

**SISSETON-WAHPETON SIOUX TRIBE**

**CHAPTER 61B**

**SANITARY SEWER SYSTEMS**

**61B-01-01** An ordinance establishing rules and regulations for the operation and the use of public and private sewers and drains, private sewage disposal, the installation and connection of waters and wastes into the public sewer system: an providing penalties for violation thereof: within the boundaries of the Lake Traverse Reservation.

**61B-02-01 RULES AND REGULATIONS**

The following rules and regulations are hereby adopted to govern the sewer services furnished by the Sisseton-Wahpeton Sioux Tribe in a uniform manner for the benefit of the Sisseton-Wahpeton Sioux Tribe and its sewer users. They are subject to change from time to time. All such changes must be approved by the Sisseton-Wahpeton Tribal Council. If any portion of these rules shall be declared invalid by competent authority, such violation shall not affect the validity of the remaining portions.

**61B-03-01 DEFINITIONS**

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

**61B-03-02** APPLICANT - shall mean any individual, firm, partnership, corporation or other agency owning land within the boundaries of the Sisseton-Wahpeton Sioux Tribe applying for a sewer service.

**61B-03-03** B.O.D. - Biochemical Oxygen Demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

**61B-03-04** Building Drain - shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

**61B-03-05** Building Sewer - shall mean the extension from the building drain to the public sewer or other place of disposal.

**61B-03-06** Cesspool - shall mean a pit for the reception or detention of sewage.

- 61B-03-07 Combined Sewer - shall mean a sewer receiving both surface runoff and sewage.
- 61B-03-08 Commercial and Industrial Wastes - shall mean the water-carried wastes from commercial and industrial establishments as distinct from sanitary sewage, such establishments including, but not limited to, business buildings and institutions, as well as processing and food service establishments.
- 61B-03-09 Drain - shall mean a sewer or other pipe or conduit used from conveying ground, surface, or storm water.
- 61B-03-10 Garbage - shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- 61B-03-11 Inspector - shall mean the person or persons duly authorized by the Sisseton-Wahpeton Sioux Tribal Council.
- 61B-03-12 Natural Outlet - shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.
- 61B-03-13 Normal Sewage - shall mean sewage which contains not over 400 parts per million of suspended solids and not over 300 parts per million of B.O.D. by weight, and which does not contain any of the materials of substances listed in section 61B-30-01 through 61B-32-01 of this code in excess of allowable amounts specified in said section.
- 61B-03-14 Person - shall mean any individual, firm, company, association, society, corporation, or group.
- 61B-03-15 pH - shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 61B-03-16 Potable Water - shall mean water which is safe for drinking or other sanitary purposes and is also suitable for domestic use.
- 61B-03-17 Properly Shredded Garbage - shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
- 61B-03-18 Public Sewer - shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- 61B-03-19 Receiving Stream - shall mean any natural watercourse into which sewage is discharged.

- 61B-03-20 Roof Drain - shall mean a conduit for conveying the storm or rain from a roof.
- 61B-03-21 Sanitary or Domestic Sewage - shall mean sewage from building used for human habitation or occupancy.
- 61B-03-22 Sanitary Sewer - shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- 61B-03-23 Sanitary Sewerage System - shall mean the network of sewers, together with sewage lift stations, and all appurtenances necessary for the collection of sewage, to include treatment works.
- 61B-03-24 Septic Tank - shall mean a tank through which sewage flows and which permits solids in the sewage to settle in order that portions of such solids may be disintegrated by biological action.
- 61B-03-25 Sewage - shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- 61B-03-26 Sewage Treatment Plant - shall mean any arrangement of devices and structures used for treating sewage.
- 61B-03-27 Sewage Works - shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- 61B-03-28 Sewer - shall mean a pipe or conduit for carrying sewage.
- 61B-03-29 Sewer Service Lateral - shall mean the conduit of pipe from the sewer line to the building served.
- 61B-03-30 Shall - shall mean a pipe or conduit for carrying sewage.
- 61B-03-31 Slug - shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- 61B-03-32 Standard Laboratory Methods - shall mean methods of analysis and testing as outlined in the latest edition of "Standard Method for the Examination of Water and Sewage", published jointly by the American Public Health Association, and the Water Pollution Control Federation.
- 61B-03-33 Sisseton-Wahpeton Tribal Council - shall mean the Governing Body of the Sisseton-Wahpeton Sioux Tribe.

- 61B-03-34** Storm Drain - (sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- 61B-03-35** Storm Water - shall mean that portion of the rainfall or other precipitation which runs off over the surface during a storm and for such a short period following a storm as the flow exceeds the normal or ordinary runoff.
- 61B-03-36** Suspended Solids - shall mean solids that either float on the surface of, or are in suspension in water sewage, or other liquids, and which are removable by laboratory filtering.
- 61B-03-37** Watercourse - shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- 61B-04-01** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the boundaries of the Sisseton-Wahpeton Sioux Tribe, or in area under the jurisdiction of said Tribe any human or animal excrement, garbage, or other objectionable waste.
- 61B-05-01** It shall be unlawful to discharge to any natural outlet within the boundaries of the Sisseton-Wahpeton Sioux Tribe, or in any area under the jurisdiction of said tribe, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of the ordinance.
- 61B-06-01** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- 61B-07-01** The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the boundaries of the Sisseton-Wahpeton Sioux Tribe, or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the tribe, is hereby required at his expense to install suitable toilet facilities herein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

- 61B-08-01** Where a public sanitary or combined sewer is not available under the provision of section 61B-07-01, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- 61B-09-01** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the inspector. The application for such permit shall be made on a form furnished by the tribe, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the inspector. A permit and inspection fee of ten dollars (\$10.00) shall be paid to the tribe at the time the application is filed.
- 61B-10-01** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within four (4) hours of the receipt of notice by the inspector if received in the forenoon and within eighteen (18) hours of receipt of notice if received in the afternoon.
- 61B-11-01** The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of South Dakota. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where they are of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- 61B-12-01** At such time as a public sewer becomes available to a property served by private sewage disposal system, as provided in section 61B-11-01, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- 61B-13-01** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the tribe.
- 61B-14-01** No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer of the Sisseton-Wahpeton Sioux Tribe.

- 61B-15-01** When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.
- 61B-16-01** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the inspector.
- 61B-17-01** There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the tribe. This application shall show the name and address of the owner, name of the person to whom permit is issued, number of permit, location of property, type of building to be served (whether residence or business), number of rooms and size of sewer to be connected. The application shall be signed by the owner or his authorized representative. The permit application shall be supplemented by a plan, specification, or other information considered pertinent in the judgment of the inspector. A permit inspection fee of ten dollars (\$10.00) for an industrial building sewer permit shall be paid to the tribe at the time the application is filed. The application shall be retained by the tribal clerk's office as a permanent record of each connection to the sewerage system.
- 61B-18-01** Upon the issuance of written permit to such applicant, such applicant shall have the right to connect with the tribe's sanitary sewerage system provided, however, that all work shall be done only by a duly qualified and licensed plumber. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the tribe from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. In addition to the permit fee, the tribe will require a one year street repair maintenance bond to cover that portion of the sewer service laterals that lie within public street right-of-way. The bond is to be provided by the plumber who installs the sewer service lateral. This bond requirement applies only to sewer service laterals that are installed after the completion of the sanitary sewerage system.
- 61B-19-01** Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the inspector, to meet all requirements of this ordinance.

- 61B-20-01** The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavation, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the tribe. In the absence of code provisions or in amplifications thereof, the materials and procedures set forth in appropriate specification of the A.S.T.M. and W.P.C.F. Manual or Practice No. 9 shall apply.
- 61B-21-01** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 61B-22-01** No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- 61B-23-01** The connection of the building sewer into the public sewer shall conform the requirements of the building and plumbing code or other applicable rules and regulations of the Tribe or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the inspector before installation.
- 61B-24-01** The applicant for the building sewer permit shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer one (1) day in advance of the time and place where the connection will be made. The connection shall be made under the supervision of the inspector or his representative.
- 61B-25-01** It shall be unlawful to place any pipe or conduit which carries or is intended to carry sewage in the same trench or ditch with a pipe or conduit which carries, or is intended to carry, a potable water supply. In every case where a water sewer line are parallel, the water line shall be at least ten (10) feet horizontally from and at a higher elevation than the sewer line. Where it is not possible to meet the above conditions, or where for any reason unusual circumstances present a potential or

actual hazard to a potable water supply, the water and sewerage supervisor must be notified in writing and plans submitted showing the precautions which are to be taken to minimize the hazard to the potable water supply. In no case shall the work proceed until the plans for protecting the water supply have been approved in writing by the Tribes Department of Natural Resources.

- 61B-26-01** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Tribe.
- 61B-27-01** No person shall discharge or cause to be discharged any storm water, surface water, ground water, road runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- 61B-28-01** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the inspector. Industrial cooling water or unpolluted process waters may be discharged, on approval of the inspector, to a storm sewer, combined sewer, or natural outlet.
- 61B-29-01** Where any unlawful connection as defined in the above sections of this ordinance is known to exist, such connections shall be deemed a public nuisance and such unlawful connections shall be broken and their use discontinued within ten (10) days after date of notification to break such connection as provided in section 61B-43-01 of this ordinance.
- 61B-30-01** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.
- 61B-30-02** Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- 61B-30-03** Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of two (2) mg/l and CN in the wastes as discharged to the public sewer.



**61B-30-04** Any waters or wastes having (1) a 5-day B.O.D. greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the city, shall be subject to the review of the superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the B.O.D. to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**61B-30-05** Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinder, sand, mud, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders

**61B-31-01** No person shall discharge or cause to be discharged the following described substances, materials, waters or wasted if it appears likely in the opinion of the inspector that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the recovering stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the inspector will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapors having a temperature higher than one hundred fifty (150) degrees F.

2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty (150) degrees F.
3. Any garbage that has not been properly shredded. The installation and operation of any garbage finder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the inspector.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the inspector for such materials.
6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the inspector as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes are isotopes of such half-life or concentration as may exceed limits established by the inspector in compliance with applicable state or federal regulations
8. Any waters or wastes having a pH in excess of 9.5 or less than 6.0.
9. Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as but not limited to, Fullers earth, limeslurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

- c. Unusual B.O.D., chemical oxygen demand, or chloride requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
10. Waters of wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**61B-32-01** If any waters or sates or discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 61B-30-01 and 61B-31-01 of this ordinance, and which in the judgement of the inspector, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the inspector may:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sewers,
3. Require control over the quantities and rates of discharge, and/or,
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 61B-39-01.

**61B-32-02** If the inspector permits the pretreatment or equalization of waste flows, the design and installation of the inspector, and subject to the requirements of all applicable codes, ordinances and laws.

**61B-33-01** Grease oil, and sand interceptors shall be provided when, in the opinion of the inspector, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the inspector, and shall be located as to be readily and easily accessible for cleaning and inspection.