



Board Agenda Item 59

DATE: October 17, 2017

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health

SUBJECT: Resolution retroactively Accepting and Expressing Gratitude for the Donation of Equipment from Pitman Farms, Inc.

RECOMMENDED ACTION(S):

Adopt Resolution retroactively accepting and expressing gratitude for the donation of equipment valued at \$93,783 from Pitman Farms, Inc. to Department of Public Health, Environmental Health Division, received on March 6, 2017.

There is no Net County Cost associated with the recommended action. The recommended action is required to satisfy the reporting requirements under Chapter 762.12 of the County Administrative Office Management Directives for donations greater than \$500 in value. Approval will allow the Department of Public Health, Environmental Health Division to accept the donation of two specialized chemical identification systems [Smith's Detection Hazmat Elite Package and a TruDefender Hand Held FTIR (Fourier-transform infrared spectroscopy) Spectrometer] valued at \$93,783 from Pitman Farms, Inc. The equipment is to be used by the Fresno County Emergency Response Team (ERT) and will improve the team's ability to provide Environmental Health response services in the field. Ongoing maintenance costs will be paid utilizing available Homeland Security grant monies.

ALTERNATIVE ACTION(S):

There is no acceptable alternative action. The donated equipment is a condition of a settlement between Pitman Farms, Inc., and the Environmental Protection Agency (EPA).

RETROACTIVE AGREEMENT:

The request to accept the donation is retroactive to March 6, 2017, the date the equipment was received as a condition of the settlement between Pitman Farms, Inc., and the EPA. A review of the departmental inventory for FY 2016-17 Year End identified the equipment correctly as a donation, which should have been brought before your Board. The Department has since established procedures to ensure a similar oversight will be avoided in the future.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. There is no increase in appropriations or revenue, since the donation, valued at \$93,783, is non-monetary. The ongoing maintenance costs will be paid using Homeland Security grant funds.

DISCUSSION:

On September 23, 2014, there was an accidental release of anhydrous ammonia at Pitman Farms, located in

Sanger, California. Multiple agencies, including the EPA, Cal/OSHA (California Division of Occupational Safety and Health), and the County's Department of Public Health (DPH) investigated the incident. Department staff conducted an enforcement action related to the the incident in which an Administrative Enforcement Order was issued and signed by the owner of the facility. The terms included recovery of DPH's costs and a Supplemental Environment Project (SEP) that included emergency response training for facility employees and regional emergency response agency staff.

The EPA conducted its own inspection of the facility in November 2014 to evaluate compliance with regulations pursuant to the Federal Clean Air Act. The terms of the enforcement action negotiated between the EPA and Pitman Farms specified that a second SEP be performed to improve the response capabilities of ERT to respond to the facility and other facilities within the region for accidental releases of hazardous materials. As a requirement of the SEP, Pitman Farms purchased equipment to identify and monitor chemicals and other hazardous materials in the field, which will be necessary for emergency response .

The donated equipment consists of a Smith's Detection Hazmat Elite Package, which is a chemical identification system with a chemical library and a TruDefender hand Held FTIR Spectrometer, which provides rapid, field-based identification of unknown chemicals, including explosives. This equipment will be managed and maintained by the Department. Fire agency hazmat (hazardous material) teams in both Clovis and Fresno will be supported with this equipment, and it will be made available to the Fresno County Sheriff's Explosive Ordnance Disposal (EOD) Team.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

On file with Clerk - Pitman Farms, Inc. Consent Agreement and Final Order

CAO ANALYST:

Sonia De La Rosa