



Legislation Details (With Board Report)

File #:	ORD 18-010	Name:	Point of Entry/Point of Use Ordinance
Type:	Ordinance	Status:	Scheduled AM
File created:	9/7/2018	In control:	Board of Supervisors
On agenda:	9/18/2018	Final action:	
Title:	Introduce, waive reading, and set adoption on October 2, 2018, an ordinance of the County of Monterey, State of California, amending Chapter 15.04 of the Monterey County Code and adding Chapter 15.06 to the Monterey County Code relating to point-of-use and point-of-entry water treatment systems.		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. POE and POU ordinance.final redline.090718, 3. POU and POE Ordinance.final clean.090718, 4. 9. Completed Board Order

Date	Ver.	Action By	Action	Result
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Introduce, waive reading, and set adoption on October 2, 2018, an ordinance of the County of Monterey, State of California, amending Chapter 15.04 of the Monterey County Code and adding Chapter 15.06 to the Monterey County Code relating to point-of-use and point-of-entry water treatment systems.

Proposed CEQA action: Adoption of this ordinance is categorically exempt from environmental review pursuant to Sections 15301, 15307, and 15330 of the California Environmental Quality Act (“CEQA”) Guidelines. Consistent with Section 15301 of the CEQA Guidelines, a permitting process for point-of-use (“POU”) and point-of-entry (“POE”) treatment systems will result in minor alterations to existing facilities involving negligible or no expansion of use beyond that which is presently existing. Additionally, the ordinance is categorically exempt under Section 15308 because it is an action taken by the County to assure the enhancement and protection of the environment and involves procedures for protection of the environment and public health by authorizing and regulating POU and POE treatment of drinking water to meet water quality standards. Lastly, the ordinance is categorically exempt under Section 15330 because it creates a permitting process for the interim use of POU and POE water treatment systems to treat impacted water systems while they pursue funding for centralized treatment.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Find the adoption of the ordinance is categorically exempt from environmental review pursuant to Sections 15301, 15307, and 15330 of the California Environmental Quality Act (“CEQA”) Guidelines. Consistent with Section 15301 of the CEQA Guidelines, a permitting process for point-of-use (“POU”) and point-of-entry (“POE”) treatment systems will result in minor alterations to existing facilities involving negligible or no expansion of use beyond that which is presently existing. Additionally, the ordinance is categorically exempt under Section 15308 because it is an action taken by the County to assure the enhancement and protection of the environment and involves procedures for protection of the environment and public health by authorizing and regulating POU and POE treatment of drinking water to meet water quality standards. Lastly, the ordinance is categorically exempt under Section 15330 because it creates a permitting

process for the interim use of POU and POE water treatment systems to treat impacted water systems while they pursue funding for centralized treatment; and

b. Introduce, waive reading, and set adoption on October 2, 2018, an ordinance of the County of Monterey, State of California, amending Chapter 15.04 of the Monterey County Code and adding Chapter 15.06 to the Monterey County Code relating to POU and POE water treatment systems.

SUMMARY/DISCUSSION:

The Health Department-Environmental Health Bureau regulates small water systems with 2-14 connections. Of these 970 systems, approximately 235 systems are out of compliance due to excessive levels of nitrite, arsenic, and fluoride. This contaminated water poses a health risk to the public.

The state declared the importance of meeting safe drinking water standards as identified with the passage of Assembly Bill (AB) 685, making California the first state in the nation to legislatively recognize the human right to water. State Water Code section 106.3 statutorily recognizes that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.” The human right to water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas.

Current options to comply with providing uncontaminated water include consolidation with a neighboring compliant water system, drilling a new well, or installation of a centralized treatment system on an existing well. The problems encountered with these options include not having a nearby compliant water system available, a new well might not be successful, and centralized treatment systems can be very costly, and complex to install and maintain. These options are expensive and often result with the public relying on bottled water or unsafe tap water.

AB 685 paved the way for the State Water Resources Control Board (“SWRCB”) to adopt POU/POE legislation to allow for a less expensive centralized water treatment option. However, due to the large number of water systems that have not been able to provide safe drinking water, the SWRCB has reevaluated POU/POE and has since developed regulations to overcome challenges with individual treatment systems.

The subject ordinance would amend Chapter 15.04 and adds a Chapter 15.06 to the Monterey County Code to regulate POU/POE water treatment systems. The purpose of the proposed ordinance is to establish interim water treatment options for domestic water systems with two to fourteen water connections that are in the process of obtaining centralized water treatment as required under Section 15.04.146 of the Monterey County Code.

This ordinance requires the operator to obtain a permit amendment that is good for three years under Section 15.04.070, which is issued by the Environmental Health Bureau. The ordinance also sets standards for treatment, operations and maintenance, system monitoring, recordkeeping and compliance. Compliance with these standards is enforced through inspection by the Environmental Health Bureau and the enforcement provisions of the Monterey County Code.

Public information sessions were held in July and August throughout the County to inform stakeholders of the proposed ordinance, and allow a platform for their questions to be presented and concerns to be addressed. Additionally, the Health Department’s Environmental Health website has a page dedicated to the proposed ordinance as well as frequently asked questions and facts for public viewing.

This work supports the Monterey County Health Department 2011-2015 Strategic Plan Initiative to empower the community to improve health through programs, policies and activities and it also supports one of the ten

essential public health services, specifically, to develop policies and plans that support individual and community health efforts and to enforce laws and regulations that protect health and ensure safety.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

OTHER AGENCY INVOLVEMENT:

The State Water Resources Agency Board, and Monterey County Water Resources Agency. County Counsel has reviewed this report and proposed ordinance as to form.

FINANCING:

There is no financial impact with the acceptance of this report.

Prepared by: Robin Kimball, Management Analyst, 1297

Approved by: Elsa Jimenez, Director of Health, 4526

Attachments:

Draft ordinance (redlined) is on file with the Clerk of the Board

Draft ordinance (clean) is on file with the Clerk of the Board