

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: October 4, 2011	AGENDA NO.: 27.1
SUBJECT: Establishing the San Lucas Potable Water Subsidy Program	
DEPARTMENT: Health – Public Health	

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to implement the San Lucas Potable Water Subsidy Program, including the transfer of \$25,000 from General Fund Contingencies, Fund 001, Organization CAO020-1050-8034-7811 to Health Department Public Health Bureau, HEA003-4000-8124-CTYHO1-6613 for expenditures related to the Program (4/5th Vote Required).

SUMMARY/DISCUSSION:

This program is designed to be a three (3) month program to provide limited financial relief for existing customers of the San Lucas Water District suffering from potable water supply issues in connection with nitrate contamination. For a summary and discussion of the proposed program, please see Attachment 1. During these three months, the San Lucas Water District, along with participation from appropriate agencies, shall develop a long-term strategy to deliver potable water to clients of the San Lucas Water District.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

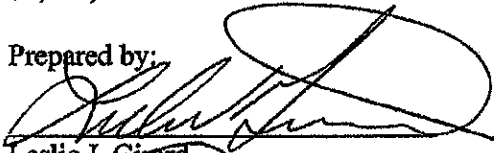
This action is not a project subject to the California Environmental Quality Act pursuant to California Code of Regulations section 15378 (b) (4) (creation of government funding mechanism), and Public Resources Code section 21080 (a) (4) and California Code of Regulations section 15269 (c) (Specific actions necessary to prevent or mitigate an emergency).

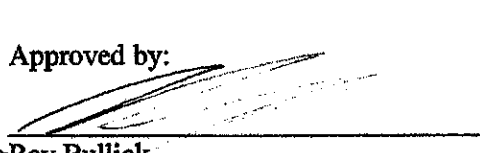
OTHER AGENCY INVOLVEMENT:

The County Administrative Office and the Office of the County Counsel concur in this action.

FINANCING:

After this transfer of \$25,000 from General Fund contingencies, the remaining balance will be \$4,788,967.

Prepared by: 
 Leslie J. Girard
 Assistant County Counsel
 Date: September 28, 2011

Approved by: 
 Ray Bulliek
 Director of Health
 Date: 9/30/11

Attachments:

Attachment 1 - San Lucas Potable Water Subsidy Program – is on file with the Clerk of the Board

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 11-327

Establishing the San Lucas Potable)
Water Subsidy Program.....)

WHEREAS, San Lucas is an unincorporated town located in the southern region of the County of Monterey ("San Lucas"). The San Lucas Water District ("District") operates the local water system which serves local residences, the San Lucas School, Post Office, and local businesses within the District's service area ("San Lucas Community"); and,

WHEREAS, the District conducted testing of the drinking water, and such testing has shown that since January 2011, drinking water provided by the District is contaminated with nitrates at levels above the national and state standards of 45 mg/l (or 45 parts per million (ppm)); and,

WHEREAS, high levels of nitrate in drinking water are associated with adverse health effects. According to the Monterey County Health Department ("Health Department"), excessive nitrates in drinking water can interfere with the oxygen-carrying capacity of the blood, a condition called methemoglobinemia ("blue baby" syndrome). Infants under six months of age are at greatest risk of methemoglobinemia. Toxic effects occur when bacteria in the infant stomach convert nitrate to more toxic nitrite. When nitrite enters the bloodstream, it interferes with the body's ability to carry oxygen to body tissues. Symptoms include shortness of breath and blueness of the skin around the eyes and mouth. Infants with these symptoms need immediate medical care since the condition can lead to coma and eventually death; and,

WHEREAS, according to the Health Department, pregnant women are at risk for developing the symptoms of methemoglobinemia, since during pregnancy methemoglobin levels increase to a higher than normal range. Furthermore, according to the Federal Environmental Protection Agency, long-term exposure to water with high nitrate levels may cause diuresis (excessive urination) and hemorrhaging of the spleen; and,

WHEREAS, in March 2011 and in July 2011 the Health Department issued notification to the District that the drinking water of the District was a health hazard for infants younger than six months and for pregnant women and ordered the use of bottled water for drinking and cooking purposes for all persons on the District system; and,

WHEREAS, on or about May 23, 2011, the Environmental Health Bureau of the Health Department ("Bureau") issued Compliance Order No. 11-006, finding that the nitrate level in the District's water supply exceeded the national and state standards and ordering the District to find an acceptable permanent water source for domestic water supply. The nitrate levels remain above national and state standards, and there is no immediate acceptable permanent water source for domestic water supply. Boiling of water contaminated with nitrates increases the concentration of nitrates. Therefore, boiling does not provide a short-term solution to the nitrate contamination of the drinking water of the District; and,

WHEREAS, nitrate contamination of the District's water supply has created a health and safety hazard, and constitutes a potential health threat; and,

WHEREAS, in order to assist the District during this potential health threat, the Monterey County Board of Supervisors desires to establish a three (3) month voluntary program to subsidize the cost of potable water for current customers of the District including the San Lucas School; and,

WHEREAS, it is therefore necessary and appropriate for the County to establish such a program; and,

WHEREAS, the District shall remain responsible to develop strategies to provide their clients potable water over the three months the program is in effect; and,

WHEREAS, the program constitutes a specific action necessary to mitigate a potential health threat, and is thus exempt from the California Environmental Quality Act, pursuant to Public Resources Code section 21084 and California Code of Regulations section 15269 (c); NOW, THEREFORE,

BE IT RESOLVED, by the Board of Supervisors of the County of Monterey as follows:

1. There is hereby established for a period of three (3) months from the effective date of this resolution the San Lucas Potable Water Subsidy Program (the "Program"), on the terms and conditions set forth in Attachment 1 to this resolution.
2. The Director of the Health Department is authorized and directed to implement the plan as set forth in Attachment 1, and to seek recovery of expenses associated with the Program from available and appropriate sources.
3. The Auditor-Controller is hereby authorized and directed to transfer \$25,000 from General Fund Contingencies, Fund 001, Organization 001-CAO020-1050-8034-7811 to Health Department Public Health Bureau, HEA003-4000-8124-CTYHO1-6613 (4/5th vote required).
4. The Health Department is authorized to consult with and assist the District on strategies to address the conditions giving rise to the potential health threat described above, and is further directed to report back to the Board of Supervisors prior to the expiration of the temporary program on its status and the efforts of the District to address the nitrate problem.

PASSED AND ADOPTED on this 4th day of October, 2011, upon motion of Supervisor Salinas, seconded by Supervisor Potter, and carried by those members present, by the following vote, to wit:

AYES: Supervisors Calcagno, Salinas, Potter, and Parker
 NOES: None
 ABSENT: Supervisor Armenta

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on October 4, 2011.

Dated: October 7, 2011

Gail T. Borkowski, Clerk of the Board of Supervisors
 County of Monterey, State of California

By 
 Deputy

SAN LUCAS POTABLE WATER SUBSIDY PROGRAM

Background:

San Lucas is an unincorporated town located in the southern region of the County of Monterey ("San Lucas"). The San Lucas Water District ("District") operates the local water system which serves local residences, the San Lucas School, Post Office, and local businesses within the District's service area. The District conducted testing of the drinking water, and such testing has shown that since January 2011, the drinking water is contaminated with nitrates at levels above the national and state standards of 45 mg/l (or 45 parts per million (ppm)).

High levels of nitrate in drinking water are associated with adverse health effects. According to the Monterey County Health Department ("Health Department"), excessive nitrates in drinking water can interfere with the oxygen-carrying capacity of the blood, a condition called methemoglobinemia ("blue baby" syndrome). Infants under six months of age are at greatest risk of methemoglobinemia. Toxic effects occur when bacteria in the infant stomach convert nitrate to more toxic nitrite. When nitrite enters the bloodstream, it interferes with the body's ability to carry oxygen to body tissues. Symptoms include shortness of breath and blueness of the skin around the eyes and mouth. Infants with these symptoms need immediate medical care since the condition can lead to coma and eventually death. According to the Health Department, pregnant women are at risk for developing the symptoms of methemoglobinemia, since during pregnancy methemoglobin levels increase to a higher than normal range. Furthermore, according to the Federal Environmental Protection Agency, long-term exposure to water with high nitrate levels may cause diuresis (excessive urination) and hemorrhaging of the spleen.

In March 2011 and in July 2011 the Health Department issued notification to the District that the drinking water of the District was a health hazard for infants younger than six months and for pregnant women and ordered the use of bottled water for drinking and cooking purposes for all persons on the District system.

On or about May 23, 2011, the Environmental Health Bureau of the Health Department ("Health Bureau") issued Compliance Order No. 11-006, finding that the nitrate level in the District's water supply exceeded the national and state standards and ordering the District to find an acceptable permanent water source for domestic water supply. The nitrate levels remain above national and state standards, and there is no immediate acceptable permanent water source for domestic water supply. Boiling of water contaminated with nitrates increases the concentration of nitrates. Therefore, boiling does not provide a short-term solution to the nitrate contamination of the drinking water of the District.

Problem:

Nitrate contamination of the District's water supply has created a health and safety hazard, and constitutes a potential public health threat.

Proposed Emergency Interim Solution and Program Scope:

The Monterey County Board of Supervisors proposes a voluntary program to subsidize the cost of potable water for customers of the District. The County proposes this program for three (3) months. This program will be implemented to allow the District time to develop a strategy to provide its customers potable water.

Specific Eligibility Requirements and Processing Information:

1. Eligibility is restricted to domestic use customers of the District, including the San Lucas School, and potable water will be supplied to such customers based upon a list provided by the District.
2. Eligible customers will receive 25 gallons of potable water per residence per week and the San Lucas School will receive 100 gallons per week. The number of gallons delivered per residence may change as directed by Environmental Health Bureau staff.
3. Environmental Health Bureau staff may implement other procedures as necessary to implement the Program.