

HOW DID WE GET  
HERE?

## **COUNTY HEALTH OFFICER AUTHORITY IS LIMITED TO:**

- Enforce orders & ordinances adopted by the Board of Supervisors [§101030(a)]
- Enforce orders prescribed by the State Department of Public Health [§101030(b)]
- Enforce State Statutes related to Public Health [§101030(c)]
- Issue orders to prevent the spread of contagious, infectious, & communicable diseases [§101029]
- Take preventative measures to protect public health during wartime, state or local emergencies. [§101040]

**SOMETIME PRIOR TO 2002, THE EH DEPARTMENT DECIDED :**

- Hauled water is not “potable” so it cannot be used for new developments.
- New developments should prove they will never have to rely on hauled water.

**IN 2003, THE EH DEPARTMENT “MADE UP” NEW POLICIES:**

- New developments shall not rely on hauled water.
- New wells shall meet excessive yield requirements to preclude any future reliance on hauled water.

**PROPERTY OWNERS NOT MEETING THE WELL YIELD REQUIREMENTS WERE DENIED BUILDING PERMITS**

**THE NEW EH DEPARTMENT POLICIES RENDERED THOUSANDS OF PARCELS IN LOS ANGELES COUNTY WORTHLESS**

**BUT, THE HEALTH DEPARTMENT HAD A LITTLE PROBLEM  
WITH THE HAULED WATER AND WELLYIELD POLICIES:**

- The Board of Supervisors had never adopted any ordinance declaring that hauled water was not “potable”
- The Board of Supervisors had never adopted any ordinance prohibiting development that relies on hauled water.
- The Board of Supervisors had never adopted any ordinance requiring well yield tests.
- The State DPH never issued orders authorizing the policy.
- The State legislature had never adopted legislation authorizing the policy.

**SO, THE ENVIRONMENTAL HEALTH DEPARTMENT APPARENTLY  
HAD NO AUTHORITY TO IMPLEMENT THESE NEW POLICIES.**

**IN 2005, THE HEALTH DEPARTMENT RECOMMENDED THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED LICENSING AND PERMIT FEE ORDINANCE**

**THE ORDINANCE ALSO INCLUDED “TECHNICAL AND NON-SUBSTANTIVE CHANGES”**

**THESE “NON-SUBSTANTIVE “CHANGES INCLUDED WELL YIELD TESTING REQUIREMENTS APPLICABLE TO NEW & EXISTING WELLS**

**EH IMMEDIATELY IMPOSED A MINIMUM WELL YIELD STANDARD:**

- Without engineering studies
- Without community input or involvement
- Without reasonable justification or a “needs” assessment
- Perhaps even without any authority granted by the Board of Supervisors

# THE “NON-SUBSTANTIVE” CHANGES REQUIRE THAT NEW & EXISTING WELLS COMPLY WITH DW CHEMICAL STANDARDS

Arsenic	Aluminum	Antimony	Asbestos	Barium
Beryllium	Cadmium	Chromium	Cyanide	Fluoride
Mercury	Nickel	Nitrate	Nitrite	Perchlorate
Selenium	Thallium	Benzene	Carbon Tetrachloride	1,2-Dichlorobenzene
1,4-Dichlorobenzene	1,1-Dichloroethane	1,2-Dichloroethane	1,1-Dichloroethylene	Dichloromethane
c1,2-Dichloroethylene	t-1,2-Dichloroethylene	1,2-Dichloropropane	1,3-Dichloropropene	Ethylbenzene
Methyl- <i>tert</i> -butyl ether	Monochlorobenzene	Styrene	Tetrachloroethylene	Toluene
1,2,4-Trichlorobenzene	1,1,1-Trichloroethane	1,1,2-Trichloroethane	Trichloroethylene	Vinyl Chloride
Trichlorofluoromethane	Xylenes	1,1,2-Trichloro-1,2,2-Trifluoroethane	1,1,2,2-Tetrachloroethane	

## STATE & FEDERAL DRINKING WATER STANDARDS:

- Developed through cost-benefit analyses, detection limits, & health risk data
- Cost impacts are wholly dependent upon “economies of scale”
- In the cost/benefit analysis developed for the arsenic standard, the smallest water system EPA considered was 100 service connections.
- Neither EPA nor the state considered cost impacts to private residential wells

## **IMPLEMENTATION OF THE ORDINANCE BY EH HAS RENDERED EVEN MORE PARCELS IN LOS ANGELES COUNTY WORTHLESS**

### **HEALTH DEPARTMENT OFFICIALS ADMIT:**

- There are no background reports, impact assessments, engineering studies, working papers, or other documentation to support the EH ordinance requirement that new and existing wells comply with chemical DW standards.
- EH relied solely on state and federal studies that never considered individual residential well systems.
- The well yield provisions contained in the ordinance were motivated by the 2003 policies related to hauled water.
- The 2003 policies never considered residential water use profiles and thus are inapplicable in determining sufficiency “for the purpose of obtaining a building permit”. They are therefore inconsistent with the ordinance & County Code.

## **SOME GOOD NEWS:**

- These issues were never identified or discussed in the Board Package
- The chemical standard and well yield requirements were described only as “technical and non-substantive” changes
- The Board Package failed to consider the fiscal impacts of the chemical standard and well yield requirements including the loss of millions in property tax revenue.
- The Board Package failed to consider CEQA
- It is possible (even plausible) that the BOS was unaware of the new chemical standard compliance requirements imposed by the ordinance.

**ALSO, THERE APPEARS TO BE NO COUNTY ORDINANCE, STATE STATUTE, OR CDPH ORDER PROHIBITING THE USE OF HAULED WATER FOR NEW DEVELOPMENTS**