

2021 – 2022 KERN COUNTY GRAND JURY

**FRAZIER PARK
PUBLIC UTILITY DISTRICT**

April 14, 2022

FRAZIER PARK PUBLIC UTILITY DISTRICT

SUMMARY:

The Frazier Park Public Utility District (District) serves the mountain community of Frazier Park. Approximately 2,500 people have relied on the District for over 90 years. Recently in a posted notice, the District informed Frazier Park residents not to drink or boil the water because of high nitrate contamination. The news media also alerted residents of the problem. The District is currently in the process of implementing a remediation program. The District is also annexing the Lake of the Woods Mutual Water Company (LOWMWC) by request of California State Water Resources Control Board (CSWRCB).

The question before this Grand Jury and the public is: Can this problem be adequately remediated? Is the health of residents in jeopardy?

PURPOSE OF INQUIRY:

The District was last reviewed by the Kern County Grand Jury in 2016-2017. Two newspaper articles reported the potable water exceeded a component's maximum contaminant level. Because of the seriousness of this water issue, the 2021-2022 Kern County Grand Jury (Grand Jury) has conducted an investigation, per California Penal Code §933.5.

METHODOLOGY:

The Grand Jury viewed two ZOOM Board Meetings, December 16, 2021, and January 13, 2022, and conducted interviews with the staff and a Board member. A tour of the District, including Well 5 (the contaminated well), was also conducted. Previous Grand Jury Reports were also reviewed.

DISCUSSION OF FACTS:

Frazier Park, nestled in Cuddy Canyon in the San Emidio Mountains of the Tejon Pass, is an unincorporated community in southern Kern County. The earliest record relating to Frazier Park was a report in 1854, regarding lumber being cut from Frazier Mountain trees for use at the army post at nearby Fort Tejon. The Kitanemuk Indian Tribe referred to the site as *Campo Del Soldado* (soldier's camp). The community was established in 1925, by Harry McBain, who named it Frazier Park the following year after Frazier Mountain in neighboring Ventura County. At an elevation of 4,639 feet, the community is bordered by the Los Padres National Forest.

It also served as a film location for the popular television show “The Waltons,” and is a popular area for hikers and campers.

Frazier Park Public Utility District is located just north of the southern border of Kern County with Ventura County. The population of Frazier Park was 2,691 in the 2010 census and a population of 2,592 in the 2020 census. The District serves the community by delivering domestic water. They have about 1,300 hook-ups. It also serves El Tejon Elementary School. The District serves its residents using two springs, four wells and eleven tanks.

- A. The District is governed by a five member elected Board of Directors (Board). To be eligible, members must be registered voters and live in District boundaries. Each member is elected to staggered four-year terms using the two-year voting cycle.
- B. The Board meets on the second and fourth Thursday of every month at 6:00 PM in the District offices located at 4020 Park Drive, Frazier Park, California. Members are compensated \$100 each time they meet to conduct District business. The Board meetings are conducted via ZOOM and soon will return to in-person. Information to join on ZOOM is contained on the website: www.frazierparkwater.com
- C. The Board members and other required personnel have completed mandated Ralph M. Brown Act and the Fair Political Practice Commission training.
- D. The District posts their Agendas and Board meeting minutes on the website.
- E. The Financial Balance Sheet of December 2021, shows the following information:

Total Income	\$127,466.61
Total Expense	<u>\$ 79,282.35</u>
Net Income	\$ 48,184.20

- F. The employees consist of a General Manager, two office staff, two field technicians, each with state water certifications, and one field technician vacancy. Because of the location and possible weather restrictions, staff, especially field technicians, should live in the District. This has made it difficult to fill the vacancy. One field technician is on call after-hours and on weekends. There is also a second technician on back-up and must remain within 45 minutes of the District in the event of an emergency.
- G. The entire delivery system has outlived its expected viable life of 50 years. As informed by staff, there are no valves installed in the main line to isolate sections. According to reports reviewed, the water leakage averages about 35% per month. The field technicians attempt to patch water main leaks quickly. They find the steel pipes of the original system quite fragile.
- H. The water sample submitted to the testing laboratory on June 19, 2021, reported an unacceptable 11 parts per billion (ppb) of nitrate in Well 5. The acceptable level as established by the CSWRCB is 10 ppb.

- I. Nitrate is highly soluble and readily moves with water through layers of soil. Nitrate in water is undetectable without testing because it is colorless, odorless, and tasteless. Boiling water before use is not recommended as this concentrates the nitrate.
- J. *Nitrate is a form of nitrogen that occurs naturally in the environment and is introduced from human and animal sources. Nitrogen is the nutrient most often applied for lawn and garden care and crop production to increase productivity. Feedlots, animal yards, septic systems, and other waste treatment systems are additional sources of nitrogen that are carried in waste.* (Drinking Water Contaminant – Nitrate, Cooperative Extension, USDA, National Institute of Food and Agriculture, August 23, 2019)
- K. The potential health effects of nitrate in drinking water are: *The acute health hazard associated with drinking water with nitrate occurs when bacteria in the digestive system transform nitrate to nitrite. The nitrite reacts with iron in the hemoglobin of red blood cells to form methemoglobin, which lacks the oxygen-carrying ability of hemoglobin. This creates the condition known as methemoglobinemia (sometimes referred to as “blue baby syndrome”), in which blood lacks the ability to carry sufficient oxygen to the individual body cells.* (Drinking Water Contaminant – Nitrate, Cooperative Extension, USDA, National Institute of Food and Agriculture, August 23, 2019)
- L. A letter in English and Spanish, was sent to each consumer on July 9, 2021, informing them of the test results. They included the health risks and warned of not boiling the water as a remedy.
- M. The California State Water Resources Control Board requires the District to continue sending this letter to the consumer each month, and must be sent until the nitrate level remains at no higher than 80% (8 ppb) of maximum level for four quarters (one year). The letter must contain the latest nitrate level and a section entitled, “What should I do?” with different warnings. The letter also contains a portion, “What happened? What is being done?” explaining what the District has done to correct the situation quickly and how they are progressing toward a permanent remedy. Contact information is also included.
- N. The letter mailed on February 17, 2022, informed the consumer the water contained a nitrate level at 8.2 ppb. It also informed the constituents of the following: *Within the next few months, to comply with the nitrite MCL, we have ordered a real time nitrate analyzer, and after it is delivered, we will have it installed. If nitrates exceed the legal limits it will send us a warning and the well will be shut off until we determine how we will proceed. For the long term solution, we have gone out to bid to drill a new well to replace well 5. We are currently waiting on the timetable from the contractor on when we will start the drilling process. We are hoping to have the new well drilled and online by the end of Summer....*
- O. At the request of the State of California, the District is in the process of annexing Lake of the Woods Mutual Water Company, located three miles west of the District.

They currently have about 300 hookups. According to District staff, the agreement to annex LOWMWC was agreed to if the current District constituents were not financially affected. Frazier Park is a severely disadvantaged community.

- P. The project consists of three main phases: The Pre-Planning Phase; Planning Phase; and Construction Phase. This project is being accomplished by agreement with the CSWRCB, paid for with grants under the Safe Drinking Water State Revolving Fund Law of 1997 and Proposition 1 Funding.
- Q. The annexation began in 2014, however, a completion date has not been established. They are currently in the Planning Phase. To complete the annexation, LOWMWC is installing remote readable water meters, replacing some water main lines and other infrastructure updates, in anticipation of the annex. Both entities have received several grants from the state to facilitate the future annexation.
- R. The CSWRCB and the District has formed an ad hoc committee consisting of staff, project consultants, and project contractors. They meet once a month with State representatives for a monthly update on the Frazier Park-Lake of the Woods Regional Consolidation Planning Project.
- S. The District is purchasing new remote readable meters to match the new meters being installed by LOWMWC. This will lower the need to keep repair parts for multiple meter models and expedite the meter reading process. An added benefit will allow better data on the amount of water delivered and lost from leaks.

FINDINGS:

- F1. The District website lists times of Board Meetings and agendas indicating their compliance with the Ralph M. Brown Act.
- F2. The ZOOM meetings are well conducted, well-mannered and participants are given the opportunity to speak.
- F3. The room where the Board Meetings are conducted is also used by staff for storage. Although, per staff comments, the public seldom attends, the room would be uncomfortable if several attended.
- F4. If the District attempted to replace the entire distribution system, the community could be without potable water for an extended period of time, and the cost could be prohibitive.
- F5. The District is in compliance with the CSWRCB directive, requiring customers be advised by letter concerning the water contamination and what is being accomplished to remediate the problem.

- F6. Per staff, the cost of printing and inserting letters into envelopes is accomplished by a local printer at a cost of \$1,100 per month. The letters must be approved each month by the CSWRCB before printing. Once approved they must be translated into Spanish and submitted for printing. When printed, they are returned to the District, who then addresses, seals, attaches postage and mails. It was noted by staff they have observed customers retrieving letters from Post Office Boxes, and immediately disposing of the letters in the trash container.
- F7. The entire community uses septic systems and Well 5 is downhill from several residences. If a septic system leaks, possible contaminated water is filtered into the ground and can contaminate a water source. A cursory visual inspection of residences' septic systems located a short distance from Well 5 revealed no visible leaks. Leaks located deeper in the ground cannot be seen. *A sufficient distance between a septic system and well will reduce the risk of nitrate contamination of drinking water at concentrations above that allowed in a public water supply.* (Drinking Water Contaminant – Nitrate, Cooperative Extension, USDA, National Institute of Food and Agriculture, August 23, 2019)
- F8. There is specialized underground leak detection equipment available that allows a field technician to pinpoint the exact location of a leak. Modern underground water leak detectors are sensitive and accurate – and allow personnel to repair a pipe as quickly and efficiently as possible.
- F9. The District has taken positive steps needed to remediate the nitrate problem.
- F10. The Request for Proposal (RFP) required a specialized drilling procedure. When the proposal was released, there was no response. The RFP, when rewritten to allow other drilling methods, several bids were received. The lowest bidder was awarded the contract.

COMMENTS:

The Grand Jury would like to thank the General Manager and staff for their invaluable input into this investigation. The Grand Jury found the District well operated, the Board Members invested in producing the best for their constituents, and employees doing what is right for the District. The progress in correcting the nitrate levels appears slow, but the District seems to be hindered by the State of California's protocols and approvals.

RECOMMENDATIONS:

- R1. The District should attempt to locate an off-site facility to conduct Board Meetings within 180 days. It was noted by the Grand Jury the proximity to the Frazier Park branch of the Kern County Public Library which may be available at little or no cost. This could entice attendance by the public. (Finding F3)

- R2. The District should research and locate, within 180 days, a modern leak detector that will assist in finding any water leaks, either in privately owned septic systems or in the public water system. (Finding F8)

NOTES:

- The Frazier Park Public Utility District should post a copy of this report where it will be available for public review.
- Persons wishing to receive an email notification of newly released reports may sign up at: www.kerncounty.com/grandjury
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: www.kerncounty.com/grandjury

RESPONSES ARE REQUIRED PURSUANT TO CAL. PENAL CODE § 933, SUBD. (C) AND 933.05 WITHIN 90 days TO:

- **PRESIDING JUDGE**
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301
- **FOREPERSON**
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301

Reports issued by the Grand Jury do not identify individuals interviewed. Cal. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



FRAZIER PARK PUBLIC UTILITY DISTRICT

P.O. BOX 1525, FRAZIER PARK, CA 93225

TELEPHONE: 661-245-3734 FAX: 661-245-3472

www.frazierparkwater.com



June 9, 2022

HONORABLE COLETTE HUMPHREY, PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301

RE: April 14, 2022 Grand Jury Report

Dear Judge Humphrey:

Frazier Park Public Utility District submits the following responses to the Grand Jury Report, dated April 14, 2022 pursuant to Penal Code section 933.05.

FINDINGS:

- F1. The District website lists times of Board Meetings and agendas indicating their compliance with the Ralph M. Brown Act.

RESPONSE: The respondent agrees with the finding.

- F2. The ZOOM meetings are well conducted, well-mannered and participants are given the opportunity to speak.

RESPONSE: The respondent agrees with the finding.

- F3. The room where the Board Meetings are conducted is also used by staff for storage. Although, per staff comments, the public seldom attends, the room would be uncomfortable if several attended.

RESPONSE: The respondent disagrees wholly with the finding. The meeting room had only a few boxes and maps that could easily be moved. When chairs are set up, the room can comfortably seat up to 10 members of the public. When large public information meetings or public hearings are held where attendance is expected to be higher than usual, the meeting is moved to the Frazier Park Recreation Building.

- F4. If the District attempted to replace the entire distribution system, the community could be without potable water for an extended period of time, and the cost could be prohibitive.

RESPONSE: The respondent agrees with the finding.

- F5. The District is in compliance with the CSWRCB directive, requiring customers be advised by letter concerning the water contamination and what is being accomplished to remediate the problem.

RESPONSE: The respondent agrees with the finding.

- F6. Per staff, the cost of printing and inserting letters into envelopes is accomplished by a local printer at a cost of \$1,100 per month. The letters must be approved each month by the CSWRCB before printing. Once approved they must be translated into Spanish and submitted for printing. When printed, they are returned to the District, who then addresses, seals, attaches postage and mails. It was noted by staff they have observed customers retrieving letters from Post Office Boxes, and immediately disposing of the letters in the trash container.

RESPONSE: The respondent agrees with the finding.

- F7. The entire community uses septic systems and Well 5 is downhill from several residences. If a septic system leaks, possible contaminated water is filtered into the ground and can contaminate a water source. A cursory visual inspection of residences' septic systems located a short distance from Well 5 revealed no visible leaks. Leaks located deeper in the ground cannot be seen. *A sufficient distance between a septic system and well will reduce the risk of nitrate contamination of drinking water at concentrations above that allowed in a public water supply.* (Drinking Water Contaminant – Nitrate, Cooperative Extension, USDA, National Institute of Food and Agriculture, August 23, 2019)

RESPONSE: The respondent agrees with the finding.

- F8. There is specialized underground leak detection equipment available that allows a field technician to pinpoint the exact location of a leak. Modern underground water leak detectors are sensitive and accurate – and allow personnel to repair a pipe as quickly and efficiently as possible.

RESPONSE: The respondent agrees with the finding.

- F9. The District has taken positive steps needed to remediate the nitrate problem.

RESPONSE: The respondent agrees with the finding.

- F10. The Request for Proposal (RFP) required a specialized drilling procedure. When the proposal was released, there was no response. The RFP, when rewritten to allow other drilling methods, several bids were received. The lowest bidder was awarded the contract.

RESPONSE: The respondent agrees with the finding.

RECOMMENDATIONS:

- R1. The District should attempt to locate an off-site facility to conduct Board Meetings within 180 days. It was noted by the Grand Jury the proximity to the Frazier Park branch of the Kern County Public Library which may be available at little or no cost. This could entice attendance by the public. (Finding F3)

RESPONSE: The recommendation will not be implemented because it is not warranted nor reasonable. The Frazier Park Public Utility District's board meeting room can comfortably seat up to 10 members of the public. It is rare for any member of the public to attend a board meeting. The Kern County Public Library is not available for District use during regularly scheduled meetings. There is a fee to use the Frazier Park Recreation building. The District implements meeting room technology that allows for hybrid meetings. Consultants, contractors and other business associates use this technology to attend the meetings remotely, which saves the District from paying additional travel costs. The Frazier Park Recreation building is not equipped with Wi-Fi, nor would it be feasible to transport hybrid meeting technology. When large public information meetings or public hearings are held where attendance is expected to be higher than usual, the meeting is moved to the Frazier Park Recreation Building. These meetings are only conducted in person.

- R2. The District should research and locate, within 180 days, a modern leak detector that will assist in finding any water leaks, either in privately owned septic systems or in the public water system. (Finding F8)

RESPONSE: The recommendation has not yet been fully implemented but will be implemented in the future for our water system. Privately owned septic systems are outside of the District's jurisdiction. The California Rural Water Association can provide leak detection at no cost. The District has applied for this free leak detection resource for District water lines only.

Respectfully,



Rebecca Gipson
FPPUD Board President

CC: FOREPERSON
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301