

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL

FROM: PAUL LOWENTHAL, ASSISTANT FIRE MARSHAL
FIRE DEPARTMENT
SUE GALLAGHER, CITY ATTORNEY
CITY ATTORNEY'S OFFICE

SUBJECT: RESOLUTION ESTABLISHING PRIVATE FIRE DEBRIS CLEANUP
DEADLINE

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Fire Department and City Attorney that the Council, by resolution, establish a deadline of April 9, 2018 for removal of all fire debris from residential and commercial properties.

EXECUTIVE SUMMARY

Approximately 3000 residential units and numerous commercial structures were destroyed in the devastating October fires. In late October, the Sonoma County Health Officer Karen Milman, MD, MPH issued an emergency order finding, in part, that (a) the fires created hazardous waste conditions in the form of contaminated fire debris from household hazardous waste/materials and structural debris, and (b) that that hazardous waste debris poses a substantial present or potential hazard to human health and the environment unless its removal and disposal is performed in a manner that will protect the public health and safety.

Property owners were offered two different paths for the clean-up and removal of fire debris. The Consolidated Debris Removal Program is a clean-up and wildfire debris removal service performed by the United States Army Corps of Engineers ("USACE") and paid for primarily with public funds. The Consolidated Debris Removal Program is well underway, and USACE anticipates completing the clearing of properties within the Program by late March. Alternatively, property owners may choose to pursue a private clean-up of their property subject to the City's review and oversight. Before undertaking a private clean-up, a property owner must submit a Santa Rosa Fire Clean-Up Application and Work Plan to the City's Planning and Economic Development Department for review and approval.

Although many private clean-ups have been completed or are scheduled, there are concerns that some private clean-ups may be delayed. Any such delays would create a risk of potential migration of hazardous materials and contamination of adjacent properties, waterways, and the City's stormwater and wastewater systems as well as the risk of airborne toxins. In order to protect the public health and the environment, the Fire Department and City Attorney recommend that the Council, by resolution, establish a deadline of April 9, 2018 for removal of all fire debris from both residential and commercial properties.

BACKGROUND

Beginning on the evening of October 8, 2017, and continuing for days thereafter, a series of wildfire events damaged or destroyed thousands of residential and commercial structures within the City of Santa Rosa. On October 9, 2017, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Santa Rosa. That proclamation was ratified by the City Council on October 13, 2017.

On October 23, 2017, the Sonoma County Health Officer Karen Milman, MD, MPH, issued an emergency order, entitled "Emergency Order of the Sonoma County Health Officer Prohibiting the Endangerment of the Community Through the Unsafe Removal, Transport, and Disposal of Fire Debris," finding, in part, that:

- The Sonoma Complex Fire has created hazardous waste conditions in Sonoma County in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of thousands of structures;
- This hazardous waste debris poses a substantial present or potential hazard to human health and the environment unless its removal and disposal is performed in a manner that will protect the public health and safety.

In light of the scope and intensity of the hazards, owners of residential parcels affected by the fire were offered two different paths for the clean-up and removal of fire debris. The Consolidated Debris Removal Program is a clean-up and wildfire debris removal service performed by the United States Army Corps of Engineers ("USACE") and paid for with public funds, with contributions from property owner's insurance related to debris removal, if any. The scope of work performed by the USACE under the Consolidated Program includes foundation removal, and a certification that upon completion the affected parcel meets approved environmental standards. To participate in the Consolidated Program, a property owner must submit a Right of Entry form

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("ROE"). The last day for an owner to submit an ROE was November 13, 2017, although late-filed applications were considered on a case-by-case basis.

Alternatively, property owners could pursue a private clean-up of their property subject to the City's review and oversight. Private clean-ups must be undertaken in a manner protective of public health and must meet essentially the same standards as utilized in the Consolidated Program. The private scope of work, however, does not require foundation removal, although future re-use of foundation elements requires certification by a licensed engineer prior to issuance of a building permit. Before undertaking a private clean-up, a property owner must submit a Santa Rosa Fire Clean-Up Application ("Application") and Work Plan to the City's Planning and Economic Development Department for review and approval. The last day for an owner to submit a private Application and Work Plan was November 22, 2017, although late-filed applications were considered on a case-by-case basis.

As of February 7, 2018, within the City, there were 335 residential and 12 commercial parcels slated for private clean-up which had not yet been cleared of ash and debris.

ANALYSIS

It is essential that all properties be cleared of ash and debris within the areas affected by the fires. The debris contains hazardous and toxic materials left from burned building materials, vehicles, electronics, paint, cleaning solutions, and other common household products. The debris must be cleared, transported and disposed in a manner that protects the public health and the environment, and complies with all local, state and federal requirements. Time is critical given the risks of potential migration and contamination of adjacent properties, waterways, and the City's stormwater and wastewater systems as well as the risk of airborne toxins.

Given the urgency of clearing hazardous materials, staff recommends that Council, by resolution, establish a deadline of April 9, 2018 for removal of all fire debris from residential and commercial properties.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

FISCAL IMPACT

Fiscal impact is currently unknown.

ENVIRONMENTAL IMPACT

Adoption of this resolution is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding repairs and replacement work after a state-declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency.

ATTACHMENTS

- Resolution

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