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Procedures:

Information about the Environmental Health Division Food Safety and Consumer Protection program came from the 2008 General Fund Budget, the Plumas County Public Health Agency Environmental Health Division Annual Report for 2008 and the information about the Division and its programs contained on the County web site. The Division Director provided manuals and procedural documents. The Director and other members of the Division's staff involved in food safety were interviewed. To assess the effectiveness of their process, the Grand Jury has reviewed Division procedures and assessed County Health Department records and the records of other health facilities within the County for food borne illnesses that could be traced to local food handling facilities. The Grand Jury wishes to express its thanks and appreciation to the Environmental Health Division and its staff for the cooperation it has shown during this investigation.

Water Quality and Abundance

Specific Issue:

The Grand Jury addressed the question: What does the County Government do to protect County residents from unsafe drinking water, and what does it do to determine that adequate water is available for future potable and safety uses? “All day I faced the barren waste without the taste of water,” the old Bob Nolan song, “Cool Water” goes. Presently, 40 percent of the fresh water in the United States is polluted and not drinkable. Clean water is one of Plumas County’s best resources and we need to protect it and monitor it for continued quality. Water is essential for the world, as we know it, to survive. People and governments have always tried to control it. Wars have been fought over it. Individuals and corporations have become rich through the possession and sale of it. Over the years, this State has had a rather “feast or famine” relationship with it. Those that don’t have it want it, and those that have it, want to keep it. Here, in the West, the elements of rain from nature tend to come in cycles. Those of us, who are 6 and 7 decades old, have seen many periods of drought accompanied, afterwards, by periods of excessive rain and floods. In times of excess our major rivers carry our precious commodity out to sea. Only time will tell if climate change will alter that pattern. Water can be very political, and at the same time, personal. This year’s Grand Jury, 2009-10 is not taking either of those views. Water issues are interrelated with many other issues in Plumas County. They cross boundaries with economic development, fire protection, and with continued residential developments in our County. A few “watch dog” people in a sparsely populated Northern County probably can’t change the “course of human events” that will direct the future of water control or usage in our State. Nevertheless, the Grand Jury’s focus is on Plumas County, and how, as citizens of this County, we can best protect and maintain the quality and the reserve quantity of our most precious natural resource, our water.

Summary of Investigation:

Water is the most precious of our County’s natural resources, as this year’s Grand Jury has found. It winds its way through many of this year’s investigations, like a clear mountain stream divides and yet binds together the people and places of this little part of the world called Plumas County. It helps answer the first portion of this Jury’s mantra, “Who are we?” Without it there would be no towering forests, or mountain meadows, no deep blue lakes or crystal clear streams. Without it there would be no cities, small villages, or wide spots in the road, where our people settled. Water will also direct the second portion of our mantra, “Where are we going”? Without water there can be no developments, increased recreational opportunities, or the kind of jobs that will bring in, or encourage young people to stay and raise their families. The third driving force of this Jury is “Sustainable growth and quality of life.” One can’t imagine either of those without the life giving essence of water. It has to be the very large elephant in the room where any county agency is plotting our future.

This Jury believes that this County’s Environmental Health Division (“EHD”) is doing a commendable job in permitting, monitoring, and controlling this County’s usage and quality of water. They work within the bounds of not only County, but State and Federal statutes. When working with highly important facets of government, like overseeing

things that affect our quality of life, the question always arises, “are they doing enough?” Because we are a small county and don’t have the resources the larger counties have, does it mean we can’t test for what other counties test for? Does it mean that we can’t exceed our present State or Federal standards? With something like the overriding importance of water, we should.

The problem that this Grand Jury found is that with larger developments, 200 units and above, there are decisions made regarding the quality and quantity of water by the Plumas County Planning Department and the California Department of Health with no involvement by the EHD to evaluate the legitimacy of those decisions regarding water quality and quantity. Those who are held responsible for the decision must have a part in making the decision.

Findings and Recommendations:

This Grand Jury recognizes the EHD’s jurisdiction over water quality and quantity as a highly important responsibility for the quality of life of county residents. It is in that recognition that our recommendations are directed. It is not that the EHD is not performing well, because it is. Our recommendations are this Grand Jury’s attempt to simply improve the existing systems.

Finding #1: Once individual private wells are permitted and approved, no other monitoring or testing is done unless the owner requests it. With 10,000 to 11,000 septic systems in the county, some of them quite old, can we assume the well water is not affected?

Recommendation #1: Each Individual aquifer should be tested for contamination periodically on a schedule determined by the EHD.

Finding #2: Private wells fed by aquifers within the County are only tested for coliform bacteria. Metal contamination and other microbial contamination are not tested. If mercury is found in lakes and streams, is it in our well water?

Recommendation #2: The EHD should also test well water from each aquifer within the county for the following potentially toxic metals: Antimony, Arsenic, Beryllium, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Silver, Thallium and Zinc. This is especially relevant in an area such as Plumas County with a history of mining. Additionally, because of increased development and agricultural activity, testing should be done for a broader spectrum of disease producing microbes.

Finding #3: Because of non existing recordkeeping during earlier years, there are an undetermined number of water wells existing within the county without documentation as to their location.

Recommendation # 3: The EHD should actively establish and implement a plan to locate and document old and/or undocumented wells, lessening the chance of those wells contaminating our aquifers.

Finding #4: With new developments larger than 200 water connections, the EHD is not involved in evaluating the quality or quantity of the source of water proposed by the developer and sanctioned by the state, until after the development is approved. As it is

now, there is no one within the county who evaluates whether the state is doing an adequate job of assuring there is enough water available for the development.

Recommendation #4: This Grand Jury strongly recommends that the EHD be actively involved in the Planning Department's approval process to independently evaluate all aspects of the water quality and quantity proposed by the development to assure that the water source for the development is adequate and won't adversely affect another. This would lessen the chance of a development being approved without sufficient water, as has happened in the past.

Finding #5: There is a history of developments gaining approval without demonstrating that the proposed water source is sufficient to provide for both residential water, and water for fire protection of the development.

Recommendation #5: The Board of Supervisors should not approve any development without the EHD first evaluating and certifying that the proposed water source for both domestic and emergency fire protection use is sufficient.

Finding #6: Realistically, the water quality of our lakes and streams is fragile to say the least. There are multiple county agencies, departments and community groups that oversee that fact. This Grand Jury believes that maintaining the quality of above-ground water is also the task of each individual that lives here and those who come to enjoy the beauty and recreate.

Recommendation #6: The EHD and other agencies should develop a public relations campaign to raise awareness that our lakes and streams are fragile.

Finding #7: Once a septic system is installed, there is no requirement for ongoing monitoring. There is no requirement for periodic pumping of septic tanks.

Recommendation #7: The Board of Supervisors, through the EHD, should establish a countywide requirement for mandatory pumping of septic tanks when a property is sold, and actively inform residents of the need to pump their septic systems every three to five years.

Background Information:

In Plumas County the Environmental Health Division of the Plumas County Public Health Agency has the responsibility for drinking water protection and determining sufficient quantities of water for individual wells and wells for development up to 199 connections. As indicated in their 2009 Annual Report, in 2005 their Division was certified as the Local Primacy Agency (LPA) by the California Department of Health. This allowed water system purveyors and operators a local contact and resource in helping to protect drinking water quality. Again, from their Annual Report, the EHD monitors 139 drinking water systems throughout the county. These include non-community systems, such as resorts and campgrounds, small systems serving less than 15 connections, and community systems with up to 199 connections. Whenever drinking water does not meet established standards, the system operator must advise its customers, and when there is an immediate risk to human health, the operator must issue a Boil Water Advisory.

The EHD also partners with the California Department of Fish and Game, a sub group to the Almanor Basin Watershed Advisory Committee that monitors Lake Almanor water

quality, and other water quality organizations to help protect lakes, streams and groundwater water supplies. One example of this was in 2008, when the EHD completed the 10th and final year of well testing as a result of the 1997 pike eradication project. In 2007, they began year one of a new ten year testing cycle for chemicals used in the 2007 treatment. Also in 2008, the EHD received Department of Public Health accreditation for water quality testing. The EHD offers certified water quality analysis for coliform bacteria and E. coli. The EHD's Annual Report for 2008 goes on to say that this service supplements the nearest private laboratory options in Chico or Reno. It is available for wells, springs, or surface water, making the analyses useful for routine water quality checks for private sources or to help pinpoint contamination problems with public water systems.

Within the permitting process for wells and septic systems, the EHD insures that wells are at least 50 feet from a septic tank, and at least 100 feet from leach lines. After permitting for wells and septic systems for individual private connections, there is no monitoring by the EHD. If there are problems, the EHD will act in a consulting manner to help correct the problem, but there is no county or state requirement for monitoring. There is also no requirement for periodic pumping of septic tanks. The EHD has recommendations and flyers that encourage pumping every 3-5 years, but there are no recommendations to make it mandatory.

With septic systems that feed into a common leach field, the threshold for installation requirement goes up. With 2 connections the threshold goes higher, and when it reaches 5, the Regional Water Control Board takes over the permitting process and perhaps ongoing monitoring.

With individual private wells, for the permit process, the individual will do well to follow the information in the County's "Well Manual—Information on the Well Installation and Permit Process." It mentions water supply that meets the ground water well standards, where to locate it, the type of material to use in drilling, how to put on a sanitary seal, and other such things. The individual submits an application which, when completed, spells out what the person wants to do. The application then goes to the EHD, and if it is complete, they have a set of administrative standards to meet, standards that consider the well's distance from septic tanks and leach fields, and how far wells can be from creeks, rivers, and lakes. If the individual can meet the various criteria, the EHD issues the permit.

A community well is one that is used by several units like a resort or campground. There is a one stop permitting agreement with the Building Department and behind the scenes various county agencies look at their piece of the process. Once the application reaches the EHD, permitting is basically an administrative process.

With a development, permitting depends on the size of the development, the density, and the developer's proposal. Approval depends on the county's general plan and the zoning requirements. If a development is proposed in a "prime opportunity" area, the developer will have to connect to a community water system. In this case the developer will need a "Will Serve" letter from the district, stating that the community system has

the quantity and quality of water to meet their needs. The developer will get their “Will Serve” letter which satisfies the water needs for the development.

Depending on the number of connections of the development, the criteria for permitting and approval gets more stringent. If the development is 5 or more connections, it becomes a classification called a “State Small Water System.” The EHD refers to those standards to determine what infrastructure is needed. It would become more sophisticated with more chemical monitoring and other things.

The next higher threshold is 15 or more connections, and each time the criteria for approval gets more involved. The EHD is the regulatory body of developments with up to 199 connections. At 200 connections it falls under the jurisdiction of the California Department of Health. If the development is proposed for over 200 connections, the EHD will administer and monitor the development until 200 connections are made. With a “new” development of over 200 connections, the EHD would function as the local liaison without any further involvement in the decision making process. They would field questions by the developer and try to connect them with the state, but they wouldn’t have direct responsibilities for the development other than seeing that the reports were filed and that some of the conditions put upon the development are in place.

With developments over 200 connections, the approval process starts with the Plumas County Planning Department. When the developer starts to develop property, the Planning Department looks at all the issues. They will look at traffic, air quality, water supply and liquid waste, all items under the California Environmental Quality Act. The Planning Department is the hub that supplies these coordinating services. The water supply is just one stroke. The ultimate responsibility, authority, and jurisdiction are under the California Department of Health. The parties work directly with the Planning Department. Any comment the EHD would make would be indicating that the development is under the jurisdiction of the California Department of Health.

The Planning Department has the responsibility to compile all of the process into the Environmental Impact Report, distributed for public comment. The document must then be approved by the Planning Department with any additional conditions required for approval. The EHD is not involved with the original permitting and approval process for these large water systems. However, once all the planning and all the agreements are satisfied, then the EHD is the local permitting agency and the responsible agency for enforcement of state regulations for that system, from 15 to 199 connections until it goes beyond that number, despite the fact that they have no input during the approval process. The EHD gets concurrence from the California Department of Health, drawing from the state’s expertise when necessary. The EHD relies on information from the hydrologist, for the kind of pump tests, the duration, and qualitative issues, referring to the California Department of Health when there are questions.

Procedure:

The Grand Jury obtained information about the Environmental Health Division from the 2008 General Fund Budget publication. We also have the Plumas County Public Health Agency Environmental Health Division Annual Report for 2008. There is much

information about the EHD and its program on their web site (www.countyofplumas.com/publichealth/envhealth). The EHD's Director has supplied manuals and information pamphlets about water wells and septic systems installations and permitting processes. The Grand Jury has obtained much information by interviewing the EHD Director about the approval process for wells and septic systems, and the kind of oversight and control the EHD has or doesn't have over the existence and life of such projects. The Grand Jury has also obtained information from interviews with the Directors of both the County Planning and Building Departments and took time to question the Director of the Plumas County Flood Control and Water Conservation District to learn how his organization affects Plumas County water. The Grand Jury wants to determine the effectiveness of the EHD's involvement in keeping our county's domestic water safe, and assuring that informed judgments are made in determining if there is sufficient water supply for individual and development needs.

Conclusion:

The Grand Jury wishes to express its appreciation to the Director and staff of the Environmental Health Division for their cooperation in our investigation. The EHD has charge of many programs, all related to the health and safety of County citizens. As we all look to our county's future and "where we are going," the Environmental Health Division must take on this Grand Jury's role as "watch dog" to protect and sustain those qualities of life that make Plumas County such a desirable place to live.