

## **SECTION IV.**

## **USE OF SYSTEM**

### **A. REGULATIONS**

#### **1. Definition of Terms:**

- a. General.** Unless the context specifically indicates otherwise, the meaning of the terms used in this manual shall be as set forth in this Article.
- b. Shall - May.** “Shall” is mandatory; “May” is permissive.
- c. Person.** “Person” shall mean any individual or firm, company, association, society, corporation or group.
- d. District Clerk.** “District Clerk” shall mean the clerk of the District.
- e. Superintendent.** “Superintendent” shall mean the Superintendent of the District.
- f. Registered Side Sewer Contractor.** “Registered side Sewer Contractor” shall mean any contractor who is duly registered pursuant to the requirements of this resolution to construct, install, repair, reconstruct, excavate, or connect any building sewer to the public sewers of the District.
- g. Structure.** “Structure” shall mean anything constructed or erected, the use of which requires location or attachment to something having location on the ground, including but not limited to trailers and house trailers, but not including fences and walls.
- h. Duplex.** “Duplex” shall mean a two-family dwelling, namely, a building containing not more than two kitchens, designed and/or used to house not more than two families living independently of each other and including all necessary household employees of each such family.
- i. Multiple Dwelling.** “Multiple Dwelling” shall mean a multiple family dwelling, namely, a building designed and/or used to house two or more families living independently of each other and including all necessary household employees of each such family; and shall also include trailer parks and trailer courts, and each trailer or stall shall be deemed a separate unit.
- j. Sewage.** “Sewage” shall mean a combination of water-carried wastes from residences, business buildings, institutions, industrial establishments and other sewer users.
- k. Industrial Wastes.** “Industrial Wastes” shall mean the liquid wastes from industrial processes.
- l. Suspended Solids.** “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.
- m. Garbage.** “Garbage” shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- n. B.O.D.** “B.O.D” (denoting biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the procedure in five days at 20 degrees Celsius, expressed in parts per million by weight.

**o. pH.** “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**p. Watercourse.** “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**q. Natural Outlet.** “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**r. Public sewer.** “Public sewer” shall mean a sewer which is owned or controlled by the District or other public authority.

**s. Sewer.** “Sewer” shall mean a pipe or conduit for carrying sewage.

**t. Sanitary Sewer.** “Sanitary Sewer” shall mean a sewer which carries sewage and into which storm, surface and ground water are not intentionally admitted.

**u. Sewage Treatment Plant.** “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating the sewage collected by the District

**v. Sewer Stub.** “Sewer Stub” shall mean a public sewer constructed by the District to the property line of the lot or parcel being served by the public sewer, and to which a building sewer may be connected.

**w.**

**x. Building Sewer.** “Building sewer” (or side sewer) shall mean the extension from the building drain to the public sewer or other place of disposal, beginning 2 ½ feet outside the foundation wall.

**y. Building Drain.** “Building Drain” shall mean that 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.

**z. Sewer Service Area.** “Sewer Service Area” shall mean the areas eligible for sewer service as designated in the District’s sewer system comprehensive plan as amended from time to time. In the event that the District’s sewer system comprehensive plan is unclear or is not up to date, then such area shall be determined by the most recent orders or approvals issued by the Washington State Dept. of Ecology with respect to approved areas for sewer service by the District. It is expressly intended that this definition cover both of the District’s sewer systems located at Eastsound and Orcas Village.

**aa. Residence.** A residence is defined as a contained unit that has:

- An entrance that does not require transiting through another residence, and
  - A toilet and bathroom sink, shower or bathtub, and
  - A food preparation area with a sink
- (2972-19) 8/20/19

## **2. Use of Public Sewers Required.**

**a. System.** The District sewer system consists of septic tanks, pressurized sewer lines, appurtenances and a sewage treatment plant. The system utilizes and includes individual septic tanks of residences and other structures receiving sewer service as the first stage of treatment. Each septic tank contains an effluent pump, which pushes effluent into the District’s sewer mains. The effluent pumps also pressurize the mains, which lead into the sewage treatment plant. Treated effluent is discharged into marine waters by outfall. Connection to the sewer system is made by tapping an existing sewer main line and connecting the individual sewer service line from a septic tank.

Each structure receiving sewer service is required to have an adequately sized and operating septic tank and effluent pump. Septic tanks, effluent pumps and sewer service lines, will be installed or upgraded by the owner in accordance with District standards and conditions. As a condition to receiving service, the District requires the irrevocable right to the use of existing septic tanks and with an easement for use of and access to the septic tank and discharge line.

**b. Responsibilities.** The District owns the sewer mains, the sewer stubs which are connected to the mains, the connection lines from the stubs to the septic tanks and the effluent pumps. Each customer owns the septic tank on his or her property and the line that flows into the septic tank from the structure served. The party that owns a facility shall be responsible for its maintenance, repair and replacement, except that (i) the District will provide certain routine septic tank pumping services that are not related to over-use in accordance with its policies, and (ii) the property owner will be responsible for maintenance and replacement of the effluent pump if found to be in overuse of the on-site facilities or any other abnormal use of the system.

**c. Discharge into Sewer System.** Only permitted material as hereafter described may be discharged into the sewer system, and then only in accordance with the provisions hereof.

**d. Protection from Damage.** No unauthorized person shall maliciously, willfully, negligently, or otherwise, break, damage, destroy, uncover, deface or tamper with any structures, appurtenances, or piece of equipment which is a part of the District sewer system.

**e. Additions, Betterments and Extensions to the Sewer System.** Additions, betterments and extensions to the District sewer system through construction of sewers by private parties will be permitted only in accordance with the provisions of this manual and the terms and conditions of the Developer Extension Agreement accepted and approved by the District as hereafter provided for.

### **3. Use of District Sewer System Required.**

**a.** Every parcel of land located within the District's service area containing sanitary plumbing facilities shall connect to the District's sewer system at the property owner's sole cost and when sewer service is available. The term "sewer service area" means the area approved for sewer service by the Washington State Department of Ecology which includes the Eastsound Urban Growth Area (UGA) boundaries and the Village Activity Area of Orcas Village as established by San Juan County. Sewer service is deemed to be available when a sewer collection line has been installed in a Public right-of way or easement that 1. Abuts or is adjacent to the parcel to be served or 2. Such line is otherwise reasonably accessible for connection, provided that, in either case such connection must be reasonably feasible, as determined by the District's Board of Commissioners. The District may require a sewer collection line to be extended at the cost of the parcel owner if necessary for the parcel to receive service. If a District sewer collection line to which service is available is installed subsequent to the installation of an on-site disposal facility, the District shall notify owner of each applicable parcel that service is available and advising that the parcel is required to connect to the main. The use of the on-site disposal facility on each such parcel shall be abandoned and the parcel shall connect to the District's sewer main line within one year of notification by District. An owner of property within the Sewer Service Area that fails to connect or execute a binding agreement for connection to the sewer system within one year of notification will be subject to an immediate requirement to connect and such connection may, if necessary, be performed by the District and the cost thereof shall be charged against the property owner and shall be a lien upon property served in accordance with RCW Title 57.08.005 (9). If a transfer of ownership or change in use of a parcel of land occurs prior to the one-year period, or if the on-site disposal facility serving the parcel ceases to operate effectively within such period as determined by the District, then the parcel shall immediately connect to the District's sewer main line. Connections to the District sewer system may be made only in accordance with the provisions hereof. District's connection charges apply to all connections to the District's sewer system. (2593-11)

**b. Unlawful Sewage Disposal Facilities.**

No privy, privy vault, cesspool, septic tank or other facility (collectively “on-site disposal facility”) intended or used for the disposal of sewage shall be allowed where sewer service is available except as authorized herein.

**c. Re-Use of Old Building Sewers.** Old building sewer, including septic tank lines, may be used only when they are found, on examination and test by the Superintendent, to meet all requirements of this resolution. The owner or his agent shall demonstrate to the Superintendent that no connection to such building sewer or septic tank lines exists which conveys any material prohibited herein.

**d. Property Capable of Being Served by Sewer.** All property within the boundaries of the Sewer Service Area of the District shall be deemed capable of being served by the District’s sewer system.

**e. Manner of Connection.** All connections to the public sewers of the District shall be made in a permanent and sanitary manner and shall be sufficient to carry all the sewage from the house, building and/or structure into the public sewer. Each toilet, sink, stationary washstand, washing machine, dishwasher and other piece or type of equipment having waste fluid shall be connected to the public sewer. All plumbing outlets from any building or structure hereafter constructed or made available for human occupation and use for any purpose, shall, when required, be connected to a public sewer of the District before any occupancy or use thereof.

**f. Repairs.** Any needed repair to a building sewer or connection to a public sewer shall be made within thirty (30) days after the date of mailing or personal service of a notice by the Superintendent to the owner of the property served, notifying such owner to make such repair. In the event of an emergency, the Superintendent may establish a shorter period of time for the repair to be made or, if the owner cannot be located or does not promptly make such repairs, the District may make the repairs and charge the property owner for the cost thereof.

**4. Use of the District Sewer System.**

**a. Storm and Other Waters.** No person shall discharge or cause to be discharged any storm water, surface water, roof runoff, subsurface drainage, cooling water, or industrial process water to the District’s Sewer System.

**b. Forbidden Wastes.** Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (i) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
- (ii) Any water, or waste which may contain more than 100 parts per million by weight, of fat, oil or grease.
- (iii) Any gasoline, benzine, naphtha, fuel oil, lube oil, or other flammable or explosive liquid, solid or gas.
- (iv) any garbage.
- (v) any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, condoms, sanitary napkins and tampons, diapers or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation, care and maintenance of public sewers and the sewage treatment plant. (Amended by Resolution No.597-88).

- (vi) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the District or the sewage treatment plant.
- (vii) Any waters or wastes containing toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process which constitute a hazard to humans or animals, or create any hazard in the receiving wastes of the sewage treatment plant.
- (viii) Any waters or wastes containing suspended solids of such character and quantity that usual attention or expense is required to handle such materials at the sewage treatment plant.
- (ix) Any noxious or malodorous gas or substance capable of creating a public nuisance.

**c. Forbidden Waste -- Preliminary Treatment and Approval.** The admission into the public sewer of any waters or wastes:

- (i) Containing a 5-day B.O.D. greater than 300 parts per million weight, or
- (ii) Containing more than 350 parts per million by weight of Suspended solids; or
- (iii) Containing any quantity of substances having the characteristics in Section 4(b) above.
- (iv) Having an average daily flow greater than 2% of the average daily sewage flow of the District, shall be subject to the review and approval 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:
  - (v) Reducing the B.O.D. to 300 parts per million by weight, or
  - (vi) Reducing objectionable characteristics or constituents to within the maximum limits provided for in Section 3(b) above, or
  - (vii) Controlling the quantities and rates of discharge of such waters or wastes. are hereby forbidden.

Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the Washington State Water Pollution Commission, when required by law, and no construction of such facilities shall be commenced until such approvals are obtained in writing. Any expenses incurred by the District in reviewing such plans, specifications and information shall be paid by the property owner or his representative before the District's approval shall be issued.

**d. Preliminary Treatment Facilities - - Maintenance.** Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the customer at his expense.

**e. Interceptors.** Grease, oil and sand interceptors shall be installed at owner's expense when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, and other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Superintendent and shall be so located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight. (As amended by Resolution No. 597-88).

f. **Industrial Waste - - Control Manhole.** When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install at owner's expense a suitable control manhole in the building sewer to facilitate observation, sampling and measurement for the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (As amended by Resolution No. 597-88).

g. **Tests of Wastes - - Location of Sampling.** All measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater" and shall be determined at the control manhole provided for above. In the event that no control manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

h. **Disconnection of Building Sewer.** No structure may be disconnected from a building sewer, and no building sewer may be disconnected from the District's sewer system, for any reason, without prior written notification to, and approval of, the District (acting through its Superintendent). No approval shall be given unless the disconnection is lawful under this Resolution and other applicable laws, and satisfactory protection is given by the owner or his contractor to the public sewers of the District, including, but not limited to, the satisfactory capping of the building sewer or public sewer. Sewer service charges for any structure disconnected or to be disconnected shall continue until such disconnection is approved by the District and the building and public sewer is capped and otherwise protected to the satisfaction of the Superintendent.

i. **Special Arrangements.** Nothing in this Article shall be construed as preventing any special agreement or arrangement between the District and the manufacturing of any industrial waste whereby industrial waste may be accepted by the District for treatment, subject to payment therefor by that manufacturer.

## 5. **BUILDING SEWERS AND CONNECTIONS.**

a. **Connection to District System.** No person other than representatives of the District shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written building sewer permit from the Superintendent.

b. **Building Sewer Permits.** The owner or his agent shall make application for a building sewer permit in writing. The permit application shall be supplemented by any information considered pertinent in the judgement of the Superintendent, including, in the case of a new building, a plan or diagram of plumbing and drainage facilities.

c. **Information from District.** The owner of any building shall be responsible for obtaining from the Superintendent the location and elevation of the sewer tee or sewer stub at the point of connection, and in the case of new construction, for planning the building and plumbing to provide adequate slope for the building sewer. The application for a permit shall be responsible for determining the available grade between building drain and sewer tee or stub.

d. **Building Sewer Permits - - Procedure for Obtaining.** Building Sewer Permits shall be obtained in the following manner:

- (i) Building Sewer Permits shall be issued only upon proper application at the office of the District.
- (ii) A Permit which includes building sewer work in a public area or the connection with any public sewer may be issued only to a registered side sewer contractor.
- (iii) The applicant shall grant and execute an easement form provided by the District granting the District to perform construction on the property being served, to inspect, maintain and repair the installation on said property.
- (iv) Building sewer Permits shall not be transferable. No authorized person, including any registered side sewer contractor, shall lay any pipe pursuant to any other person's permit.
- (v) The Applicant for a building sewer permit shall supply the Superintendent with the following information:
  - (1) Owner's Name;
  - (2) Address of property to be served;
  - (3) Owner's mailing address;
  - (4) Name and address to which bills shall be sent;
  - (5) Registered side sewer contractor's name and proof of qualification under Section III.E.1 herein;
  - (6) Legal description of property to be served;
  - (7) All outside dimensions of building to be served;
  - (8) Location of buildings on property to be served;
  - (9) Purpose of building; and
  - (10) Full course of the proposed side sewer.
- (vi) A Permit shall be obtained and the fees therefor paid before any side sewer work is started.
- (vii) No Permit shall be issued for side sewer connection before the main sewer is accepted.
- (viii) The Permit card must be posted on the job prior to commencing the work and must be readily accessible to the inspector for the District.
- (ix) A registered side sewer contractor shall meet with the inspector on the job whenever so directed.
- (x) The Customer shall pay the cost of all design work, engineering and materials to make the connection. There shall be added to the permit fee such costs and the cost of the following which shall include but not be limited to: a septic tank, vault, control panel, switches, wire, pipe, check valve and tapping saddle, and sale taxes thereon.
- (xi) The owner furnishes and installs the electrical connection from his service panel to the pump control panel, including circuit overload protection, all excavation and backfill to install the connection, and all restoration as specified elsewhere, herein.

e. **Side Sewer Contractor Registration Required.** For the purpose of assuring safe and quality construction of building sewers, no person, other than the owner of the property involved, may construct, install, repair, reconstruct, evacuate or connect to the public sewers of the District any building sewer, unless he is a side sewer contractor holding a valid unsuspending current certificate of registration issued by the Department of Licenses of the State of Washington pursuant to Chapter 18.27 R.C.W. All such registered side sewer contractors shall adhere at all times to the then current requirements of the District relating to building sewer, connections to public sewers, and side sewer contractors, including reasonable requirements of the Superintendent relating to construction, installation, reconstruction and repair of building sewers, and shall be liable for all damages to the public sewers of the District and the sewage treatment plant caused by his work.

**f. Building Sewer - - Connection to District System.** The connection of the building sewer into the public sewer shall be made at a tee if available or with the use of a tapping saddle if no tee is available. (Connection will be made at the point designated by the Superintendent).

**g. Unlawful Connection to Public Sewer.** Any person who makes or causes to be made any connection to the public sewers of the District without receiving a permit therefor or executing the Standard Participation Contract provided by the District before such connection, shall be subject to the penalties set forth herein.

**h. Cost of Building Sewer.** 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 District for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

**i. Building Sewer for Each Building - - Exceptions.** A single building sewer shall be provided for every building unless the connection of more than one building to a single building sewer is approved by the Superintendent prior to the construction of such building sewer. No more than one multiple dwelling, industrial or commercial building shall be connected to a building sewer, unless otherwise approved by the Superintendent. If the building sewer is to exist on more than one building site, approved documents assuring that all properties involved shall have perpetual use of the side sewer, and having provisions for maintenance and access for repair purposes shall be signed by the recorded owners. This document shall be acknowledged and recorded with the San Juan County Auditor, and a copy thereof furnished to the District.

**j. Building Side Sewer Specifications.** The Superintendent shall issue and, amend as necessary, side sewer pipe specifications.

**k. Building Sewer - - Size and Slope.** The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four (4) inches for single connections and six (6) inches for multiple connections. The slope of such building sewer shall be not less than ¼ inch per foot for 4 – inch pipe or 1/8 inch per foot for 6 – inch pipe.

**l. Building Sewer - - Elevation - - Direction.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid under any building or within two-and- one –half (2 ½) feet of any foundation wall unless the building sewer is constructed of cast iron pipe. The minimum depth of trench shall be eighteen (18) inches. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings as approved by the Superintendent. Fittings shall be used at all major changes of direction and a clean out shall be provided at such fittings.

Whenever any building drain is constructed too low to permit gravity flow to the public sewer, sewage carried by such drain shall be lifted by approved artificial means and discharged into the public sewer at the owner's expense.

**m. Building Sewer - - Excavation - - Pipe Laying.** All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with the following specifications:

- (i) Pipe shall be carefully bedded, either by forming the trench bottom to support the bottom one-quarter of the pipe or by over-excavating the bedding with granular material, thoroughly tamped or trod under and alongside the pipe.
- (ii) No large rocks shall be left in the trench bottom which may damage the pipe and no large rocks shall be placed in the backfill.



- (iii) Pipes shall be laid with spigot ends downstream and all changes of direction shall be made with suitable fittings. Trenches shall be free of water during laying of pipe.
- (iv) No backfill shall be placed over the pipe until the work has been inspected and approved.
- (v) Backfill shall be placed by hand and be thoroughly tamped or trod to six (6) inches above the top of the pipe.
- (vi) Only the owner or a registered side sewer contractor may excavate in the vicinity of a public sewer and stubs.
- (vii) No downspouts or outside drains shall be connected to a building sewer.

**n. Building Sewers - - Joints and Connections.** All joints and connections shall be made gas-tight and watertight of materials approved by the District Superintendent.

**o. Protection of Excavations - - Restoration of Public Property.** All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District and/or the San Juan County Engineer, when applicable.

**p. Changes or Additions by Property Owners.**

(i) A property owner desiring to add to or make changes in the on-site sewer system facilities of the District shall not do so without the approval of the Board of Commissioners and issuance of a permit provided for herein. On-site sewer system facilities consist of the septic appurtenances and the service line to the collection line in public or private streets or rights-of-way. A permit from San Juan County is not sufficient and does not authorize the permit holder to make any changes in such on-site facilities.

(ii) Application shall be made to the Board of Commissioners for a permit which shall specify desired changes and shall be accompanied by prescribed fees. The District may approve or disapprove the application based upon the effect of proposed changes in the District sewer system and its maintenance and operation. The Board of Commissioners reserves the right to determine the size of a septic tank based upon proposed use, which may be greater than required by the minimum standards of the San Juan County Health Department.  
(New Section added to 97-80 by Resolution 707-82).

**q. Acquisition of Pumps.**

All persons connecting to the District's sewer system must acquire an effluent or grinder pump unit from the District.

**6. Additions, Betterments and Extensions to District Sewer System.**

**a. Developer Constructed Extensions.** The Board of Commissioners of the District may, in its discretion, allow the extension of the District sewer system from time to time upon the request of property owners, both within and without the District, in accordance with the provisions of the District's approved form of developer extension manual in the form attached to this manual.

**b. Engineering Design.** The District's Engineer shall review and approve each new sewer extension. The District Engineer shall review the work of a property owner's Engineer and the property owner shall pay the cost of such review. The property owner shall pay to the District the actual engineering cost of such checking of plans by the District's Engineer, plus an amount equal to fifteen (15%) percent thereof for administrative costs.

All Sewer lines constructed by any property owner shall be constructed and installed at the sole expense of the property owner under the inspection of the District, and after installation of such sewer lines, shall be conveyed to the District free and clear of all liens or encumbrances, together with duly executed and acknowledged easements for all portions of such sewer lines located upon private property, all at no cost to the District. The cost of the District inspection shall be paid for by the property owner. The property owner shall pay to the District the cost of preparation of “as-built” drawings covering such sewer line so constructed and installed.

c. **Annexation to the District.** The owner of property not lying within the boundaries of the District seeking to obtain service from the District, shall first petition for annexation to the District. The District reserves the right to refuse to entertain a petition for annexation to the District in the discretion of the Board of Commissioners, based upon the capacity of the District sewer system, including the sewage treatment plant, and engineering feasibility of serving the property seeking to annex. If it is not feasible for such property to be annexed to the District, the Board of Commissioners may, in its discretion, authorize service to such property without annexation, subject to the affected property owner entering into a Developer Extension Agreement.

d. **Utility Local Improvement District.** The owner of property lying within the District boundaries may petition the Commissioners of the District to form a Utility Local Improvement District in accordance with applicable state laws. Upon formation of a Utility Local Improvement District (“ULID”), the District Commissioners will cause the necessary additions, betterments and extensions to the District sewer system to be installed, subject to financial, legal and engineering feasibility in accordance with the applicable state statutes.

7. **Powers and Authority of Personnel and Representatives.** The Superintendent and other duly authorized employees or representatives of the District bearing proper credentials and identification shall be permitted to enter upon all properties receiving sewer service from the District for the purpose of inspection, observation, measurement, sampling and testing.

8. **Violations of Policies.**

a. **Liability to District.** Any person who shall violate any provision hereof shall be liable to the District for any expense, loss damage, cost of inspection or cost of correction incurred by the District by reason of such violation, including any expenses incurred by the District in collection from such person of such loss, damage, expense, cost of inspection or cost of correction.

b. **Notice of Violation.** Any person found to be violating any provision hereof shall be served by the District with or mailed written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and make all necessary corrections.

c. **Continued Violation - - Penalty.** Any person who shall continue any violation beyond the time limit provided for above shall, in addition to the items of expense provided, become liable to the District for a penalty in the amount of ten (10%) percent of such expense items, together with interest thereon at eight (8%) percent per annum from the date of the time limit provided in Section b. above.

9. **Miscellaneous.**

a. **Applicable Laws, Rules and Regulations.** The provisions hereof are subject to the laws, rules and regulations of the State of Washington, Department of Ecology, and Department of Health, and the ordinances and resolutions, rules and regulations of San Juan County. In the event of

any conflict between the provisions of this resolution and any of the foregoing laws, rules and regulations, ordinances and/or resolutions, the laws, rules and regulations of the State Department of Ecology and State Department of Health and the ordinances and resolutions of San Juan County shall prevail except to the extent that the laws of the State of Washington applicable to water and sewer Districts entitled Chapter 57 of the Revised Code of Washington take priority.

**b. Notices; Billings.** Any person who has the care, custody, control or management of any premises or building, or who has control of the operation thereof or the collection of rentals therefrom shall be deemed to be the agent of the owner of such premises or building, and the giving of all notices herein provided to that agent shall be deemed due notice to the owner. The mailing or delivery of bills for sewer service charges, permit fees, connection or trunkage charges or other charges to that agent shall be deemed mailing or delivery to the owner.

## **B. OVERUSE OF SEPTIC FACILITIES**

**1. Minimum Tank Capacity.** A minimum of 1,000 gallons capacity is required for a single-family residence or residential equivalent except as follows. A minimum of 3000 gallons capacity is required for (a) every restaurant or food preparation operation, and (b) all new and substantially remodeled commercial buildings located in the “village commercial area” of Eastsound as designated by San Juan County zoning regulations. Multi-family structures such as apartments and duplexes shall be required to have a minimum of 500 gallons capacity per unit. Retail stores and shops that are neither new construction nor contain food operations shall be required to have a minimum of 1000 gallons of capacity. The minimum capacity required of all other structures shall be determined by size and use according to the E.P.A. Design Manual and the Superintendent of the District. The District may require higher levels of capacity if, in the discretion of the Superintendent, additional capacity is necessary for proper operation of a septic tank. The term “substantially remodeled” shall include any expansion of building square footage or the creation or removal of walls.

**2. Exceeding Capacity of a Septic Tank.** For purposes of this Section B, the capacity of a septic tank is presumed to be exceeded (also referred to herein as “**overuse**”) if any of the following conditions exist:

**a. Excess Pumping.** If a tank requires pumping in excess of the amount of pumping required during the previous 24 months.

**b. Retention Time.** If solids in a tank are unable to settle for a minimum time of 48 hours.

**3. Notice Procedures.** If it comes to the attention of the District that a septic tank is overused then the District shall proceed as follows:

**a. Notice.** The District shall notify the users of the tank in writing and advise them that the District believes the tank is being overused.

**b. Opportunity to Cure.** The users shall be given a reasonable period of time, not to exceed fifteen (15) calendar days, from the date of the notice to reduce their overuse. If the users fail to cure such overuse within such period the District may require the customer to replace the septic tank, and/or increase total tank capacity. In the event of the customer’s failure to do so, the District may proceed with installing a larger or an additional tank (s) subject to the procedures set forth below.

**c. Pumping During Notice Period.** If, during the period after which the District has issued a notice pursuant to Section 3. a. above the septic tank requires pumping, the users of such tank shall pay the cost thereof plus an amount of administration and overhead of the District.

#### **4. Exceeding Capacity of Existing Tank.**

**a. Installation of New or Additional Tank (s).** After the notice in Section 3. a. above is issued, if the customer fails to cure such overuse, the District is authorized to replace the tank with a larger tank or to add one of more other tanks to the system if space permits, and charge the cost thereof to the users.

**b. Additional Notice.** Prior to such installation, the District shall send written notification to the users of such tank of the District's intent to install a new or an additional tank (s) and of the estimated cost thereof. Such notice shall invite the users to appear at the next regularly scheduled meeting of the Board of Commissioners of the District, provided such notice is delivered or mailed at least ten days in advance of the meeting, to present facts and argument as to why a new or an additional tank (s) is not necessary. The Board of Commissioners shall consider such facts and argument in determining whether or not to require such installation.

#### **5. Jointly Used Tanks.**

**a.** Use of septic tank facilities by more than one structure is prohibited, effective January 1, 1989. In the event of overuse, change of ownership by any of the parties to joint use, change of use of the property served or any other change in use of a jointly used septic tank that, in the Board's opinion, compromises its operation, the installation of completely separate septic tank systems shall be required at the expense of each user.

#### **6. Cost of Tank Replacement.**

**a. District Performs Installation.** In the Event the District installs one or more septic tanks, the amount charged to one or more customers herein shall include: the actual cost of the work performed and the materials and supplies consumed in installation of the septic tank (s) ; inspection and certification costs; all other direct costs of the work; and the District's administrative overhead fee not to exceed fifteen (15%) percent of the foregoing amounts.

**b. Customer Option to Perform Installation.** A customer may, at his/her option, contract directly with a District approved contractor for the installation of a septic tank, provided the design, specifications and construction plans shall be subject to the review and approval of the District prior to the installation. If a customer elects this option, then written notice thereof must be delivered to District within ten (10) days of the date of the notice described in Section 3.b. above and the customer must promptly proceed with the installation.

**c. Ownership and Responsibility of Septic Tanks.** All septic tanks connected to the District's sewer system shall be owned by and be the sole responsibility of the property owner using each such septic tank, provided that the District shall perform normal pumping services at no charge if the septic tank is not overused. All other maintenance and operation costs of all septic tanks shall be the responsibility of the property owner.

**7. Connection Charge.** All amounts charged to customers as authorized herein shall constitute connection charges as set forth in RCW 57.08.010 and if not paid when due, shall be subject to interest and penalties, and a certificate of delinquency may be filed against the property served and thereafter be foreclosed upon in the manner provided by RCW 57.16.110. (710-89)

**8. Destruction of Building or Structure Served or Capable of Being Served.** Upon destruction of a building or structure connected to the District's sewer system or capable of being connected to the District's sewer system and upon the request of the property owner, the service line to the septic tank and the sewer line from the septic tank to the stub shall be disconnected. Such disconnection shall be performed only by or under the direction of the District. The property owner may remove the septic tank and appurtenances in whole or in part.

**9. Termination of Sewer Service.** Upon request of the property owner, sewer service charges shall terminate as of the last day of the month in which a building or structure receiving sewer service is destroyed or otherwise dismantled and is not repaired and disconnected from the District's sewer system. If such building or structure is under repair and/or rebuilding, such service charges shall continue notwithstanding the temporary vacancy of said building or structure, (603-88)

**10. Transfer of Property Connected to Jointly-Used Septic Tank.** No septic tank shall be installed after the date hereof which is connected to more than one parcel of property. Upon the sale, conveyance or transfer of any parcel within the District which is connected to an existing, jointly-used septic tank, such property shall be required to obtain its own septic tank facilities. In the event the septic tank facilities is located on such parcel, then every other parcel connected to the tank shall be required to install its own septic tank facilities.

**C. SEPTIC TANK PUMPING**

**a.** The District shall provide pumping of septic tanks and shall charge a monthly surcharge to recover costs except as follows:

- 1. Overuse of a septic tank (see section B hereof).**
- 2. Restaurants shall pay for the actual costs of septic tank pumping and disposal of septage, as billed by the District.**