

**ORDINANCE NO. 22**

**INTERIM ORDINANCE OF THE  
UKIAH VALLEY SANITATION DISTRICT AMENDING ORDINANCE NO. 12 BY  
ADDING SECTION 12.45, PLACING A LIMITATION  
ON NEW CONNECTIONS TO THE DISTRICT**

The Board of the Ukiah Valley Sanitation District ordains as follows:

The Board of the Ukiah Valley Sanitation District finds and declares that the City of Ukiah Wastewater Treatment Plant has exceeded various operating limits defined in its Pollution Discharge (NPDES) permit, resulting in the State Water Quality Control Board directing the City of Ukiah to implement measures to ensure that the plant remain in compliance with its NPDES permit.

The Board further finds that the available treatment capacity is currently uncertain. Any significant increase in new connections could place the plant's operations in violation of the NPDES permit and create a situation jeopardizing the health and safety of the public. Such new connections also increase the risk that the District and/or City may be subject to a cease-and-desist order from the State, and the imposition of fines for permit non-compliance.

Because the plant is currently near or at capacity, it is necessary for District staff to study what the current level of capacity is available at the plant, and to increase its operating capacity. To that end, District staff is currently negotiating a contract with Brown and Caldwell Consultants to perform such a study and to provide staff with data on these two subjects. Brown and Caldwell will also provide a recommendation of the number of new connections that can safely be made available at the plant.

On average, the District provides approximately 20 new connections for projects of 5 or fewer units annually. Allowing connections to small projects of 5 or fewer units will therefore not increase the risk of a cease-and-desist order or additional violations during the time of the study, and will allow for small projects that are already under development to be completed during the time that the study is undertaken.

Based on the above findings, and in order to allow sufficient time for the negotiation of this contract, for the performance of the study, and for review of the study by this Board, and in order to protect the public health and safety, the Board finds that it is necessary to adopt an ordinance as follows, and that such ordinance take effect immediately:

Section 12.45 is added to read as follows:

"Section 12.45.

(A) No new connection to the Ukiah Valley Sanitation District shall be permitted for any project greater than 5 units in size and that requires the extension of a sewer main, whether that main is constructed by the District or otherwise.

(B) This ordinance shall not affect any connection for which the District has, prior to the date of the adoption of this ordinance, accepted fees for prepaid sewer service connections, even if such connection requires an extension of a sewer main. This ordinance shall also not affect any project, which requires a sewer main extension if service is needed to remedy a failed septic system.

(C) As used in this ordinance, "unit" shall mean a connection to the District for service by one single-family dwelling or the equivalent average capacity use."

This ordinance shall take effect immediately.

PASSED AND ADOPTED by the Board of Directors of the Ukiah Valley Sanitation District by the following roll call vote:

AYES: Directors Baldwin and Delbar  
NOES: None  
ABSENT: Director Shoemaker

WHEREUPON, the Chairman declared the Ordinance passed and adopted and SO ORDERED on this 7<sup>th</sup> day of November, 2002.

  
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Michael Delbar, Chairman  
Board of Directors

ATTEST: KRISTI FURMAN  
Clerk of the Board

  
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APPROVED AS TO FORM:  
H. PETER KLEIN, County Counsel

By:   
\_\_\_\_\_ DEPUTY