



Legislation Details (With Text)

File #: 2020-0907

Type: Regular Calendar Item **Status:** Agenda Ready

File created: 8/27/2020 **In control:** Health Services

On agenda: 9/1/2020 **Final action:**

Title: Urgency Ordinance Establishing Requirements for the Removal of Fire Damaged Debris from Private Property Following the LNU Lightning Complex Fires

Sponsors: County Administrator, Health Services

Indexes:

Attachments: 1. Summary Report, 2. Attachment 1 - LNU Lightning Complex Fires Cleanup Emergency Ordinance, 3. Attachment 2 - Debris Removal Requirements

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

To: Board of Supervisors of Sonoma County
Department or Agency Name(s): Department of Health Services, Office of Recovery and Resiliency
Staff Name and Phone Number: Christine Sosko, 565-6521
Vote Requirement: 4/5th
Supervisorial District(s): Countywide

Title:
Urgency Ordinance Establishing Requirements for the Removal of Fire Damaged Debris from Private Property Following the LNU Lightning Complex Fires

Recommended Action:
Waive further reading of the LNU Lightning Complex Fires Cleanup Emergency Ordinance and adopt the urgency ordinance. (4/5th Vote Required)

Executive Summary:
The LNU Lightning Complex Fires have destroyed or damaged a large number of structures. The Health Officer proclaimed a local health emergency on August 24, 2020 due to contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of a large number of structures. Also on August 24, 2020, the Health Officer issued an order advising that "Property owners and the community should not enter the burn footprint of structures without Personal Protective Equipment," and requiring no cleanup activities without the written authorization of the Department of Health Services, Environmental Health. The proposed LNU Lightning Complex Fires Cleanup Emergency Ordinance establishes cleanup standards to protect public health and the environment, and to facilitate recovery. It tracks the cleanup ordinance from the 2017 Sonoma Complex Fires and the cleanup ordinance from the 2019 Kincade Fire. At this time it is unknown whether there will be a public cleanup option administered by the California Office of Emergency Services. If there is a public cleanup option, no alterations will be required of this ordinance.

Discussion:

The LNU Complex Fires have had a devastating impact on Sonoma County. On August 21, 2020, the Board of Supervisors ratified the local emergency proclaimed by the Director of Emergency Services. On August 24, 2020, the Health Officer proclaimed a local health emergency due to contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of a large number of structures. On the same day, the Health Officer issued an order advising that “Property owners and the community should not enter the burn footprint of structures without Personal Protective Equipment,” and requiring no cleanup activities without the written authorization of the Department of Health Services, Environmental Health. Debris and ash from this fire contain hazardous substances. The health effects of hazardous substance releases after a wildfire are well documented. Improper handling can expose workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community.

The proposed LNU Lightning Complex Fires Cleanup Emergency Ordinance substantially mirrors the requirements for private cleanups from the October 2017 Sonoma Complex Fires and the 2019 Kincade Fire. The cleanup standards are the cleanup standards recommended by CalRecycle. Samples will be required to establish baseline/background conditions and post-cleanup conditions. The health screening levels are found in the attached Debris Removal Requirements document, adapted from CalRecycle guidance. In Sonoma County, the geology in many areas exceeds health screening levels for some chemicals - for example, arsenic - and where this is the case, the cleanup will only be required to meet background conditions in the area.

Staff believes standards for cleanups need to be put in place as expeditiously as possible to protect public health and the environment, and to facilitate recovery. It is uncertain whether the State will conduct a Phase I (Household Hazardous Waste sweep) and Phase II (debris removal) cleanup program in Sonoma County. At the time of this writing, the State has only offered technical assistance. If this changes, the Director of Environmental Health and Safety will have the authority under the emergency ordinance to make appropriate clarifications to the cleanup requirements.

Prior Board Actions:

Ratification of Local Emergency, October 31, 2019

FISCAL SUMMARY

| Expenditures | FY 20-21 Adopted | FY 21-22 Projected | FY 22-23 Projected |
|------------------------------------|-----------------------------|-------------------------------|-------------------------------|
| Budgeted Expenses | | | |
| Additional Appropriation Requested | | | |
| Total Expenditures | 0 | 0 | 0 |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | | | |
| Fees/Other | | | |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | 0 | 0 | 0 |

Narrative Explanation of Fiscal Impacts:

There are no fiscal impacts directly associated with this item.

| Staffing Impacts: | | | |
|--|--|---------------------------|---------------------------|
| Position Title (Payroll Classification) | Monthly Salary Range (A-I Step) | Additions (Number) | Deletions (Number) |
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Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

- Attachment 1 - LNU Lightning Complex Fires Cleanup Emergency Ordinance
- Attachment 2 - Debris Removal Requirements

Related Items "On File" with the Clerk of the Board:

None