

TULARE COUNTY WATER COMMISSION
MEETING MINUTES
September 9, 2013

Members Present:

Allen Ishida, Board Representative and Chairman
Richard L. Schafer, District 5 Appointee
Paul Boyer, District 1 Appointee
Keith Watkins, At-Large Appointee
Dennis Keller, At-Large Appointee
Mark Larsen, District 3 Appointee
Chris Kapheim, District 4 Appointee
Mike Ennis, Board Alternate Representative
Dale Brogan, District 2 Appointee
Susana De Anda, At-Large Appointee

Members Absent:

Rudy Mendoza, TCAG Representative

Staff Present:

Julieta Martinez, Tulare County Board of Supervisors
Denise Akins, County Administrative Office
Will Jackson, County Counsel

Members of the Public who voluntarily provided their names on the attendance sheet:

Carole Clum
Nilsa Gonzalez
Shane Smith
Michael Tharp
Michael Hickey
Richard Garcia

1. Call to Order

The meeting was called to order at 3:01pm.

2. Public Comment Period

Carol Clum of Three Rivers provided the Commissioners with two handouts. One is from Scientific American Magazine and the other is from NRDC Quarterly Magazine. See attachment for comments.

Julia Roberts, Chief Deputy County Counsel, introduced Will Jackson, a new counsel staff. Chairman Ishida welcomed him to the County.

3. Approval of Minutes from July 8, 2013 meeting

Motion to approve by Commissioner Larsen, second by Commissioner Boyer. Motion approved. Commissioner De Anda abstained due to her absence at the July 8th meeting.

4. Presentation by the Resource Management Agency and Environmental Health on Building Permit Processing and Well Testing.

Michael Spata, RMA, began by giving an overview of topics and presenters. He presented the overview of the presentation, Dennis Lehmann touched on the Building Permit Process, Nilsa Gonzalez spoke in

regards to the Environmental Health Process, and Michael then concluded and made himself available for questions from the Commission.

Mr. Spata reviewed planning, zoning and development requirements associated with groundwater, water quality, etc. As the local agency in charge of planning, the Board of Supervisors is required to adopt from time to time the General Plan. The Board successfully adopted a major General Plan update last August, 2012. Within that general plan there are a number of policies that bear on the topic today as well as the duties of the Commission overall. Some of the policies that may be relevant with regards to the Counties future evaluation of monitoring and regulation in the area of government and groundwater.

According to the Water Resources policy number 1.2 groundwater monitoring, it states the County shall support the collection of monitoring data for facilities of uses that are potential sources of groundwater pollution as part of the project approvals including residential and industrial. Housing policy 2.21 states it shall require all post housing within the development boundaries of unincorporated communities either served by community water and sewer or that physical conditions permit safe treatment of liquid waste by septic tank systems and the use of private wells. More examples followed.

Michael Spata also spoke in regards to the Zoning Ordinance. Two major discretionary approvals from the zoning perspective would be changes of zone or rezone and special use permits. Within each of the categories related to those two zoning requirements, it is in essence required that the proposed project not adversely impact the public health, safety, and welfare. With regards to the subdivision ordinance, there are exceptions, section 7-01-1415 dealing with domestic water states: provisions shall be made for providing an adequate and safe supply of water, in all lots of the subdivision, and no tentative subdivision application shall be approved unless there is assurance of such an adequate and safe supply of water, etc. In essence, there is a three tier plan that touches on the issue of approving development and the effect of the quality of water.

Dennis Lehmann, RMA, Building and Housing Manager spoke in regards to building code requirements. The approach that the Building Codes take on water usage is basically conservation. The first thing we look at is the electrical permit coming into the building depending on the type of well. We see many different types of wells example domestic, large commercial, etc. California Green Code requires a 20 percent reduction of water usage. What they have done is they have set up a water usage table. They have calculated that based on the amount of people in the home and size of home and then ask that they use 20 percent less.

Mr. Lehmann stated that the first step of the building permit process is the application. A site plan is required. There is several reasons for the site plan like knowing where the septic tanks are located, etc. We ask is there is a community water service. A planning review, a building plan check review, a fire review, and a public works review. Then the information is forwarded on to Environmental Health.

Nilsa Gonzalez, Environmental Health, continued the presentation. She shared that once well drillers submit application, environmental health staff review the application to make sure it is complete and correct. Staff then reviews the site plan. Environmental Health looks for Setbacks: Have all setbacks been met, they review the site plan, perform a review of Permits Plus, review ARC View: GIS 3.3, and perform a Metroscan to confirm property owner information. A specialist will go out to the property to confirm the site plan is accurate. If all conditions are met, the permit is then issued. So, what if the location has a known contaminant?

In August 2005, Tulare County Environmental Health created the Voluntary Private Water Well Sampling Program in an effort to address private well drinking water potability. As of 2005, all new or deepened private individual domestic well owners are encouraged to test for bacteria and nitrates. Wells in the Central Valley should also test for DBCP and wells in the foothills and mountains are recommended to conduct radiological testing as well. So what if these results are above the MCL? If any test results exceed the maximum contaminant level (MCL), as determined by standards from CDPH, the property owner will be provided with information regarding the potential health effects. When an application for a private domestic well is submitted, an informational pamphlet regarding the voluntary program is distributed. If requested, the Tulare County Environmental Health staff will collect the samples from the new private domestic well.

Nilsa stated that The Tulare County Local Primacy Agency is responsible for the regulation of all small public water systems serving 5 to 200 connections, except those specifically retained for regulation by the California Department of Public Health. Currently, there is no regulatory requirement for bacteriological and chemical testing for individual private domestic wells in the State of California.

Commissioner Kapheim asked how the departments determined that the aquifer is not getting contaminated without an inspection. He asked if Ms. Gonzalez thought the current 20ft standard is appropriate.

Nilsa Gonzalez stated that it depends on the area. Environmental Health has inspectors that go out and observe the annular seal based on information that is provided for us.

Commissioner Kapheim asked Ms. Gonzalez if she feels the County should look at a 50 foot seal.

Nilsa responded by saying it is always a good idea to be open to all of the possibilities. If going down deeper prevents contamination, then that is always a positive thing to look at.

Commissioner Kapheim then asked about the old wells sitting next to new ones. It is expensive to destroy the well and he believes most old wells are not closed properly.

Nilsa Gonzalez shared that she is aware that there are wells out in the County that need to be destroyed and that is something that needs to be addressed. Discussion followed.

Commissioner Larsen stated that in the way the process was described it sounds like the most part is voluntary. It really depends on the knowledge of the person applying to know what things they should or shouldn't be reacting to.

Nilsa commented that anytime anyone drops off a well application, the front office staff will call someone from the water team to assist them and make sure they receive accurate information. All applicants are given the opportunity to ask questions.

Commissioner De Anda wanted to know in addition to destroying certain wells, what the county is doing with existing old wells. How does the county follow up?

Nilsa Gonzalez shared that when it comes to the attention of Environmental Health, staff will go out to work with the property owner to have it destroyed.

Commissioner Schafer wanted to know when a site plan is presented to Environmental Health, how far beyond that site does the department evaluate existing septic systems and leach fields of an adjacent owner. His concern is that the county has allowed these small parcels to be developed side by side to septic tanks and leach fields from the adjacent properties, thus causing the nitrate problem in the well to be caused by the adjacent property. It is a repetitive thing that he believes is one of the major problems for the nitrates in these disadvantaged communities. He asked how far out does the County look onto adjacent properties.

Nilsa Gonzalez stated it was 100 feet from the well.

Commissioner Schafer asked what record is available to check the adjacent parcel if there is 50 feet next to another parcel. Do they look at surrounding properties to see if there is any opportunity for contamination of a proposed well from an existing sewage system, septic tank, or leach field.

Nilsa stated that when they submit the site plan, staff will go out and take a look at the site. They look around for potential sources of contamination.

Dennis Lehman shared that building inspectors occasionally discover cesspool and holes in the grounds that outhouses have been put over for years and years. We have found septic tanks without permits.

Commissioner Schafer had a second question. On an Environmental Health Pamphlet a statement reads, if requested the environmental health staff will collect samples, is there a charge?

Nilsa stated there are fees and they are located in the back of the pamphlet. Discussion followed.

Commissioner Boyer asked if there are any special requirements for farmworker housing to have potable water.

Michael Spata commented on the changing nature of the landscape for requirements in ensuring that there is a safe water supply, we are going to be looking at our housing programs and ensuring that there is a adequate and safe supply of water for these developments. In line of recent events we are heading in a policy direction looking at maybe selected uses that are problematic and that is one we will be taking a look at. Discussion followed.

Kayode Kadara, Allensworth Community, mentioned that he appreciated the opportunity to comment. Some of the concerns that are very evident is arsenic. He had not heard any discussion of arsenic in the presentation. Arsenic is a problem, significantly high levels of arsenic. Mr. Kadara recommended the EH pamphlet and offered testing of private wells include arsenic. Environmental Health has been issuing permits for people to drill private in Allensworth because the Allensworth CSD currently is not allowing connections. There are new families moving into town, every single day there is a new trailer. One of the issues of concern is that several trailers are receiving water from the same well. The concern is that it is a certainty that water produced from these wells greatly exceeds the arsenic MCL, thereby creating a health hazard for families that drink this water. These wells are wells allowed by the County. When we protested, Environmental Health informed us that the County gives permit to build well. We need to preserve and protect the health of our residents. We appreciate a lot of what the County is doing for the community but this issue is something that County can do better.

Carol Clum of Three Rivers shared that there is a problem grandfathering in too. On south fork, there is a house that burned down many years ago, it is one third of an acre. There's a well and there's a septic system, the septic system is uphill of the well. A realtor bought the land and built a house. The lady had no idea and she was angry. This property rights thing, on a situation like that, is wrong because it does not address the health of the people.

Chairman Ishida asked staff to look over comments made today.

Commissioner Kapheim would like to have a follow up on what is being done for the ordinance.

Chairman Ishida asked Staff to note the request and have discussion on the matter. In regards, to not giving a building permit if there is bad water quality, he directed it to legal counsel.

5. Update on Tulare Lake Basin Disadvantage Community Water Study

Commissioner De Anda reminded everyone of the process. The Stakeholder Oversight Advisory Committee has chosen four pilots. The first pilot, management no infrastructure, has completed their PSAG and two preliminary meetings. That one is going on to the second PSAG which is scheduled for October 30th. For the new sources pilot, we have completed the PSAG meeting. The first PSAG meeting for the technical solutions pilot September 13th from 3:30-5:30. The PSAG advisory group for these pilots is mainly financial agencies, technical people, etc. They all come to the meetings to discuss their edits on the pilots. The fourth pilot, the individual households, is completing its internal review and they are still figuring out the first PSAG for the project. There will be an update to the SOAC in early December.

Chairman Ishida asked when the final report it due.

Commissioner Keller stated that there is a couple of due date requirements. There is a draft due from a consultant to the Board around the first of the year. There are two deliverables. One is the report itself, another is a separate deliverable of the recommendations related to legislation.

Commissioner De Anda said that all of the updates, minutes, agendas, and drafts of the pilots are under the Tulare County website.

6. Subcommittee Reports

Commissioner Schafer stated there is nothing to offer at this time on the nitrate subcommittee.

7. Staff Reports

None at this time.

8. Commissioners Comments

Commissioner Boyer posed a follow up question in regards to the UC Davis Dairy Report. He wanted to know if anyone has had a chance to see the status or is aware if the results are out and available to the public.

Chairman Ishida stated that he had not heard of any updates.

Commissioner Larsen mentioned it might be right to give update on the irrigated lands regulatory programs and where it is going. September 19th is when the hearing will be conducted by the Regional Board at the Radisson in Fresno where we expect they will adopt the general order. In terms of how that's going to be approached on the Kaweah, currently the Kaweah sub-water shed have officially decided that they will not continue providing coverage to landowners. They are in the process of establishing a nonprofit entity that will expand the surface water program to the surface and groundwater program. In fact, the initial board will be representatives of the association and the district wanted to make sure that is the best way to move forward.

Commissioner Brogan stated that they are still trying to figure out what to do. The district is now in Kern River Watershed Coalition. They have also been looking at the Tule Basin Water Quality Coalition as an option. What is driving them is the costs. They are trying to do what we can do in an effective method.

Commissioner Schafer shared that the Deer Creek and Tule River Authority agreed to create a special project which has been identified as the Tule Basin Water Quality Coalition. It covers 22 townships and the irrigated lands so far are about 278 thousand acres, which includes those under the dairy order that will have to be extracted. There was a landowner meeting on the 28th of last month, about two hundred growers attended and it was a good session in regards to providing landowners with an understanding of what the program would mean to them individually. They were given a map showing the boundary of the proposed coalition and were provided a copy of the grower requirements under the third party provision of the order. When the general order is adopted, the third parties have 30 days to apply for their coverage, once it's approved by the regional board staff, the growers have another 180 days in which they have an opportunity to sign up and become a member of the third party or sign up as individuals and become member of a different order.

9. Next meeting – Monday, October 14, 2013, 3:00 p.m. – Board of Supervisors Chambers

10. Adjourn

The meeting adjourned at 4:08pm.

Respectfully submitted,

Richard Schafer, Secretary
Tulare County Water Commission