

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
EXTENDING SUSPENSION OF PORTIONS OF ORDINANCE NO. 5310 RELATING
TO POINT-OF-ENTRY AND POINT-OF-USE WATER TREATMENT SYSTEMS.**

County Counsel Summary

This ordinance extends the suspension of portions of Ordinance No. 5310 until further action of the Board of Supervisors. On June 18, 2019, the Monterey County Board of Supervisors adopted Ordinance No. 5310 authorizing point-of-use (POU) and point-of-entry (POE) treatment of water to meet primary drinking water standards under certain circumstances. On August 27, 2019, the Board of Supervisors adopted a subsequent ordinance that suspended, until December 11, 2019, sections 3 and 6 and a portion of section 5 of Ordinance No. 5310 relating to utilization of POU or POE treatment by local small and state small water systems, individual lot owners within local small and state small water systems, and individual lots on private wells. This ordinance extends the suspension of these sections of Ordinance No. 5310 from December 11, 2019 until further action of the Board of Supervisors.

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

SECTION 1. Findings and purpose.

A. On June 18, 2019, the Board of Supervisors adopted Ordinance No. 5310. The County Counsel summary of the ordinance describes the ordinance as follows:

This ordinance amends sections of Chapter 15.04 of the Monterey County Code and adds a new Chapter 15.06 to the Monterey County Code to authorize and regulate point-of-use (POU) and point-of-entry (POE) water treatment by local small, state small, and small public water systems that would otherwise not meet primary drinking water standards. The ordinance requires an amendment to the water system permit to allow these water systems to utilize POU or POE treatment. For water systems of 15 to 199 service connections, the ordinance updates Chapter 15.04 to allow POU or POE treatment under certain circumstances in accordance with recently adopted state standards. This ordinance also establishes standards for domestic water systems with two to fourteen water connections to utilize POU and POE treatment as a means of compliance with primary water quality standards. The ordinance requires the water system to renew annually the authorization to use a POU or POE treatment, and if grant funding becomes available, renewal is contingent on the water system pursuing funding for long term solutions such as but not limited to centralized water treatment, a new well, or consolidation. The ordinance also provides that if an individual property owner is seeking new construction on an existing legal lot with water that does not meet primary water quality standards, the owner may install POU or POE treatment as a means of satisfying water quality standards necessary for a construction permit for development. This ordinance applies in the unincorporated area of the County of Monterey.

B. Ordinance No. 5310 took effect on the thirty-first day following adoption, and per Board order, the Board directed County staff to return to the Board for review of the ordinance 12 months after adoption.

C. On July 26, 2019, litigation was served on the County challenging the validity of Ordinance No. 5310 on a variety of grounds including the California Environmental Quality Act.

D. On July 23, 2019, the Board introduced Ordinance No. 5316 and adopted it on August 27, 2019. Ordinance No. 5316 suspends the operation of Sections 3 and 6 and a portion of Section 5 of Ordinance No. 5310 until December 11, 2019. The suspended sections pertain to utilization of POU or POE treatment by local small water systems, state small water systems, individual lot owners within local small water systems and state small water systems, and individual lots on private wells.

E. In order to permit time for evaluation of the suspended portions, including such environmental review as the County deems appropriate, the Board desires to extend the afore-referenced suspension until such time as the Board takes further action.

SECTION 2. Extension of Suspension of Sections

A. Section 3 and Section 6 of Ordinance No. 5310 are suspended and shall not become operative until further action of the Board of Supervisors; and

B. That portion of Section 5 of Ordinance No. 5310 which amends Section 15.04.146 of the Monterey County Code to add subsection 1 of subsection c of section 15.04.146 is suspended and shall not become operative until further action of the Board of Supervisors.

SECTION 3. 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 4. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John M. Phillips, 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:

WENDY S. STRIMLING
Senior Deputy County Counsel