

December 4, 2018

Board of Supervisors  
County of Ventura  
800 South Victoria  
Ventura, CA 93009

**SUBJECT: Adoption of an Emergency Ordinance to Establish a Local Unincorporated Area Fire Debris Removal Program; Authorization for Implementation of California Office of Emergency Services (OES) Debris Removal Program for Fire Damaged Properties in Ventura County; and Authorization for the County Executive Officer, with Review and Approval of County Counsel, to Execute Agreements Necessary for Initial Implementation of the OES Debris Removal Program (Recommendation No. 1 Requires 4/5ths Vote)**

**RECOMMENDATIONS:**

It is recommended your Board take the following actions regarding debris removal associated with structures destroyed or substantially damaged in the Hill and Woolsey fires:

1. Adopt an Emergency Ordinance to establish a Local Fire Debris Removal Program for unincorporated Ventura County (a four-fifths or greater vote is required for approval of this action); and
2. Authorize the implementation of the California Office of Emergency Services (CalOES) Consolidated Debris Removal Program; and
3. Authorize the County Executive Officer, with review and approval of County Counsel, to execute agreements necessary for implementation and completion of the CalOES Consolidated Debris Removal Program.

**FISCAL IMPACT:**

There are numerous factors involved in estimating the fiscal impacts associated with the recommended actions. The result is that there is a wide range of potential fiscal impacts

for your Board to understand as you consider your options and the recommended actions before you.

If your Board approves recommended actions 2 and 3, the CalOES voluntary program, known as the Consolidated Debris Removal Program, consists of two phases. Phase I is the property assessment and removal of visible household hazardous waste undertaken by U.S. Environmental Protection Agency (U.S. EPA) or the California Department of Toxic Substances Control (DTSC). Phase II concerns the structural debris removal for houses destroyed in the fire and is undertaken by the California Department of Resources Recycling and Recovery (CalRecycle) on behalf of the County. The preliminary estimated fiscal impact to the County for the Phase II program in the unincorporated area ranges from approximately 2.5% to 6.25% of the estimated cost. Recommendation 1 is for property owners that choose not to participate in the state voluntary program, making a local debris removal program available. As discussed below in greater detail, it is anticipated that there will be properties that do not participate in the CalRecycle program. A detailed discussion of the factors and the costs associated with the funding of the debris removal program is provided in the Funding Issues discussion below.

#### **BACKGROUND:**

On November 9, 2018, due to potential widespread toxic exposures and threats to public health and the environment that exist in the aftermath of a major wildfire, the Ventura County Health Officer declared a local health emergency to limit the public's exposure to hazardous substances as a result of the Hill-Woolsey fires.

This local health emergency declaration enables CalOES, DTSC, or U.S. EPA to initiate a Phase I fire debris removal program to assess damaged structures in areas affected by the Hill-Woolsey fires. Household hazardous waste will be removed, and asbestos field testing and analysis will be conducted on all properties identified by DTSC or U.S. EPA as having suspect or potential asbestos debris, and the asbestos will be removed prior to the removal of the remainder of the fire debris. The Phase I removal process is anticipated to begin in early December and is expected to continue into January.

#### **DISCUSSION:**

The threat to public health that prompted the need for the Health Officer's declaration is not fully addressed by the Phase I fire debris removal program. The fire debris from destroyed structures that remain on properties after the completion of the Phase I program will continue to represent a threat to public health. As such, the timely and proper removal of the remaining debris is in the best interest of the community and the health of our residents. Debris removal can be accomplished through the state-sponsored program or through a Local Fire Debris Removal Program. Attached as Exhibit 1 is an Emergency Ordinance which establishes a Local Fire Debris Removal Program for

property owners that choose not to participate in the state program and to guide the timely and proper removal of fire debris from structures destroyed or substantially damaged in the Hill-Woolsey fires. The recommended Emergency Ordinance is necessary regardless of the County's decision to authorize the implementation of the state's Phase II program in unincorporated Ventura County.

### **State-Sponsored Debris Removal Program**

The adoption of the local health emergency declaration and a subsequent request from the Sheriff's OES for state assistance made Ventura County eligible to participate in the state-sponsored Consolidated Debris Removal Program. Through this program, fire debris from destroyed residential structures will be removed by specialized work crews, contracted and managed by CalOES and CalRecycle. The removal of fire debris from destroyed residential structures under the Phase II program will be carried out at no cost to the property owner; however, any insurance proceeds directed toward debris removal that may be available to the property owner through the owner's insurance must be turned over to the public agencies to partially cover the costs. Participation in the Phase II program is completely voluntary – the decision to participate rests entirely with the owner of the eligible property. The County's role in the implementation of this program is largely related to a variety of administrative duties and community outreach. Included in the administrative duties is the collection of insurance proceeds. However, the County will also be responsible for funding a portion of the debris removal work. The potential financial commitment is described in detail below.

The first step in Phase II of the CalOES Consolidated Debris Removal Program will be an aggressive community outreach and messaging effort by CalRecycle and staff from the County and the City of Thousand Oaks (City). Once the Right of Entry (ROE) permit applications are approved, CalRecycle will send an assessment team to survey the destroyed structures and prepare a work plan. This plan will include development of a plot plan for each property, a sketch, and a listing of unique features and lot conditions.

At the same time the assessments are being conducted, CalRecycle will establish a Debris Removal Operations Center (DROC) that serves as the Incident Command Center and will be staffed by full-time employees that include: CalRecycle and a private contracted administrative staff, representatives from CalOES, the prime contractor and sub-contractors, and representatives from the Environmental Health Division and other local governmental representatives. During the Thomas fire, the DROC was open 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 1:00 p.m. Saturday until the project was complete. We anticipate the DROC hours for the Hill-Woolsey fires will be similar.

When the initial assessments are complete, the debris removal process will begin and consist of the following:

- Fire debris and ash removal

- Separation and removal of scrap metal
- Removal of automobiles
- Removal of all inert debris – brick, concrete (building slabs and foundations)
- Removal of approximately 6” of soil and testing for contaminants to confirm background standards are met.
- Limited erosion control – placement of wattles.

Property owners will be notified at least 48 hours prior to the start of the debris removal phase.

The County and City play critical roles in the Consolidated Debris Removal Program. In addition to being the lead at the Incident Command Center located at the DROC and having 2 to 3 staff members available to respond to questions from property owners and the community, we are responsible for collecting and approving the ROE permit applications, collecting the debris removal insurance portion of the homeowners' insurance policy, and verifying the vehicle identification number of the vehicles removed by CalRecycle. The City is separately considering its participation in the CalRecycle program at an upcoming meeting of its Council.

Clearly, participation in the state program represents a significant administrative commitment by the County. At this time, the full extent of the County's administrative and legal commitments is not clearly defined. For that reason, it is recommended your Board authorize the implementation of the state's Phase II program only after the County Executive Officer, with review and approval by County Counsel, executes the necessary agreements.

### **Local Fire Debris Removal Program**

Due to the local health emergency declaration, and potential dangers to the community, owners of property where a structure has been destroyed or substantially damaged must ensure that the debris are removed in a timely and safe manner. Exhibit 1 is an Emergency Ordinance that establishes a Local Fire Debris Removal Program for property owners that choose not to participate in the state program, or for properties that CalOES determines are not eligible for the state program.

The Emergency Ordinance allows an owner to undertake fire debris removal at the owner's own expense with work performed by qualified personnel. Under this Local Fire Debris Removal Program, the owner will be required to submit a local program fire clean-up application and work plan to ensure the work is completed pursuant to standards set by the County and state. These standards are established to ensure protection of public health and are the same standards applicable to the state's Phase II program. The debris removal process itself will be essentially the same as described above under the state-sponsored program. Documentation of adequate clean-up and proper disposal will be required, along with a certification showing that all work has been completed as specified.

In simple terms, the primary difference between the state-sponsored and locally-sponsored programs is that under the state program the state will take care of all facets of the actual debris removal process, while under the locally-sponsored program, that work will have to be entirely done by the property owner and overseen by the County. Properties enrolled in the Local Fire Debris Removal Program that have not removed fire ash and debris from the property by the removal deadline dates set forth in the Emergency Ordinance are declared a public nuisance and enforcement and summary abatement procedures will be initiated. These provisions ensure existing public health threats will be addressed for all properties, not only those that take advantage of the state-sponsored debris removal program.

### **Funding Issues**

There are numerous factors involved in estimating the fiscal impacts associated with the recommended actions. The following attempts to outline those factors with the best available information at the time this report was prepared. The factors are described here largely in the context of the state Phase II program because the information is based on the state's experience with that program.

First, the starting point for any fiscal analysis is the number of residential properties that are eligible for Phase II of the state-sponsored Consolidated Debris Removal Program managed by CalOES and CalRecycle. The current estimate identifies approximately 140 destroyed residential structures in the unincorporated areas of the county. All such structures are eligible for the Phase II debris removal program.

The second factor to be considered is the cost of the actual debris removal, which also includes further hazardous materials and soils testing as well as limited erosion control measures at each site. According to CalOES and CalRecycle, the costs of the debris removal under the Phase II program are driven by several site-specific characteristics, such as the size of the structure, the location/remoteness of the property, the amount of potentially hazardous materials that remain on site, topography, etc. Based on their experience, they estimate that the average cost per property through the Phase II program is approximately \$90,000. The state indicated that privately contracted debris removal, while still done in a manner consistent with state requirements, can potentially be done for materially less than that amount. However, for purposes of calculating the potential fiscal impacts to the County associated with the Phase II program, the \$90,000 per property amount estimated by the state will be used.

The third factor to consider is the number of property owners that will elect to participate in the Phase II program. As described below, unlike the Phase I hazardous materials removal program, Phase II program participation is not mandatory. According to CalOES and CalRecycle, their experience has shown that approximately 80% of property owners elect to participate in the Phase II debris removal program. In the Thomas fire, approximately 90% of property owners participated in the program. If the 80% rate is



realized for the Ventura County unincorporated area, it would mean approximately 112 property owners would elect to take advantage of the Phase II program.

The final factor to consider is the level of financial assistance that would be provided through the applicable federal and state programs. As of the preparation of this Board letter, the President issued a Presidential Declaration and the Governor issued a state declaration making Ventura County eligible for funding through the California Disaster Assistance Act. This covers 75% of eligible costs not covered by the federal government. With the Presidential Declaration, the County is eligible for reimbursement of 75% of its portion of eligible costs, including debris removal costs. So, as of the preparation of this Board letter, the costs of the Phase II program would be split 75% federal, 18.75% state, and 6.25% County. The County share of the cost for the Thomas fire was recalculated to approximately 2.5% and may be closer to 0% after the final cost analysis is complete.

The cost numbers above are limited only to those costs associated with the actual debris removal. They do not include County staff costs associated with the administration of the Phase II program. Good estimates of these staff costs are not available, although they are eligible for reimbursement at the same rates as outlined above for the debris removal.

In summary, based on the information we have as of the date of this Board letter, the preliminary estimated fiscal impact to the County for Phase II of the Consolidated Debris Removal Program in the unincorporated area is approximately \$630,000.

This letter has been reviewed by the County Executive Office, County Counsel, and the Auditor-Controller's Office. For questions about the Consolidated Debris Removal Program, please contact William Stratton at 654-2818.

A handwritten signature in black ink that reads "William C. Stratton". The signature is written in a cursive, flowing style.

William C. Stratton, Director  
Environmental Health Division  
Resource Management Agency

#### Attachments

Exhibit 1 – Emergency Ordinance Establishing Local Fire Debris Removal Program