



**County Executive Office**  
**Memorandum**

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2008 DEC 12 AM 10:11

CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS

December 11, 2008

To: Supervisor John Moorlach, Chairman

From: Thomas G. Mauk, County Executive Officer 

Subject: Exception to the Rule 21

The County Executive Office is requesting a supplemental Agenda Item for the December 16, 2008 Board Hearing Meeting.

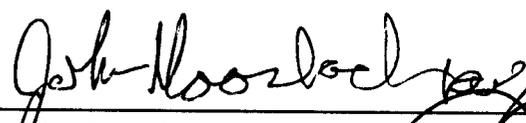
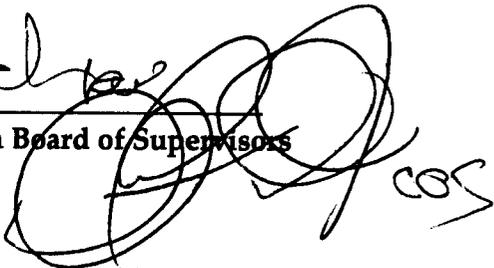
Agency: OC Waste & Recycling  
Subject: Emergency Response - Olinda Alpha Landfill Damage  
District: All

**Reason for supplemental:**

On November 15, 2008, the Chair of the Board of Supervisors proclaimed the existence of a local emergency within the County of Orange in response to the Freeway Complex Fire. On November 18, 2008, the Board of Supervisors passed Resolution No. 08-147, Item No. S59A, Proclamation of a Local Emergency.

The Freeway Complex Fire extended into the Olinda Alpha Landfill and caused severe damage to various facilities and equipment including the landfill gas extraction, control, and groundwater monitoring systems. It is critical that these systems are repaired to maintain compliance with the landfill's operating permits.

At the direction from County Counsel, Board action is required to declare an emergency condition pursuant to public contract code §22050 at Olinda Alpha Landfill due to the damages caused by the Freeway Complex Fire and authorize OC Waste & Recycling to award and execute contracts for emergency repairs to maintain landfill operations and mitigate a potential threat to public health and safety.

Concur:   
Supervisor John Moorlach, Chairman Board of Supervisors 

cc: Members, Board of Supervisors  
Rob Richardson, Assistant County Executive Officer  
Ben De Mayo, County Counsel



**AGENDA STAFF REPORT  
SUPPLEMENTAL**

**Agenda Item**

**ASR Control**

CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS

2008 DEC 12 AM 10: 23

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**MEETING DATE:** 12/16/08  
**LEGAL ENTITY TAKING ACTION:** Board of Supervisors  
**BOARD OF SUPERVISORS DISTRICT(S):** All Districts  
**SUBMITTING AGENCY/DEPARTMENT:** OC Waste & Recycling  
**DEPARTMENT CONTACT PERSON(S):** Janice V. Goss 714 834-4122  
Dick Harabedian 714 986-2391

**SUBJECT:** Emergency Response - Olinda Alpha Landfill Damage

**CEO CONCUR**

**COUNTY COUNSEL REVIEW**

**CLERK OF THE BOARD**  
Discussion Calendar  
4/5 Vote

**Budgeted:** Yes                      **Current Year Cost:** \$3,000,000                      **Annual Cost:** N/A

**Staffing Impact:** N/A                      **# of Positions:** N/A                      **Sole Source:** N/A

**Current Fiscal Year Revenue:** N/A

**Funding Source:** OC Waste & Recycling Enterprise Fund 299

**Prior Board Action:** 11/18/08

**RECOMMENDED ACTION(S)**

1. Find that the proposed project is exempt from the provisions of CEQA pursuant to Section 15269(a) of the CEQA Guidelines.
2. Declare an emergency condition exists pursuant to Public Contract Code §22050 (a)(1) due to the damages caused by the Freeway Complex Fire at the Olinda Alpha Landfill, specifically the lack of an operational Landfill gas extraction, control, and groundwater monitoring systems.
3. The Board finds pursuant to Public Contract Code Section §22050 (a)(2) that the emergency work to be performed is necessary to avoid the threat to public health and safety and to maintain ongoing landfill operations, which is an essential public service and that this emergency will not permit a delay resulting from a competitive solicitation for bids and that this action is necessary to respond to the emergency.
4. Authorize OC Waste & Recycling Director or designee to award and execute contracts to Bryan A. Stirrat & Associates in an amount not to exceed \$2,840,000 and Environ Strategy Consultants, Inc. in an amount not to exceed \$160,000.
5. Direct OC Waste & Recycling to report back to the Board of Supervisors every fourteen (14) days until the actions required by this emergency are completed pursuant to Public Contract Code §22050 (c)(1).

## **SUMMARY:**

Declaration of an emergency condition at the Olinda Alpha Landfill pursuant to Public Contract Code §22050 due to damages caused by the Freeway Complex Fire and authorization for OC Waste & Recycling to award and execute contracts for emergency repairs will mitigate a potential threat to public health and safety and maintain landfill operations.

## **BACKGROUND INFORMATION:**

The recent Freeway Complex Fire (Fire) burned over 30,000 acres of land in Orange and Riverside Counties on November 15, 16, and 17, 2008. On November 15, 2008, the Chair of the Board of Supervisors proclaimed the existence of a local emergency within the County of Orange at the request of the Director of Emergency Services. On November 18, 2008, the Board of Supervisors passed Resolution No. 08-147 Item No. S59A, Proclamation of a Local Emergency.

The Freeway Complex Fire extended into Olinda Alpha Landfill and caused severe damage to various facilities and equipment including the landfill gas extraction, control, and groundwater monitoring systems. OC Waste & Recycling conducted an initial assessment and retained the services of Bryan A. Stirrat & Associates (BAS) and Environ Strategy Consultants, Inc. (Environ Strategy) to conduct a further assessment of the damaged systems as they currently had existing contracts to provide operation and maintenance of the systems. The assessment has confirmed that the Landfill Gas Extraction and Control System above ground components in the southern and eastern boundary of the landfill were compromised and/or destroyed. The Landfill Groundwater Control and Monitoring System above ground components with its compressed air high-density polyethylene (HDPE) lines and wellheads were severely damaged.

It is critical that the required emergency repairs be performed in an expedited manner to maintain regulatory compliance with the landfill's operating permits. In the event the landfill gas collection and control system is not repaired timely, OC Waste and Recycling could be subject to fines of approximately \$25,000 per day from South Coast Air Quality Management District (SCAQMD) for non-compliance, resulting from an increase in green house gas emissions into the atmosphere and risk the accumulation of landfill gas in on site structures and equipment creating a potential for explosion. Repairing the groundwater system is necessary to avoid non-compliance with the State Water Board requirements and not be subject to fines. Meeting the compliance requirements of California Integrated Waste Management Board (CIWMB) is also critical to avoid possible revocation of the operating permit for the landfill. Maintaining full capacity and operation of the Orange County landfill system is essential to preserving public health through the proper collection and disposal of residential and commercial solid waste.

OC Waste & Recycling is recommending authority to selected BAS and Environ Strategy to perform the necessary emergency repairs due to their extensive knowledge of Olinda Alpha Landfill gas extraction and groundwater monitoring systems. Additionally, OC Waste & Recycling plans to continue the established rate in their existing contracts to perform the emergency repair work. The scope of work for the emergency contracts will include replacing all fire damaged headers, lateral piping, horizontal wellheads, and vertical wells of the Landfill Gas Extraction and Control System. The damaged water and compressed air lines and wellheads of the Groundwater Control and Monitoring System will also be replaced.

**CEQA COMPLIANCE:**

The proposed project is statutorily exempt from the provisions of CEQA. CEQA Guidelines Section 15269(a) exempts projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in 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. The proposed emergency repair work at the Olinda Alpha Landfill is consistent with this exemption.

**FINANCIAL IMPACT:**

OC Waste & Recycling will make the necessary budget adjustment to increase appropriations and decrease reserves for this emergency repair in the upcoming Quarterly Budget Report for FY 2008-09. OC Waste & Recycling will seek reimbursement of the emergency repair costs from FEMA – Federal Emergency Management Agency.

**STAFFING IMPACT:**

N/A

**EXHIBIT(S):**

N/A

**ATTACHMENT(S):**

N/A