



# County of Monterey

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

## Board Report

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**File #:** ORD 19-032, **Version:** 1

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Adopt an ordinance to extend the suspension of portions of Ordinance No. 5310 relating to Point of Use and Point of Entry water treatment until further action of the Board of Supervisors.

**Proposed CEQA Action:** Exempt under CEQA Guidelines section 15061(b)(3)

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt an ordinance to extend the suspension of portions of Ordinance No. 5310 relating to Point of Use and Point of Entry water treatment until further action of the Board of Supervisors.

### SUMMARY:

On November 19, 2019, the Board introduced the proposed ordinance and set December 10, 2019, for adoption. The proposed ordinance would extend the suspension of portions of Ordinance No. 5310 until further action of the Board of Supervisors. Ordinance No. 5310, adopted on June 18, 2019, authorized 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, Ordinance No. 5316, that suspended sections 3 and 6 and a portion of section 5 of Ordinance No. 5310 until December 11, 2019. The suspended portions govern utilization of POU or POE treatment by local small water systems, 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 portions of Ordinance No. 5310 from December 11, 2019 until further action of the Board of Supervisors.

The purpose of extending the suspension of these sections of Ordinance No. 5310 is to provide additional time for County staff to evaluate the suspended portions. Staff will return to the Board for further action before these sections would become operative.

### DISCUSSION:

On June 18, 2019, the Board of Supervisors adopted Ordinance No. 5310 which amended sections of Chapter 15.04 of the Monterey County Code and added 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. For water systems of 15 to 199 service connections (small public water systems), the ordinance updated Chapter 15.04 to allow POU or POE treatment under certain circumstances in accordance with recently-adopted state standards. This ordinance also established standards for use of POU and POE water treatment by domestic water systems with two to four service connections (local small water systems) and five to fourteen water connections (state small water systems), individual lots within these water systems, and individual lots on private wells. In conjunction with adopting the ordinance, the Board also directed to return to the Board for review of the ordinance 12 months after adoption.

To provide time to assess litigation that challenged the ordinance, the Board of Supervisors adopted Ordinance No. 5316 on August 27, 2019. Ordinance No. 5316 suspends until December 11, 2019 those portions of Ordinance No. 5310 governing POU and POE water treatment by individuals and water systems with fewer than 15 connections.

County staff is still in the process of evaluating the suspended portions of the ordinance. Since the suspension of portions of Ordinance No. 5310 is set to expire on December 11, 2019, staff has prepared an ordinance for Board consideration to extend the suspension until staff has completed its evaluation and returns to the Board. The proposed ordinance would extend the suspension of Ordinance No. 5310 until the Board takes further action.

Staff proposes the Board find adoption of this extension ordinance exempt from the California Environmental Quality Act under the common sense exemption set forth in CEQA Guidelines section 15061(b)(3) because the purpose of the extension is to enable further evaluation and study of the suspended portions. The suspended sections would not become operative unless and until the Board takes further action.

**STRATEGIC PLAN INITIATIVE:**

This work supports the Monterey County Health Department 2018-2022 Strategic Plan Initiative 2. to enhance community health and safety through prevention. It also supports one or more of the ten essential public health services, specifically, number 2 -- diagnose and investigate health problems and health hazards in the community, number 3 -- inform, educate and empower people about health issues and number 5 -- develop policies and plans that support individual and community health efforts.

**OTHER AGENCY INVOLVEMENT:**

County Counsel has approved the ordinance as to form. County Counsel, in consultation with the Environmental Health Bureau, prepared the ordinance.

**FINANCING:**

There is no financial impact to the General Fund resulting from this request.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

This action assists with infrastructure by providing time for County staff to conduct evaluation of a potential vehicle for treating water that does not meet primary drinking water standards.

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.

Prepared by: Robin Kimball, Management Analyst, x1297

Approved by: Elsa Jimenez, Director of Health, x4526

**Attachments:**

A Draft Ordinance is on file with the Clerk of the Board

B Board order for Ord. No. 5316; Ordinance No. 5316 with attached Ordinance No. 5310 is on file with the Clerk of the Board