

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA
AMENDING CHAPTER 15.04 OF THE MONTEREY COUNTY CODE TO REMOVE
REGULATION OF SMALL PUBLIC WATER SYSTEMS**

County Counsel Summary

This ordinance amends sections of Chapter 15.04 to remove County of Monterey (“County”) regulation of Small Public Water Systems, as defined as a system for the provision of piped water to the public for human consumption that has at least 15 but not more than 199 service connections or regularly serves at least 25 individuals at least 60 days out of the year. Since 1993, the County has been delegated local primacy responsibility for Small Public Water Systems pursuant to the Delegation Agreement between the State and the County. The State and County are terminating the Delegation Agreement and the State will take over regulation of Small Public Water Systems. This ordinance makes the appropriate amendments to memorialize this change.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS.

A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. Pursuant to Chapter 4, of the “California Safe Drinking Water Act”, Article 2, Section 116330 *et seq.*, as may be amended from time to time, the California Department of Health Services (hereinafter “Department”), may delegate primary responsibility for the administration and enforcement of the “California Safe Drinking Water Act”, within a county to a local health officer authorized by a board of supervisors to assume these duties, by means of a local primacy delegation agreement if the local health officer demonstrates that it has the capability to meet the local primacy program requirements established by the Department pursuant to Section 116375(h).

C. Per state law, this delegation shall not include the regulation of community water systems serving 200 or more service connections (Health and Safety Code Section 116330).

D. Since 1993, the County has been delegated local primacy responsibility pursuant to the Delegation Agreement between the State and the County entered on July 1, 1993, and renewed annually.

E. As of September 1, 2025, the Delegation Agreement will terminate, and the State will regulate all Small Public Water Systems in Monterey County. A “Small Public Water System” is defined as a system for the provision of piped water to the public for human

consumption that has at least 15 but not more than 199 service connections or regularly serves at least 25 individuals at least 60 days out of the year.

F. The County will continue to regulate Local Small and State Small water systems, as defined in Monterey County Code Chapter 15.04.

G. Under the California Environmental Quality Act ("CEQA"), this ordinance is not considered a "Project" under CEQA because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3)).

SECTION 2. Section 15.04.005 of the Monterey County Code is amended to read as follows:

Under Sections ~~116330 and~~ 116340 of the California Health and Safety Code, as may be amended from time to time, the Health Officer of Monterey County has authority to regulate and carry out the local drinking water program.

SECTION 3. Subsection (b) of Section 15.04.006 of the Monterey County Code is amended to read as follows:

This Chapter is intended to ensure that the water delivered by domestic ~~public~~ water systems of Monterey County shall be pure, wholesome, and potable at all times. The provisions of this Chapter provide the means to accomplish this objective.

SECTION 4. Section 15.04.010 of the Monterey County Code is amended to read as follows:

This Chapter is intended to provide the means to ensure that the water delivered by domestic water systems shall at all times be pure, wholesome, and potable.

It is the intent of the California State Legislature to improve laws governing drinking water quality, to improve upon the minimum requirements of the Federal Safe Drinking Water Act Amendments of 1966, to establish primary drinking water standards that are at least as stringent as those established under the Federal Safe Drinking Water Act, and to establish a program that is more protective of public health than the minimum Federal requirements. (California Health and Safety Code Section 116270(f), as may be amended from time to time). ~~Pursuant to Chapter 4, of the "California Safe Drinking Water Act", Article 2, Section 116330 et seq., as may be amended from time to time, the California Department of Health Services (hereinafter "Department"), may delegate primary responsibility for the administration and enforcement of the "California Safe Drinking Water Act", within a County to a local Health Officer authorized by the Board of Supervisors to assume these duties, by means of a local primacy delegation agreement if the local Health Officer demonstrates that it has the capability to meet the local primacy program requirements established by the Department pursuant to Subdivision (h) of Section 116375, as may be amended from time to time. This delegation shall not include the regulation of community water systems serving two hundred (200) or more~~

~~service connections (California Health and Safety Code Section 116330, as may be amended from time to time).~~

~~Since 1993, Monterey County has been delegated local primacy responsibility pursuant to the Delegation Agreement between the State and Monterey County entered on July 1, 1993, and renewed annually.~~

Therefore, the purposes of this Chapter are to: (1) regulate construction, installation, maintenance and operation of domestic water systems which have at least two (2), but not more than ~~one hundred ninety-nine (199)~~fourteen (14) service connections; (2) supplement minimum State laws and standards for construction, installation, maintenance, and operation of ~~s~~State small water systems; and; (3) regulate the quality and quantity of water supplied to and by such water systems, thereby promoting the public health, safety, and welfare.

SECTION 5. Section 15.04.020 of the Monterey County Code is amended to read as follows:

Words used in the present tense include the future as well as the present. Words used in the masculine gender include the feminine and neuter. The singular includes the plural and the plural the singular.

As used in this Chapter, unless otherwise apparent from the context:

a. "Accessory dwelling unit" has the same meaning as "dwelling unit, accessory" set forth in Monterey County Code ~~Chapter Section~~ 21.06.372, as may be amended from time to time.

b. "Centralized treatment" means a single treatment plant or device that treats all of the water supplied by a water system for human consumption.

c. "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

d. "Consumer" means a customer or person served by the water system.

e. "Department" means the Monterey County Health Department.

f. "Director" means the Director or authorized representative of the Monterey County Health Department, designated to carry out the drinking water program.

g. "Domestic water system" means any water system including a local small water system or a state small water system, ~~or small public water system.~~

h. "Human consumption" means the use of water for drinking, bathing or showering, hand washing, food preparation, cooking, or oral hygiene.

i. "Impacted water system" means a domestic water system that does not meet primary water quality standards per Chapter 15 of Title 22 of the California Code of Regulations, as may

be amended from time to time, as such standards are incorporated into Chapter 15.04.110 of the Monterey County Code.

j. "Local small water system" means a system for the provision of piped water for human consumption that serves at least two, but not more than four, service connections. It includes any collection, treatment, storage, and distribution facilities under control of the operator of such system which are used primarily in connection with such system, and any collection or pretreatment storage facilities not under the control of the operator which are used primarily in connection with such system. "Local small water system" does not include two or more service connections on a single lot of record where none of the dwellings are leased, rented, or offered for remuneration.

k. "Maximum contaminant level" or "MCL" means the maximum permissible level of a contaminant in water.

l. "Person" includes an individual, firm, association, partnership, corporation, and public entity.

m. "Point-of-use" or "POU" means a treatment device applied to a single tap for the purpose of reducing contaminants in drinking water at that tap.

n. "Point-of-entry" or "POE" means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building. Notwithstanding the foregoing, where all the water supplied by a water system for human consumption is treated by the water system via a single device or facility, regardless of location of the device or facility, the water system shall be considered to have centralized treatment.

o. "Service connection," consistent with Section 21.06.1010 of the Monterey County Code, means a connection to any habitable structure, except a guesthouse, or parcel which uses potable water from a water system for domestic and not agricultural purposes.

~~In addition, pursuant to California Health and Safety Code Section 116275(s), "service connection" means the point of connection between the customer's piping or constructed conveyance, and the water system's meter, service pipe, or constructed conveyance. A connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection in determining if the system is a public water system if any of the following apply:~~

~~1. The water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, and cooking or other similar uses.~~

~~2. The Health Officer determines that the alternative water to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulation is provided for residential or similar uses for drinking and cooking.~~

~~3. The Health Officer determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable primary drinking water regulations.~~

~~p. "Small public water system" means a system for the provision of piped water to the public for human consumption that has at least fifteen (15) but not more than one hundred ninety-nine (199) service connections or regularly serves at least twenty-five (25) individuals at least sixty (60) days out of the year. A small public water system includes "community water system" and "noncommunity water system" as defined in Section 116275(i) and (j) respectively, of the California Health and Safety Code, and "nontransient noncommunity water system" as defined in Section 116275(k) of the California Health and Safety Code, and a "transient noncommunity water system" as defined in California Health and Safety Code Section 116275(o), as these sections may be amended from time to time.~~

~~q.~~ "State small water system" means a system for the provision of piped water to the public for human consumption that serves at least five, but not more than fourteen (14), service connections and does not regularly serve drinking water to more than an average of twenty-five (25) individuals daily for more than sixty (60) days out of the year. It includes any collection, treatment, storage, and distribution facilities under control of the operator of such system which are used primarily in connection with such system, and any collection or pretreatment storage facilities not under the control of the operator which are used primarily in connection with such system.

~~qf.~~ "Source" means a well, spring, lake, stream, or hookup with an approved public water supply. It excludes water from a water storage tank or facility.

~~rs.~~ "User" means any person using water for human consumption or domestic purposes.

~~st.~~ "User connection" means the point of connection between the user's or consumer's piping or ditch, and the water system's meter, service pipe, or ditch.

SECTION 6. Subsection (c)(4) of Section 15.04.040 of the Monterey County Code is amended to read as follows:

4. If a mutual water company, evidence satisfactory to the Director that the legal ownership of a ~~s~~State small water system, ~~or community water system~~, will be an incorporated entity as follows: (1) ~~a~~As a condition of approval, following incorporation, the Articles of Incorporation and By-laws, for the ~~S~~state small ~~or community water system~~ shall be submitted to the Director; ~~and~~; (2) ~~a~~As a condition of approval, a copy of the separate document which is submitted to the California Department of Real Estate, pursuant to Corporations Code Section 14312(a), as may be amended from time to time, shall be submitted to the Director. ~~(**Note: Subsection 4 changed to address timing issues between Monterey County Health Department regulatory permitting process pursuant to California Health and Safety Code Section 116540 and California Code of Regulations, Title 22, Section 64216, and the Department of Real Estate mutual water company incorporation process pursuant to Corporations Code Section 14312 et seq.)~~

SECTION 7. Subsection (a) of Section 15.04.050 of the Monterey County Code is amended to read as follows:

a. Director's Investigation. Upon receipt of an application and all supporting documents filed pursuant to this Chapter, the Director shall make a thorough investigation of the proposed or existing system and all other circumstances and conditions which he or she deems material.

1. Following completion of the investigation and satisfaction of the requirements of this Chapter, the Department shall issue or deny the permit. The Department may impose permit conditions, requirements for system improvements, and time schedules as it deems necessary to assure a continuous, reliable and adequate source of water that is pure, wholesome, potable, and does not endanger the health of consumers at all times, and to assure that the system will be lawfully operated on a continuing basis by a responsible person.

2. Any local small or ~~s~~State small water system that was not in existence on January 1, 1998, shall not be granted a permit unless the water system demonstrates to the Department that the water supplier has adequate capability to assure the delivery of pure, wholesome, and potable water for human consumption. ~~(Authority: California Health & Safety Code Section 116540).~~

3. Any local small or State water system which was not in existence on January 1, 1998, shall not be granted a permit unless the water system demonstrates to the Department that sufficient water is available from the system's sources and distribution storage facilities to provide continuous and adequate supply of drinking water for each service connection served by the system. ~~(Authority: California Health and Safety Code Section 116540).~~

4. ~~Pursuant to California Health and Safety Code Section 116540, following completion of the investigation and satisfaction of the requirements of Subsections a and b, the Department shall issue or deny the permit. The Department may impose permit conditions, requirements for system improvements, and time schedules as it deems necessary to assure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of consumers.~~

~~i. No public water system that was not in existence on January 1, 1998, shall be granted a permit unless the system demonstrates to the Department that the water supplier possesses adequate financial, managerial, and technical capability to assure the delivery of pure, wholesome, and potable drinking water. This Section shall also apply to any change of ownership of a public water system that occurs after January 1, 1998. (Authority: California Health and Safety Code Section 116540(a)).~~

~~ii. No permit under this Chapter shall be issued to an association organized under Title 3 (commencing with Section 20000) of Division 3 of the Corporations Code. This Section shall not apply to unincorporated associations that as of December 31, 1990,~~

~~are holders of a permit issued under this Chapter. (Authority: California Health and Safety Code Section 116540(b)).~~

~~5.~~ No domestic water system shall be issued a permit if water service for each connection or all connections of a proposed water system is available from a public, private, or mutual water system thereby eliminating the necessity of formation of an additional water system. Availability shall be determined, on a case by case basis, in consideration of the following: willingness of the water system to provide service, a reasonable economic standard, long term viability, and a determination that the water system will have an adequate source and supply of water. A determination by the Director pursuant to this Section, shall be subject to the appeal process below at Section 15.04.180. ~~(Authority: California Health and Safety Code Section 116540.)~~

~~56.~~ Local small or ~~s~~State small water system shall comply with the standards and requirements as set forth in Section 15.04.130 and in the most recent edition of Chapter 16, "California Waterworks Standards", of Title 22 of the California Code of Regulations, as may be amended from time to time, and incorporated herein by this reference, regarding design and construction of water systems.

SECTION 8. Subsection (b)(2) of Section 15.04.050 of the Monterey County Code is amended to read as follows:

2. Pursuant to Subsection ~~(a)~~(5) above, no domestic water system shall be issued a permit if water service for each connection or all connections of a proposed water system is available from a public, private, or mutual water system thereby eliminating the necessity of formation of an additional water system. Availability shall be determined, on a case by case basis, in consideration of the following: willingness of the water system to provide service, a reasonable economic standard, long term viability, and a determination that the water system will have an adequate source and supply of water. A determination by the Director pursuant to this Section, shall be subject to the Appeal process below at Section 15.04.180. ~~(Authority: California Health and Safety Code Section 116540.)~~

SECTION 9. Section 15.04.070 of the Monterey County Code is amended to read as follows:

a. No person operating a domestic water system shall add or modify the system's source of supply, add or change the method of treatment of the water supply, or change the system's distribution unless an amended permit has been issued by the Director.

b. Application for an amended permit shall be made in accordance with the provisions of Section 15.04.040, and shall be investigated, considered, determined and issued or denied upon the same terms and conditions as provided in Section 15.04.050 of this Chapter.

c. An amendment to the local small or state small water system operating permit is required to allow a POU or POE treatment program that conforms to the requirements of Chapter 15.06 of the Monterey County Code. The amendment must be renewed annually by the water

system. If opportunities for grant funding resources to support long-term water treatment solutions become available, the water system shall demonstrate that it is pursuing such funding in order to be eligible for renewal.

~~d. An amendment to the small public water system operating permit is required to allow a POU or POE treatment device in accordance with state law and regulation.~~

SECTION 10. Section 15.04.130 of the Monterey County Code is amended to read as follows:

This Section incorporates Chapter 16, "California Waterworks Standards", of Title 22 of the California Code of Regulations, as may be amended from time to time, to establish standards and requirements for the design and construction of domestic water systems.

a. Construction of a new domestic water system shall comply with the provisions of Chapter 16 of Title 22 of the California Code of Regulations, as may be amended from time to time, and incorporated herein, including, but not limited to, standards and requirements for basic design, water quantity, source and storage capacities, water pressure, main selection and installation, pipeline design and standards, valve selection, location and installation, disinfection of source, storage and distribution system, and other appurtenant components of the water system.

b. New water systems shall be designed and constructed such that the system provides capability to allow for future consolidation with another system, service area, or adjacent development and to facilitate future interconnection with another water system, looping systems when preferable according to engineering practices, unless special circumstances exist, as determined by the Director pursuant to Section 15.04.170.

c. Any new proposed water system and any expansion, modification, or changes to the water system shall be designed by a professional civil engineer registered in the State of California with experience in water system engineering or other qualified individual with a minimum of three years experience in water system design and construction to be approved by the Department.

d. All operating water system facilities shall be protected against unauthorized entry and vandalism.

e. Each new water supply well for the water system shall be constructed in accordance with the Monterey County ~~Ordinance 3316~~ Code Chapter 15.08 and the California Department of Water Resources Bulletins 74-81 and 74-90. Proposed well sites shall be investigated to determine the distance from all contamination sources including, but not limited to, sewage collection and disposal facilities, and any hazards therefrom shall be eliminated prior to well construction.

~~f. All water systems designed for and servicing twenty (20) or more service connections shall require two sources of water supply.~~

fg. Use of water main size smaller than four inches inside diameter shall be approved by the Department prior to construction, but in no case be less than two inches inside diameter, and shall meet the following requirements:

1. The installation is designed by a professional civil engineer registered in the State of California with experience in water system engineering; and
2. The engineer submits findings to demonstrate the ability of proposed main size to meet specific water quantity demands and minimum pressures.

gh. 7057. System Pressure.

1a. Normal operating pressure at the service connection shall not be less than twenty-five (25) pounds per square inch gauge (p.s.i.g.) nor more than one hundred twenty-five (125) p.s.i.g., except that during periods of hourly maximum demand at the time of peak seasonal loads the pressure may be not less than twenty (20) p.s.i.g. and that during periods of hourly minimum demand the pressure may be not more than one hundred fifty (150) p.s.i.g. Variations in pressures under normal operation shall not exceed fifty (50) percent of the average operating pressure. The average operating pressure shall be determined by computing the arithmetical average of at least twenty-four (24) consecutive hourly pressure readings.

2b. In a water system supplying customers at widely varying elevations, the water system utility may furnish a service which does not comply with the foregoing pressure specification, if the customer is fully advised of the conditions under which average service may be expected, and the customer's agreement is secured in writing.

3e. New water systems, or new pressure zones in existing water systems supplying customers at substantially constant elevation shall be designed to maintain an operating pressure at the service connection of not less than thirty-five (35) p.s.i.g. nor greater than one hundred (100) p.s.i.g.

SECTION 11. Subsection (c) of Section 15.04.146 of the Monterey County Code is amended to read as follows:

c. Point-of-Use or Point-of-Entry Treatment.

~~1.~~ In lieu of a centralized treatment facility, a local small or state small water system may choose to install a POU or POE treatment device at each connection in conformance with the regulations specified in Chapter 15.06 of the Monterey County Code, as may be amended from time to time, subject to approval by the Director.

~~2. In lieu of a centralized treatment facility and to the extent allowable under state law, a small public water system may install a POU or POE treatment device at each connection in conformance with California Health and Safety Code section 116380, as may be amended, and the state regulations adopted pursuant to section 116380, subject to approval by the Director.~~

SECTION 12. Subsection (a) of Section 15.04.147 of the Monterey County Code is amended to read as follows:

a. No ~~s~~State small water system shall add additional service connections to the system such that the total number of service connections served by the system exceeds fourteen (14) before the water system has applied and received from the ~~Director~~ State Water Board a permit to operate as a public water system as defined by ~~Chapter 7 of~~ the California Safe Drinking Water Act (Health and Safety Code Section 116270, et seq., as may be amended).

SECTION 13. Section 15.04.195 of the Monterey County Code is amended to read as follows:

a. The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

b. It shall be unlawful for any person to violate any provision, or to fail to comply with any of the requirements, of this Chapter. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall be guilty of a misdemeanor. No proof of knowledge, intent, or other mental state is required to establish a violation.

c. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter shall be deemed a public nuisance and shall, at the discretion of County, create a cause of action for penalty pursuant to Chapters 1.20 and 1.22 of the Monterey County Code, and any other action authorized by law.

d. Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Monterey County Code or otherwise authorized by law. Additionally, as a public nuisance, any violation of this Chapter shall be subject to injunctive relief, disgorgement of any payment to the County of any and all monies unlawfully obtained, costs of abatement, costs of restoration, costs of investigation, attorney fees, restitution, and any other relief or remedy available at law or in equity. The County, including the Office of the District Attorney and the Office of the County Counsel, may also pursue any and all remedies and actions available and applicable under state and local laws for any violations.

e. For purposes of administration and enforcement of this Chapter generally, the Director may from time to time promulgate such administrative rules and procedures consistent with the purpose and intent of this Chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

~~The provisions of this Chapter shall be enforced pursuant to California Health and Safety Code Section 11625 et seq. as follows, and as may be amended from time to time, and incorporated herein by this reference:~~

~~A. Violations: Revocation and Suspension of permits. (Authority: California Health and Safety Code Section 11625)~~

~~1. The Department, after a hearing noticed and conducted as provided in Section 11500 of the Government Code, may suspend or revoke any permit issued pursuant to this Chapter if the Department determines pursuant to the hearing that the permittee is not complying with the permit, this Chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this Chapter.~~

~~2. Upon exhaustion of administrative remedies consistent with the provisions of this Chapter, the permittee may file with the Superior Court a Petition for a Writ of Mandate for review of any decision of the Department, which has been appealed to the Monterey County Board of Supervisors, or California Regional Water Quality Control Board, as applicable, made pursuant to Subsection 1.~~

~~3. The Department may temporarily suspend any permit issued pursuant to this Chapter prior to any hearing when the action is necessary to prevent an imminent or substantial danger to health. The Director shall notify the permittee of the temporary suspension and the effective date thereof and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than fifteen (15) days after the effective date of the temporary suspension. The temporary suspension shall remain in effect until the hearing is completed and the Director has made a final written determination on the merits, that in any event shall be made within fifteen (15) days after the completion of the hearing. If the determination is not transmitted within 15 days after the hearing is completed, the temporary suspension shall be of no further effect. (Authority: California Health and Safety Code Section 11625).~~

~~However, if for any reason the hearing date, or hearing on the merits, has been continued by the Director, the temporary suspension shall continue until such time as the hearing has been completed, and the Director has made a final written determination on the merits. In any event, the final written determination of the Director shall be transmitted within fifteen (15) days after completion of the hearing, or continued hearing, as applicable.~~

~~B. Remedies:~~

~~1. Citations. (Authority: California Health and Safety Code Section 116650)~~

~~a. If the Department determines that a domestic water system is in violation of this Chapter or any regulation, permit standard, or order issued or adopted thereunder, the Department may issue a citation to the domestic water system. The citation shall be served upon the domestic water system personally or by registered mail.~~

~~b. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order or regulation alleged to have been violated.~~

~~c. For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the domestic water system fails to correct a violation within the time specified in the citation, the Department may assess a civil penalty as specified in Subsection e.~~

~~d. For a non-continuing violation of primary drinking standards, other than turbidity, the Department may assess in the citation a civil penalty as specified in Subsection e.~~

~~e. Citations issued pursuant to this Section shall be classified according to the nature of the violation or the failure to comply. The Department shall specify the classification in the citation and may assess civil penalties for each classification as follows:~~

~~1. For violation of a primary drinking standard (denotes primary or secondary drinking water standards as set forth in Chapter 15, Title 22, California Code of Regulations, as may be amended from time to time, and incorporated herein by this reference), other than turbidity, an amount not to exceed one thousand dollars (\$1,000.00) for each day that the violation occurred for non-continuing violations or for each day that the violation continues beyond the date specified for correction in the citation.~~

~~2. For failure to comply with any citation or order issued for failure of the primary drinking water standard for turbidity or for violation of a secondary drinking water standard¹ that the Director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000.00) for each day that the violation continues beyond the date specified for correction in the citation.~~

~~3. For failure to comply with any citation or order issued for noncompliance with any Department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200.00) per day for each day the violation continues beyond the date specified for correction in the citation.~~

~~2. Orders. (Authority: California Health and Safety Code Section 116655)~~

~~a. Whenever the Department determines that any person has violated or is violating this Chapter, or any permit, regulation, or standard issued or adopted pursuant to this Chapter, the Director may issue an order doing any of the following:~~

~~1. Directing compliance forthwith.~~

~~2. Directing compliance in accordance with a time schedule set by the Department.~~

~~3. Directing that appropriate preventive action be taken in the case of a threatened violation.~~

~~b. An order issued pursuant to this Section may include, but shall not be limited to, any or all of the following requirements:~~

~~1. That the existing plant, works, or system be repaired, altered, or added to.~~

~~2. That purification or treatment works be installed.~~

~~3. That the source of the water supply be changed.~~

~~4. That no additional service connection be made to the system.~~

~~5. That the water supply, the plant, or the system be monitored.~~

~~6. That a report on the condition and operation of the plant, works, system, or water supply be submitted to the Department.~~

~~3. Injunctions. (Authority: California Health and Safety Code Section 116660)~~

~~a. Any person who operates a domestic water system without having an unrevoked permit to do so, may be enjoined from so doing by any Court of competent jurisdiction at the suit of the Department.~~

~~b. When the Department determines that any person has engaged in or is engaged in any act or practice that constitutes a violation of this Chapter, or any regulation, permit, standard, or order issued or adopted thereunder, the Department may bring an action in the Superior Court for an order enjoining the practices or for an order directing compliance.~~

~~c. Upon a showing by the Department of any violation set forth in Subsection b; the Superior Court shall enjoin the practices and may do any of the following:~~

~~1. Enforce a reasonable plan of compliance, including the appointment of a competent person, to be approved by the Department, and paid by the operator of the domestic water system, who shall take charge of and operate the system so as to secure compliance.~~

~~2. Enjoin further service connections to the domestic water system.~~

~~3. Afford any further relief that may be required to insure compliance with this Chapter.~~

~~4. Receivership. (Authority: California Health and Safety Code Section 116665)~~

~~Whenever the Department determines that any domestic water system is unable or unwilling to adequately serve its users, has been actually or effectively abandoned by its owners, or is unresponsive to the rules or orders of the Department, the Department may petition the Superior Court for the County within which the system has its principal office or place of business for the appointment of a Receiver to assume possession of its property and to operate its system upon such terms and conditions as the Court shall prescribe. The Court may require, as a condition to the appointment of the Receiver, that a sufficient bond be given by the Receiver and be conditioned upon compliance with the orders of the Court and the Department, and the protection of all property rights involved. The Court may provide, as a condition of its Order, that the Receiver appointed pursuant to the Order shall not be held personally liable for any good faith, reasonable effort to assume possession of, and to operate, the system in compliance with the Order.~~

~~5. Nuisance and Summary Abatement. (Authority: California Health and Safety Code Section 116670)~~

~~Anything done, maintained, or suffered as a result of failure to comply with any primary drinking water standard is a public nuisance dangerous to health, and may be enjoined or summarily abated in the manner provided by law. Every public officer or body lawfully empowered to do so shall abate the nuisance immediately.~~

~~6. Actions Against Domestic Water Systems. (Authority: California Health and Safety Code Section 116675)~~

~~The Department shall, after adequate notification, take action authorized by this Chapter against a domestic water system under the jurisdiction of the Department, if any of the following occur:~~

~~a. The domestic water system has been in violation of any provision of this Chapter or the regulations adopted hereunder, including any violation of compliance with drinking water standards or waterworks standards, as may be amended from time to time, which shall include~~

~~any applicable State or county standards, laws or regulations, as applicable, and in furtherance of the purpose and provisions of this Chapter, for a period of at least ninety (90) days within the previous year.~~

~~b. A contaminant is present in, or likely to enter, a public water system and presents an imminent and substantial danger to the health of the users of the system.~~

~~C. Judicial Review: Writ of Mandate. (Authority: Health and Safety Code Section 116700)~~

~~a. Within thirty (30) days after service of a copy of a final decision, order or determination by the Monterey County Board of Supervisors or the California Regional Water Quality Control Board as applicable, upon an Appeal of the Director's decision, order or determination, concerning any order or determination, issued by the Department, and upon exhaustion of any and all administrative remedies, any aggrieved party may file with the Superior Court a Petition for a Writ of Mandate for review thereof. Failure to file an action shall not preclude a party from challenging the reasonableness and validity of a decision, order, or determination of the Department in any judicial proceedings brought to enforce the decision, order, or determination, or for any civil or criminal remedy authorized by this Chapter.~~

~~b. The evidence before the Court shall consist of all relevant evidence that, in the judgment of the Court, should be considered to effectuate and implement the provisions of this Chapter. In every case, the Court shall exercise its independent judgment on the evidence.~~

~~c. Except as otherwise provided in this Section, subdivisions (e) and (f) of Section 1094.5 of the Code of Civil Procedure shall govern proceedings pursuant to this Section.~~

~~D. Crimes and Penalties.~~

~~1. Civil Penalties. (Authority: California Health and Safety Code Section 116725)~~

~~a. Any person who knowingly makes any false statement or representation in any application, record, report, or other document submitted, maintained, or used for purposes of compliance with this Chapter, may be liable, as determined by the Court, for a civil penalty not to exceed five thousand dollars (\$5,000.00) for each separate violation or, for continuing violations, for each day that violation continues.~~

~~b. Any person who violates a citation schedule of compliance for a primary drinking water standard of the California Safe Drinking Water Act, as may be amended from time to time, or a citation schedule of compliance for any of the provisions of this Chapter, other than turbidity, or any order regarding a primary drinking water standard other than turbidity, or the requirement that a reliable and adequate supply of pure, wholesome, healthful, and potable water be provided may be liable, as determined by the Court, for a civil penalty not to exceed twenty-five thousand dollars (\$25,000.00) for each separate violation or, for continuing violations, for each day that violation continues.~~

~~c. Any person who violates any order, other than one specified in Subdivision b, issued pursuant to this Chapter may be liable, as determined by the Court, for a civil penalty not to exceed five thousand dollars (\$5,000.00) for each separate violation or, for continuing violations, for each day that violation continues.~~

~~d. Any person who operates a domestic water system without a permit issued by the Department pursuant to this Chapter may be liable, as determined by the Court, for a civil~~

~~penalty not to exceed twenty-five thousand dollars (\$25,000.00) for each separate violation or, for continuing violations, for each day that violation continues.~~

~~e. Each civil penalty imposed for any separate violation pursuant to this Section shall be separate and in addition to any other civil penalty imposed pursuant to this Section or any other provision of law.~~

~~2. Misdemeanors and Felonies. (Authority: California Health and Safety Code Section 116730).~~

~~a. Any person who knowingly does any of the following acts may, upon conviction, be punished by a fine of not more than twenty-five thousand dollars (\$25,000.00) for each day of violation, or by imprisonment in the County Jail not to exceed one year, or by both the fine and imprisonment:~~

~~1. Makes any false statement or representation in any application, record, report, or other document submitted, maintained, or used for the purposes of compliance with this Chapter.~~

~~2. Has in his or her possession any record required to be maintained pursuant to this Chapter that has been altered or concealed.~~

~~3. Destroys, alters, or conceals any record required to be maintained pursuant to this Chapter.~~

~~4. Withholds information regarding an imminent and substantial danger to the public health or safety when the information has been requested by the Department in writing and is required to carry out the Department's responsibilities pursuant to this Chapter in response to an imminent and substantial danger.~~

~~5. Violates an order issued by the Department pursuant to this Chapter that has a substantial probability of presenting an imminent danger to the health of persons.~~

~~6. Operates a domestic water system without a permit issued by the Department pursuant to this Chapter.~~

~~b. If the conviction under subdivision a is for a violation committed after a first conviction of the person under this Section, the person may be punished by imprisonment in the State Prison for up to twenty-four (24) months, or in the County Jail for not to exceed one year, or by a fine of not less than two thousand dollars (\$2,000.00) or more than fifty thousand dollars (\$50,000.00) per day of violation, or by both the fine and imprisonment.~~

~~3. Inspection Authority. (Authority: California Health and Safety Code Section 116735)~~

~~a. In order to carry out the purposes of this Chapter, any duly authorized representative of the Department may, at any reasonable hour of the day, do any of the following:~~

~~1. Enter and inspect any domestic water system or any place where the public water system records are stored, kept, or maintained.~~

~~2. Inspect and copy any records, reports, test results, or other information required to carry out this Chapter.~~

~~3. Set up and maintain monitoring equipment for purposes of assessing compliance with this Chapter.~~

~~4. Obtain samples of the water supply.~~

~~5. Photograph any portion of the system, any activity, or any sample taken.~~

~~b. The Department shall inspect each domestic water system at a frequency established by the Director, and shall provide an opportunity for a representative of the domestic water system to accompany the representative of the Department during the inspection of the water system.~~

~~c. It shall be a misdemeanor for any person to prevent, interfere with, or attempt to impede in any way any duly authorized representative of the Department from undertaking the activities authorized by Subdivision a.~~

~~4. Civil Penalty Collection. (Authority: California Health and Safety Code Section 116740). If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, the Attorney General or the district attorney shall recover the amount for which the person is liable in the Superior Court. In this action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.~~

~~5. Remedies are cumulative. (Authority: California Health and Safety Code Section 116745)~~

~~The remedies provided by this Chapter are cumulative and shall not be construed as restricting any remedy, provisional or otherwise, provided by law for the benefit of any party, and no judgment under this Chapter shall preclude any party from obtaining additional relief based upon the same facts.~~

~~6. Tampering with public water systems. (Authority: California Health and Safety Code Section 116750)~~

~~a. Any person who tampers with a public water system is guilty of a felony and shall be punished by imprisonment in the State Prison for three, four, or five years, subject to a fine not to exceed thirty thousand dollars (\$30,000.00), or both.~~

~~b. Any person who tampers with or makes a threat to tamper with a domestic water system is guilty of a felony and shall be punished by imprisonment in the State Prison for sixteen (16) months, two, or three years, subject to a fine not to exceed twenty thousand dollars (\$20,000.00), or both.~~

~~c. For purposes of this Section, the term "tamper" means either of the following:~~

~~1. To introduce a contaminant into a domestic water system with the intention of harming persons.~~

~~2. To otherwise interfere with the operation of a domestic water system with the intention of harming persons.~~

SECTION 14. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 15. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Christopher M. Lopez, Chair
Monterey County Board of Supervisors

A T T E S T:

Valerie Ralph
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM BY:

Kelly L. Donlon
Chief Assistant County Counsel