

HEALTH AND HUMAN SERVICES ENVIRONMENTAL HEALTH DIVISION COMPLAINT 99A-09

Summary

Placer County Health and Human Services Agency provides a myriad of services for citizens of the County. Environmental Health Division is an important element of these services.

The 1999-2000 Placer County Grand Jury interviewed some of the key County employees of Health and Human Services who oversee Environmental Health, specifically in the area of hazardous materials. During this investigation the Grand Jury discovered that while commercial enterprises and private citizens must file Hazardous Materials Release Response Plans, cities, counties and special districts are not required to do so. This is based on an opinion from the California Attorney General, who determined that cities, counties and special districts are not “businesses.”

However, the Grand Jury found in its research that any county may enact an ordinance—with or without a fee impact—which would bring these government agencies under the same scrutiny as businesses and private individuals.

The Grand Jury urges the Placer County Board of Supervisors to enact a county ordinance to bring any and all government entities, specifically, county, city and special districts, under the purview of Environmental Health Division on par with businesses.

Discussion

In an earlier opinion, State Attorney General Daniel E. Lungren rendered a response to a request by Ventura County Counsel.

The question was: “Are cities, counties and special districts ‘businesses’ required to prepare hazardous materials release response plans under the provisions of the Hazardous Materials Release Response Plans and Inventory Act?”

The Attorney General’s opinion was that they are not, since Assembly Bill 2185, when enacted, did not contain its original reference to “public entities.” Placer County complied with that opinion effective January 1, 1996.

However, neither the law nor the opinion preclude any county or city from enacting ordinances assuming over-sight responsibility for the environmental health and welfare actions of government entities within its boundaries.

The Environmental Health Division is mandated to:

1. Protect the health of residents through inspections
2. Test building sites and issue permits for septic and water systems
3. Protect the public through registration of hazardous material storage sites and monitor the cleanup of hazardous chemical spills, including the cleanup of leaking storage tanks.

The Grand Jury concludes that no county agency, city or special district within the boundaries of Placer County should be exempt from the County's environmental health concerns, and recommends that an ordinance to that effect be adopted by the Placer County Board of Supervisors.

Finding

County, city and special districts within Placer County, effective January 1, 1996, have not been required to comply with the provisions of the Hazardous Materials Release Response Plans and Inventory Act (AB 2185) under the County's Environmental Health Division of Health and Human Services.

Recommendation

The Grand Jury recommends that the Placer County Board of Supervisors adopt an ordinance giving the Placer County Health and Human Services Agency oversight responsibility for county, city, and special district compliance with the Hazardous Materials Release Response Plans and Inventory Act (AB 2185).

Respondents

Placer County Board of Supervisors
Placer County Executive Officer
Placer County Health and Human Services Director

RESPONSE REQUIRED WITHIN 90 DAYS TO:

The Honorable Larry D. Gaddis
Presiding Judge, Superior Court
County of Placer
Historic Courthouse
101 Maple Street
Auburn, CA 95603