

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 Health and Safety Code 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 Section 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 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).

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 fourteen (14) service connections; (2) supplement minimum State laws and standards for construction, installation, maintenance, and operation of 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 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.

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.

p. "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.

q. "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.

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

s. "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 state small water system will be an incorporated entity as follows: (1) as a condition of approval, following incorporation, the Articles of Incorporation and Bylaws, for the state small shall be submitted to the Director; and (2) 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.

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 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.

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.

4. 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.

5. Local small or 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.

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.

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 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. 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.

g. 7057. System Pressure.

1. 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.

2. 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.

3. 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. 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.

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

a. No 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 State Water Board a permit to operate as a public water system as defined by 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.

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