



County of Monterey

Item No.

Board Report

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

Legistar File Number: ORD 25-012

September 16, 2025

Introduced: 8/14/2025

Current Status: Health Department -
Consent

Version: 1

Matter Type: Ordinance

Adopt an ordinance to amend Chapter 15.04 of the Monterey County Code to remove County of Monterey regulation of small public water systems.

Proposed California Environmental Quality Act ("CEQA") Action: Find that the adoption of this ordinance is categorically exempt per Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it is an administrative activity that will not result in direct or indirect changes to the environment.

RECOMMENDATION:

It is recommended that the Board of Supervisors

- a. Find the adoption of this ordinance is categorically exempt per Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it is an administrative activity that will not result in direct or indirect changes to the environment; and
- b. Adopt an ordinance to amend Chapter 15.04 of the Monterey County Code to remove County of Monterey regulation of small public water systems.

SUMMARY:

The proposed 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. As of September 1, 2025, the Delegation Agreement will terminate, and the State will regulate all Small Public Water Systems in Monterey County.

The County will continue to regulate Local Small Water Systems, defined as serving 2-4 service connections and State Small Water Systems defined as a system that serves at least 5, but not more than 14, service connections, and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days per year.

On August 26, 2025, the Board of Supervisors introduced and waived the first reading of the draft ordinance and advanced the ordinance for consideration of adoption at the meeting on September 16, 2025, at 10:30 a.m.

DISCUSSION:

California Department of Public Health, under the provisions of Section 116330 of the California Health and Safety Code, has previously delegated primacy to 32 local primacy agencies (LPAs) for the regulation of public water systems with 15 to 199 service connections and certain non-community water systems. LPAs are county environmental health jurisdictions that have applied for and were granted regulatory authority over a portion of the public water systems in their county, including Monterey County. The last LPA agreement was executed July 1, 1993. In 2013, the LPA agreement was updated to clarify issues and update the partnership between Monterey County and the State to assure a healthy water supply for County residents.

The County of Monterey Environmental Health Bureau (EHB) has administered the Local Primacy Agency (LPA) program, having been committed to ensuring the safety and quality of drinking water for the community. However, the resource challenges and lack of adequate state support have placed significant strain on the ability to fulfill the requirements of the Local Primacy Delegation Agreement (LPDA). After an extensive evaluation of resources and the capacity to administer the program, the County of Monterey Environmental Health Bureau, pursuant to California Department of Public Health, under the provisions of Article 2, Section 116330 (c) (2) of the California Health and Safety Code, notified the State Water Resources Control Board that effective September 1, 2025, the County of Monterey will no longer retain local primacy.

The proposed draft ordinance was introduced to the Board of Supervisors at its meeting on August 26, 2025. The Board set September 16th at 10:30 AM as the date and time to consider adoption of the ordinance.

Monterey County Code Chapter 15.04 addresses the LPA in multiple sections. The ordinance amendment, as indicated in the red-line and clean copies of the ordinance included as Attachments 1 and 2, removes items in these sections from Monterey County Code that are no longer relevant with the return of the local primacy back to the State, and modifies Section 12 to reflect violation enforcement.

CEQA

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)).

While this work is not directly in support of a Health Department strategic goal, it is in support of one or more of the ten essential public health services, specifically, 2. Diagnose and investigate health problems and health hazards in the community; 3. Inform, educate, and empower people about health issues; and 6. Enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has approved the ordinance as to form.

FINANCING:

Adoption of the ordinance will have no direct financial impacts.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The proposed ordinance supports 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.

Prepared by: Robin Kimball, Management Analyst III, 796-1297

Approved by: Elsa Mendoza Jimenez, Director of Health Services, 755-4526

Attachment:

Board Report

Attachment 1, Proposed Ordinance Redline Copy

Attachment 2, Proposed Ordinance Clean Copy