

MEMORANDUM

TO: Lake County Board of Supervisors
Honorable Bruno Sabatier, Chair

FROM: Scott Harter, Administrator

SUBJECT: Grand Jury Report Response

DATE: August 5, 2021

Per the request of the Administrative Office, please accept this response to the 2020-2021 Grand Jury Report, "We the People". This department worked in collaboration with the County Counsel's office and I'm providing responses to the findings and recommendations relevant to my department.

F1. – Multiple County agencies failed to adequately respond to a serious sewage/pollution spill into the Lake. This lack of response occurred despite assertions of staff that 'strike teams' had been established to be deployed when necessary. (R1)

The Board disagrees with this finding. There was significant response from multiple County agencies (Water Resources, Environmental Health, Special Districts, County OES, elected officials), State agencies (Department of Fish and Wildlife, Department of Housing and Community Development), and Tribal representation (Big Valley Environmental Director). However, this manhole was installed in 1981 when the jurisdiction responsible for sewer collection at that location was the City of Lakeport. In the intervening 40 years there is no record of that manhole, which is located on private property behind a significant block wall, being maintained by any public agency. There is no record of the City of Lakeport providing maintenance on that manhole. When responsibility for this portion of the sewer collection system was transferred from the City to the Lake County Sanitation District (County), this manhole was not identified as a public asset to be maintained by the District. There is no record of Lake County providing maintenance for this manhole, however there is documentation preceding this spill that the property owner was advised responsibility for this manhole was theirs not the Districts. Special Districts was advised of this spill at 14:23 on April 8, 2019, staff responded, confirmed, and documented with video that the public sewer system was clear and flowing. The property owner (Park A) and reporting party was advised that this sewer spill was a private party spill which they were responsible for. In spite of this information they allowed the spill to continue for 24 hours. As noted in the following 24 hours there was significant response from multiple agencies with the official finding of the County Environmental Health Department being that the property owner of Park A was responsible for this spill. The reporting party finally contracted with a private septic company who arrived on site at 13:30 on April 9, 2019 and cleared the blockage by 14:30 on April 9, 2019 twenty-four hours after they were first notified they were responsible. This significant and serious sewage spill into the lake could have had a much smaller impact had the responsible party taken action in a timely fashion.

F15. – The proffered 'compromise' hinged on statements that the lateral entered into the main sewer line at a 90° angle. There is no supporting evidence (industry standards, construction documentation, direct video examination by the county) to indicate that is

factual. Visual inspection and reporting by the commercial firm retained for the April 9, 2019 spill by the property owner directly refutes that notion. (R6, R7)

The Board disagrees with this finding. Photo documentation, record drawings, and on site verification show the lateral exiting the private manhole in a northeasterly direction. Record drawings and on site verification also confirm the entrance into the District manhole of the same lateral is in the northwest quadrant of the manhole and the initial length of pipe runs that same direction. A simple observation of the geometry of these two segments verify that they are approximately 90 degrees out of alignment, for the pipe to be continuous it is evident there is an angled fitting inline. The presence of this substandard fitting is also borne out by the District's inability to navigate our wheeled camera or our cleaning equipment through the lateral, both of which successfully navigate approved, and to standard, longer radius fittings.

F16. – While no other 'major spill' has occurred at the specific site since April 2019, based on significantly reduced rainfall (which can be a large contributing factor) it is possible another occurrence could happen if circumstances alter significantly in the upcoming years. (R7)

This is an accurate statement and the Board agrees with this finding. Various circumstances, including FOG in the upstream mobile home parks, can contribute to a potential future spill if the private manhole and lateral is not maintained properly.

F17. – The State documented 15,000 gallons of raw sewage entered the Lake. This occurred during the 24 hour period between the first reporting of the leak to the County department and the completion of the State inspection and report. Water usage by Park A averaged less than 3000 gallons a day (established by water bills) and an assumed equal amount is expected for similar sized Park B. The combined 6,000 gallons per day is significantly short of the 15,000 gallons documented. Raw sewage from the main system had to be 'back flowing' into the lateral and became the largest percentage of the material entering the Lake. (R7)

The Board disagrees with this finding. The report made to the State regarding the spill and the estimated spill volume was provided by a member of the County Water Resources staff not State staff as implied. This estimate, by admission of the staff member, is a rough estimate. Information available through the California Office of Emergency Services regarding the spill was not verified or gathered by the State. The average water use reported in this finding was likely gathered from the 2 month billing cycle to establish average daily use. As such it is certainly useful for averages but cannot be stated to be the actual water used by the parks during the duration of the spill. Without actual water meter readings at the start and end of the spill event, the assumed water usage data is anecdotal at best. Regarding the finding of raw sewage 'back flowing' into the lateral and spilling out of the private manhole, simple physics excludes this possibility. The County has video documentation of the spill occurring at the private manhole while the public manhole and collection system is flowing freely at an elevation 5' lower at the same time. There are no pumps which would force raw sewage back into the private manhole and lift it 5 feet or more to spill out the top and water/sewage does not flow uphill on its own. The obvious conclusion is that there was a blockage in the private lateral and

the wastewater originating in both Park A and Park B spilled out of the private sewer manhole with no contribution of sewage from the public sewer system involved in the spill. Additionally, Lake County Environmental Health determined that the private party (Park A) was wholly responsible for the illicit discharge. The sewer district was not determined to be responsible in any way for contributing to the spill.

R6. To forego a new spillage problem occurring, but with deference to the legal complexities surrounding a final resolution, a temporary solution comprised of:

- a) **Reclassify the multi-property lateral as ‘public’ pending final outcome (as concluded by the 3rd party independent engineering report.) A sunset date can be placed on this action.**
- b) **Assign responsibility for dealing with back-ups/overflows of this lateral to the Special Districts that has the equipment and trained staff to deal with such issues. This should be tied to the final outcome. A sunset date can be placed on this action.**
- c) **Obtain written approval for 24/7 access to the lateral manhole/maintenance opening on Park A property from the property owner.**
- d) **A means of stopping backflow leakage from the lateral access point to the affected storm drain (as simple as sized metal plates held in place by sand bags) should be planned and developed for potential future lake pollution occurrences at this site.**

The County, and – as necessary – the several property owners should work towards a final plan and proposal to be met before the expiration of the sunset date. (F14, F15)

R6.a) The recommendation will not be implemented because it is not warranted or is not reasonable. Contrary to the implication that the 3rd party independent engineering concluded the lateral is public their supplemental report states, “The approved plan showed the existing 6-inch sanitary line on public property, but the existing 6-inch sanitary line was actually on private property. **The ownership of the 6-inch sanitary line could not be determined from the Supplemental Information** (emphasis added).” The recommendation to reclassify the lateral as ‘public’ also acknowledges that it is not currently classified as public. The lateral is not classified as a public lateral and the expenditure of public funds to maintain private infrastructure is not warranted.

R6.b) The recommendation will not be implemented because it is not warranted or is not reasonable. As noted above this lateral is not classified as a public lateral and the expenditure of public funds on private infrastructure is not warranted. Furthermore, although Special Districts does have equipment and trained staff to maintain public sewer collection systems a previous attempt to clear this lateral as a courtesy to the owner was unsuccessful. The lateral is not constructed to District standards and District equipment physically cannot maintain it. As such it is not reasonable to require the District to maintain a private lateral which they cannot maintain with the equipment they currently own.

R6.c) The recommendation will not be implemented because it is not warranted or is not reasonable. The County will not be implementing the recommendation to assume maintenance

of the private lateral so there is no need to obtain written approval for 24/7 access to the lateral from the property owner.

R6.d) The recommendation will not be implemented because it is not warranted or is not reasonable