

EXHIBIT LWL-7

Monterey County Code

Chapter 10.72 DESALINIZATION TREATMENT FACILITY

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10.72.010 Permits required.

No person, firm, water utility, association, corporation, organization, or partnership, or any city, county, district, or any department or agency of the State shall commence construction of or operate any Desalination Treatment Facility (which is defined as a facility which removes or reduces salts from water to a level that meets drinking water standards and/or irrigation purposes) without first securing a permit to construct and a permit to operate said facility. Such permits shall be obtained from the Director of Environmental Health of the County of Monterey, or his or her designee, prior to securing any building permit.

(Ord. 3439, 1989)

10.72.020 Construction permit application process.

All applicants for construction permits required by Section 10.72.010 shall:

- A. Notify in writing the Director of Environmental Health or his or her designee, of intent to construct a desalination treatment facility.
- B. Submit in a form and manner as prescribed by the Director of Environmental Health, preliminary feasibility studies, evidence that the proposed facility is to be located within the appropriate land use designation as determined by the affected local jurisdiction, and specific detail engineering, construction plans and specifications of the proposed facility.
- C. Submit a complete chemical analysis of the sea water at the site of proposed intake. Such chemical analysis shall meet the standards as set forth in the current ocean plan as administered by the California State Water Resources Control Board and the United States Environmental Protection Agency. In the event the proposed intake is groundwater (wells), a chemical analysis of the groundwater at the proposed intake site shall be submitted as prescribed by the Director of Environmental Health.
- D. Submit to the Director of Environmental Health and Monterey County Flood Control and Water Conservation District a study on potential site impacts which could be caused by groundwater extraction.
- E. Submit preliminary feasibility studies and detailed plans for disposal of brine and other by-products resultant from operation of the proposed facility.
- F. Submit a contingency plan for alternative water supply which provides a reliable source of water assuming normal operations, and emergency shut down operations. Said contingency plan shall also set forth a cross connection control program. Applications which propose development of

facilities to provide regional drought reserve shall be exempt from this contingency plan requirement, but shall set forth a cross connection control program.

G. Prior to issuance of any construction permit, the Director of Environmental Health shall obtain evidence from the Monterey County Flood Control and Water Conservation District that the proposed desalinization treatment facility will not have a detrimental impact upon the water quantity or quality of existing groundwater resources.

(Ord. 3439, 1989)

10.72.030 Operation permit process.

All applicants for an operation permit as required by Section 10.72.010 shall:

A. Provide proof of financial capability and commitment to the operation, continuing maintenance replacement, repairs, periodic noise studies and sound analyses, and emergency contingencies of said facility. Such proof shall be in the form approved by County Counsel, such as a bond, a letter of credit, or other suitable security including stream of income. For regional desalinization projects undertaken by any public agency, such proof shall be consistent with financial market requirements for similar capital projects.

B. Provide assurances that each facility will be owned and operated by a public entity.

C. Provide a detailed monitoring and testing program in a manner and form as prescribed by the Director of Environmental Health.

D. Submit a maintenance and operating plan in a form and matter prescribed by the Director of Environmental Health.

E. All operators of a desalinization treatment plant shall notify the Director of Environmental Health of any change in capacity, number of connections, type or purpose of use, change in technology, change in reliance upon existing potable water systems or sources, or change in ownership or transfer of control of the facility not less than ten (10) days prior to said transfer.

(Ord. 3439, 1989)

10.72.040 Inspection.

A. Prior to operation of any desalinization treatment facility, operator shall submit to an on-site inspection of said facility by the Director of Environmental Health.

B. The Director of Environmental Health shall have a continuing right to reasonable inspection of any desalinization treatment facility.

(Ord. 3439, 1989)

10.72.050 Testing.

A. Prior to operation, all desalinization treatment facilities shall be tested for reliability and efficacy for a period and in a form and manner as prescribed by the Director of Environmental Health.

B. In the event that testing prescribed by Section 10.72.050A proves satisfactory, and notwithstanding any other permits required by this Chapter, applicant shall obtain a water system permit from the Director of Environmental Health prior to commencing operation.

(Ord. 3439, 1989)

10.72.060 Permit--Display--Surrender.

A. All permits issued pursuant to this Chapter shall be kept posted by the permittee in a conspicuous place in the permittee's place of business.

B. If any such permit is suspended or revoked, it shall be surrendered to the Director of Environmental Health upon his or her demand.

(Ord. 3439, 1989)

10.72.070 Permit--Revocation and suspension.

Upon proof to his or her satisfaction of the violation by the permittee of any of the relevant sanitation and health laws or regulations of the State of California or the County of Monterey, the Director of Environmental Health may temporarily suspend or may revoke either the construction or operation permit. No person whose permit has been suspended or revoked shall continue to engage in or carry on the business for which the permit was granted, unless and until, in the case of suspension, such permit has been reinstated by the Director of Environmental Health.

Any unreasonable denial of a request to inspect pursuant to Section 10.72.040 above shall result in revocation of the facility operating permit.

(Ord. 3439, 1989)

10.72.080 Hearing procedure.

A. Any person whose application for a permit has been denied, or whose permit has been suspended or revoked, may appeal to the Director of Environmental Health, in writing, within thirty (30) days after any such denial, or within three days after notification of any such suspension or revocation. The Director of Environmental Health shall set a time for such meeting, and make a decision without unnecessary delay.

B. The filing of the written appeal shall operate as a stay of such suspension or revocation until final disposition of the appeal by the Director of Environmental Health.

(Ord. 3439, 1989)

10.72.090 Fees.

Prior to issuance of any construction or operation permit, applicant shall pay to the County Health Department fees as set forth in Section 10.08.050 of the Monterey County Code.

(Ord. 3439, 1989)

10.72.100 Civil penalties.

In addition to such penalties, punishments, or remedies provided in Chapter 1.20 of this Code, any person who violates any of the provisions of this Chapter shall be liable to the County for civil penalties in the amount of five thousand dollars (\$5,000.00) per day the violation occurs or is allowed to exist, or in such other amount as the Board of Supervisors may establish by resolution.

(Ord. 3659 § 10, 1993)

10.72.110 Severability.

Repealed.

(Ord. 3659 § 8, 1993)