

## ORDINANCE 54

### AN ORDINANCE OF THE MCKINLEYVILLE COMMUNITY SERVICES DISTRICT RESTRICTING AND TERMINATING THE ISSUANCE OF SEWER CONNECTION PERMITS

**WHEREAS**, the Board of Directors of the McKinleyville Community Services District ("District") hereby makes the following, specific findings:

1. The District's current NPDES permit issued by the California Regional Water Quality Control Board establishes a maximum sewer flow (into the sewer treatment plant) of 800,000 gallons per day weather flow;

2. The District's current dry weather sewer flow is estimated at more that 770,000 gallons per day, and projected sewer flows, assuming that all outstanding permits for connection are utilized and implemented are 800,000 gallons per day;

3. The last permit was issued by the District's Manager on May 5, 1995 pursuant to the authority set forth in Resolution No. 751. The District's sewer system has no surplus capacity remaining, and the status of the District's project to increase sewer treatment capacity is uncompleted;

4. Any further issuance of sewer connection permits would result in flows which will exceed the NPDES permit.

**WHEREAS**, the District's ability to allow connections to its sewer systems is at all times dependent upon the District's ability to comply with the discharge requirements of the California Regional Water Quality Control Board (NPDES permit).

**WHEREAS**, unless the District effectively curtails any further connections to the sewer system the District's NPDES discharge permit will be in jeopardy.

**WHEREAS**, the District is actively pursuing, as rapidly as possible, construction of the District's project to increase sewer capacity.

**WHEREAS**, the District is authorized to adopt by ordinance, rules and regulations regarding the construction and use of its facilities pursuant to California Government Code sections 61621.5 and 61622.

**WHEREAS**, the adoption of this ordinance constitutes a matter of urgency in order to avoid violation of the District's NPDES permit.

**NOW, THEREFORE**, be it ordained by the Board of Directors of the McKinleyville Community Services District as follows:

1. Until such time as the Board of Directors determines that excess capacity exists in the District's sewer system, no further sewer connection permits shall be issued by the District with respect to applications therefor filed after May 5, 1995.

2. The District Manager shall report to the Board of Directors on a monthly basis concerning the status of the sewer system capacity.

3. The Board of Directors shall, at its regular monthly meeting, make a determination whether existing capacity allows the issuance of additional permits. If the Board determines that excess capacity exists it may direct the Manager to issue permits in accordance with the District's Rules and Regulations or upon such other terms and conditions as the Board deems appropriate under the circumstances.

4. Any provision in the District's Rules and Regulations, Article III, inconsistent with the provision of this Ordinance 54 are hereby suspended until such time as the Board has determined that excess capacity exists and that the issuance of sewer connection permits may be resumed in accordance with the District's Rules and Regulations. All other Rules and Regulations shall remain in full force and effect.

5. District staff shall notify the Humboldt County Building Department that no new sewer permits shall be issued, except as provided herein, and that no additional connections to the sewer system may be made unless a valid sewer permit: (a) was previously issued to the person seeking to connect; or (b) is hereafter issued by the Board of Directors following a finding that excess capacity exists.

6. The District shall continue to pursue the project for an increase in the capacity of the sewer system and an increase in the discharge limits set forth in the District's NPDES permit. This ordinance shall remain in effect, unless further amended or modified by the Board of Directors, until: (a) such time as the project has been completed; and (b) the NPDES permit has been amended to allow an increase in the discharge limits imposed upon the District.

7. This Ordinance shall become effective upon the date of adoption as a matter of urgency. Any sewer permits issued prior to the date of adoption shall be governed by Rules and Regulations in effect at the time of issuance.

On the motion of Director ESTES and seconded my Director SHEPHERD, the foregoing Ordinance is duly adopted this 25TH day of May, 1995, by the following vote:

AYES: ESTES, HARLING, KLEIN, SHEPHERD, WALUND

NOES: NONE

ABSENT: NONE

Joe E. Walund  
President, Board of Directors  
McKinleyville Community  
Services District

ATTEST:

Barbara Lettel  
Secretary, Board of Directors  
McKinleyville Community  
Services District