



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:  
Placement: 8/21/12 Set Hearing  
9/4/12 First Reading  
9/11/12 Second  
Reading/Adoption  
Estimated Tme: 15 min on 9/4/12  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department Takashi Wada, MD, MPH, Director and Health Officer  
Director(s) Public Health Department 681- 5102  
Contact Info: David Brummond, Supervising Environmental Health Specialist  
346-7348  
**SUBJECT: Ordinance to Amend County Code Chapter 34B – Domestic Water Systems**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

**Recommended Actions:**

That the Board of Supervisors consider recommendations for amending the Santa Barbara County Code Chapter 34B – Domestic Water Systems, as follows:

- a) Set a public hearing for September 4, 2012 (first reading) to consider recommendations from Environmental Health Services for an Ordinance to amend Chapter 34B of the County Code.
- b) Set a hearing for September 11, 2012 (second reading) to consider the adoption of Ordinance to amend Chapter 34B of the County Code.
- c) Approve Notice of Exemption pursuant to California Environmental Quality Act of 1970 (CEQA) Guidelines.

**Summary Text:**

This item is on the Agenda to adopt an Ordinance to amend Chapter 34B of the County Code. Chapter 34B of the County Code establishes construction standards for private and semi-public domestic water systems. First promulgated in 1979, it has been revised several times, most recently in February 1995. Environmental Health Services, as the Administrative Authority, is proposing changes to update Chapter 34B to reflect current standards and administrative practice, ease some requirements for private water systems and require additional water quality monitoring from the owner/operators of semi-private water systems.

**Auditor-Controller Concurrence**

As to form: Yes

**Background:**

State law requires that public water systems be designed in such a manner that they are free of structural and sanitary hazards, protect the quality of the water delivered to the user and are adequately sized to meet demand. Chapter 34B of the County Code establishes construction standards for private and semi-private domestic water systems.

Private water systems are those systems that serve 1 – 4 dwelling units or service connections. Semi-public water systems are referred to as *State Small* water systems. Unlike private water systems, State Small systems are addressed in statute and state regulations. Section 116275 of the California Health and Safety Code defines a State Small water system as:

“A system for the provision of piped water to the public for human consumption that serves at least 5 but no more than 14 services connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year.”

The regulatory requirements for the operation of a State Small water system are less extensive than those imposed on the larger public water systems. Like larger water systems, State Small systems are subject to ongoing bacteriological water quality monitoring but at a lesser frequency. State Small systems are required to have a chemical analysis completed at least once but unlike larger public water systems, they currently are not required to perform any ongoing chemical water quality monitoring.

Environmental Health Services, as the Administrative Authority, is proposing changes to Chapter 34B that will ease some current requirements for private water systems and will require ongoing chemical monitoring of the water provided by the owner/operators of State Small water systems. The substantive proposed changes are summarized in A-D below. The remaining changes in the proposed ordinance are minor and do not materially affect the ordinance. They include clarifying ambiguous sections, changing specific elements of some sections so they are consistent with state law and generally cleaning up the language and formatting of the ordinance.

- A. The most common source of water in private water systems is a well. Before a well can be used as part of a domestic water system, it must be pump tested to determine if it can produce an adequate amount of water and that it represents a reliable, long-term source of water. The length of the pump test is predicated on the amount of water the well can produce at a constant flow rate. Currently, the shortest acceptable pump test is 12 hours for a well that produces 50 (fifty) gallons per minute (gpm) or more.

Environmental Health Services is proposing to shorten the pump test requirements for large production wells. Specifically, for a well that produces 50 gpm or more, a 4 (four) hour pump test would be acceptable if it is accompanied by a report from a registered Geologist or Certified Hydrogeologist, stating that under the projected water demand, the well should be able to continue to produce a large volume of water for the foreseeable future. This change is located in section 34B-18(c)(2).

- B. Stored water serves two purposes in a water system; it acts to even out periods of high and low demand and it provides a reserve in the event of a water outage. Currently, private water systems serving a single parcel must provide 1000 gallons of stored, potable water for each service connection or residence. Private water systems serving 2 – 4 parcels must provide 2500 gallons of stored, potable water for each service connection or residence. In the amended ordinance under consideration, Environmental Health Services is proposing to change the water storage requirements for private water systems serving 1 – 4 parcels to 1000 gallons of stored, potable water for each

service connection or residence, thereby reducing the storage requirements for some property owners. This change is located in section 34B-20(a).

- C. The Department of Health Services sets biological and chemical standards for drinking water in California. Essentially there are two classes of standards: primary standards and secondary standards. Primary standards are those established for chemicals that affect the health of the user. This includes chemicals such as arsenic, chromium and nitrates. Secondary standards apply to those chemicals that affect the aesthetic quality of the water but do not affect the health of the user, even when present in high concentrations. Secondary standards apply to chemicals such as iron, manganese and sulfates. These water quality standards have been codified in Title 22 of the California Code of Regulations and subsequently adopted as the drinking water standards for private water systems in Santa Barbara County.

Currently, if the water produced by a well exceeds the maximum contaminant level for one or more chemicals, the owner must provide the appropriate treatment necessary to reduce the concentration of that chemical or chemicals so that the water meets all state standards. If the water is found to exceed one or more of the primary standards and/or Total Dissolved Solids, all of the water must be treated prior to storage. This is referred to as *centralized treatment*. Should the water meet all of the primary standards and Total Dissolved Solids but exceed one or more of the secondary standards, treatment can be provided before the water enters the house. This is referred to as *point of entry* treatment.

As part of the amendment under consideration, Environmental Health Services is proposing to change these treatment requirements. Centralized treatment will still be required for water that exceeds any of the primary standards. No treatment will be specifically required for water that meets all of the primary standards but exceeds one or more of the secondary standards and/or Total Dissolved Solids. However, in the event that the water produced by a private well fails to meet any one or more of the secondary standards and/or Total Dissolved Solids, the property owner will be required to record a Notice to Buyer explaining that the water does not meet all of the secondary standards established by the California Department of Health Services. This Notice to Buyer will remain in effect until laboratory analysis indicates that the water meets the secondary standard(s). This change is found in section 34B-23(c).

- D. In June 2010, the Central Coast Regional Water Quality Control Board (the Water Board) sent a letter to the Health Officer of each jurisdiction in their region expressing concern over the impacts of nitrates to groundwater stating that it is one of their largest and highest priority water quality problems. Nitrates are a primary water quality standard with acute and severe health impacts to infant children. The primary sources of nitrates in groundwater are intensive agricultural practices and the use of onsite wastewater disposal systems, i.e. septic systems.

While the large public water systems are required to regularly monitor water quality for nitrates, the Water Board was concerned that in some jurisdictions, private wells are never sampled for nitrates while the wells used by State Small systems are usually only tested for nitrates once.

In Santa Barbara County, a complete chemical analysis of the water, including nitrates, is required in order to obtain a private domestic water system permit (1-4 service connections). Once it is determined that the water meets all applicable standards, no further water quality monitoring is required.

The Health and Safety Code gives the local Health Officer authority to require State Small systems (5-14 service connections) to perform additional water sampling and analysis. In response to the

concerns voiced by the Water Board, the proposed revisions to Chapter 34B include a requirement that all owner/operators of State Small systems monitor for nitrates and nitrites every three (3) years along with the bacteriological testing that is currently required quarterly. Should analysis find that the water exceeds the Maximum Contaminant Level (MCL) for nitrates, the owner/operator would be required to notify all users and install appropriate treatment. This change is located in section 34B-22(b).

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

Adopting this Ordinance to amend County Code Chapter 34B – Domestic Water Systems, will not result in significant changes to Environmental Health Services' workload or fees. The current fee structure should support these program amendments. If circumstances change after implementing the approved Ordinance, the department will return to the Board with a revised fee resolution recommendation.

**Staffing Impacts:**

No increase or decrease in staff would result as a result of adopting the proposed ordinance.

**Special Instructions:**

- A. That the Clerk of the Board publish notice of this hearing, per the attached Public Notice, in a newspaper of general circulation in Santa Barbara County 10 days prior to the hearing and again 5 days prior to the hearing.
- B. That the Clerk of the Board return one original adopted Ordinance and one Minute Order to Public Health by emailing PHDCu@sbcpd.org for pick-up.

**Attachments:**

1. Domestic Water Systems Ordinance
2. Proposed Changes to Chapter 34B, Domestic Water Systems
3. Public Notice
4. Notice of CEQA Exemption

**Authored by:**

David Brummond, Supervising Environmental Health Specialist, 346-7348.