



RESOLUTION No. 20-403

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION RATIFYING A LOCAL HEALTH EMERGENCY PROCLAMATION BY THE NEVADA COUNTY PUBLIC HEALTH OFFICER DUE TO THE IMMEDIATE PUBLIC HEALTH THREAT CAUSED BY HAZARDOUS WASTE AND DEBRIS FROM THE JONES FIRE

WHEREAS, California Health and Safety Code sections 101075, et seq, authorize the proclamation of a local health emergency by the Public Health Officer for any area of the County affected by hazardous waste which poses an immediate threat to public health; and

WHEREAS, on August 17, 2020, in the early morning hours, a wildfire commenced near Jones Bar Rd. northwest of Nevada City, which was subsequently named the "Jones Fire;" and

WHEREAS, the Jones Fire resulted in mass mandatory and voluntary evacuations and the destruction of multiple homes and structures; and

WHEREAS, the wider health implications from spreading air, water and land pollution are of concern after a Wildfire Event. Access to affected areas and communication with populations living within them is crucial in mitigating risk. Exposure to Land/soil contaminated by the chemical products of burning vegetation, from soil erosion caused by vegetation removal during the fire, or from suspended dust dispersed through the air; water contamination, caused by particulate matter deposition on water or leachates from the land directly affected by fire. Ash debris can increase heavy metal accumulations (copper, lead, zinc, arsenic, and cadmium) in local water tributaries, rivers and streams. The increased load of said metals could have long-term health and environmental effects for residents, visitors and wildlife; and

WHEREAS, on August 18, 2020, the Governor of California declared a statewide emergency to help ensure the availability of vital resources to combat fires burning across the state, which were exacerbated by the effects of the historic West Coast heat wave and sustained high winds; and

WHEREAS, on August 18, 2020, the Director of Emergency Services for the County of Nevada proclaimed a local emergency due to conditions of extreme peril resulting from the Jones Fire; and

WHEREAS, on August 18, 2020, the Federal Emergency Management Agency (FEMA) issued a Fire Management Assistance Declaration (FM-5332-CA) pertaining to the Jones Fire; and

WHEREAS on August 18, 2020, the Governor of California secured two Fire Management Assistance Grants (FMAGs) from FEMA to help ensure the availability of vital resources to suppress the LNU Lightning Complex Fire burning in Napa County and the Jones Fire in Nevada County, thereby allowing local, state, and tribal agencies responding to the fires to apply for 75-percent reimbursement of their eligible fire suppression costs; and

WHEREAS, on August 25, 2020, per Resolution 20-388, the Nevada County Board of Supervisors proclaimed a local emergency in Nevada County due to the impacts caused by the Jones Fire, and requested that the Governor declare a State of Emergency for the County of Nevada; and

WHEREAS, the Jones Fire caused damage and destruction to multiple homes and structures resulting in the accumulation of ash debris, much of which is contaminated with heavy metals, asbestos, and/or other hazardous waste which create an immediate risk of exposure and threat to public health and safety by County residents and local agency employees; and

WHEREAS, based on this risk, on August 27, 2020, the Nevada County Public Health Officer proclaimed the existence of a Local Health Emergency within the areas burned by the Jones Fire due to hazardous waste in the form of fire debris and debris ash, and the potential contamination of residential food and water supplies, a copy of which is attached hereto as Exhibit A; and

WHEREAS, Health and Safety Code section 101080 provides that a local health emergency declared by a local health officer must be ratified by the board of supervisors within seven (7) calendar days of the date said local health emergency was declared; and

WHEREAS, on March 20, 2020, the Governor of California Proclaimed a State of Emergency due to the outbreak of COVID-19, which suspends during the statewide emergency the 30-day time period under Health and Safety Code section 101080 within which a local governing authority must renew a local health emergency; and

WHEREAS, emergency conditions continue to exist and local resources continue to be unable to cope with the effects of said local health emergency, necessitating ratification and continuation of the declaration of Local Health Emergency.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Nevada, State of California hereby finds and directs that:

1. The above recitals are true and correct.
2. The August 27, 2020, Local Health Emergency Proclamation by the Nevada County Public Health Officer due to hazardous waste and debris from the Jones Fire and any actions taken pursuant to said resolution are hereby ratified and confirmed by the Board of Supervisors of the County of Nevada. The Board of Supervisor also affirms the findings and determinations made by the Public Health Officer in connection with said Proclamation.
3. Pursuant to California Health and Safety Code section 101080, the Board of Supervisors shall review and reaffirm the need for continuing the Local Health Emergency Proclamation according to law.
4. The Director of Emergency Services or his designee shall immediately forward a copy of this resolution to the Director of the California Office of Emergency Services, the Department of Toxic Substances Control and any other state agencies who may be requested or required to provide services with regard to this local health emergency in order to protect the public health and safety.
5. County personnel are authorized to seek out all permissible reimbursement of eligible fire suppression costs incurred by the County of Nevada through Fire Management Assistance Grants (FMAGs) from FEMA and any and all other state and federal funding sources.

6. During the existence of said local health emergency the powers, functions, and duties of the Public Health Officer or his designee, and the emergency organization of the County shall be those prescribed by state law (including but not limited to Health and Safety Code sections 101040 and 101075, et seq), local ordinances and resolutions of this county approved by the Board of Supervisors, and by the Nevada County Operational Area Emergency Operations Plan, as approved by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 1st day of September, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

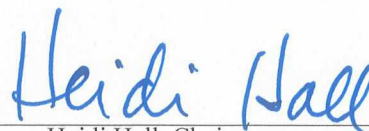
Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: _____



Heidi Hall, Chair

EXHIBIT A

LOCAL HEALTH EMERGENCY PROCLAMATION BY THE NEVADA COUNTY PUBLIC HEALTH OFFICER DUE TO IMMEDIATE PUBLIC HEALTH THREAT CAUSED BY HAZARDOUS WASTE AND DEBRIS FROM THE JONES FIRE

WHEREAS, California Health & Safety Code sections 101075, et seq, authorize the proclamation of a local health emergency by the Public Health Officer for any area of the County affected by hazardous waste which poses an immediate threat to public health; and

WHEREAS, Health & Safety Code section 101080 provides that a local health emergency proclamation shall expire unless ratified by the Board of Supervisors within seven days; and

WHEREAS, on August 17, 2020, in the early morning hours, a wildfire commenced near Jones Bar Rd. northwest of Nevada City, which was subsequently named the “Jones Fire;”

WHEREAS, the Jones Fire resulted in mass mandatory and voluntary evacuations and the destruction of multiple homes and structures; and

WHEREAS, on August 18, 2020, the Governor of California declared a statewide emergency to help ensure the availability of vital resources to combat fires burning across the state, which were exacerbated by the effects of the historic West Coast heat wave and sustained high winds; and

WHEREAS, on August 25, 2020, the Nevada County Board of Supervisors proclaimed a local emergency in Nevada County due to the impacts caused by the Jones Fire, and requested that the Governor declare a State of Emergency for the County of Nevada; and,

WHEREAS, the Public Health Officer for the County of Nevada hereby finds and determines that:

1. The Jones Fire in Nevada County, commencing on August 17, 2020, caused significant structural damage to, or the complete destruction of, numerous private structures, resulting in the accumulation of ash debris, much of which is subject to contamination with heavy metals, asbestos, and/or other hazardous waste.
2. The release or escape of the above-mentioned conditions of hazardous waste poses a substantial immediate threat and hazard to public health and safety unless immediately addressed and managed.

3. There is an imminent and proximate threat of contagious, infectious or communicable disease, chemical agent and/or non-communicable biologic agent, and/or other toxins, due to accumulations of perishable foods and other organic materials that normally require refrigeration but have been left to spoil due to electricity disruption, and also due to potential contamination or destruction of residential and commercial water supply in the burned areas.
4. The circumstances of the accumulation of this hazardous waste, contaminated debris, perishable items and potential contamination or destruction of water supplies and the need to immediately remove hazardous waste and debris and abate the above-referenced conditions are, or are likely to be, beyond the control, capacity, and resources of the services, personnel, equipment, and facilities of Nevada County.
5. The Nevada County Board of Supervisors is not in session and cannot immediately be called into session.
6. This Declaration will enable the County of Nevada to more effectively respond to the immediate public health threat caused by the Jones Fire, seek and utilize mutual aid, and pursue any available financial reimbursement sources for the costs incurred in responding to this local health emergency.
7. The aforesaid threat to public health necessitates the proclamation of the existence of a local health emergency in accordance with California Health & Safety Code section 101075, et seq.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Public Health Officer for the County of Nevada that as of August 27, 2020, a local health emergency is now threatened to exist in areas burned and impacted by the Jones Fire due to hazardous waste in the form of debris, debris ash, and the presence of other hazardous materials, and due to the potential contamination of residential food and water supplies.

IT IS FURTHER PROCLAIMED that state and local agencies are in the process of finalizing a program to remove both hazardous and non-hazardous debris from structures through which the fire burned.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the Nevada County Public Health Officer shall be those prescribed by state law, including but not limited to the provisions of Sections 101040 and 101085 of the California Health and Safety Code, and by ordinances and resolutions of Nevada County, and that this emergency proclamation shall

expire 7 days after its issuance unless confirmed and ratified by the Nevada County Board of Supervisors within that period of time.

Dated: August 27, 2020

By: Richard O. Johnson, M.D., MPH
Richard O. Johnson, M.D., MPH (Aug 27, 2020 14:30 PDT)

Dr. Richard Johnson, MD
Interim Public Health Officer
County of Nevada