



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Health
Department No.: 041
For Agenda Of: March 21, 2017
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Carrie Topliffe, Interim Director, Public Health Department
Director(s)
Contact Info: Larry Fay, Environmental Health Services Director, 346-8463
SUBJECT: First Amendment to Local Primacy Agreement for Small Public Water Systems

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: NA

Recommended Actions:

That the Board of Supervisors consider the following recommendations:

- A) Approve and authorize the Public Health Department Director to notify the State Water Resources Control Board that the County agrees to the proposed amendments to the Local Primacy Delegation Agreement for small water systems (Attachment C).
- B) Approve and authorize the Public Health Director to execute future amendments for the Local Primacy Delegation Agreement as necessary, to comply with changes in state laws and regulations and that do not result in a significant change in the County's obligations.
- C) Determine that the recommended actions are exempt pursuant to CEQA Guideline Sections 15378(b)(4) and 15378(b)(5) because the actions are administrative activities of a local government and government fiscal activities which do not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment and direct staff to file a notice of exemption (Attachment D).

Summary Text:

This item is on the agenda for approval and authorization for the Public Health Director to notify the State Water Resources Board that the County agrees to proposed amendments to the Local Primacy Delegation Agreement. In November, 2013 the Board authorized the Public Health Department's Environmental Health Services (EHS) to enter into a Local Primacy Agency agreement (Attachment B) with the California Department of Public Health (CDPH). Since that time, the state drinking water program has been transferred from the Department of Public Health to the State Water Resources

Control Board (Water Board). As allowed in the agreement, the Water Board wishes to make several changes to the original agreement and has sent EHS the Local Primacy Agency Agreement Amendment Letter (Attachment A) that was received on January 9, 2017. The letter included a deadline of 10 days for the county to accept the changes. Upon receipt of the letter, EHS notified State Water Board staff to advise them that the original agreement was authorized by the Board of Supervisors and amendments would require Board approval. State Water Board staff indicated that the EHS Director's notification that the amendments would be submitted to the Board of Supervisors with a recommendation for approval would satisfy their 10 day response deadline. Approval of recommended action A will allow EHS to agree to the proposed changes.

Background:

California adopted the Safe Drinking Water Act in 1977. As a result, the Water Board has been delegated overall regulatory responsibility for California's drinking water program and is accountable to the United States Environmental Protection Agency (USEPA) for program implementation and for adoption of standards and regulations that may be more (but not less) stringent than those established at the federal level. The law includes a provision whereby the Water Board may delegate primacy responsibility for the administration and enforcement of the California Safe Drinking Water Act and related laws within a county, to a local Health Officer authorized by its Board of Supervisors to assume those duties. The delegation is contingent upon demonstration that the local agency has the capability to meet the primacy program requirements; the delegation does not extend to community water systems serving 200 or more service connections.

With the authorization of the Board, EHS submitted an application for primacy delegation in January 1993. EHS entered into a primacy agreement with CDPH in July 1993 and has acted as the LPA since that time. As such, it currently has jurisdiction over 114 small public water systems. Over the years there have been a number of changes made to both the federal and state Safe Drinking Water Acts. As a result, a new primacy agreement was signed in 2013 that more accurately reflects the new monitoring, reporting and data management requirements.

In 2014, the drinking water program was transferred from the Department of Public Health to the State Water Resources Control Board. Pursuant to the 2013 Agreement (Attachment B), the Water Board has proposed several amendments to the primacy delegation. The more significant changes include:

- Obtaining written concurrence from the Water Board prior to issuing a Domestic Water Supply Permit to a public water system,
- Complete required monthly/quarterly reporting using the State Drinking Water Information System (SDWIS),

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

The Local Primacy Agency program is funded from fees and is included in the department's FY 2016-2017 Adopted Budget. The 2013 delegation agreement included funding in the form of a one-time grant of \$293,000 held in reserve to be dispersed when needed according to state guidelines. These reserves are generally used for unanticipated expenditures for the program.

Entering into this amended Primacy Delegation Agency Agreement will result in an increase in workload because of the new data submittal requirements. However, it is felt that this increase can be

absorbed by existing staff resources currently budgeted for the program and there will be no need for a release of reserved fund balance for this purpose.

Special Instructions:

Please retain one (1) certified Minute Order and email PHDCU@SBCPHD.ORG when ready for pick-up.

Attachments:

- A. LPA Delegation Agreement Amendment Letter dated January 3, 2017
- B. LPA Delegation Agreement
- C. Public Health Department Letter of Agreement to Amendment
- D. Notice of Exemption

Authored by:

David Brummond, Supervising Environmental Health Specialist