

RESOLUTION NO. 691

A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER & SEWER DISTRICT, WHATCOM COUNTY,  
WASHINGTON, AMENDING DISTRICT CODE  
SECTIONS REGARDING INFILTRATION AND INFLOW

WHEREAS, the District has determined that further clarification is desirable regarding the application of District Code on infiltration and inflow; and

WHEREAS, the amendments to the District Code set forth herein are intended to establish a basic standard for excess infiltration and inflow; and

WHEREAS, the District intends to clarify and expand its Code enforcement rights for excess infiltration and inflow and related violations; and

WHEREAS, the foregoing recitals and findings are a material part of this Resolution;

NOW, THEREFORE, be it resolved by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington as follows:

Section 1: Section 8.04.010 of the District Code Section "Definitions" shall be amended to include the following additional definitions in alphabetical order within said section:

"Excess I & I" means: (1) any combination of infiltration and inflow ("I & I") that causes the volume of flow discharged to the District sewer system from a Premises during any consecutive 24 hours in the Wet Weather Period to increase by more than 2.3 times the average rate of flow from said Premises during the preceding period of 30 consecutive days and/or (2) any combination of infiltration and inflow ("I & I") resulting in a volume of flow discharged to the District sewer system from a Premises which causes, or contributes significantly to, an overflow of the District's collection, transmission and pumping system. Evidence of Excess I & I may include but will not be limited to flow monitoring, smoke testing, video testing and dye testing.

"Excess I & I Report" means a report prepared under the direction of the General Manager in support of a recommendation to the Board regarding Excess I & I.

"I & I" means infiltration and inflow. Infiltration takes place when groundwater enters side sewers through deteriorated or damaged side sewer pipes. Inflow occurs when stormwater is discharged into side sewers or the sewer system through direct connections, such as downspouts, foundation drains, and driveway drains. I & I is the major deterrent to the successful performance of a wastewater conveyance or treatment system.

"Wet Weather Period" means the months of October through March, inclusive.

Section 2: Section 8.04.350 of the District Code entitled "Discharge to sewer – Prohibited Substances" is hereby amended to read as follows:

- A. Direct Inflow. No person shall directly discharge, or permit or cause to be directly discharged, any storm drainage water, surface water, groundwater, roof runoff, sub-surface drainage or cooling water to or in any sanitary sewer.
- B. Excess I & I. Excess I & I as defined in Section 8.04.010 is prohibited.
- C. Other Substances. Except as hereinafter provided, no person shall discharge or cause or permit to be discharged any of the following described water or wastes to any sanitary sewer:
  - 1. High Temperature Wastes. Any liquid or vapor having a temperature higher than sixty-five degrees centigrade;
  - 2. Flammable or Explosive Wastes. Any gasoline, oils, paint, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
  - 3. Obstructive Wastes. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the district sewage system;
  - 4. Toxic or Poisonous Substances. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans or animals, or creating any hazard in the receiving waters of the district sewage system;
  - 5. pH Limitations. 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 sewage works;
  - 6. Suspended Solids. Any waters or wastes containing suspended solids of such character and quantity that unusual attention, or expense, is required to handle such material at the sewage treatment plant, or is in excess of three hundred fifty milligrams per liter;
  - 7. Noxious Substances. Any noxious or malodorous gas or substance capable of creating a public nuisance, including the contents of septic tanks and cesspools, without written consent of the district;
  - 8. Garbage. Any garbage that is not properly shredded garbage;
  - 9. Paper and Plastic Products. Any paper and plastic products such as cups, dishes, napkins, and milk containers;
  - 10. Greases. Any greases, (animal or vegetable) oils, or matter containing animal or vegetable grease or oil of any nature in excess of three hundred milligrams per liter;
  - 11. B.O.D. Any matter containing a five-day biochemical oxygen demand in excess of three hundred milligrams per liter. (Res. 149 §§ 9.01, 9.02, 1976)

Section 3: Section 8.04.370 of the District Code shall be amended to read as follows:

For a violation of any provision in Sections 8.04.350 and 8.04.360, the District shall be entitled to any and all remedies available in law and equity for enforcement thereof including without limitation: damages, abatement, injunctive relief, specific performance, and recovery of all costs. The existence of Excess I & I shall be determined and corrective action directed by the Board of Commissioners pursuant to the following procedure.

A. Sources of Information. Excess I & I or possible excess I & I may come to the attention of the General Manager through information from the Board, District staff, governmental agencies, District ratepayers and property owners, or the general public.

B. Investigation and Report. As directed by the Board or as initiated by the General Manager, an investigation shall be conducted under the direction of the General Manager to review the evidence of existence of Excess I & I. Upon completion of the investigation, the General Manager shall provide an Excess I & I Report to the Board of Commissioners with a recommended Excess I & I determination and a recommended course of action. The Board shall review any Excess I & I Report.

C. Notice and Public Hearing. Upon completion of an Excess I & I Report in which action by the owner of the Premises is recommended, or for other cause, a public hearing shall be scheduled before the Board of Commissioners for purposes of reviewing the Excess I & I Report, reviewing any additional relevant evidence on the matter, and entering a Board determination and direction thereon. At least ten (10) days prior written notice of the public hearing shall be provided to the owner of the Premises suspected of discharging Excess I & I. Notice shall be deemed complete upon depositing same in the U.S. mail with first class postage affixed, addressed to the ratepayer of the Premises according to District records and, if different, to the record owner of the Premises according to the records of the Whatcom County Assessor. Best efforts shall also be made to provide prior written notice to other known parties of interest.

D. Determination and Directive of Board. The Board of Commissioners shall review the Excess I & I Report and following the public hearing shall make a determination and enter written findings as to the existence of Excess I & I. If the Board of Commissioners determines that said Premises is discharging Excess I & I, the Board of Commissioners may send written notice to the owner of the Premises directing that the owner execute specified improvements to abate the Excess I & I.

Section 4: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

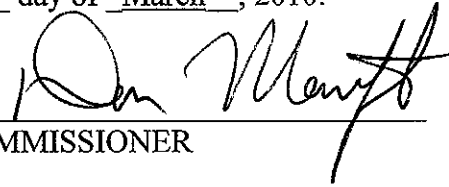
Section 5: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the

remaining portions of this Resolution. The Board of Commissioners hereby declare that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 6: This Resolution shall be effective immediately.

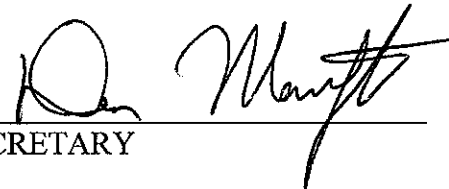
ADOPTED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 11 day of March, 2010.

  
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COMMISSIONER

  
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COMMISSIONER

  
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COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 691 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on March 11, 2010.

  
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SECRETARY