



# **RESOLUTION No. 21-365**

## **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

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

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

WHEREAS, on August 4, 2021, in the afternoon hours, a wildfire commenced near the Bear River Campground, immediately west of Colfax, referred to as the "River Fire;" and

WHEREAS, the River Fire has caused mass mandatory and voluntary evacuations and the destruction of multiple homes and structures and has consumed over 2,400 acres, necessitating a unified command response by Cal FIRE, the Nevada County Consolidated Fire Protection District, Peardale Chicago Park Fire District, and Higgins Fire Protection District; and

WHEREAS, on August 4, 2021, at approximately 3:00 p.m., Nevada County commenced emergency services opening its emergency shelters to provide food, shelter, emergency supplies, social services, medical attention, and transportation for evacuees and their animals, as well as other necessary services to address the rapidly changing and emergent circumstances created by the River Fire; and

WHEREAS, on August 5, 2021, the Assistant Director of Emergency Services for the County of Nevada proclaimed a local emergency due to conditions of extreme peril resulting from the River Fire; and

WHEREAS, on August 5, 2021, California secured a Fire Management Assistance Grant from the Federal Emergency Management Agency to help ensure the availability of vital resources to suppress the River Fire; and

WHEREAS, the River Fire has already 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 6, 2021, the Nevada County Deputy Public Health Officer proclaimed the existence of a Local Public Health Emergency within the areas burned by the River Fire due to hazardous waste in the form of debris and debris ash from fire 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 thirty (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 6, 2021, Local Health Emergency Proclamation by the Nevada County Deputy Public Health Officer due to hazardous waste and debris from the River 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 Deputy 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. The County is authorized to seek out all permissible reimbursement of eligible fire suppression costs incurred by the County of Nevada through Fire Management Assistance Grants from the Federal Emergency Management Agency 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 10<sup>th</sup> day of August, 2021, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Dan Miller, Chair

8/10/2021 cc: PH (1)  
AC\*

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

**WHEREAS**, California Health & Safety Code sections 101075, et seq., authorize the proclamation of a local health emergency by the Public Health Officer, or their designee, 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 (7) days; and

**WHEREAS**, on August 4, 2021, in the afternoon hours, a wildfire commenced near the Bear River Campground, which was subsequently named the "River Fire;" and

**WHEREAS**, the River Fire resulted in mass mandatory and voluntary evacuations and the destruction of multiple homes and structures and has consumed over 2,400 acres, necessitating a unified command response by Cal FIRE, the Nevada County Consolidated Fire Protection District, Peardale Chicago Park Fire District, and Higgins Fire Protection District; and

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

1. The River Fire in Nevada County, commencing on August 4, 2021, 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 River 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 Deputy Public Health Officer for the County of Nevada that as of August 6, 2021, a local health emergency is now threatened to exist in areas burned and impacted by the River 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 seven (7) days after its issuance unless confirmed and ratified by the Nevada County Board of Supervisors within that period of time.

Dated: August 6, 2021

By: Glennah Trochet M.D.  
Glennah Trochet M.D. (Aug 6, 2021 14:41 PDT)  
Glennah Trochet, MD  
Deputy Public Health Officer County of  
Nevada