

# Summary Form for Electronic Document Submittal

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: 2007121001

Project Title: Point of Use/Point of Entry Ordinance

Lead Agency: County of Monterey Environmental Health Bureau

Contact Name: Ric Encarnacion

Email: drinkingwaterprogram@countyofmonterey.gov

Phone Number: (831) 755-4505

Project Location: Unincorporated area

Monterey

*City*

*County*

## Project Description (Proposed actions, location, and/or consequences).

The project consists of adoption and implementation of an amended Ordinance by the County of Monterey that would allow the use of point of use (POU) and point of entry (POE) drinking water treatment devices for lots on private wells and in non-compliant local small, State small, and public water systems in unincorporated Monterey County. These systems currently exceed one or more primary drinking water maximum contaminant levels for constituents such as nitrate, arsenic, fluoride, cadmium, hexavalent chromium, and/or 1,2,3-Trichloropropane. The Ordinance would amend Chapter 15.06 of the Monterey County Code to authorize POU and POE treatment as an alternative compliance pathway to centralized treatment, well replacement, or system consolidation. The amended Ordinance would allow POU and POE treatment to serve vacant legal lots of record, and to support accessory dwelling units, within non-compliant water systems and on private wells, subject to specified requirements. The Ordinance is intended to provide a feasible compliance option to protect public health where existing centralized solutions are impractical or infeasible. EHB is evaluating potential environmental effects that may occur as a result of implementation of the Ordinance through an Addendum to the certified 2010 Monterey County General Plan Environmental Impact Report (State Clearinghouse No. 2007121001), which serves as the primary environmental document. The Addendum has been prepared pursuant to CEQA Guidelines Section 15164 to evaluate whether reinstatement of the Ordinance would result in new or more severe environmental impacts beyond those previously analyzed. The 2010 General Plan Environmental Impact Report evaluated countywide buildout impacts through 2030 and provides an appropriate environmental baseline. The Draft Addendum demonstrates that the project would not result in new significant environmental effects or substantially increase the severity of previously identified impacts, and therefore no subsequent or supplemental EIR is required.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

The 2010 Monterey County General Plan EIR determined that the 2010 General Plan would result in significant and unavoidable impacts to aesthetics, light, and glare; agricultural resources; air quality; climate change; water resources; population and housing; and public services and utilities. The EIR included the following mitigation measures:

- Air Quality: AQ-1 through AQ-9
- Biological Resources: BIO-1.1 through BIO-1.5, BIO-2.1 through BIO-2.3 and BIO-3.1 through BIO-3.2
- Climate Change: CC-1 through CC-5, BIO-1.9, CC-12 and CC-13
- Water Resources: WR-1 and WR-2
- Parks and Recreation: PAR-1
- Public Services and Utilities: PS-1 and PS-2
- Transportation: TRAN -1E, TRAN-5A and TRAN-2B

Even with implementation of these mitigation measures, impacts to the resource areas listed above would remain significant and unavoidable. Impacts to biological resources, parks and recreation, and transportation were determined to be less than significant with implementation of mitigation measures. No feasible mitigation was identified for aesthetics, light, and glare, and agricultural resources. The 2010 Monterey County General Plan EIR determined impacts to biological resources; cultural resources; geology, soils, and seismicity; hazards and hazardous materials; land use; mineral resources; noise; public facilities and services; parks and recreation; and transportation would be less than significant.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

In June 2019, the County determined that adoption of the Ordinance was categorically exempt from CEQA. After adoption of the Ordinance, concerns were raised regarding the validity of the Ordinance on a variety of grounds, including insufficient CEQA review. These concerns included assertions that the Ordinance could be growth-inducing, in that POU or POE water treatment devices would remove a barrier to development, ultimately facilitating the development of vacant lots within local small, State small, and public water systems and development on individual lots served by wells that do not meet water quality standards. Based on these considerations, questions were raised as to whether reliance on a categorical exemption was appropriate.

To provide time to further evaluate the Ordinance, the Board of Supervisors adopted a subsequent ordinance on August 27, 2019 to suspend portions of the Ordinance (hereinafter referred to as the "Suspended Sections") until December 11, 2019. On December 10, 2019, the Board of Supervisors adopted an ordinance to extend this suspension until further action of the Board.

Provide a list of the responsible or trustee agencies for the project.

County of Monterey