

TRIBAL CODE

CHAPTER 65:

PERMIT FOR DRINKING AND WASTEWATER SYSTEMS

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HISTORY NOTE:

Current Ordinance:

Resolution 97-3, adopted, January 7,1997, enacts Chapter 65: Permit for Drinking and Wastewater Systems.

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CHAPTER 65:

PERMIT FOR DRINKING AND WASTEWATER SYSTEMS

65.101 Purpose.

The purpose of this Chapter is to provide a permitting the construction of waterworks systems within the exterior boundaries of the lands of the Sault Ste. Marie Tribe of Chippewa Indians.

65.102 Definitions.

For the purposes of this Chapter, certain terms are defined in this section. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, words in the plural include words in the singular, and words in the masculine gender include the feminine gender. The word "shall" is always mandatory and not merely directory.

(1) "Contaminant" means a physical, chemical, biological or radiological substance or matter in the water.

(2) "Imminent hazard" means that in the judgment of the director there is a violation, or a condition which may cause a violation, of the tribal drinking water standards at a public water supply requiring immediate action to prevent endangering the health of people.

(3) "Living unit" means a house, apartment or other domicile occupied or intended to be occupied on a day to day basis by an individual, family group or equivalent.

(4) "Plans and specifications" means drawings, data and a true description or representation of an entire waterworks system or parts of a system as it exists or is to be constructed, and a statement on how a waterworks system is to be operated.

(5) "Public water supply" means a waterworks system which provides water for drinking or household purposes to persons other than the supplier of the water, except those waterworks systems which supply water to only one living unit. Those waterworks systems serving two to 14 living units shall be subject to only those provisions necessary to assure proper construction and operation such that quality of water distributor meets the tribal drinking water standards.

(6) "Tribe" (or "tribal") means (or refers to) the Sault Ste. Marie Tribe of Chippewa

Indians.

(7) "Tribal drinking water standards" means quality standards setting limits for contaminant levels or establishing treatment techniques to meet standards necessary to protect the public health.

(8) "TEPA" means Tribal Environmental Protection Authority created by Chapter 62 of the Tribal Code.

(9) "Wastewater systems" means mechanisms, facilities and structures to treat wastewater, including but not limited to septic systems, sequence batch reactors, lagoons, aeration ponds and mound systems.

(10) "Waterworks system" or "system" means a system of pipes and structures through which water is obtained and distributed or wastewater systems, including but not limited to wells and well structures and intakes.

65.103 Tribal Utility Authority.

The Tribal Utility Authority, created by Tribal Code Chapter 92, is responsible for the operation and maintenance of public water systems and wastewater systems run by the Tribe and may have the system inspected by whomever they see fit to enter upon the waterworks system at any reasonable time with prior reasonable notification.

65.104 Plans and Specifications.

(1) The plans and specifications for new or reconstructed water systems and wastewater systems must be supplied to the TEPA for review and approval.

(2) Upon receipt of the plans and specifications for a proposed waterworks system, the TEPA shall evaluate the adequacy of the proposed system to protect the public health. If upon evaluation the TEPA determines the plans and specifications to be inadequate, the TEPA may return the plans and specifications to the applicant and require additions or modifications as may be appropriate. The TEPA may reject plans and specifications for a waterworks system which it determines will not provide for the protection of the public health.

(3) Before commencing the construction of a waterworks system or an alteration, addition, or improvement to a system, the plans and specifications for the waterworks system must be provided to the TEPA for review in order for the system to receive a permit.

(4) All public water systems will be equipped with a meter to determine use in respect to design.

65.105 Water Samples.

Water samples will be analyzed by laboratories that are approved to conduct that type of analysis by the United States Environmental Protection Agency and selected by TEPA.

65.106 Chemicals and Materials.

Chemical and materials which may come in contact with the water or be used in treatment processes shall be approved by the TEPA prior to being utilized in a public water system.

65.107 Reports and Records.

Water use records, sample results, and approved plans and specifications will be provided to the Tribal Environmental Coordinator. The operators and Utility Authority shall maintain such records for a period of ten (10) years.

65.108 Tribal Drinking Water Quality Standards.

(1) The TEPA shall have the authority to adopt standards governing tribal drinking water quality and other matters pertaining to waterworks systems. The standards shall be developed in accordance with Tribal Code Chapter 62.

(2) Tribal drinking water quality standards will be sufficient to ensure that drinking water will be fit for human consumption by federal drinking water standards. Contaminant abundance, and not the taste, odor or color of the water in and of themselves, shall be the basis for setting drinking water quality standards. Wastewater systems shall be inspected annually and monitored to determine their effectiveness.

65.109 Protection of Public Health.

When deemed necessary for the protection of public health, the TEPA shall approve or recommend changes in operation, to provide treatment, to make structural changes in existing systems, or to add additional capacity as necessary to produce and distribute an adequate quantity to meet the tribal drinking water and wastewater needs.