

Attachment 4

Public Comment/Concerns

Difference in regulations for Individual Homes vs. Water Systems

Response:

With respect to individual owners of lots not in water systems, the ordinance codifies current practice of requiring recorded deed restrictions to address water quality issues as a prerequisite to construction of new or additional dwellings. POU/POE deed restriction language is for new dwellings or additions, not for water system compliance purposes.

If an owner within an impacted water system chooses to install POU/POE treatment on his or her own lot, the owner is not excused from the water system POU/POE requirements if the water system chooses to utilize POU/POE water treatment for system compliance. 100% participation is a basic requirement for the entire water system to be considered "Compliant Utilizing Treatment," as there is no allowance for partial compliance. The Environmental Health Bureau does not practice taking enforcement against water systems that are trying to gain compliance.

Notwithstanding sections 15.06.060 A.1 to A.5 of the proposed ordinance, if a property owner served by an impacted water system installs POU or POE treatment on their own lot as a prerequisite of obtaining a construction permit for new development, the owner would still also be subject to the water system requirements (sections 15.05.050 and 15.06.080 to 15.06.140) if the water system they are served by chooses to implement a POU or POE treatment program at any point in time. Regardless of implementation of a POU or POE treatment program by owners for their own lots, the water system will remain non-compliant until it is deemed to have returned to compliance.

Bottled Water

Response:

In situations where a local small or state small water system has drinking water that does not meet primary drinking water standards, many individuals have resorted to bottled water as an alternative safe source of drinking water. Bottled water use may be appropriate as a temporary safe source of drinking water in response to emergency situations such as water system failures, fires, floods and earthquakes or as a bridge to remedying the water quality issues. However, bottled water is not appropriate as a source of water for local small and state small water systems under Monterey County Code Chapter 15.04 because of the cost, lack of reliability, and environmental impacts of bottled water. Bottled water is more expensive than installation of a POE/POU system. A recent survey conducted by the Environmental Health Bureau found that the yearly costs for purchasing 30 gallons of bottled water per month is approximately \$400 to \$800 per year. This may not be an affordable long term option for tenants or property owners (please see Attachment 3, Water Survey, of the staff report). By comparison, the yearly maintenance costs associated with a purchased POU / POE water treatment system is \$50 to \$60 for filters, with basic POU systems ranging in cost from \$155 to \$160. POE/POU treatment is also more reliable because it utilizes the water system infrastructure, versus being dependent on continued individual purchasing decisions (please see Attachment 3, Water Survey). Purchasing

bottled water also involves physical lifting of containers that may contain five gallons of water, which may also present a challenge for the elderly and unaccompanied. Additionally, bottled water when stored and transported in plastic containers increases the presence of plastic in the environment. Plastics are non-biodegradable and have been found to persist as a pollutant in our land and the ocean.

Pilot Program

Response:

Staff will return in eighteen months to review the ordinance and receive direction from the Board to continue implementation of the ordinance as is, repeal the provisions of the ordinance, or modify provisions of the ordinance. This is a voluntary program; first year testing and application fees will be waived.

Permit Requirement

Response:

Installation of a POU/POE treatment by an existing water system will not require a separate permit, only a permit amendment to the current water system permit. The amendment renewal process has been condensed and can coincide with the regular annual permit renewal to make amendment renewal more simplified.

Compliance Options

Response:

POU or POE treatment may not be the right solution for a water system. The water system must choose what best fits their situation. Water systems should work towards compliance, and the ordinance is intended to make available one more method to achieve compliance. In practice, Environmental Health does not pursue enforcement against water systems that are making a good faith effort to gain compliance.

Easier Templates

Response:

The online template forms that are currently on the EHB website such as guidelines, water agreement, construction plan, operations and maintenance plan, and other templates are for water systems under existing regulations. EHB intends to develop user-friendly templates for the POU/POE treatment program if the ordinance is adopted.