduced from the engineering sizing of the fired heater;
 - (d) All units are equipped with an ASME-approved pressure and temperature relieving device set at 50 psig;
 - (e) The unit has a maximum of 10 gallons capacity contained with the unit; and
 - (f) The burner is wired in series with the recirculation pump.
- (2) Where fuel-burning swimming pool heaters are provided for public swimming pools they shall:
 - (a) Be situated so that the pilot light, if present, is readily accessible;
 - (b) Be provided with an adequate supply of combustion air; and
 - (c) Be equipped with metal or chlorinated polyvinyl chloride pipe (CPVC) for a minimum of 18 inches (45cm) upstream and downstream of the heating equipment. However, where manufacturer's recommended installation allows shorter lengths of CPVC, installation according to manufacturer's recommendations is allowed in lieu of 18 inches of CPVC if documentation of

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manufacturer's recommendations is provided.

- (3) Where electrical heaters are provided they shall be installed in accordance with the Electrical Code as adopted. When required by Underwriters Laboratory, metallic current collectors shall be installed on the inlet and outlet of the heater. The current collectors shall be grounded and shall be at least five pipe size diameters in length.

10.150 DISINFECTANT AND CHEMICAL FEEDERS

- (1) Public swimming or wading pool water shall be provided with a means of disinfecting that provides a residual disinfectant in the pool water at all times, as described in Pool Water Quality, Section 10.195 and Table 3.
- (2) Automatic disinfection equipment for introducing a disinfectant shall be provided.
- (3) Disinfection equipment shall:
 - (a) Be equipped with suitable controls capable of fine feed rate adjustment;
 - (b) Be capable of feeding one pound of equivalent chlorine per 15,000 gallons of pool capacity per 24 hours;
 - (c) Be capable of feeding two and one quarter pounds (2-1/4) of bromine per 15,000 gallons of pool capacity per 24 hours where bromine sanitation is applicable.
- (4) Hypochlorinators, erosion (flow-through) feeders, or other adjustable output rate disinfectant feeding equipment shall conform to National Sanitation Foundation Standard #50 for Circulation System Components for Swimming Pools.
- (5) Where chlorine gas is used as the disinfectant:
 - (a) Such chlorine gas, its feeders, and other containers shall be housed in a room or compartment separate from other pool equipment. Such room or compartment shall:
 - (A) Be at or above ground level;
 - (B) Have adequate ventilation to the outside air;
 - (C) Have a door that opens to the outside of the building of which the room or compartment is a part. Doors installed after the date of adoption of this code shall have a shatterproof gas tight inspection window for viewing the enclosed area. Such door must open away from public access area;
 - (D) Be located so that chlorine gas, if accidentally released, will not flow into the pool room or into building ventilation systems;
 - (E) Have lighting and ventilation switches located outside the enclosure, adjacent to the door, or the door shall be equipped with a door switch that automatically activates the mechanical ventilation and lighting systems.
 - (b) A platform scale for measuring the weight of the chlorine cylinders shall be provided;
 - (c) A full face negative pressure respirator with a chlorine cartridge approved by the National Institute of Occupational Safety and Health (NIOSH) for protection

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against chlorine gas or a self-contained breathing apparatus approved by the NIOSH shall be supplied, kept in good working conditions and mounted outside the chlorine enclosure.

NOTE: Storage of such equipment in rooms adjoining the chlorine room shall be approved provided such equipment is readily available.

- (d) Gas chlorinators shall have a fail-safe mechanism which ceases chlorination in case of malfunction;
 - (e) Gas chlorinators shall be equipped with an anti-siphon chlorine injection device;
 - (f) The vent line from the gas chlorinator shall vent away from an occupied area. The exterior opening of the vent line shall be screened.
- (6) Where disinfectants other than chlorine or bromine are used, such disinfectants shall:
- (a) Achieve water disinfection equal to that which free chlorine or bromine provides at the concentration specified in Pool Water Quality, Section 10.195, Table 3, (1)(a); and
 - (b) Be approved by the Environmental Health Office.
- (7) Ozone disinfection may be used as a supplemental system under special permit approval by the Environmental Health Officer. Interim guidelines governing the installation and operation of ozone equipment may be requested from the Environmental Health Office.

10.155 METERS AND GAUGES

- (1) Flow meters shall be installed in all recirculation systems. Such meters shall:
- (a) Measure flow in gallons per minute;
 - (b) Be mounted as recommended by the manufacturer; and
 - (c) Be located to be easily read.
- (2) Pressure gauges or vacuum gauges shall be installed on all public swimming pools so that pressure or vacuum readings, as appropriate to filter type, may be obtained on both the influent and effluent lines of the filters.

10.160 EQUIPMENT ROOM

- (1) Swimming pool equipment shall be installed in a room or building large enough to permit ready access to all equipment for both operation and maintenance. Ready access shall be determined by:
- (a) General-use swimming pools—A minimum of 3 feet (90cm) of unobstructed access to all operational and maintenance portions of the equipment.
 - (b) Limited-use swimming pools—A minimum of 50 square feet of floor area or a minimum of 3 feet (90cm) of unobstructed access to operational and maintenance portions of the equipment.
- (2) Equipment rooms shall be adequately ventilated.

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- (3) Equipment rooms shall protect the equipment from the elements and be locked, permitting access only to authorized personnel.
- (4) Equipment rooms for all pools built after the date of adoption of this code shall have a floor drain.
- (5) Equipment rooms shall be lighted to properly operate and maintain equipment.

10.165 GROUND FAULT INTERRUPTER

A certified ground-fault circuit-interrupter shall be provided on all branch circuits involved in lighting or receptacle outlets according to the Electrical Code, as adopted.

10.170 BATHHOUSES AND SANITARY FACILITIES

- (1) A bathhouse shall be provided at all general-use swimming pools.
- (2) Where a general-use swimming pool is operated in conjunction with a companion facility, a bathhouse common to both facilities shall be acceptable, provided the minimum facility ratios and locations described in Subsections (3), (4) and (5) of this section are followed.
- (3) Bathhouses shall:
 - (a) Meet requirements of the Structural Specialty Code, Mechanical Specialty Code, Electrical Specialty Code, and Plumbing Specialty Code as adopted;
 - (b) Be located within 200 feet (61m) of the general-use swimming pool;
 - (c) Have floors which are slip resistant, easily cleanable, and coved to a height of four inches (10cm);
 - (d) Have shower compartments with walls that are impervious to water to a height of six (6) feet (1.8m) above the floor. An effective watertight joint between the wall and the floor shall be maintained. (Wooden racks or duck boards over shower floors are prohibited);
 - (e) Have interior wall and ceiling finishes that are smooth, easily cleaned, and impervious to water;
 - (f) Where rubber or impervious mats are used, have such mats clean and dry between use;
 - (g) Have shower stall floors that are finished with non-slip, impervious surfaces;
 - (h) Where glass bath or glass shower doors are used, have such doors made of safety glass;
 - (i) Have a first-aid room equipped with a minimum of one cot, one blanket and first-aid supplies as described in Appendix 1;
 - (j) Hose bibs shall be provided for washing down the bathhouse interior;
 - (k) Floors shall slope a minimum of ¼ inch per foot (6mm/30cm) and shall drain to floor drains.

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- (4) General-use swimming pools shall provide sanitary facilities in the following numbers based upon maximum user load:
- (a) Toilets—Women, one per 30 pool users or fraction thereof, with a minimum of two; Men, one per 60 pool users or fraction thereof, with a minimum of two (urinals shall be an acceptable substitute for no more than ½ of the toilets);
EXCEPTIONS: Pools built prior to adoption of this code may have a minimum of one (1) toilet. If the bathhouse is remodeled, it shall comply with the current standards.
 - (b) Lavatories adjacent to toilets—One per 60 pool users or fraction thereof;
 - (c) Showers—One head per 40 pool users or fraction thereof, with a minimum of two.
 - (d) Showers shall be located to provide users immediate access to the pool deck.
- (5) Limited-use swimming pools shall provide sanitary facilities based on the maximum bather load of Section 10.050 in the following numbers:
- (a) Provide toilets and lavatories as described in subsections (4)(a) and (b) of this section; and
 - (b) Provide such toilets and lavatories within 500 feet (152m) of the swimming pool;
 - (c) Private accommodations located within 500 feet (152m) of the swimming pool shall constitute compliance with the requirements of subsection (5)(a) of this section. When provided, additional bathhouse facilities adjacent to the pool shall comply with Subsections (3)(a), (c), (d), (e), (f), (g) and (h) of this section, and are exempt from the fixture requirements of Section (4) of this section.
- (6) Hot and cold or tempered water only shall be provided at all showerheads.
- (7) Liquid soap in dispensers shall be provided at all showerheads and lavatories.

10.175 VISITOR AND SPECTATOR AREAS

Visitors and spectators shall be allowed within the pool room or pool enclosure only if they are restricted to a separate area not used by bathers. At general-use public pools, separate toilets shall be provided for spectators.

10.180 FOOD SERVICE

No food or drink shall be permitted within the 4 foot (1.2m) minimum deck area of limited-use pools or within the 8 foot (2.4m) minimum deck area of general-use pools. Glass containers are not permitted within the pool enclosure. Food and drink shall be permitted in the visitor and spectator areas or in separated snack areas for pool users. Trash containers shall be provided in the food service areas.

10.185 DRINKING FOUNTAINS

Functioning drinking fountains shall be provided at all general-use public pools.

10.190 DOMESTIC WATER QUALITY

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- (1) Water supplied at public swimming pools shall comply with applicable standards for Public Water Systems.
- (2) There shall be no cross connection between the pool water recirculation system or backwash system and the domestic water supply. Public swimming pool water recirculation and backwash systems shall comply with the Cross-Connection Control Requirements of the Uniform Plumbing Code of the Confederated Tribes of the Umatilla Indian Reservation.

10.195 POOL WATER QUALITY

- (1) Water in public swimming pools and wading pools shall be maintained such that the water quality is within the limits established herein, and in Table 3, for Pool Water Quality.
- (2) Testing Equipment:
 - (a) All public swimming pools shall have functional test kit(s) or equipment for measuring the pH, free and combined chlorine concentration, or bromine, or concentration of other approved disinfectant, total alkalinity, turbidity (water clarity) and cyanuric acid if stabilized chlorine is used;
 - (b) Functional test kits or testing systems to test for total copper and silver concentrations shall be provided when those supplemental disinfectants are used;
 - (c) Test kits for measuring free chlorine or bromine shall use DPD as the reagent.
- (3) Pool operators shall test and record the parameters described in subsections (2)(a) and (b) of this section with the following minimum frequencies during periods when the pool is open for use:
 - (a) pH – Daily
 - (b) Chlorine:
 - (A) Outdoor Pools:
 - (i) Chlorine (Non-stabilized) -- Hourly;
 - (ii) Chlorine (Stabilized with a minimum of 30 ppm cyanuric acid) -- Every four hours.
 - (B) Indoors Pools: Chlorine—Every four hours.
 - (c) Bromine:
 - (A) Outdoor Pools—hourly;
 - (B) Indoor Pools—every 4 hours.
 - (d) Total copper—Weekly, if used;
 - (e) Total silver:
 - (A) If ionizing technology is used, once per quarter for one year after equipment is installed; twice per year thereafter;

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- (B) Weekly if silver is dispensed without using ionizing technology.
 - (f) Total alkalinity—Weekly;
 - (g) Calcium hardness -- (recommended) -- Weekly;
 - (h) Turbidity—Daily;
 - (i) Cyanuric acid (if used) -- Monthly.
- (4) Continuous reading devices shall satisfy requirements in subsections (3)(a), (b) and (c) of this section if such devices record in pH units and ppm of free chlorine or bromine;
- (5) Notwithstanding the above, the Environmental Health Office may require any other testing frequency for a pool water parameter or a chemical added to the pool for the purpose of protecting public health.

10.200 OPERATION AND MAINTENANCE

- (1) Operators of public swimming pools shall be thoroughly knowledgeable about good practices of pool operation and with the laws pertaining to public pools. If, at any time, testing indicates that the pool water does not conform with the requirements for clarity, minimum residual free chlorine or bromine, or the pH exceeds 7.8, the pool operator shall immediately close the pool to the public until the requirements are satisfied.
- (2) Records
- (a) Operators of public pools shall keep records pertaining to the operation and maintenance of the pool which they operate;
 - (b) Such records shall be maintained daily during periods when the pool is open, shall be retained by the operator and made available to the Environmental Health Officer on request. All such records shall be retained for a period of two years;
 - (c) Records shall include at least the following:
 - (A) Results of the tests described in Pool Water Quality, Section 10.195(3) and Table 3;
 - (B) Date and time of filter backwash;
 - (C) Dates that the pool was emptied and/or cleaned;
 - (D) Periods of recirculation equipment operation and/or malfunction and repair.
 - (d) A recommended record keeping form is provided in Appendix B.
- (3) Cleaning and repair
- (a) All parts and facilities of public swimming pools and bathhouses shall be kept clean, in good repair and free of safety hazards;
 - (b) All public swimming pools shall provide a vacuum cleaner capable of effectively removing settled material from the bottom of the pool.
- (4) Upon request by the Environmental Health Officer, the operator shall provide access to

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all portions of the public swimming pool facility during normal times of operation or other times as required by the Environmental Health Officer.

10.205 SAFETY

(1) Reportable accidents

- (a) The operator of any public swimming pool shall report in writing to the Environmental Health Office any drowning, other death or injury requiring medical treatment occurring on the pool premises;
- (b) Such reports shall be made on forms provided by the Environmental Health Office and shall be submitted immediately after the occurrence.

(2) Lifeguards

- (a) Lifeguards shall be provided at all general-use public pools during operating hours. There shall be at least one lifeguard on duty for every 40 bathers or fraction thereof. However, the Environmental Health Office may consider an exception request from an operator desiring to use the 10/20 guest protection standard and guest protection zone;
- (b) At limited-use public pools only, and in lieu of lifeguards, operators or managers shall maintain continual surveillance over the pool during operating hours.
- (c) Lifeguards, pool operators or managers shall enforce the following at all public swimming pools:
 - (A) No person shall swim alone;
 - (B) Non-swimmers and children under 14 years of age shall not use the pool unless a lifeguard is present, or in a limited-use pool, a responsible adult observer is present;
 - (C) Bathers shall take a cleansing shower before entering a general-use pool;
 - (D) No person suffering from a communicable disease transmissible via water or under the influence of an intoxicating liquor or drug shall use the pool;
 - (E) No person shall take food or drink inside the pool enclosure except in areas specifically designated for such use as described in Food Services, Section 10.180;
 - (F) No person shall bring, throw or carry food, drink, smoking material, trash, debris, or any other foreign substances into the pool;
 - (G) No person shall run or engage in horseplay in or around a public swimming pool;
 - (H) Persons in street shoes shall not be permitted on the pool deck areas used by bathers.

10.210 SIGNS

- (1) All general-use pools shall post a sign at the entrance to the pool enclosure and the dressing room with the information given below.

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- (a) All persons are required to take a cleansing shower before entering the pool;
 - (b) No person suffering from a communicable disease transmissible via water or under the influence of an intoxicating liquor or drug shall use the pool;
 - (c) No person shall swim alone;
 - (d) No person shall run or engage in horseplay in or around the pool.
- (2) All limited-use swimming pools shall post a sign at the entrance to the pool enclosure with the information given below.
- (a) No person suffering from a communicable disease transmissible via water or under the influence of an intoxicating liquor or drug shall use the pool;
 - (b) No person shall swim alone;
 - (c) All non-swimmers and children under 14 years of age shall be accompanied by a responsible adult observer;
 - (d) No person shall run or engage in horseplay in or around the pool.
- (3) Signs shall be a minimum of 24 inches by 18 inches (60x45cm) with letters at least 3/8 inch (9mm) in height.

10.215 INSTRUCTIONAL USE OF LIMITED-USE POOLS

The Confederated Tribes recognize the public's need for instruction in pools that are designed to meet minimum public health and safety criteria. Therefore, the Environmental Health Office will allow the use of licensed limited-use public pools for instruction to the public provided:

- (1) Use by the public is limited to instruction only.
- (2) The instructor meets the qualifications listed in Definitions, Section 10.010(11).
- (3) The Environmental Health Office is notified in advance of the time and place of the lessons.
- (4) Pool water chemistry parameters shall be tested and recorded before and after each scheduled swimming session.
- (5) Spectators shall not be allowed on the decks.
- (6) First-aid supplies as described in this Chapter, Appendix 1, shall be provided.
- (7) Sanitary facilities as required by Section 10.170(4)(a), (b) and (c) must be available to bathers and a cleansing shower required prior to entering the pool.

CHAPTER 10 – APPENDIX: TABLES AND FIGURES

Supplies to be included in the first aid kit:

- First Aid pocket guide
- Supply Checklist
- Assorted sterile gauze pads (r.4, 3x3, 5x9, etc.) with adhesive tape
- Antiseptic wipes or hydrogen peroxide
- Scissors
- Tweezers
- Triangular bandages
- Roller gauze
- Bloodborne pathogen spill kit
- Disposable single use gloves
- Eye protection, face shields, or goggles
- First aid pocket masks as a barrier for rescue breathing or CPR
- Space blanket
- Small trash bag
- Biohazard bag

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Chapter 10 – Minimum dimensions for diving portions of public swimming pools built after May 1, 1986

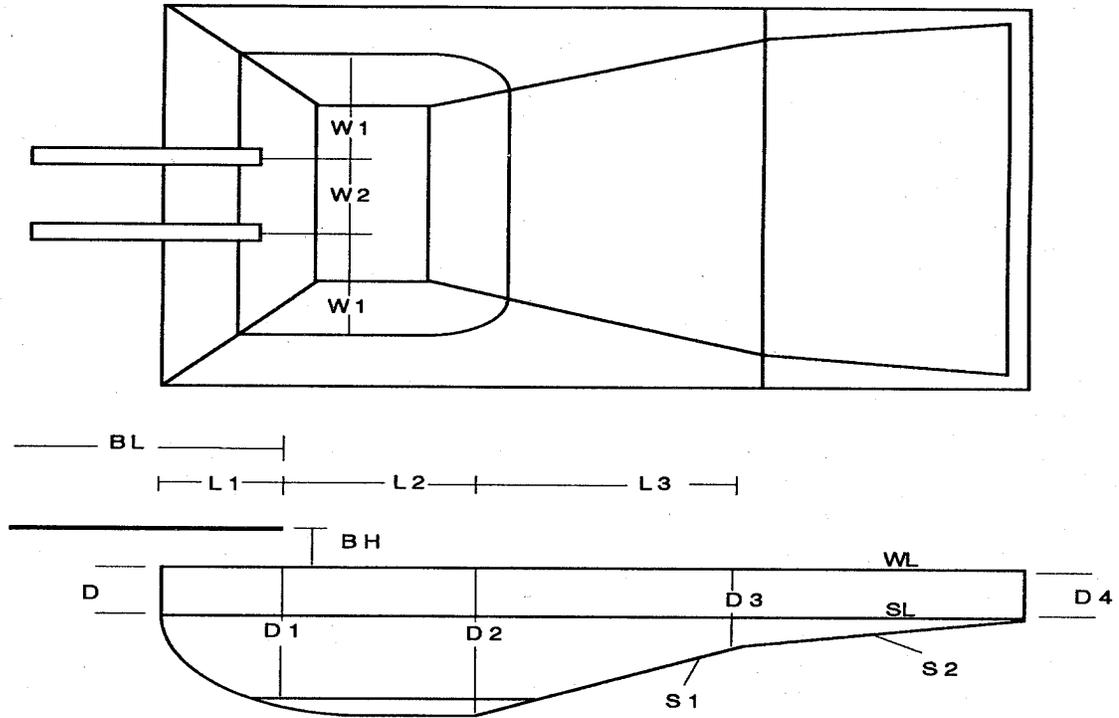


Figure 1

D= Depth to pool springline, point of tangency of pool wall and cove.
 L1= The minimum overhang of the board from the pool wall.
 L3= Based upon a maximum transition slope of 1 in 3 at a D3 depth of 5'.
 BH= Board height, board tip to water surface. Boards of unequal height will be separated by the larger prescribed distance.
 BL= Board Length. WL= Pool water surface at

normal operating level.
 SL= Pool springline. Must be 2'9" or greater in deep portions and 2'6" or greater at the shallow end.
 D4= Total water depth in shallow portion of the pool. Must be between 3' and 3'6".
 S2= Slope in shallow portion of the pool (rise to run).
 A: Gen use and ltd use pools over 40': S2 ≤ 1:12
 B: Ltd use pools under 40': S2 ≤ 1:10.
 R= Radius of cove. Must be ≥ depth of pool minus the vertical wall depth, measured from the water line.

Table 1

Board Ht.	BL	D	D1	D2	D3	L1	L2	L3	W1	W2	S1	Head Rm.
	Max	Min	Min	Min	Min	Min	Min	Min	Min	Min	Slope	Min
Up to 2/3 M	10'	2'9"	9'	9'	5'	4'	12'	12'	10'	6'	1:3	13'
¾ M	12'	2'9"	10'	10'	5'	4'	12'	15'	10'	6'	1:3	13'
1M	[14]16'	2'9"	12'	11'6"	5'	5'	16'5"	19'6"	12'	7'	1:3	16'5"
3M	16'	2'9"	12'6"	12'2"	5'	5'	19'9"	21'6"	15'	12'	1:3	16'5"

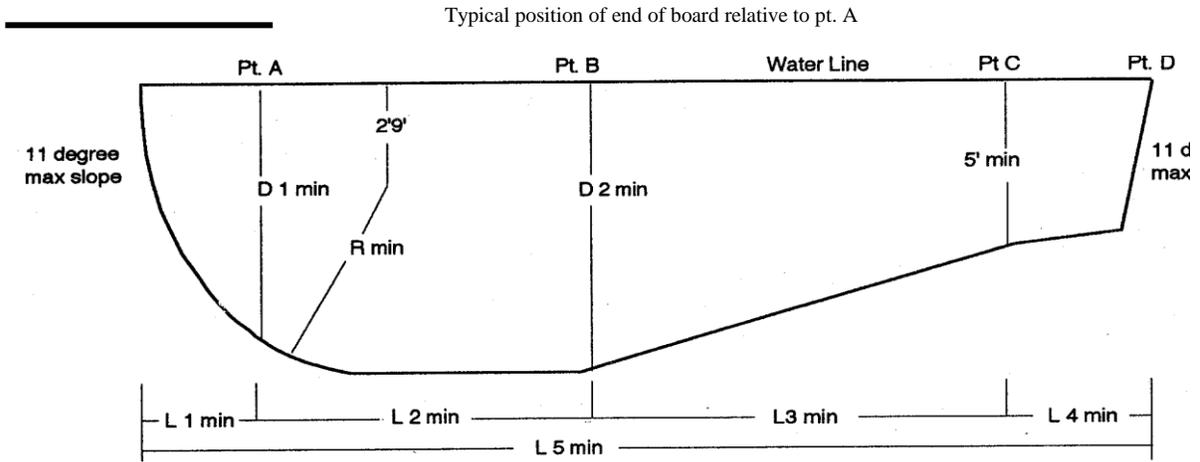
Minimum Dimensions for Diving Portions of Public Swimming Pools Built prior to May 1, 1986

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Figure 2

This drawing does **not** show the shallow portion of the pool



Note: L4 is a minimum dimension to allow sufficient length opposite the board. This may of course be lengthened to form the shallow end of the pool.

TABLE 2

Related Diving Equipment		Minimum Dimensions								Minimum Pool Width		
Max Diving Bd. Length	Max Bd. Ht. Over Water	D1	D2	R	L1	L2	L3	L4	L5	Pt A	Pt B	Pt C
10'	26" (2/3M)	7'	8'6"	5'6"	2'6"	8'	10'6"	15'	36'	16'	18'	18'
12'	30" (3/4M)	7'6"	9'	6'	3'	9'	12'	15'	39'	18'	20'	20'
[14] 16	1 Meter	8'6"	10'	7'	4'	10'	15'	15'	44'	20'	22'	22'
16'	3 Meter	11'	12'	8'6"	6'	10'6"	21'	15'	52'6"	22'	24'	24'

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CHAPTER 10 - TABLE 3 WATER QUALITY PARAMETERS

	Parameters	Min.	Ideal	Max.
(1)	free chlorine	0.8 ppm	1.0 - 3.0 ppm	5.0 ppm
(2)	combined chlorine	0	0	0.5 ppm
(3)	bromine	3.0 ppm	3.0 - 5.0 ppm	8.0 ppm
(4)	total copper	0	0	1.0 ppm
(5)	total silver	0	0	0.05 ppm
(6)	pH	7.2	7.4 - 7.6	7.6
(7)	total alkalinity as CaCo3	80 ppm	100 – 125 ppm	200 ppm
(8)	cyanuric acid	0 ppm	30 ppm	150 ppm
(9)	calcium hardness (recommended)		175 ppm	
(10)	Turbidity (water clarity)	0/F.T.U.	0-0.5/F.T.U.	1.0/F.T.U.
		Or such that a standard 2” (5cm) diameter clarity disc which is divided into alternate black and red quadrants is clearly visible and the separate colors discernible through 15 feet (4.57m) of water. Note: F.T.U. = Formalin Turbidity Unit.		
(11)	bacteria	Coliform organisms shall not be present in more than 15 percent of any series of samples and pseudomonas aeruginosa or other human pathogen shall not be present in any samples tested using Standard Methods for Testing Water and Waste Water 16 th Edition. (Note: it is not required that this parameter be checked routinely but shall be monitored at the discretion of the Environmental Health Officer.)		

CHAPTER 11. PUBLIC SPA POOLS

11.005 PURPOSE

This Chapter prescribes the requirements for the construction and operation of public spa pools and bathhouses. It is for protecting the health and welfare of persons using these facilities.

11.010 ADOPTION BY REFERENCE

Outside standards, listings and publications referred to in this chapter are by reference made a part of this Chapter.

11.015 DEFINITIONS

As used in this chapter unless otherwise required by context:

- (1) “Approved” means approved in writing by the Environmental Health Office.
- (2) “Bathhouse” means a structure that contains dressing rooms, showers, and toilet facilities for use with an adjacent public spa pool or public swimming pool.
- (3) “Builder” means a person who, in the pursuit of an independent business, undertakes, or offers to undertake, or submits a bid, to construct, alter, repair, or improve any public swimming pool, spa pool or bathhouse and the appurtenances.
- (4) “Cross Connection” means an unprotected connection between the piping carrying potable water and the piping or fixtures that carry other water or other substances.
- (5) “DE filter” means a filter that utilizes diatomaceous earth as a filter medium.
- (6) “General-Use Public Spa Pool” means any public spa pool other than limited-use public spa pool. Public spa pools operated in conjunction with a companion facility but not limited to use of the residents, patrons, or members of the companion facility are general-use spa pools.
- (7) “Horseplay” means any unsafe activity that in the opinion of the Environmental Health Officer or the spa operator endangers the spa users and bystanders.
- (8) “Lifeguard” means a person with current American Red Cross lifeguard, National Pool and Waterpark Lifeguard, YMCA lifeguard (or equivalent as determined by the Environmental Health Office) certification or license.
- (9) “Limited-use Public Spa Pool” means any public spa pool located at and operated in connection with a companion facility such as a residential housing facility having five or more living units, traveler’s accommodations, mobile home park, recreation park, boarding school, organizational camp, dude ranch, club or association where use of the pool is limited to residents, patrons or members of the companion facility.
- (10) “Oxidized means a process of chemically removing organic debris, using a product to reduce combined chlorine and for the purposes of this chapter is an alternative to superchlorination.
- (11) “Private Swimming Pool” means any swimming pool, wading pool or spa pool owned by no more than four individuals, either jointly, individually or through association, incorporation or otherwise and operated and maintained in conjunction with a companion

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residential housing facility and having no more than four living units, for the use of the occupants thereof and their personal friends only. Private pools shall not be subject to the provisions of these rules.

- (12) “Public Spa Pool” means any public swimming pool or wading pool designed primarily to direct water or air-enriched water under pressure onto the bather’s body with the intent of producing a relaxing or therapeutic effect.
- (13) “Public Swimming Pool” means an artificial structure and its appurtenances, which contains water more than two feet deep which is expressly designated or which is used with the knowledge and consent of the owner or operator for swimming or recreational bathing and which is for the use of any segment of the public. “Public swimming pool” includes, but is not limited to, swimming pools owned or operated by:
 - (a) Traveler’s accommodations;
 - (b) Recreation parks;
 - (c) Colleges;
 - (d) Schools;
 - (e) Organizational camps as defined in Chapter 12;
 - (f) Clubs;
 - (g) Associations;
 - (h) Business establishments for their patrons or employees;
 - (i) Private persons and that are open to the public;
 - (j) Recreation districts;
 - (k) Municipalities;
 - (l) Counties; or
 - (m) A state or other government agency or organization.
- (14) “Public Wading Pool” means an artificial structure, and its appurtenances, which contains water less than two feet deep which is expressly designated or which is used with the knowledge and consent of the owner or operator for wading or recreational bathing and which is for the use of any segment of the public, whether limited to patrons of a companion facility or not.
- (15) “Supplemental Disinfectant” means a disinfectant which is intended to augment water quality in a public swimming pool or spa and will provide disinfection in conjunction with the approved primary disinfectant.

11.020 COMPLIANCE

- (1) Public spa pools built prior to the adoption of this code are exempt from the following requirements, provided such pools were constructed and are maintained in accordance with the plans as previously approved by the inspecting organization for the construction of the spa pool, and provided the exemption does not present a health or safety hazard:

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- (a) Section 11.065(3);
 - (b) Section 11.085(1), (2), and (10);
 - (c) Section 11.090(2)(a);
 - (d) Section 11.095(3) and (4);
 - (e) Section 11.100(2);
 - (f) Section 11.115(2)(a), (b), (c);
 - (g) Section 11.140(1).
- (2) The above exemptions do not apply to any alteration or replacement of the affected components.

11.025 PERMIT TO CONSTRUCT

- (1) No person shall construct a public spa pool or bathhouse adjacent thereto, or alter any such structures without:
- (a) Submitting complete plans and specifications to the Environmental Health Office;
 - (b) Paying the stipulated plan review fee to the Environmental Health Office;
 - (c) Receiving a written plan approval or conditional approval from the Environmental Health Office;
 - (d) Paying the stipulated construction permit fee (unless fee exempt) to the Environmental Health Office;
 - (e) Receiving a permit to construct from the Environmental Health Office.
- (2) Plans, specifications, and fees required herein shall be submitted at the time of filing application for a construction permit.
- (3) No person shall deviate from the approved or conditionally approved plans and specifications during the construction or alteration of a facility described in subsection (1) of this section without the written approval of the Environmental Health Officer.
- (4) Construction permits will be issued only to the owner or authorized agent of the owner.
- (5) Special Permits
- (a) The Environmental Health Officer may issue a Special construction permit where the plans and specifications for the proposed public spa pool demonstrate a new technology or alternative mode of operation not contemplated in this code. Such a permit may be issued only when the proponent of the facility has provided information to the Environmental Health Office from which the Environmental Health Officer determines that the spa pool may be reasonably expected to:
 - (A) Operate continuously in a clean and sanitary manner;
 - (B) Not constitute a menace to public health or safety; and

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- (C) Provide health and safety protection equal to or greater than that required by this code.
- (b) The special permit may impose conditions that will be set forth in a license for operation. These conditions may include, but not be limited to, submission of monitoring reports, sampling requirements, use restrictions, and such other conditions as the Environmental Health Officer may deem necessary to protect the public health and safety or to further establish the Environmental Health Officer's expectancy of such protection. Furthermore, any license issued subject to a special construction permit shall carry the condition that by its acceptance the holder understands that a special license may not be renewed, may be revoked or suspended, or a permanent license not issued in the future, if the Environmental Health Office determines that the provisions of subsections (5)(a) and (b) are not met.

11.030 PLANS

- (1) Plans and specifications shall be prepared by a professional engineer or architect registered by a government entity recognized by the Confederated Tribes. Specific exemptions to this requirement may be granted by the Environmental Health Office, where in the judgment of the Environmental Health Officer no architectural or engineering problems are presented and the plans accurately depict the proposed spa pool and address all requirements of this chapter.
- (2) Plans shall be submitted in duplicate, drawn to scale and in sufficient detail to completely and clearly illustrate what is to be constructed and shall include:
 - (a) One plan view;
 - (b) One cross section through the main drain;
 - (c) One overall plan showing the pool in relation to other facilities in the area. (This plan may be combined with subsection (2)(a) of this section);
 - (d) One detailed view of the equipment room layout;
 - (e) One vicinity map;
 - (f) One piping schematic showing piping, pipe size, inlets, main drains, skimmers, gutter outlets, vacuum fittings, and all other appurtenances connected to the pool piping system. (This plan may be combined with subsection (2)(a) of this section);
 - (g) One cross section of the step treads and risers.
- (3) Plans must show all required components of the spa pool and its appurtenances and plan notes such as "fence by owner" or "deck to be under separate contract" shall not be acceptable as a substitute for scale drawings.
- (4) Plans shall include the following information in tabulated form:
 - (a) Legal address of the facility;
 - (b) Location of the facility if different from legal address;
 - (c) Owner's or authorized agent's name, address and telephone number;

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- (d) Surface area of pool;
- (e) Pool volume, turn over time, flow rate, filter rate/unit area, type of filter and total system head loss;
- (f) Manufacturer, make and model numbers of the pump, filter, and automatic chemical feed apparatus, filter head loss (clean and dirty), and pump curve showing design flow rate and head;
- (g) Source of water used at the pool;
- (h) Means of disposing of backwash water and/or drained water from the spa;
- (i) Specifications of materials relating to the spa pool, piping, inlets and outlets, skimmers.

11.035 LICENSES

No person shall operate a public spa pool, without the following:

- (1) The pool having received a final construction inspection and approval from the Environmental Health Office;
- (2) Making application for a license to operate such a pool;
- (3) Paying the license fee; and
- (4) Securing a license from the Environmental Health Office;
- (5) Such license terminates and is renewable on December 31 of each year.

11.040 CONDITIONAL LICENSES

- (1) Conditional licenses may be issued by the Environmental Health Office in circumstances in which:
 - (a) There is substantial compliance with these rules;
 - (b) In which a written schedule for total compliance approved by the Environmental Health Office is instituted and maintained; and
 - (c) Where in the judgment of the Environmental Health Officer, there will be no immediate threat to health and safety during the time in which to meet complete compliance. The Environmental Health Officer may also require special safeguards to be instituted and maintained as a condition of the conditional license.
- (2) Conditional licenses may also be issued by the Environmental Health Office as provided in Section 11.025(5).

11.045 MAINTENANCE AND MODIFICATION

- (1) All equipment of public spa pools shall be operational and shall be kept in good repair. Such equipment shall be maintained in conformance with the original design or better.
- (2) The structural components of all public spa pools and their appurtenances shall be

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maintained in good repair.

11.050 SIZE

Public spa pools shall be sized according to, and shall not exceed, the design limit of the bather load function shown below. Bather loads are specific in-tank loads only.

Maximum Load = A divided by 10

Where A equals the surface area of the public spa pool in square feet.

11.055 DIMENSIONS

- (1) Public spa pools shall not have sharp edges or protrusions where walls meet at an acute angle. Public spa pools shall be shaped to provide for complete water circulation and mixing.
- (2) Public spa pools shall be no deeper than 4 feet (1.22 m) measured from the water line.
- (3) The maximum depth of any seat or sitting bench shall be 2 feet (61 cm) measured from the water line.

11.060 FINISHES AND MARKINGS

- (1) Wall and floor finishes shall be of non-toxic materials, shall be impervious and enduring. Such finishes shall be smooth and easily cleaned.
- (2) Public spa pools shall have permanent depth markings plainly and conspicuously posted and located as follows:
 - (a) The maximum water depth shall be clearly marked;
 - (b) Depth markings shall be at least 4 inches (10 cm) in height and of a contrasting color with the background;
 - (c) Depth markings shall be placed within 18 inches (46 cm) of the water's edge and shall be positioned to be read while standing on the deck facing the water;
 - (d) Depth markings shall be spaced at no more than 25 feet (7.62 m) intervals and shall be uniformly located around the perimeter of the spa.
- (3) Spas with wooden interior surfaces are not allowed.

11.065 ILLUMINATION

- (1) Where underwater lighting is used, the electrical circuit to the underwater light shall be equipped with a ground fault interrupter.
- (2) Where underwater lighting is not employed, and night or indoor bathing is permitted, the combined area and pool lighting shall be not less than two watts per square foot (0.93 m²) of deck area.
- (3) Where underwater lighting is used, and night or indoor bathing is permitted, area lighting shall be provided for the deck areas and directed away from the spa pool surface. No less than 0.6 watts incandescent or the equivalent per square foot of deck area shall be used.

11.070 VENTILATION

Buildings enclosing spa pools shall be ventilated in accordance with the requirements of the

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Uniform Building Code as adopted.

11.075 LADDER, RECESSEd STEPS AND STAIRWAYS

- (1) Spa ladders, recessed steps, or stairways shall be provided where spa depth exceeds 24”.
- (2) There shall be at least one ladder, set of recessed steps or stairway for each 50 feet of spa pool perimeter or fraction thereof.
- (3) Ladder treads, recessed step surfaces and stairs shall have slip-resistant surfaces.
- (4) Handrails
 - (a) Ladders and recessed steps shall be provided with two handrails;
 - (b) Stairs shall be provided with at least one handrail.
- (5) Recessed steps shall drain into the pool.
- (6) Stairway treads shall have a minimum unobstructed horizontal tread depth of 10 inches (25 cm) and a minimum unobstructed surface area of 240 square inches (154 cm²).
- (7) Risers at the centerline of the stairway treads shall have a maximum uniform height of 12 inches (30cm). The vertical riser height from deck surface down to the top of the first tread shall not exceed 12 inches (30 cm). When the bottom tread serves as a bench or seat, the bottom riser shall be a maximum of 14 inches (35 cm).
- (8) Ladders and handrails shall be securely mounted.

11.080 SPA POOL ENCLOSURE

- (1) Public spa pools shall be protected by an enclosure. Such enclosure shall be a fence, wall, or building without private entrances to the pool area.
- (2) Spa pool enclosures including windows, gates and doors shall be constructed to prevent access to the pool by unsupervised children and/or domestic animals and shall incorporate the following construction standards:
 - (a) Enclosures shall be no less than 4 feet (1.22 m) in height measured from the outside ground at a point 1’ (30 cm) horizontal from the base of the enclosure;
 - (b) There shall be no more than 4 inches (10 cm) of space between the bottom of the enclosure and the ground’s surface or pool deck;
 - (c) Separation between vertical sections and bars shall be a maximum of 4 inches (10cm);
 - (d) Horizontal rails shall be spaced with a minimum 42 inches (107cm) separation;
 - (e) All exterior projections or recessions shall be 42 inches (107cm) from either the top or bottom of the fence;
 - (f) Gates and doors in spa enclosures shall be self-closing and shall be equipped with a lockable and self-latching device located at least 42 inches (107 cm) above the ground. Entrances with self-closing and self-locking devices requiring the use of a key or combination to gain access shall have controls located at a minimum of 36

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inches;

- (g) Construction methods and materials shall be used that provide a durable and low maintenance structure;
- (h) Buildings enclosing public swimming pools shall be constructed in accordance with the requirements of the Uniform Building Code as adopted.

11.085 DECKS

- (1) A 6 foot x 8 foot continuous unobstructed deck shall be provided on at least one side of all public spa pools with less than 100 square feet of water surface. Public spa pools with 100 square feet of water surface area or more shall provide additional deck area at least four feet wide around at least 50 percent of the spa.
- (2) Walkways and decks shall be constructed of concrete, non-slip tile or equally impervious material with a smooth, but non-slip, easily cleanable surface.
- (3) Decks shall slope no less than ¼ inch (6 mm) per foot (30 cm).
- (4) Deck surfaces shall be slip-resistant.
- (5) Joints between concrete deck slabs shall be watertight and shall be designed to protect the pool, coping and its mortar bed from movement of the deck.
- (6) Decks shall be provided with expansion joints. New and replacement expansion joints shall not be constructed of wood.
- (7) Distance between adjoining concrete deck slabs shall be no greater than 3/16 inch (5 mm).
- (8) Adjoining deck surface elevations shall vary no more than ¼ inch (6 mm).
- (9) Decks shall be drained to perimeter drains.
- (10) Wood decking around public spa pools is prohibited.

11.090 OVERFLOW SYSTEMS

- (1) All public spa pools shall be operated with a continuous overflow.
- (2) Skimmers
 - (a) Where surface skimmers are used, the flow rate through the skimmer shall be designed to provide 50 percent of the total turnover rate with a maximum flow through any single skimmer of 30 gpm;
 - (b) The minimum acceptable width for the intake throat of a skimmer, measured at the wider location, shall be 5 inches;
 - (c) Where surface skimmers are used as the sole overflow system, one surface skimmer shall be provided for each 100 square feet (9.3m²) or fraction thereof of the spa's surface area. If a conflict arises between subsection (2)(a) of this section and this subsection, the subsection requiring the greatest number of skimmers shall apply;

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- (d) When two or more skimmers are used in a spa, they shall be located to maintain effective skimming action over the entire surface area of the spa.

11.095 RECIRCULATION SYSTEMS

- (1) Public spa pools shall have recirculation systems and filtration systems with piping, pumps, filters, disinfection and other equipment which maintain spa pool water quality in accordance with Section 11.165(1).
- (2) The system of pumps, filters, disinfection facilities and other equipment shall be of adequate size to recirculate, filter and disinfect the entire volume of spa water within 30 minutes.
- (3) The recirculation system shall be a two-pump system. One pump will provide the required turnover rate, filtration and disinfection for the spa water. The second pump shall provide the water for the hydrotherapy turbulence of the water.
- (4) Public spa pool recirculation systems shall be separate from companion swimming pools.
- (5) Recirculation and filtration systems shall be in operation continuously while the facility is in use.

11.100 INLETS AND OUTLETS

- (1) Pool inlets and outlets shall be provided, sized, and arranged to produce a uniform circulation of water so as to maintain a uniform disinfectant residual throughout the pool.
- (2) At least one outlet shall be provided at the lowest point of the pool floor to drain the entire floor area.
- (3) Total velocity through outlet grate openings shall not exceed two feet/second (.67 m/second).
- (4) Grates shall be designed so as to prevent entrapment of fingers.
- (5) Direct pool inlets shall:
 - (a) Be over-the-rim spouts with air-gaps located beside grab rails; or
 - (b) Be through-the-wall fill lines located above the water level and equipped with an appropriate backflow prevention device installed per the Uniform Plumbing Code, as adopted; or
 - (c) Be directly connected to the recirculation water supply and equipped with a pressure reduction device installed per the standards in the Uniform Plumbing Code of the Confederated Tribes of the Umatilla Indian Reservation on the potable water supply adjacent to the connection with the spa pool recirculation water.
- (6) Spa outlets shall be designed so that each pumping system in the spa provides one of the following alternatives:
 - (a) Two outlets whose pipe diameter sizes are equal, the system shall be designed so that neither one of the two outlets shall be cut out of the suction line by a valve or other means which would allow entrapment of the bather on the suction orifices;

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- (b) One antivortex drain. The antivortex drain shall not provide a tripping or stubbing hazard to the feet. The minimum acceptable diameter for the antivortex plate is 6 inches;
 - (c) Provide an open area of 144 square inches (30 cm x 30 cm) or larger grate.
- (7) All outlet grates, antivortex plates and inlet fittings shall have tamper-proof screws that cannot be removed except with tools. Grates, vortex plates and inlet fittings shall be in place whenever the spa is in use.

11.105 PIPING

- (1) Spa pool recirculation piping shall be sized to carry the following maximum design flows:
 - (a) Discharge piping (except copper) -- 10 ft./sec. (3.05 m/sec.);
 - (b) Discharge piping (copper) -- 8 ft./sec. (2.44m/sec.);
 - (c) Suction velocity -- 6 ft./sec. (1.83m/sec.).
- (2) Pool recirculation piping, if plastic, shall comply with National Sanitation Foundation Standard Number 14 for Plastic Piping System Components and Related Materials.
- (3) Spa pool backwash and drain lines shall be permanently piped with an air break. For all spa pools built after adoption of this Code, the pool backwash and drain line shall be permanently piped with an air break to discharge into an approved sewerage system.

11.110 PUMPS

- (1) A pump and motor shall be provided for recirculation of pool water:
 - (a) All pumps shall be provided with a strainer on the suction side of the pump. The strainer shall be at least equal in size to the pump suction line;
 - (b) Strainers installed below water level shall be provided with a valve on each side to facilitate cleaning.
- (2) Performance of pumps shall meet the conditions of flow required for filtering and backwashing the filters against the total dynamic head developed by the complete system. Pumps shall be capable of providing design flow rates at no less than 60 feet (1.83 kg/cm²) of total dynamic head.
- (3) Pumps shall be capable of pumping at a rate sufficient to turn over the total pool volume within 30 minutes.
- (4) Pumps on public spa pools built or remodeled after the effective date of this code shall comply with National Sanitation Foundation Standard Number 50 on centrifugal pumps.
- (5) Pumps shall be sized to pump the flow required in Subsection (3) of this section under filter soil conditions such as to create pressures or vacuums at which manufacturers recommend filter cleaning.

11.115 FILTERS

- (1) Filters shall be capable of maintaining pool water clarity as described in 11.165 (1)

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(Table 1) under conditions of maximum user load.

- (2) Public spa pool filter rates shall not exceed the following:
 - (a) High rate sand filter -- 18 gpm per square foot (.093 m²) of filter media or that rate approved by the manufacturer for that particular filter, whichever is less;
 - (b) Diatomaceous earth filters -- 1.5 gpm (5.7 lpm) per square foot (.09 m²) of filter media;
 - (c) Cartridge filters -- 0.375 gpm per square foot of effective filter area. Effective filter area shall be that as determined by a testing laboratory recognized by the Environmental Health Office to make such tests.
- (3) A means shall be provided to permit release of air that enters the filter tank.
- (4) Filter components that require servicing shall be accessible and available for inspection and repair.
- (5) Filters shall meet the safety performance standards of the National Sanitation Foundation Standard Number 50 for Circulation System Components for Swimming Pools.
- (6) Separation tanks or settling sumps are required with DE filters. Separation tanks shall:
 - (a) Be provided with a manual means of air release or a lid which provides a slow and safe release of pressures;
 - (b) Have a precautionary statement affixed warning the user that the air release must be opened before starting the circulation pump.

11.120 HEATERS

- (1) Fired water heaters installed after the effective date of this code, used exclusively for heating water for spa pools are considered pool boilers and are exempt from the requirements of the Boiler and Pressure Vessel Law if:
 - (a) Units are equipped with a flow switch or pressure switch set at a minimum of 1-1/2 psig;
 - (b) No intervening stop valves are installed on the discharge side of the unit;
 - (c) Discharge piping is not reduced from the engineering sizing of the fired heater;
 - (d) All units are equipped with an ASME-approved pressure and temperature relieving device set at 50 psig;
 - (e) The unit has a maximum of 10 gallons capacity contained within the unit; and
 - (f) The burner is wired in series with the recirculation pump.
- (2) Where fuel-burning swimming pool heaters are provided for public spa pools, they shall:
 - (a) Be situated so that the pilot light, if present, is readily accessible;
 - (b) Be provided with an adequate supply of combustion air;

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- (c) Be equipped with metal or chlorinated polyvinyl chloride pipe (CPVC) for a minimum of 18 inches upstream and downstream of the heating equipment. However, where manufacturer's recommended installation allows shorter lengths of CPVC, installation according to manufacturer's is allowed in lieu of 18 inches of CPVC if documentation of manufacturer's recommendation is provided.
- (3) Where electrical heaters are provided, they shall be installed in accordance with the National Electrical Code as adopted by the Confederated Tribes of the Umatilla Indian Reservation.

11.125 DISINFECTANT AND CHEMICAL FEEDERS

- (1) Public spa pool water shall have a means of disinfecting that provides a residual disinfectant in the water at all times, as described in Section 11.165 (I) (Table 1).
- (2) Automatic disinfection equipment for introducing a disinfectant shall be provided.
- (3) Disinfection equipment shall be equipped with suitable controls capable of fine feed rate adjustment.
- (4) Hypochlorinators, erosion (flow-through) feeders, or other adjustable output rate chemical feeding equipment shall conform to National Sanitation Foundation Standard Number 50 for Circulation System Components for Swimming Pools.
- (5) Where chlorine gas is used as the disinfectant:
 - (a) Such chlorine gas, its feeders, and other containers shall be housed in a room or compartment separate from other pool equipment. Such room or compartment shall:
 - (A) Be at or above ground level;
 - (B) Have adequate ventilation to the outside air;
 - (C) Have a door which opens to the outside of the building of which the room or compartment is a part. Doors installed after the effective date of these rules shall have a shatter-proof gas tight inspection window for viewing the enclosed area. Such a door must open away from public access area;
 - (D) Be located so that chlorine gas, if accidentally released will not flow into the pool room or into the building ventilation systems;
 - (E) Have lighting and ventilation switches located outside the enclosure, adjacent to the door;
 - (F) Shall have a fail-safe mechanism which ceases chlorination in case of malfunction;
 - (G) Gas chlorinators shall be equipped with an anti-siphon chlorine injection device.
 - (b) A platform scale for measuring the weight of the chlorine cylinders shall be provided;
 - (c) A full face negative pressure respirator with a chlorine cartridge approved by the National Institute of Occupational Safety and Health (NIOSH) for protection

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against chlorine gas or a U.S. approved self-contained breathing apparatus approved by the U.S. Bureau of Mines shall be supplied, kept in good working condition and mounted outside the chlorine enclosure.

NOTE: Storage of such equipment in rooms adjoining the chlorine room is permissible provided such equipment is readily available.

- (6) Where disinfectants other than chlorine or bromine are used, such disinfectants shall:
 - (a) Achieve water disinfection equal to that which free chlorine or bromine provides at the concentration specified in Section 11.165 (1), (Table 1(a));
 - (b) Be approved by the Environmental Health Office;
 - (c) Pose no adverse physiological hazards to the users and have a proven record of effectiveness.
- (7) Ozone disinfection may only be used as a supplemental system by conditional approval of the Environmental Health Office. Interim guidelines governing the installation and operation of ozone equipment may be requested from the Environmental Health Office.

11.130 AIR INDUCTION SYSTEMS

- (1) Air induction systems, when provided, shall totally prevent water back-up that would cause electrical shock hazards.
- (2) Air intake sources shall be designed and positioned to minimize contaminants (such as deck water, dirt, etc.) from being introduced into the spa pool.

11.135 VALVES, METERS, AND GAUGES

- (1) Flow meters shall be installed in all recirculation systems. Such meters shall:
 - (a) Measure flow in gallons per minute;
 - (b) Be mounted as recommended by the manufacturer; and
 - (c) Be located to be easily read.
- (2) Pressure gauges shall be installed on the inlet and outlet of the filter.
- (3) When the pump is below the overflow rim of the spa, valves shall be installed on permanently connected suction and discharge lines and located in an accessible place outside the walls of the spa. All valves shall be located where they will be readily and easily accessible for maintenance and removal.

11.140 EQUIPMENT ROOM

- (1) Spa pool equipment rooms shall be large enough to permit ready access to all equipment for both operation and maintenance with a minimum floor area of 50 square feet with a floor drain.
- (2) Spa pool equipment rooms shall be adequately ventilated.
- (3) Spa pool equipment rooms shall protect the equipment from the elements and be locked permitting access only to authorized personnel.

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- (4) Equipment rooms shall be lighted to properly operate and maintain equipment.

11.145 GROUND FAULT INTERRUPTER

A certified ground fault interrupter shall be provided in all branch circuits involved in lighting or receptacle outlets according to the National Electrical Code as adopted by the Confederated Tribes of the Umatilla Indian Reservation.

11.150 BATHHOUSES AND SANITARY FACILITIES

- (1) Where a spa pool is operated in conjunction with a companion facility, a bathhouse common to both facilities shall be acceptable, provided the minimum facility ratios and locations described in sections (2) through (5) of this section are followed.
- (2) Bathhouses in all spa pools operated as general-use public spa pools shall:
- (a) Meet all permit and inspection requirements, and maintain all facilities compliant with the following:
 - (A) The Uniform Building Code as adopted by the Confederated Tribes of the Umatilla Indian Reservation;
 - (B) The Uniform Mechanical Code as adopted by the Confederated Tribes of the Umatilla Indian Reservation;
 - (C) The National Electrical Code as adopted by the Confederated Tribes of the Umatilla Indian Reservation;
 - (D) The International Plumbing Code as adopted by the Confederated Tribes of the Umatilla Indian Reservation.
 - (b) Provide toilets and lavatories within 1,000 feet (304.8 m) of the spa;
 - (c) Contain dressing room(s) and sanitary facilities, separate for each sex;
 - (d) Have floors which are slip resistant, easily cleanable, and coved to a height of four inches (10 cm);
 - (e) Have shower compartments with walls that are impervious to water to a height of six (6) feet (1.83 m) above the floor. An effective watertight joint between the wall and the floor shall be maintained. (Wooden racks or duckboards over shower floors are prohibited.);
 - (f) Have interior wall and ceiling finishes which are smooth, easily cleanable, and impervious to water;
 - (g) Where rubber or impervious mats are used, have such mats clean and dry between use;
 - (h) Have shower stall floors that are finished with non-slip impervious surfaces;
 - (i) Where glass bath or glass shower doors are used, have such doors made of safety glass.
 - (j) Sanitary facilities, based upon the following maximum user load and equal distribution of sexes, shall be provided:

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- (A) Toilets:
 - (i) Women, one per 30 spa users or fraction thereof, with a minimum of two;
 - (ii) Men, one per 60 spa users or a fraction thereof with a minimum of two. Urinals shall be an acceptable substitute for no more than ½ of the toilets.
- (B) Lavatories adjacent to toilets, one per 60 spa users or fraction thereof.
- (C) Showers—One showerhead per 40 pool users of fraction thereof, with a minimum of two (2).
- (D) Hot and cold or tempered water only shall be provided at all shower heads.
- (E) Liquid soap in dispensers shall be provided at all showerheads and lavatories.
- (k) Hose bibs shall be provided for washing down the bathhouse interior.
- (l) Floors shall slope a minimum of ¼ inch (6 mm) per foot (30 cm) and shall drain to floor drains.
- (m) The bathhouse shall be located within 500 feet (152 m) of the spa pool.

11.155 FOOD SERVICE

No food or drink shall be permitted within a four-foot area surrounding the spa pool. Glass containers are not permitted within the pool enclosure. Food and drink shall be permitted in the visitor and spectator areas or in separated snack areas for pool users. Trash containers shall be provided in the food service areas.

11.160 DOMESTIC WATER QUALITY

- (1) All water used in public spa pools and bathhouses shall comply with the Standards for Domestic Water Supplies.
- (2) There shall be no cross-connection between the public spa water recirculation system or backwash system and the domestic water supply.
- (3) Public spa pool water recirculation and backwash systems shall comply with the Cross-Connection Control Requirements of the Uniform Plumbing Code as adopted by the Confederated Tribes of the Umatilla Indian Reservation.

11.165 SPA WATER QUALITY

- (1) Water in public spa pools shall be maintained with water quality parameters within limits set out in Table 1.
- (2) Testing Equipment:
 - (a) All public swimming pools shall have a functional test kit or equipment for measuring the pH, free and combined chlorine concentration, or bromine, (or concentration of other approved disinfectant), total alkalinity, turbidity (water clarity) and cyanuric acid if stabilized chlorine is used;

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- (b) Functional test kits or testing systems shall be provided to test for total copper and silver concentrations when they are used as supplemental disinfectants;
- (c) Test kits for measuring free chlorine or bromine shall use DPD as the reagent.
- (6) Pool operators shall test and record the parameters described in Subsection (1) of this section with the following minimum frequencies during periods when the pool is open for use:
 - (a) pH—Every two hours;
 - (b) Chlorine (Non-stabilized) -- Hourly; chlorine (stabilized) -- Every two hours; continuous reading devices shall satisfy requirements of subsections (3)(a) and (b) of this section if such devices record in pH units and ppm of free chlorine;
 - (c) Bromine—hourly; continuous reading devices shall record in units of ppm bromine;
 - (d) Total alkalinity—Daily;
 - (e) Total copper—Weekly, if used;
 - (f) Total silver:
 - (A) If ionizing technology is used, once per quarter for one year after equipment is installed; twice per year thereafter;
 - (B) Weekly if silver is dispensed without using ionizing technology.
 - (g) Turbidity—Daily;
 - (h) Cyanuric acid—Weekly (when using stabilized chlorine);
 - (i) Calcium hardness—Weekly (recommended).
- (4) Spa pools shall be drained and refilled with fresh water at least once every 30 days.
- (5) Spa pool water shall be oxidized or superchlorinated as needed when combined chlorine exceeds spa water quality parameters, Table 1.
- (6) Notwithstanding the above, the Environmental Health Office may require any other testing frequency for a spa water parameter or a chemical added to the spa for the purpose of protecting public health.

11.170 OPERATION AND MAINTENANCE

- (1) Operators of public spa pools shall be thoroughly knowledgeable on good practices of the spa operation and with the laws pertaining to public spa pools. If, at any time, testing indicates that the spa water does not conform with the requirements for clarity, minimum residual free chlorine or bromine, maximum temperature, or the pH exceeds 7.8 or falls below 7.0 the spa operator shall immediately close the spa to the public until the requirements are satisfied.
- (2) Records
 - (a) Operators of public spa pools shall keep records pertaining to the operation and

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maintenance of the pool which they operate;

- (b) Such records shall be maintained daily during periods when the pool is open, shall be retained by the operator, and shall be made available to the Environmental Health Officer on request. All such records shall be retained for a period of two years;
 - (c) Records shall include at least the following:
 - (A) Results of the tests described in section 11.165 (3);
 - (B) Date and time of filter backwash;
 - (C) Dates that the pool was emptied or cleaned;
 - (D) Periods of recirculation equipment operation or malfunction and repair.
 - (d) A recommended record keeping form is provided in Appendix A.
- (3) All parts and facilities of public spa pools and bathhouses shall be kept clean, in good repair and free of safety hazards.
- (4) Upon request by the Environmental Health Officer, the operator shall provide access to all portions of the public spa pool facility during normal times of operation or other times as required by the Environmental Health Officer.

11.175 SAFETY

- (1) Reports
 - (a) The operator of any public spa pool shall report in writing to the Environmental Health Office any drowning, other death or injury requiring medical treatment occurring on the spa pool's premises;
 - (b) Such reports shall be made on forms provided by the Environmental Health Office and shall be submitted immediately after the occurrence.
- (2) Operators or managers shall make visual observation of the spa pool during operating hours. Such visual observation shall be no less than once every two hours.
- (3) Lifeguards, pool operators and managers shall enforce the following rules at all public spa pools:
 - (a) Non-swimmers and children under 14 years of age shall not use the spa pool unless a lifeguard or a responsible adult observer is present;
 - (b) Bathers shall take a cleansing shower;
 - (c) No person suffering from a communicable disease transmissible via water or under the influence of an intoxicating liquor or drug shall use the pool;
 - (d) No person shall take food or drink inside the pool enclosure except in areas specifically designated for such use as described in section 11.155;
 - (e) No person shall bring, throw or carry food, drink, smoking material, trash, debris, or any other foreign substances into the pool;

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- (f) No person shall run or engage in horseplay in or around a public spa pool;
 - (g) Persons in street shoes shall not be permitted on the pool deck areas used by the bathers.
- (4) The hydrotherapy pump and air blower shall be connected to a maximum 15 minute timer switch located no closer than ten feet from the spa water's edge.
- (5) Recirculation pumps and heater thermostat switches shall be inaccessible to bathers.

11.180 SIGNS

- (1) All public spa pools shall post a sign at the entrance to the spa pool enclosure reading as follows:

STOP

All persons are required to take a cleansing shower before entering the spa pool.

CAUTION

Elderly persons and those suffering from heart disease, diabetes or high blood pressure should consult their physician before using the spa pool.

No person suffering from a communicable disease, transmissible via water, shall use the spa pool.

Persons using prescription medications should consult their physician before using the spa pool.

Individuals under the influence of alcohol should not use the spa pool.

No person shall use the spa pool alone.

Pregnant women should not use the spa pool without consulting their physician.

Persons should spend no more than 15 minutes in the spa at any one session.

A responsible adult observer shall accompany all children under 14 years of age.

No person shall run or engage in horseplay in or around the spa pool.

- (2) Signs shall be a minimum of 24 inches by 18 inches with letters at least 3/8 inch in height.

CHAPTER 12. ORGANIZATIONAL CAMPS

12.005 PURPOSE

This chapter prescribes the requirements for the construction, operation and use of organizational camps. They are for protecting the health and welfare of persons using the camps. Since various types of activities are found in organizational camps, this Chapter is designed to assure the protection of individuals consistent with those activities.

12.010 ADOPTION BY REFERENCE

Outside standards, listings and publications referred to in this chapter are by reference made a part of this chapter as if fully set forth.

12.015 DEFINITIONS

As used in this chapter unless otherwise required by context:

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- (1) “Activity Leader or Supervisor” means the staff member providing direct on-site supervision for a camp program or activity.
- (2) “Approved” means approved in writing by the Environmental Health Officer.
- (3) “Aquatic Director” means a person over 18 years of age who is employed by or within the organizational camp and is a currently certified Red Cross Water Safety Instructor, Boy Scouts of America National Aquatic Instructor or having equivalent certification as determined by the Environmental Health Officer.
- (4) “Camp Director” means the person on site who has the overall responsibility for all camp activities and functions.
- (5) “Day Camp” means an organizational camp facility that campers attend for an established period of time, leaving at the end of the camping day. It provides creative and recreational opportunities in the out-of-doors utilizing trained leadership and the resources of the natural surroundings to contribute to the camper’s mental, physical and spiritual growth. It is oriented to providing such programming for children between the ages of 5-13 when school is not in session.
- (6) “Lifeguard” means a currently certified Red Cross Lifeguard (with waterfront module where applicable), YMCA Lifeguard, Boy Scout Lifeguard, National Pool and Waterpark Lifeguard, or a person having equivalent certification as determined by the Environmental Health Officer.
- (7) “Organizational Camp” means any facility operating for recreational use by groups or organizations. Organizational Camps include, but are not limited to, youth camps, scout camps, summer camps, day camps, nature camps, science camps, survival camps, athletic camps, camps operated and maintained under the guidance, supervision or auspices of religious, public and private educational systems and community service organizations or other persons or organizations whether for-profit or non-profit. Organizational camps are distinguished from recreation parks, or hotels and motels by the existence of organized group activities comprising the majority of activities by all participants rather than individual or family recreation. Camps operating less than one week per year are excluded from this chapter unless they have permanent structures or operate as a “day camp.”
- (8) “Permanent Sleeping Unit” means cabins, tents, huts and other shelters which are used for sleeping and remain stationary for more than 6 nights in an organizational camp.
- (9) “Person” means individuals, corporations, associations, firms, partnerships and joint stock companies as well as public entities such as schools, colleges, public or private educational corporations, and churches or religious organizations.
- (10) “Public Swimming Pool” means an artificial structure, and its appurtenances, which contains water more than two feet deep which is used, or intended to be used, for swimming or recreational bathing and which is for the use of any segment of the public. A “public swimming pool” includes, but is not limited to, swimming pools owned or operated by organizational camps. See Chapter 10.
- (11) “Recreation Park” means any area designated by the person establishing, operating, managing or maintaining the same for picnicking or overnight camping by the general public or any segment of the public. Recreation park includes, but is not limited to, areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association or common ownership and further includes, but is not limited to, those areas divided into two or more lots, parcels, units or other interests for purposes of such use.

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- (12) “Public Spa Pool” means any public swimming pool or wading pool designed primarily to direct water or air-enriched water under pressure onto the bather’s body with the intent of producing a relaxing or therapeutic effect. See Chapter 11.
- (13) “Public Wading Pool” means an artificial structure, and its appurtenances, which contains water less than two feet (60cm) deep which is expressly designated or which is used with the knowledge and consent of the owner or operator for wading or recreational bathing and which is for the use of any segment of the public, whether limited to patrons of a companion facility or not.
- (14) “Primitive Camping” means the same as Wilderness Camping.
- (15) “Trip Camping” means camp activities that involve travel. Such travel may include eating meals or sleeping away from the organizational camp.
- (16) “Waterfront Program” means those activities occurring in or on bodies of water other than public swimming and spa pools.
- (17) “Wilderness Camping” means Camp activities that take place in a wilderness setting far enough away from the Organizational Camp to require eating meals or sleeping away from the camp facilities.

12.020 LICENSING REQUIRED

- (1) No person shall establish, operate, manage or maintain an organizational camp without first securing a license from the Environmental Health Office. Organizational camps operated under rental or leasehold arrangements may be licensed either to the landlord or to the tenant provided that the license holder shall be responsible for compliance with this Code.

All licenses issued under this chapter terminate and are renewable on December 31 of each year.

12.025 APPLICATION

- (1) Application for a license accompanied by the required fee shall be made upon forms provided by the Environmental Health Office prior to opening an organizational camp.
- (2) Any change of operator shall be promptly reported to the Environmental Health Office and an application for a new license accompanied by the required fee shall be submitted by the new owner or operator.

12.030 RENEWAL OF LICENSE AND ACCREDITATION EXEMPTION

- (1) Application for renewal licenses shall be submitted on the forms supplied by the Environmental Health Office and shall be accompanied by the required fee.
- (2) Renewal licenses shall be issued upon determination of compliance with this chapter. Any organizational camp that has received an original license for compliance with this code, and which is subsequently surveyed and achieves compliance status from The American Camping Association, or another camp accreditation program that meets or exceeds the standards of this chapter, shall be deemed to meet the requirements. Said camp shall receive a license upon filing current accreditation or compliance records including site visit report and a fee with the Environmental Health Office. At least once every four years, the renewal license shall be based upon a survey by the Environmental Health Officer to determine compliance with this code.

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(3) Food service facilities, swimming pools and spa pools shall not be exempt from annual Environmental Health Office inspections.

12.035 PLANS

(1) No person shall construct, enlarge or alter any organizational camp or convert the use of an existing structure to an organizational camp without first submitting complete plans and receiving approval from the Environmental Health Office.

(2) Plan submission is not required when:

(a) The work proposed constitutes maintenance;

(b) The Environmental Health Office has been fully advised of the nature of the construction, enlargement or alteration and has determined that no plans are necessary because the proposal does not affect camp capacity, the health or safety of campers.

(3) Where plan review is made by the Tribal Building Codes Inspector and such review covers the requirements of this chapter, a written plan approval from the Building Codes Inspector may, at the discretion of the Environmental Health Officer, be substituted for plan submission, review and approval by the Environmental Health Office.

(4) Plans shall be submitted in duplicate and shall be drawn to scale. They shall clearly indicate the nature and extent of the work proposed and shall show in detail how conformance will be achieved with this code and all laws of the Confederated Tribes of the Umatilla Indian Reservation adopted by reference in this code which pertain to organizational camps. The following information shall be furnished on all plans:

(a) Name of organizational camp and location;

(b) Legal description of property;

(c) Name of owner;

(d) Name of operator;

(e) Name of person who prepared plans;

(f) Scale used;

(g) Explanation of all symbols used;

(h) Identification of proposed and existing construction.

(5) The plans required in subsection (4) shall be accompanied by the site plan showing the general layout of the organizational camp. Plans shall be drawn at a scale no smaller than one inch equals one hundred feet except that site plans may be drawn at a smaller scale. The location for each of the following must be clearly shown and identified:

(a) Property lines;

(b) Proposed and existing construction;

(c) Building floor plans;

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- (d) The number, size, type and location of all permanent structures and facilities;
 - (e) Location of all proposed and existing water supply and sewage disposal systems;
 - (f) Location of water and sewer lines;
 - (g) Estimated total number of campers and staff to be using the facilities at any given time;
 - (h) Location of storage, collection, and disposal facilities for solid waste.
- (6) Where construction, enlargement or alteration of the organizational camp involves areas described in subsections (5)(c), (d), (e), (f), (g) or (h) of this section, details shall be provided as part of the plans. Finish schedules shall be provided for toilet, bath, lavatory and kitchen facilities.
- (7) A copy of a building plan approval or building permits issued by the Tribal Building Codes Inspector shall accompany the site plan. Approval or permit in this context may be limited to the work proposed. Floor plans shall show the location of all plumbing fixtures.
- (8) Whenever a food service facility is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service facility, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the Environmental Health Officer for approval before construction. Plans shall be submitted in accordance with the Food Code as adopted in Chapter 8.

12.040 BUILDING CONSTRUCTION

All new buildings constructed, or existing buildings remodeled, enlarged or converted after the effective date of this code shall meet the requirements of:

- (1) The current edition of the Uniform Building Code.
- (2) The current edition of the Uniform Mechanical Code.
- (3) The current edition of the International Plumbing Code
- (4) The current edition of the National Electric Code.

12.045 SLEEPING SPACE

- (1) Each permanent sleeping unit shall have:
 - (a) At least thirty inches (76.2 cm) separation between beds and sleeping bags.
 - (b) At least thirty inches (76.2 cm) separation between the heads of sleepers shall be provided. In lieu of such separation, partitions or physical barriers are acceptable.
 - (c) At least thirty inches (76.2 cm) vertical separation between tiers of beds or between the top tier and the ceiling.
- (2) Where two tiers of beds are provided, there must be at least ten inches (25.4 cm) of space between the floor of the sleeping units and the underside of the first tier of beds. In lieu of such spacing, the first tier of bunks shall have a continuous base that shall be sealed to the floor.

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- (3) Permanent sleeping units shall be provided with cross ventilation or shall comply with the ventilation requirements of the Uniform Mechanical Code.
- (4) Sleeping units and furnishings shall be kept clean and in good repair.

12.050 BATHING, HANDWASHING AND TOILET FACILITIES

- (1) Facilities for toileting, bathing and handwashing shall:
 - (a) Be illuminated for cleaning;
 - (b) Be ventilated by mechanical or natural means;
 - (c) Have floors which are smooth, impervious and easily cleaned;
 - (d) Have an effective water-tight union where a floor and wall join;
 - (e) Have smooth, easily cleaned and impervious wall surfaces;
 - (f) Be kept clean, sanitary, and free of mold, mildew, and in good repair.
- (2) Toilet facilities in all organizational camps shall meet the following requirements.
 - (a) There shall be one toilet for every 10 campers or fraction thereof except in day camps in which one toilet for every 20 campers or fraction thereof is required.
 - (b) Separate toilet rooms shall be provided for each gender when both genders are to be accommodated simultaneously.
 - (c) Urinals may be substituted for no more than one-third the required toilets for males.
 - (d) If day crowds exceed 100 persons, one toilet shall be provided for each additional 50 people or fraction thereof.
 - (e) Toilets or urinals shall not be located in sleeping rooms.
 - (f) Toilet tissue shall be provided at each privy or toilet at all times the camp is in operation.
- (3) Bathing and hand washing facilities in all organizational camps shall meet the following requirements.
 - (a) A minimum of one hand washing sink shall be provided for every ten campers. A hand wash set-up must be conveniently provided wherever a toilet facility is located. Where permanently plumbed hand wash sinks cannot be provided, a water container may be used provided it allows a stream of water without needing to be held open and waste water must be collected in a container and disposed of properly or must flow into an approved waste water drain system. Each hand wash set-up shall:
 - (A) Be located in close proximity to privies, toilets or urinals;
 - (B) Be supplied with a change of clean water for each use;
 - (C) Be supplied with liquid soap in dispensers;

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- (D) Be provided with single use towels;
 - (E) Have mixing faucets capable of running for a minimum of 15 seconds; In lieu of mixing faucets, a maximum water temperature of 110 degrees Fahrenheit shall be provided.
- (b) In any camp where participants are present for four or more nights, there shall be one bathing facility (shower or bathtub) provided for every 20 campers or fraction thereof. Bathing facilities shall:
- (A) Be supplied with a change of clean warm water for each use;
 - (B) Separate bathing facilities shall be provided for each gender when both genders are to be accommodated simultaneously;
 - (C) Shower walls, ceilings and partitions shall be impervious to water;
 - (D) Bathtub and shower floor areas shall be finished with non-slip, impervious and easily cleaned surfaces;
 - (E) Shower floors shall be sloped so as to effectively drain all waste water;
 - (F) Wooden racks or duck boards over shower floors are prohibited;
 - (G) Where glass bath or glass shower doors are used, such doors shall be made of safety glass.

12.055 LAUNDRY FACILITIES

- (1) Laundry facilities, when provided, shall be located in areas separate from sleeping units, food preparation areas and perishable food storage area.
- (2) Laundry facilities shall be kept clean and well maintained.
- (3) All clean linen shall be stored in clean storage rooms or cupboards. Soiled linen and clothing shall be stored in an area separate from food preparation and perishable food storage areas prior to laundering.

12.060 SOLID WASTE

- (1) Solid waste shall be disposed of in a manner that complies with the applicable standards in Chapter 7 of this Code.
- (2) Solid waste shall be stored in individual garbage containers, storage bins or storage vehicles. All such containers, bins or vehicles shall:
 - (3) Have tight-fitting lids, covers or closable tops.
 - (4) Be durable, rust-resistant watertight, rodent proof and readily washable.
 - (5) During times of food preparation and service, waste containers in food preparation and service areas may be uncovered.
- (6) The premises of each organizational camp shall be kept orderly and free of litter and refuse.

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- (7) All solid waste shall be collected for disposal or recycling at regular intervals to prevent:
 - (a) Vector harborage and sustenance;
 - (b) Objectionable odors;
 - (c) Any overflow of solid waste or other unsanitary conditions.
- (8) Solid waste containing putrescible waste shall be collected for disposal at regular intervals not to exceed seven days.
- (9) Solid waste shall be transported in a manner that complies with Chapter 7 of this Code.

12.065 INSECT AND RODENT CONTROL

- (1) The grounds, buildings and structures used or intended for human habitation shall be kept clean and maintained to prevent harborage and infestation of insects, rodents and vermin.
- (2) During the season when flies, mosquitoes and other insects are prevalent, all openings into the outer air of permanent kitchens and dining rooms shall be effectively screened, unless other effective means are provided to prevent the entrance of insects or rodents. Where screens are used, there shall be not less than sixteen meshes per lineal inch, and all screen doors shall be equipped with a self-closing device.
- (3) For insecticide and rodenticide extermination methods, only pesticides registered with the Environmental Protection Agency and approved by the Environmental Health Office shall be used. Pesticides shall be applied in accordance with the directions on the labels and shall be handled and stored to avoid health hazards.
- (4) Poisons, chemicals, rodenticides, insecticides, pesticides, herbicides and other toxic materials shall be properly labeled, or in the original containers and stored separate from all food service, food storage and food preparation areas, sleeping areas and linens, and in locked areas not accessible to campers. Insecticides, rodenticides and cleaning and sanitizing materials necessary for maintaining the food service facility may be present in the food service facility and must be stored so that insecticides and rodenticides are separate from cleaning and sanitizing materials. Both must be stored in cabinets or compartments used for no other purpose and shall not be stored above or intermingled with food, food equipment and dishes or utensils. Detergents and sanitizers may be conveniently stored at ware washing facilities.

12.070 RECREATIONAL VEHICLES

Organizational camps that provide accommodations for recreational vehicles shall comply with Tribal standards for the Design, Construction and Maintenance of Recreation Parks. The licensure requirement for a recreation park does not have to be met unless organizational camp non-participants use the park.

12.075 WATER QUALITY, SOURCE AND DISTRIBUTION

Water supply systems serving organizational camp facilities shall, at a minimum, comply with the Environmental Protection Agency Manual of Small Public Water Supply Systems, May 1991, herein adopted.

12.080 BUILDING PLUMBING

All building plumbing shall comply with the applicable provisions of the International Plumbing Code as adopted.

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12.085 SEWAGE COLLECTION AND DISPOSAL

- (1) No untreated or partially treated sewage, liquid waste or septic tank effluent shall be discharged directly or indirectly onto the surface of the ground or into the public waters.
- (2) All sewage and waste water plumbing shall be designed, constructed and maintained in compliance with the minimum standards set forth in the International Plumbing Code as adopted.
- (3) Sewage and wastewater shall be disposed of into an area-wide sewerage system or in a manner approved by the Environmental Health Office in accordance with Chapter 6, On-site Sewage Disposal, of this Code.
- (4) Any construction, alteration or repair of an on-site sewage disposal system or any part thereof shall comply with Chapter 6, On-site Sewage Disposal, of this Code.
- (5) If non-water carried waste disposal facilities are provided, such facilities shall comply with Section 6.175, Chapter 6 of this Code.

12.090 FOOD SERVICE

- (1) Eating and drinking facilities, commissaries, mobile units and vending machines operated in conjunction with organizational camps shall be constructed, operated, and maintained in compliance with the Food Code as adopted in Chapter 8 of this Code with the following exceptions:
 - (a) Areas for food storage, preparation and serving restricted to individual or single-family use;
 - (b) Milk may be served from containers other than individual containers in any of the following ways:
 - (A) Food Service Lines: On a food service line, milk may be served from the original container if poured by food service workers. Any milk leftover in the original containers may be re-served for drinking provided it is not combined with milk from other containers. Pre-pouring milk is allowed provided any milk out of refrigeration is discarded after one hour. Milk may be self-served from commercially filled bulk dispensers stored mechanically refrigerated or from pitchers. Milk left over in pitchers must be discarded;
 - (B) Family Style Meals: At family style meals, milk may be served at the table from pitchers only. Any left over milk must be discarded.
- (2) Food service facilities operated for participants of the camp shall not be graded as "Complied" or "Failed to Comply".
- (3) Screens shall be required on doors and windows when insects are present.
- (4) Food service facilities in organizational camps that serve non-participants shall be licensed and regulated in accordance with Chapter 9 of this Code.

12.095 EMERGENCY PROCEDURES

- (1) Each organizational camp shall retain on-site a written emergency plan outlining procedures to be followed in each of the following situations:

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- (a) Natural disasters and other emergencies;
 - (b) Lost camper or lost swimmer, if applicable;
 - (c) Fires;
 - (d) Transportation emergencies;
 - (e) Severe illnesses, injuries or communicable diseases;
 - (f) Stranger in camp;
 - (g) Transition of supervision and release of campers to designated responsible party.
- (2) The emergency plan shall contain at least evacuation procedures, procedures for communication with emergency medical facilities and the nearest fire station and procedures for the control of vehicular traffic through the camp.
- (3) The licensee shall:
- (a) Designate individuals to be responsible for carrying out the emergency plan;
 - (b) Teach all employees the emergency plan and their duties in the event of an emergency situation;
 - (c) Retain on-site written documentation that all employees are aware of their responsibilities under the emergency plan and their duties therein.
- (4) Where organizational camp programs involve overnight travel:
- (a) A day-by-day itinerary shall be established before departure and shall be filed with a designated person before departure. Notice of change of itinerary needs to be communicated as soon as possible;
 - (b) Sources of emergency care and methods of communicating with such sources shall be identified for each stop on the itinerary prior to departure.
- (5) Day camps shall provide a written plan, retained on-site, setting forth procedures to be followed in the following situations:
- (a) Contacting the parent or guardian of registered campers, under 18 years of age, who:
 - (A) Are absent or fail to arrive within the first hour without explanation for a given day's activities;
 - (B) Lacks transportation home from a designated pickup location following a given day's activities.
 - (b) Persons, under 18 years of age, who appear at camp without having registered and without prior notification;
 - (c) Transition of supervision and release of campers to a designated responsible party;
 - (d) Accommodating campers with disabilities.

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- (6) The following emergency information shall be posted conspicuously, accessible at all hours of operation and maintained in all organizational camps:
 - (a) When telephones are provided, camp operators shall post by each telephone:
 - (A) The current telephone numbers of physicians, hospitals, poison control, police, ambulances and fire departments in the immediate area;
 - (B) The telephone number of the organizational camp office;
 - (C) The locations of the nearest medical facility and the organizational camp including highway number, street number, rural route and box number or other data to aid in assuring prompt emergency response.
 - (b) When no camp telephone is provided, the location of the nearest public telephone or other emergency communication system shall be posted in a designated location or its location shall be common knowledge.

12.100 FIRST AID

- (1) There shall be an adult on duty, any time the camp is operating, that holds at least one of the following qualifications:
 - (a) American Red Cross Community First Aid and Safety, and Community CPR Certificates;
 - (b) First Responder certified by an organization approved by the Environmental Health Office;
 - (c) Emergency Medical Technician certified by an organization approved by the Environmental Health Office;
 - (d) Licensed Practical Nurse certified by an organization approved by the Environmental Health Office;
 - (e) Certified Nurse Practitioner licensed by an organization approved by the Environmental Health Office;
 - (f) Registered Nurse licensed by an organization approved by the Environmental Health Office;
 - (g) Physician licensed by an organization approved by the Environmental Health Office.
- (2) At least one adult must have current certification in the following areas:
 - (a) CPR, appropriate to the age group being served;
 - (b) Severe Allergic Reaction Response Kit.
- (3) The license holder shall designate an area to handle health and emergency cases.
 - (a) The designated area shall have reasonable proximity to drinking water, bathing and toileting facilities. Bathing and toileting facilities must meet the requirements of section 12.050.
 - (b) Medications shall be kept locked in a safe place and accessible only by authorized

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persons.

- (4) In lieu of an infirmary, the camp shall have a plan for providing isolation, privacy, toilet, drinking water and bathing facilities. Toilet and bathing facilities shall meet the requirements of this chapter.
- (5) When parents or guardians are not accompanying a child at camp, a health history shall be required for each non-adult camper and shall be prepared and signed by a parent, guardian or other adult responsible for the individual non-adult camper. Such health histories do not require preparation by a physician but shall include:
 - (a) A record of any prescriptions currently being taken, tetanus immunization and any allergies;
 - (b) A description of any physical and/or medical conditions requiring special consideration.
- (6) Individuals whose sincerely held religious beliefs preclude physical examination, immunization or medical treatment may complete those portions of the health history that do not compromise their religious beliefs.
- (7) The license holder shall provide first-aid supplies and make such supplies readily available for use at all times. Camp staff shall know where first aid equipment is located. The following supplies, at a minimum, shall be maintained in appropriate quantities suitable for the number of campers in camp:
 - (a) Cot, stretcher, or materials to improvise a stretcher;
 - (b) Blankets or sleeping bag;
 - (c) Adhesive strips (Band-Aids);
 - (d) Adhesive tape;
 - (e) Trauma (paramedic) shears;
 - (f) Tweezers;
 - (g) Triangular bandages;
 - (h) Roller bandages, 2 inch;
 - (i) Antiseptic solution;
 - (j) Burn ointment (for minor burns only);
 - (k) Sterile compresses, 2 X 2 inches and 4 X 4 inches;
 - (l) Soap (non-perfumed);
 - (m) Calamine lotion;
 - (n) Topical cream, lotion or ointment antihistamine (for ivy and oak poisoning irritation);
 - (o) Needles or safety pins;

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- (p) Single use drinking cups;
 - (q) Ipecac syrup and poison control telephone number;
 - (r) Current First-aid manual;
 - (s) Backboard;
 - (t) Sharps and biohazard disposal containers;
 - (u) Severe Allergic Reaction Response Kit;
 - (v) Elastic bandages;
 - (w) Single use latex gloves;
 - (x) Bloodborne pathogen cleanup kit;
 - (y) Resuscitator's pocket mask;
 - (z) Pillow;
 - (aa) Emergency blanket;
 - (bb) Universal splint (or equivalent).
- (8) The licensee shall report to the Environmental Health Office any communicable disease illness, serious injury or fatality which occurs at the camp.

12.105 SPECIAL PROGRAMS AND FACILITIES

- (1) Camp Activities:
- (a) At the time of annual inspection the camp director shall provide the Environmental Health Officer with a list of all camp activities.
 - (b) The activity supervisor or leader shall have:
 - (A) Certification from an organization qualified to conduct instructor training in the discipline of the program; or
 - (B) Documentation of competence for the particular activity.
- (2) The camp shall have written safety procedures for the conduct of the activity. Procedures will be adequate, communicated to necessary camp staff and participants and strictly enforced. Safety procedures should include at least:
- (a) Eligibility requirements for participation;
 - (b) Camper/staff supervision ratios;
 - (c) Safety regulations; and
 - (d) Emergency procedures.

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- (3) Equipment used in camp activities shall be maintained in good condition and shall not present a safety risk to users.
- (4) Target Sports Activities, when provided:
 - (a) Gun sports activity leaders must have certification as an instructor from the National Rifle Association (NRA) or equivalent. Other target sport activity leaders, which include but are not limited to archery, must have documented training and experience in the activity being led. Certification must be valid for each type of gun sport activity supervised.
 - (b) Written operating procedures must be developed and strictly enforced for each target sport activity. These procedures shall address at least:
 - (A) Eligibility requirements for participation;
 - (B) Camper/staff supervision ratios;
 - (C) Safety regulations and;
 - (D) Emergency procedures.
 - (c) Procedures must be in place to control access to the target sports activity area.
 - (d) A policy must be in place that target sports equipment may be used only when a qualified activity leader is present and safety rules are followed;
 - (e) Participants must be trained to utilize clear safety signals and range commands to control both the activity at the firing line and the retrieval of targets or arrows;
 - (f) Equipment used in a target sports activity, including the transport of equipment to and from the firearms use area, shall be under the direct supervision of a responsible individual of at least 21 years of age;
 - (g) Equipment and ammunition used in riflery programs shall be stored in locked areas.
- (5) Public swimming pools, wading pools and spa pools.
 - (a) Swimming pools in organizational camps shall comply with Chapter 10 of this Code.
 - (b) Spa pools in organizational camps shall comply with Chapter 11 of this Code.
 - (c) Adult and family swimming and spa use shall operate in accordance with Chapters 10 and 11 of this Code.
 - (d) Aquatic Program held in swimming pool:
 - (A) When children are within the swimming pool enclosure at least one lifeguard for every 40 bathers or fraction thereof shall be on duty. An overall ratio of one lifeguard or adult observer for each 10 persons in the water shall be maintained;
 - (B) An aquatics program conducted in a public swimming pool or spa pool is not required to be under the supervision of an Aquatic Director.
- (6) Waterfront Activities:

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- (a) An Aquatic Director shall supervise any waterfront activity serving a total of 10 or more persons;
 - (b) There shall be at least one lifeguard for each 25 persons in or on the water. An overall ratio of one observer or lifeguard for every 10 persons in or on the water shall be maintained;
 - (c) Waterfront activities serving less than 10 persons in or on the water may operate with only the supervision of a lifeguard;
 - (d) If waterfront activities take place at more than one location, a lifeguard shall be present at each location. Lifesaving, first aid, and safety equipment shall be present at each location. Such equipment shall be suitable for the users and conditions under which the equipment is expected to be used;
 - (e) All watercraft shall be equipped with a U.S. Coast Guard approved personal flotation device (PFD) in good, serviceable condition and of appropriate size for each person on board whenever the watercraft is in use.
- (7) Camps engaging in wilderness or primitive camping shall ensure that group leaders are knowledgeable about and practice the following health and safety guidelines:
- (a) Methods and equipment for keeping perishable food safe:
 - (A) Perishable foods need to be held at or below 45 degrees Fahrenheit. Foods such as meat, poultry, fish, cheese or other dairy products are capable of supporting the rapid growth of illness causing organisms and are considered “potentially hazardous foods”;
 - (B) Adequate coolers and ice, or mechanical refrigeration must be available to ensure that potentially hazardous food can be maintained at safe temperatures;
 - (C) Accurate thermometers should be available for verifying safe food temperatures;
 - (D) Meal planning should minimize or avoid the serving of high-risk (potentially hazardous) foods. Thought must be given to length of time food must be held;
 - (E) Potentially hazardous foods should be stored so that contamination of foods to be eaten raw, precooked food and/or utensils or containers (such as pop cans and water bottles) is prevented.
 - (b) Equipment and procedures for washing and sanitizing dishes and utensils:
 - (A) To prevent the spread of illness causing organisms, dishes must be washed, rinsed and sanitized. A container large enough to immerse the largest dish or utensil should be available to properly wash rinse and sanitize dishes and utensils. Preferably, two or three such containers will be available. If one or two containers are used instead of three, dishes must first be washed, then rinsed, then either the wash or rinse container must be cleaned and refilled with sanitizing rinse of at least 50 ppm (1 teaspoon liquid household chlorine per gallon) chlorine or other acceptable sanitizer. Dishes may be sanitized by immersion for one half minute in 180 degree water;

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- (B) If it is not practical or feasible to carry a container large enough to immerse dishes and utensils, then campers should use individual mess kits and utensils.
- (c) Handwashing system - procedures, methods and supplies outlined:
 - (A) Proper handwashing requires running water, liquid soap and paper towels;
 - (B) Campers should not use common towels for hand drying. If it is not possible or practical to use disposal towels for hand drying, then campers should use personal towels. Sharing of towels should not be allowed;
 - (C) Hand sanitizing is not an alternative to handwashing. If hand sanitization is desired, commercial hand sanitizers or immersing washed hands into a 50 parts per million bleach solution may only be used after handwashing.
- (d) Assure an adequate supply of safe drinking water or equipment, methods, and procedures for purifying drinking water. Whenever possible, drinking water should be obtained from an approved water system. If that is not possible, then drinking water must be purified by boiling for 1-5 minutes followed by the addition of 3-4 drops of liquid chlorine per quart of water and allowing 30 minutes contact before drinking;
- (e) At least one group leader must have American Red Cross or equivalent (as determined by the Environmental Health Office) First Aid Certification;
- (f) Appropriate first aid equipment must be on hand. Such first aid equipment must be suitable to the users and conditions under which its use is anticipated. Leaders must have knowledge of emergency procedures and transportation must be available;
- (g) Leaders must have knowledge of whereabouts of nearest medical facility;
- (h) Leaders must have in possession health histories of campers. Group leaders must screen campers or their health histories to ascertain what medications to bring along;
- (i) Campers must be versed in safe operation of camp stoves and handling of flammable liquids;
- (j) Lifeguarding at aquatic or waterfront activities must be provided according to this Chapter;
- (k) Proper methods and necessary equipment for disposal of human waste shall be available and used.

12.110 TRANSPORTATION

- (1) All organizational camps shall provide transportation for use in emergency situations. When emergency transportation does not include an on-site vehicle in good running condition, a specific written plan for emergency transportation shall be maintained at the camp.
- (2) Campers shall only be transported in areas of vehicles designed for passengers. Drivers shall have a current driver's license and shall be a minimum of 18 years of age.
- (3) All camp vehicles used to transport campers or staff off the camp area shall have:

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- (a) A first aid kit;
- (b) Emergency reflectors.

12.115 FIRE SAFETY

- (1) Permanent buildings within the organizational camp that are accessible to entry by the campers shall meet the requirements of the current Uniform Fire Code, and amendments thereto. Fire escape plans and routes shall be communicated to campers prior to overnight occupancy.
- (2) Buildings with an occupancy of more than 12 persons shall be provided with at least two separate and independent means of emergency exit, located as far apart as possible but in no case closer than 50 percent of the longest dimension of the building.
- (3) Where wood burning stoves or combustible fuel heaters are used in sleeping quarters, a carbon monoxide detector that meets the Consumer products Safety Commission's UL-2034 specification shall be provided and kept in good working order.
- (4) Smoke detectors, in good working order shall be provided in all buildings used for sleeping by camp participants or staff.

12.120 CHEMICAL AND PHYSICAL HAZARDS

- (1) Cleaning equipment and supplies, all insecticides, chemicals, paints, flammable liquids, and other toxic substances that bear the warning "keep out of reach of children" shall be stored isolated from campers and stored to prevent contamination of clothing, toweling, bedding materials and food supplies. All applications of chemicals including, but not limited to, cleaners and disinfectants shall be in accordance with the manufacturer's recommendations and by appropriately trained personnel.
- (2) All toxic substances shall be clearly labeled or stored in the original container. All toxic materials shall be stored locked when not in use.
- (3) Organizational camps shall be a safe environment and shall minimize or eliminate safety hazards including, but not limited to, debris, open excavations, abandoned wells, unused refrigerators or freezers with latchable or sealable doors. The camp shall take measures to limit unsupervised access to natural hazards such as cliffs or bodies of water. All buildings and equipment shall be kept in good repair.
- (3) Gasoline and other volatile petroleum products shall be clearly labeled and stored in accordance with the standards of the current edition of the Uniform Fire Code, and amendments thereto.

CHAPTER 13. DOG CONTROL

13.005 PURPOSE

The purpose of this chapter is to provide a means to identify and protect those dogs that are properly maintained animals and to provide a means of identifying and disposing of those dogs that are strays, uncontrolled or a nuisance. This chapter is intended to provide a safe, cost effective and expeditious means of providing the citizens of the Reservation with effective dog control, and to provide additional dog control measures in the Mission Basin because of the close proximity of homes, schools and other public facilities.

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13.010 DEFINITIONS

- (1) “Animal Control Officer” or “ACO” means the person employed by the Umatilla Tribal Police Department for purposes of implementing and enforcing the dog control provisions set forth in this chapter 13.
- (2) “Dog” means any canine animal regardless of sex and includes dogs and bitches. The singular also includes the plural.
- (3) “Mission Dog Control Area” means the area shown in the map at the back of this chapter and can be generally described as a line running along the Union Pacific railroad to the north, the Cayuse Road to the east, Alexander Lane to the west and the bench south of the Tribal Government/BIA compound to the south.
- (4) “Tribal Dog License” means the license tag that is issued by the ACO for dogs meeting the license requirements set forth in section 13.025 of this Chapter .
- (5) “URHA” means Umatilla Reservation Housing Authority.
- (6) “UTPD” means Umatilla Tribal Police Department.
- (7) “Vicious Dogs” means a pure bred or any degree mixed breed Pit Bull, Doberman Pinscher, German Shepherd, Rottweiler and Wolf hybrids.

13.015 AREA OF APPLICATION

This chapter shall apply to the entire Umatilla Indian Reservation except for the special provisions and requirements applicable to the Mission Dog Control Area as set forth in this chapter. The ACO shall prioritize enforcement of dog control measures in the Mission Dog Control Area because of the concentration of the population, homes, schools and other public facilities in that area. The Mission Dog Control Area includes all areas described in section 13.010(3) of this chapter and all areas within the map of the Mission Dog Control Area that is attached at the back of this chapter.

13.020 OWNER RESPONSIBILITY AND LIABILITY

The owner of any dog is responsible for compliance with the terms of this chapter and for any damages or injury caused by the dog.

13.025 TRIBAL DOG LICENSE REQUIREMENTS

- (1) All dogs residing in or wandering through the Mission Dog Control Area over the age of six months shall have a current Tribal Dog License.
- (2) The ACO is responsible for issuing Tribal Dog Licenses and tags and maintaining records as set forth in this chapter.
- (3) In order to receive a Tribal Dog License, all dog owners must show proof of a rabies vaccination, prior to the date of application for the Tribal Dog License. Evidence of vaccination shall consist of a certificate of rabies vaccination signed by a licensed veterinarian or other qualified person, as approved by the ACO, and must be effective for the full term of the license period.
- (4) Dog owners applying for a Tribal Dog License shall provide the following information on their application for a Tribal Dog License: the owner’s name, address and phone number, the dog’s name, hair color, breed, sex, rabies vaccination certificate number with

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date, license number and any other information determined necessary by the ACO.

- (5) Upon submission of all necessary information, proof of vaccination and payment of the applicable license fee, the ACO shall issue a Tribal Dog License and tag. The fee for a Tribal Dog License shall be \$5.00. The ACO shall issue a tag to each dog that has been licensed under this section, which tag shall indicate it has been issued by the CTUIR, shall include the name of the dog, the phone number of the dog's owner(s) and its date of expiration. The Tribal Dog License and tag shall be worn by the dog by attachment to a dog collar so that the dog is not determined to be a stray.
- (6) The Tribal Dog License shall be valid for a period of one year.
- (7) Renewal. Every dog owner in the Mission Dog Control Area must renew the Tribal Dog License for each dog prior to the expiration of the license. The dog owner shall provide all information and proof of vaccination required under 13.025(3) and (4), above, for the renewal of the Tribal Dog License.
- (8) While not required, the ACO shall be authorized to issue Tribal Dog Licenses to dogs residing within the Umatilla Indian Reservation but outside of the Mission Dog Control Area.

13.027 ENCOURAGING COMMUNITY COMPLIANCE.

The ACO shall endeavour to provide information and services to the Reservation community, and in particular the residents of the Mission Dog Control Area, to encourage compliance with this chapter, to promote the health of dogs and the safety of persons coming into contact with dogs:

- (1) Arrange for spay/neuter clinics for Reservation residents within the Reservation community so that these services are affordable;
- (2) Arrange for rabies immunization clinics in connection with Tribal Dog License applications within the Mission Dog Control Area;
- (3) Provide information to Reservation residents about the requirements of this chapter and about the spay/neuter and immunization clinics.

13.030 DOG MAINTENANCE

- (1) Every dog owner shall provide each dog under his control with a substantial collar or harness to which the Tribal Dog License tag shall be attached and shall see that the collar or harness is worn at all times.
- (2) Every dog owner within the Umatilla Indian Reservation is required to keep their dogs in a manner so as not to present a threat to other residents, visitors, passers-by, children or other animals who may wander into the area. No female dog in heat, no dog of a fierce, dangerous, or vicious nature or which becomes a nuisance to others when upon streets, public places, or trespassing on the premises of others, and no dog which presents a health hazard to the community due to mange or other health concerns shall be permitted to run at large.
- (3) Dog owners shall maintain their dogs in a healthy state, providing them with adequate nutrition, facilities and veterinary care.
- (4) In the Mission Dog Control Area no dogs shall be permitted to run at large, whether they possess a Tribal Dog License or not. Every dog must be kept in the house, within a fenced yard, chained to a fixed object or on leash while within the Mission Dog Control

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Area.

13.035 RECORDS

The ACO shall keep records of all Tribal Dog Licenses it issues. Each Tribal Dog License shall receive a number that shall also be placed on the Tribal Dog License tag.

13.040 DOGS AT LARGE, IMPOUND, DESTRUCTION

- (1) Any dog found to be at large shall be impounded and destroyed by persons authorized to do so under the terms of this chapter.
- (2) The destruction of dogs referred to herein means that they shall be killed in a humane and sanitary manner.
- (3) If an impounded dog has a Tribal Dog License tag, it will be held for a maximum of five (5) days and the owner notified. If the pet is not claimed or holding fees are not paid within the five-day period, the dog will be destroyed.
- (4) If an impounded dog does not have a Tribal Dog License and tag or has one that has expired, it is considered to be a stray. After five days of being impounded the owner does not claim and pick up the dog, pay all impound fees, and file an application for a Tribal Dog License, the dog will be destroyed.
- (5) All dog owners picking up a dog from the holding facility must pay the impound fees in full and show proof of a current license prior to release of the dog.
- (6) The fee for storage/holding animals shall be payable to the CTUIR.
- (7) If a dog is considered a nuisance or a threat, as defined in section 13.050(2) of this chapter, it may be restrained and impounded, even if it is licensed, by the ACO, the UTPD or the URHA, as appropriate.
- (8) If the dog is impounded pursuant to subsection (7) of this Section, the ACO shall notify the owner immediately of the impoundment and the cause for impoundment. This notification shall be in writing and delivered to the owner's residence within 24 hours. The notice shall also be mailed.
- (9) The dog owner may have his/her dog returned upon the following:
 - (A) Payment of civil fine as provided in Section 13.050(3).
 - (B) Payment of impound fee as provided in chapter 5.
 - (C) Proof the dog has a valid Tribal Dog License; and
 - (D) Providing adequate assurance to the ACO that the dog owner has the means to abate the nuisance created by the dog.
- (10) If a dog owner, whose dog has been impounded under subsection 7 of this section, does not respond within five days of the impoundment, the dog shall be destroyed as provided in subsection 2 of this section.
- (11) A dog owner whose dog has been impounded under subsection 7 who disagrees with the claim that the dog is a nuisance may seek relief in the Umatilla Tribal court by filing a petition for release of the dog. The Safety Officer, URHA or UTPD shall have the burden

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of establishing the basis for impounding the dog.

13.045 DOG BITES

Any dog known to have bitten a person and caused an abrasion of the skin, or which appears to be infected with rabies, shall be closely confined in a suitable enclosure by its owner for a period of ten days or as long as may be required by the ACO. If the owner fails to confine said dog, the dog shall be removed from the owner's premises or possession to a veterinary hospital or other impoundment facility and placed under observation. The owner in such cases, shall be responsible for any and all costs involved in the capturing, transporting, impounding and testing of said dog.

13.050 DOGS AS PUBLIC NUISANCE, PENALTIES, ABATEMENT

- (1) It shall be unlawful for any person to keep, own or maintain a dog that is a public nuisance.
- (2) A dog is a public nuisance if it:
 - (a) Presents a threat to other residents, visitors, passers-by or children who may wander into the area.
 - (b) Is a female canine in heat that is allowed to run at large.
 - (c) Is a dog of a fierce, dangerous, or vicious nature.
 - (d) Is a dog that becomes a nuisance to others when trespassing upon streets, public places or premises of others.
 - (e) Is a dog that presents a health hazard to the community due to mange or other health concerns.
 - (f) Disturbs any person by frequent or prolonged noises.
 - (g) Destroys or damages the property of others.
 - (h) Destroys or threatens wildlife or livestock.
- (3) A person who maintains a dog that is a nuisance shall be subject to a civil fine not to exceed \$150.00 for the first offense, and for any subsequent offense, a civil fine not to exceed \$300.00.
- (4) Upon a judicial determination that a person has maintained a dog that is a nuisance, the Tribal Court may order that the person abate the nuisance. Upon the failure of the person to abate the nuisance as ordered by the Court, the Court may order that the dog be seized and destroyed.

13.052 VICIOUS DOGS

It shall be unlawful for any person to keep, own or maintain a Vicious Dog, as defined in section 13.010(7) of this chapter, in the Mission Dog Control Area. Any Vicious Dog found in the Mission Dog Control Area shall be immediately seized and destroyed.

13.055 ENFORCEMENT AUTHORITY

- (1) The ACO shall have primary enforcement authority and shall be authorized to carry out

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the provisions of this chapter.

- (2) Duly commissioned officers of the Umatilla Tribal Police Department are authorized to carry out the provisions of this chapter.
- (3) The Environmental Health Officer is authorized to insure that the provisions of this chapter are carried out and to advise the ACO of any public health threat posed by dogs.

CHAPTER 14. MAINTENANCE OF LIVESTOCK AND OTHER ANIMALS

14.005 DEFINITIONS

- (1) Animal Feeding Operation (AFO) – includes an area, location, or operation where animals have been, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and where crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility (40 CFR 122.23(b)(1).
- (2) Animal Unit (AU) – means the number of animals that for regulatory purposes are considered the equivalent of one bovine. For example, 1000 AU is equivalent to: 1000 slaughter and feeder cattle, 700 mature dairy cattle, 2500 swine each weighing more than 25 kilograms, 30,000 laying hens or broilers (if a facility uses a liquid manure system), and 100,000 laying hens or broilers (if facility uses continuous overflow watering). Refer to 40 CFR Part 122, Appendix B.
- (3) Confined Animal Feeding Operation (CAFO) – includes animal feeding operations that;
 - (a) Confine more than 1,000 animal units (AU); or
 - (b) Confine between 301 to 1,000 AU and discharges pollutants;
 - (A) Into the waters of the Umatilla Indian Reservation through a ditch, flushing system or other similar device; or
 - (B) Directly into waters of the Umatilla Indian Reservation that originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

14.010 CAFOs NOT ALLOWED

Due to the potential for serious degradation of land, water, and air resources and for devastating impacts to human health, there shall be no CAFOs allowed or permitted on the Umatilla Indian Reservation.

14.020 PERMIT REQUIRED

Each AFO shall have a permit, issued by the Environmental Health Officer, for said operation prior to locating any animals on site. Fees are double for an AFO that has commenced locating animals on site prior to receipt of an AFO permit.

14.025 ACCESS TO FACILITIES

The Environmental Health Officer, as a condition of approval of a permit, shall be allowed access at all reasonable times to inspect the facilities and records that demonstrate compliance with this code.

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14.030 APPLICATION FOR AFO

Applications for an AFO shall be made available by the Environmental Health Office. The Environmental Health Office has the responsibility to develop said form to obtain information adequate to meet the requirements and intent of this chapter.

14.035 SITE PLANS

The applicant for an AFO permit shall prepare site plans to be submitted with the permit application. The site plans shall depict all facilities or proposed facilities, berms, ditches, creeks swales, north arrow, scale, rivers, streams, intermittent or ephemeral streams or drainage paths

14.040 PERMIT RENEWAL

Permits issued in compliance with this chapter shall be renewed each year prior to the expiration date. Fees shall be double for renewal applications that are submitted after the date of expiration on the permit if the facility has animals present.

14.045 AFO PROHIBITED IN FLOOD PLAIN

No AFO shall be permitted within the 100-year flood plain or other area known to flood. This does not prohibit the pasturing of livestock within the 100-year flood plain.

14.050 AFO WASTEWATER RETENTION

All AFOs shall have adequate capacity to retain on site all wastewater and runoff that can be generated by the facility and by a 100-year storm event. In calculating runoff, a surface infiltration rate of zero shall be used.

14.055 ANIMAL HEALTH

- (1) All livestock shall be provided with adequate feed and fresh water to maintain health, weight and vigor consistent with healthy livestock and good animal husbandry.
- (2) All injured or diseased livestock shall receive adequate veterinary care to relieve pain, suffering, and prevent the spread of disease.

14.060 FACILITIES

- (1) All facilities for the keeping of livestock shall be in good repair and of adequate design to avoid injury or the development and spread of disease.
- (2) Livestock facilities shall be kept free of excessive waste buildup.
- (3) All livestock facilities shall be constructed and maintained to minimize insect vectors and noxious odors.

14.065 LIVESTOCK WASTES

- (1) The land application of animal wastes as a fertilizer or soil amendment shall not be greater than that needed for the growing and production of the crops to be produced.
- (2) Animal wastes containing contaminants such as heavy metals or other products harmful to crops and soil productivity shall not be applied to the soil.
- (3) Solids shall be applied with a broadcast spreader.

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- (4) Liquids may only be sprayed, and only under no-wind conditions, if the application is at all times greater than one-quarter mile from the nearest residence. Liquids may be applied by subsurface means, and only under no-wind conditions, if the application is at all times greater than 500 feet from the nearest dwelling.
- (5) All liquid waste disposal facilities shall be installed and operated according to a permit issued by the Environmental Health Officer. There shall be an annual inspection by the Environmental Health Officer, at a minimum, prior to renewal of the annual permit. Operators shall have routine inspections, maintenance and operation of liquid waste disposal facilities included in their standard operating procedures
- (6) The Environmental Health Officer may require periodic or continuous monitoring of air quality in the vicinity of an AFO for hydrogen sulfide, ammonia, methane or any other gases for which there is a health concern. The cost of monitoring shall be upon the operator of the facility. AFOs shall be operated in such a manner as to avoid the unlawful degradation of air quality.

14.070 ENVIRONMENTAL DEGRADATION

No livestock shall be permitted access to streams and wetlands to such an extent that it substantially degrades the water quality or vegetation in the vicinity. It shall be the responsibility of the livestock owner to develop such springs and other means of access to clean uncontaminated water to ensure the health of the livestock and retain the quality of the water. AFOs shall be operated in such a manner as to avoid the unlawful degradation of water quality.

CHAPTER 15. HAZARDOUS WASTE

15.005 DECONTAMINATION OF ILLEGAL DRUG LABORATORY MANUFACTURING SITES

- (1) The Environmental Health Officer shall be the Tribal official responsible for oversight of the cleanup and resolution of illegal drug laboratory manufacturing sites. To this end, the Environmental Health Officer may work with other such agencies and organizations as is necessary to decontaminate such sites.
- (2) The Environmental Health Officer is empowered to require measures to be implemented as necessary to ensure cleanup, and protect the public health.

CHAPTER 16. [THIS CHAPTER RESERVED FOR FUTURE USE]

CHAPTER 17. SAFETY

17.005 INTENT

It is the intent of this chapter to ensure the safety and protection of all people on the Umatilla Indian Reservation from practices and environments that may be harmful to persons, property or the natural environment.

17.010 DEFINITIONS

- (1) “Boxing” means a contest between contestants who fight with their fists protected by gloves or mittens fashioned of leather or similar material, the duration of which is limited to a stated number of rounds separated by rest periods of equal duration. “Boxing” includes kickboxing, a form of boxing in which blows are delivered with any part of the

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arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot.

- (2) “Entertainment wrestling” means a noncompetitive performance in which the participants deliver blows or apply holds with no intent to punish or immobilize an opponent. Entertainment wrestling is distinguished from boxing, mixed martial arts or other wrestling by the fact that the outcome of the performance is predetermined.
- (3) “Event” means a boxing, mixed martial arts or entertainment wrestling match, contest, exhibition or performance.
- (4) “Mixed martial arts” means a combative sporting contest, the rules of which allow two mixed martial arts competitors to attempt to achieve dominance over one another by utilizing a variety of techniques including, but not limited to, striking, grappling and the application of submission holds. “Mixed martial arts” does not include martial arts such as tae kwon do, karate, kempo karate, kenpo karate, judo, sumo, jujitsu, Brazilian jujitsu, submission wrestling and kung fu.
- (5) “OSHA” means Occupational Safety and Health Act.
- (6) “Substandard building” means any building or portion thereof that is determined to be an unsafe building, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this chapter to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof.

17.015 OSHA

(1) Intent

It is the intent of this section that everyone on the Umatilla Indian Reservation and all Tribal members and Tribal government operations exterior to the Umatilla Indian Reservation be protected in the workplace from exposure to equipment, environments, and working conditions that could injure, maim or result in death. To this end, Federal OSHA standards are hereby adopted.

(2) Authority and responsibility to coordinate

The Environmental Health Officer shall have the authority to coordinate with Federal and State of Oregon officials, including the coordination of MOUs and MOAs for Board of Trustees approval, to the extent that it promotes the intent of this section.

(3) OSHA Compliance – Official Designee

The Environmental Health Officer is the Tribal official designated to implement OSHA compliance within the exterior boundaries of the Umatilla Indian Reservation and for all Tribal activities exterior to the Umatilla Indian Reservation.

(4) Extent of Environmental Health Officer’s expertise

It is not expected that the Environmental Health Officer be an expert in the detail of OSHA compliance. It is expected that the Environmental Health Officer consult with experts in the field of OSHA compliance to ensure compliance within the area of jurisdiction.

(5) Applicability

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This chapter applies to all workers, employees, and employers, on the Umatilla Indian Reservation

17.020 DWELLING UNIT OCCUPANCY

(1) Fire Protection

All dwellings or portions thereof shall be provided with a functioning smoke detector installed to manufacturers specifications. Each level of the dwelling is considered a separate portion.

(2) Substandard buildings

(a) Inadequate sanitation. Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

- (A) Lack of, or improper water closet, lavatory, bathtub or showers in a dwelling unit or lodging house.
- (B) Lack of, or improper kitchen sink in a dwelling unit.
- (C) Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house.
- (D) Lack of adequate heating facilities
- (E) Dampness in habitable rooms
- (F) Infestation of insects, vermin or rodents as determined by the Environmental Health Officer.
- (G) General dilapidation or improper maintenance
- (H) Lack of connection to required sewage disposal system
- (I) Lack of adequate garbage and rubbish storage and removal facilities as determined by the Environmental Health Officer.
- (J) Large animals or livestock in or near building causing health hazard to occupants.
- (K) Excessive number of animals in house causing health hazard to occupants.

(b) Structural Hazards. Buildings or portions thereof shall be deemed substandard when they have or contain structural hazards. Structural hazards shall include, but not be limited to, the following:

- (A) Deteriorated or inadequate foundations.
- (B) Defective or deteriorated flooring or floor supports.
- (C) Flooring or floor supports of insufficient size to carry imposed loads with safety.
- (D) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.

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- (E) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.
 - (F) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that sag, split or buckle due to defective material or deterioration.
 - (G) Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
 - (H) Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.
 - (I) Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.
- (c) Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed nor the use intended for such occupancies shall be considered substandard.

17.025 WATER QUALITY

- (1) All water sources providing water for human consumption shall meet or exceed the minimum water quality standards for safe drinking water, prior to being made available for consumption.

(2) Condemnation of Contaminated Waters

The Environmental Health Officer shall condemn all waters that do not meet the minimum standard for safe drinking water at the point of availability for human consumption.

(3) Notice of Condemnation of Water

Said condemnation shall include the posting of a notice at the point of diversion of the contaminated water from its source and at all points of availability. The notice shall specify what parameter(s) failed to meet the safe drinking water standards, shall warn all persons against the consumption of said water, and shall notify all persons that the resumption of use of said water is a violation of this code. The Environmental Health Officer may take such appropriate steps as are necessary to prevent the use of condemned waters.

- (4) Any person who knowingly gives, makes available, or causes to be given to another, contaminated water shall be guilty of a violation of this code.

(5) Water testing

- (a) All sources providing water for human consumption shall be tested for compliance with drinking water standards prior to making said water available to anyone for consumption.
- (b) Said test shall be submitted to the Environmental Health Officer for review and approval prior to using the water source. A copy of the test results with the Environmental Health Officers stamp of approval, file number, date and signature shall be evidence of compliance with this sub-section.

- (6) The Environmental Health Officer shall investigate all sources of water intended for human consumption that are reported to be contaminated and make written findings

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confirming or refuting said report. To this end, the Environmental Health Officer may initiate an investigation without an official report or complaint.

- (7) During the routine course of business or during an investigation, the Environmental Health Officer shall, upon observing improper water system development, require the owner, operator, or person having authority over the water system or property to cease and desist all use of the water system until said system meets plumbing and electrical codes as adopted by the Confederated Tribes of the Umatilla Indian Reservation, and confirmed
- (8) Prior to removing or suspending a Notice of Condemnation, the Environmental Health Officer shall be satisfied, as evidenced by a report from a qualified water testing laboratory, that the water meets the minimum water quality standards and by performing an on-site inspection to verify that conditions creating the contaminated water or other possible contamination sources have been mitigated. The Environmental Health Officer may require the submission of plans for review and approval prior to the implementation of remediation activities.

17.030 BOXING, WRESTLING OR MIXED MARTIAL ARTS EVENTS

- (1) No event involving Boxing, Entertainment Wrestling or Mixed martial arts, as defined in section 17.010 of this Code, shall be lawful within the Umatilla Indian Reservation unless it is conducted in full compliance with the laws of the Confederated Tribes, including but not limited to, the Intergovernmental Agreement between the Confederated Tribes and the State of Oregon acting by and through the Oregon State Police and the Oregon State Athletic Commission dated June 28, 2012.
- (2) The Tribal Prosecutor and Tribal Lead Attorney shall be authorized to seek an injunction in the Umatilla Tribal Court to enjoin an unlicensed Event occurring within the boundaries of the Umatilla Indian Reservation.

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APPENDIX A

LEGISLATIVE HISTORY

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ENVIRONMENTAL HEALTH AND SAFETY CODE

LEGISLATIVE HISTORY

The Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation enacted the Environmental Health Code in Resolution 99-52 (July 7, 1999). It has been amended three times, by Board Resolution No. 07-137 (December 31, 2007), which amended Chapter 13 of the Code, by Board Resolution No. 12-040 (June 25, 2012), which amended Chapter 17 of the Code to address boxing, entertainment wrestling, and mixed martial arts events held on the Umatilla Indian Reservation, and by Resolution 15-057 (September 14, 2015), which amended Chapter 8 of the Code to authorize Certified Domestic Kitchens to produce certain foods for commercial sale. In Resolution 18-007 (January 22, 2018), the Board of Trustees enacted a new Section 7.060 establishing the Tribal Environmental Recovery Facility as the exclusive provider of solid waste and recyclables service on the Umatilla Indian Reservation.

The Environmental Health Code supercedes and repeals three prior Tribal statutes: the Sanitation Code, the Dog Ordinance and the revised Dog Ordinance. The Sanitation Code was enacted by the Board and signed by the Chairman and Secretary of the Board of Trustees on August 25, 1975. The Dog Ordinance was first enacted by the Board in Resolution 88-51 (May 5, 1988). A revised Dog Ordinance was enacted by the Board in Resolution 94-27 (April 6, 1994).