Coordinating Cleanup After the Disaster

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DEPUTY COUNTY COUNSEL
SONOMA COUNTY
Sonoma October 2017

24 lives lost
Tubbs – 36,807 acres
Nuns – 56,556 acres
Pocket – 17,357 acres

Burned 23 days
Repopulation while still burning
Buildings destroyed 6,686 (5,143 residential)
Hazards

Two Stories
Hazards

Two Stories

- Pesticides, Batteries, Paint, Ammunition, Car Parts, Appliances, Building Materials
- Asbestos, heavy metals, PCBs
- Victim exposure
- Worker exposure
- Community exposure
A Public Cleanup - Why?

Compare
• Lack of Local Capabilities
• Insufficient insurance
• Environmental Risks
• Coordination

With
• Monetary Uncertainties
• Lack of Remedies
• Lack of Control
Two Phase Public Cleanup

• Phase 1: HHW sweeps
• Phase 2: Debris Removal
  – either public or private
  – but pursuant to a single standard
• Roles?
  – DTSC/EPA
  – CalRecycle/USACE
Local Implementation

- Local Emergency Proclamation (GC 8630)
- Health Emergency Proclamation By The Health Officer (H&S 101075)
- Health Officer Order (H&S 101040)
- Required HHW Sweep
- Emergency Ordinance
- Same Standards, Different Implementation for City and County
- Multiple Local Enforcement Agency waivers
- RWQCB waiver for landfill
- Notifications
Phase 1 (HHW Sweep)

- Exigent Circumstances
  - Supported by Health Officer Order
  - No Right of Entry
Phase 2 (Public or Private)

Either

• Right of Entry forms
  – Functioned as a single local cleanup permit
  – Indemnification (required)
  – Assignment of debris removal insurance (preventing duplication of benefits)

Or

• “Alternative Program”

• Deadlines
Phase 2 (standards)

- Guidance Without Regulations

### TABLE 1.
CLEANUP GOALS FOR METALS IN SOIL
SONOMA COUNTY, POCKET FIRE INCIDENT
KJFM GEOLOGIC AREA

<table>
<thead>
<tr>
<th>Metal</th>
<th>Background</th>
<th>US EPA RSL (a)</th>
<th>CalEPA CHHSL (b)</th>
<th>DTSC HERO (c)</th>
<th>Cleanup Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony</td>
<td>0.278</td>
<td>31</td>
<td>30</td>
<td>-</td>
<td>30</td>
</tr>
<tr>
<td>Arsenic</td>
<td>8.006</td>
<td>0.7</td>
<td>0.1</td>
<td>0.07</td>
<td>8</td>
</tr>
<tr>
<td>Barium</td>
<td>640</td>
<td>15,000</td>
<td>5,200</td>
<td>-</td>
<td>5,200</td>
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</tbody>
</table>
Phase 2

NORTHERN CALIFORNIA WILDFIRES
Debris Removal
June 11, 2018

<table>
<thead>
<tr>
<th></th>
<th>Lake</th>
<th>Mendocino</th>
<th>Napa</th>
<th>Sonoma</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcels Completed</td>
<td>144</td>
<td>306</td>
<td>439</td>
<td>3,674</td>
<td>4,563</td>
</tr>
<tr>
<td>Parcels Notified</td>
<td>144</td>
<td>305</td>
<td>439</td>
<td>3,653</td>
<td>4,541</td>
</tr>
<tr>
<td>Tons of Debris Removed</td>
<td>22K</td>
<td>125K</td>
<td>175K</td>
<td>1.9M</td>
<td>2.2M</td>
</tr>
</tbody>
</table>

USACE received a debris removal management mission from FEMA in Lake, Mendocino, Napa and Sonoma Counties. More than 26.2 M tons of debris were removed during this seven-month operation. That’s equal to the weight of more than two Golden Gate bridges. USACE is working with our local, state and federal partners on the largest wildfire cleanup in California history.

100% COMPLETE
Percentage of Physical Debris Removal Operations complete.

U.S. Army Corps of Engineers
ATTORNEY WORK PRODUCT
Controversy
“Alternative” Program

• Multiple Policy Decisions
  • New Urgency Ordinance / Existing Demolition Ordinances?
  • Self Certification?
  • Delegations?
  • Timelines?
  • Coordination With Public Cleanup In Enforcement?
Abatement

• Victim, Violator, or Both?
• Ordinary Code Enforcement At Unprecedented Scale
• Warrant Issues
• Outreach
Next Steps

- Insurance
- Demands without cost reports?
- Timing?
Questions?

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