

COUNTY OF TRINITY ENVIRONMENTAL HEALTH

PHASE 1 & 2: HOUSEHOLD HAZARDOUS WASTE AND FIRE DEBRIS REMOVAL
PROGRAMS FOR THE AUGUST COMPLEX FIRES

OPT-OUT ACKNOWLEDGEMENT AND WAIVER

To ensure safety to workers, the public, and the environment, certain protocols must be followed during a wildfire disaster when removing hazardous waste following a fire. Ash and debris that remains from a structure that was destroyed in wildfires contain hazardous waste and materials that can threaten public health. Accordingly, the Trinity County Public Health Officer, Dr. David Herfindahl, proclaimed a Local Health Emergency on September 23, 2020. The Board of Supervisors ratified the proclamation on September 29, 2020.

To expedite recovery activities and ensure the safe removal of hazardous waste and fire debris, the County of Trinity has requested state and federal assistance to coordinate the removal of hazardous waste and fire debris from structures and properties damaged by the wildfires. The program will be conducted in two phases.

During Phase 1, teams from the California Department of Toxic Substances Control (DTSC), along with Trinity County Environmental Health, may inspect properties and remove any household hazardous waste (HHW) that poses a threat to human health and the environment, such as batteries, identifiable asbestos, pesticides, cleaning products and paints. There is no cost to the property owner for this work.

In Phase 2, specialized environmental state or local teams to remove remaining wildfire debris from properties destroyed by wildfires. Phase 2 is described in more detail in the Right of Entry Permit (“ROE”) necessary for a property owner to participate in Phase 2.

Automatic Enrollment in Phase 1 Household Hazardous Waste Program

Residential properties with destroyed structure(s) from the wildfires are automatically enrolled into the Phase 1 Household Hazardous Waste Removal Program conducted by specialized work crews, contracted and managed by federal and state waste specialists. Under limited circumstances, some commercial properties may be eligible as well. This program is being paid for with state and federal funds. A property owner is eligible to participate even if the property is not insured. Owners are automatically included in this mandatory program.

**Owners Who Choose Not to Participate in the Phase 2 of the
Wildfire Debris Removal Program**

If property owners elect not participate in Phase 2, the property owners are still required to remediate the property and remove any remaining household hazardous waste and wildfire debris at their own expense, comply with all applicable requirements, and do so in a timely manner.

Property owners who choose to opt out of Phase 2 will not be reimbursed with public funds for hazardous waste or fire debris removal. The property owners may complete the removal themselves or through a qualified contractor. Due to the Proclamation of a Local Health Emergency, the work must be completed in a manner that ensures the protection of public health and safety.

Property Owners desiring to participate in Phase 2 must sign a Right of Entry Permit, that allows representatives of the federal, state, and local government to enter the property for the purpose of debris removal. The ROE has other terms and conditions, and is available online:

Property owners opting out of the Phases 2, must submit a Trinity County Fire Debris Removal Application and work plan to the County for approval to complete Phase 2 work at least two weeks prior to commencing wildfire debris removal. The County will establish a deadline for submittal of the Application, work plan, and Opt-Out Acknowledgement and Waiver. After implementation of the approved work plan, the owner must submit a certification showing that all work has been completed as specified. The work must be completed pursuant to standards set forth by the County and State. These standards are established to ensure protection of public health and are the same standards applicable to the Wildfire Debris Removal Program. Documentation of adequate clean-up and proper disposal will be required. Property owners shall review all requirements thoroughly before planning or pursuing their own hazardous waste and fire debris removal, listed in the attached Trinity County Fire Debris Removal Application. Property owners will not be allowed to build on their property until there is a certification of completion of the property cleanup and removal of all hazardous waste and fire debris has been completed in accordance with applicable standards.

Required: Owners are required to obtain approval from Trinity County Environmental Health for the work plan prior to starting hazardous waste and fire debris cleanup. Any employee performing debris removal shall have (at a minimum) OSHA 40-hr HAZWOPER Training in accordance with 29 C.F.R. §1910.120. All waste removal must be completed by licensed Department of Toxic Substances Control hazardous waste certified transporters.

Property Owner Acknowledgement, Waiver, and Indemnification

I am the owner of the property described below, or the authorized representative of the owner (“Owner”). Owner desires to opt out of Phase 2 of the Wildfire Debris Removal Program. Owner acknowledges that Owner has read and will fully comply, and shall be responsible to ensure that any contractor working on my property will fully comply, with the conditions described above, the terms and conditions of the Trinity County Fire Debris Removal Application, the approved work plan, and the terms and conditions of applicable County

ordinances. Owner understands that ash and debris contain hazardous substances, and exposure to hazardous substances may lead to acute and chronic health effects and may cause long-term public health and environmental impacts and proper disposal of the hazardous waste is necessary to limit these impacts. Owner agrees to ensure Owner's contractor will utilize proper protective equipment, wet down ash and debris before removal of hazardous waste and fire debris, and will control dust on the property. Owner agrees to ensure the Owner's contractor will completely encapsulate the ash and debris with a tarp ("burrito wrap" method) prior to transportation for proper disposal.

Owner understands that completion of the Trinity County Fire Debris Removal Application and the Opt-Out Acknowledgment and Waiver is necessary before any hazardous waste or fire debris removal work is started on my property.

Owner understands that human remains may be encountered during the cleanup and that due to the extreme heat of the fire, any human remains are likely to consist of bones or bone fragments. Owner agrees that if possible human remains are encountered (including any type of bones) during debris removal efforts, all personnel will be careful not to disturb the possible remains, exit the property, immediately report the possible remains to the Trinity County Sheriff's Office at (530) 623-2611, and will wait for a search team to arrive and determine whether they are in fact human remains before resuming debris cleanup.

Owner agrees that the decision as to whether the Trinity County Fire Debris Removal Application requirements have been met is in the sole discretion of Trinity County Environmental Health and that such decision is final.

Owner hereby certifies that Owner has full power and authority to execute this application without the need for any further action, including but not limited to notice or approval from any other party.

Owner acknowledges that the decisions made by the County of Trinity are discretionary functions and that the County of Trinity is not liable for any claim based on the exercise or failure to exercise a discretionary function, and Owner promises not to make such a claim. Owner further releases and agrees to hold and save harmless the County of Trinity, its officers, employees and agents, and the state and federal governments, their employees and agents, from all liability for any property damage, loss, personal injury, pollution, or environmental damage, that may occur during or after performance of the wildfire debris removal activities on Owner's property. Owner therefore waives any claim or legal action against County of Trinity, its officers, employees and agents, or the federal or state governments, their officers, employees and agents.

I declare under penalty of perjury that the foregoing is true and correct.

Owner Signature(s): _____

Printed Name(s): _____

Property Address: _____

Property Assessor's Parcel Number: _____