



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

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DATE: **October 23, 2024**

04

TO: Board of Supervisors

SUBJECT

ESTABLISH APPROPRIATIONS AND ADVERTISE AND AWARD CONSTRUCTION CONTRACT FOR THE RAMONA BURN DUMP CONSOLIDATE AND CAP PROJECT AND RELATED CEQA EXEMPTION (DISTRICT: 2)

OVERVIEW

Prior to the 1970s, much of the municipal solid waste in southern California was burned with the ash and remnants buried or placed in dumps, which were rudimentary compared to modern landfills. The County of San Diego (County) operated several burn sites to meet municipal waste disposal needs. From approximately 1947-1974, the County operated the Ramona Burn Dump on National Forest Service lands under a special use permit issued by the United States Department of Agriculture Forest Services (USDA FS). The 3.5 acres site is located within the Cleveland National Forest in the unincorporated area of Ramona. When solid waste activities on the site ended in approximately 1974, the burn ash was covered with soil to encapsulate the waste, the permit was ended, and responsibility for the site was returned to the USDA FS.

In November 2007, the Witch Creek fire burned the vegetation covering the Ramona Burn Dump, and a subsequent inspection of the area documented that the soil cap had deteriorated and exposed burn ash and waste debris at the surface. The USDA FS completed a preliminary assessment site inspection which found elevated concentrations of metals, such as arsenic, lead, and zinc, and chemicals, such as dioxins and furans, present at the site. The USDA FS and the County began negotiations regarding responsibility and site remediation requirements. On June 5, 2023, both parties reached a final agreement and court order outlining site remediation efforts. The agreement requires the County to bring the site back into compliance with State regulations and makes the County the responsible party for ongoing maintenance and monitoring. Following the final agreement and court order, the County received \$1,500,000 from its prior insurance carriers from policies that the County had in the 1960s and 1970s, that was deposited into the General Fund fund balance.

As part of the Closed Landfill program, the County's Department of Public Works (DPW) manages County owned closed burn sites. DPW coordinated with the USDA FS to complete additional site assessments and develop a remediation plan to reduce potential public and environmental health risks and future site erosion. The USDA FS has approved the design plan for construction to consolidate the waste into a smaller footprint, install an improved soil cap, and

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improve drainage and site security. Construction costs for these components are estimated at \$5,150,000 including contingencies for unforeseen conditions, and the funding source is available prior year General Fund fund balance. After completion of the project, ongoing maintenance of the site will be performed by DPW with an estimated annual cost of \$40,000.

This is a request for the Board of Supervisors (Board) to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the project. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Construction is anticipated to begin in Spring 2025 and be completed in early 2026.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15060(c)(1) because the activity does not involve the exercise of discretionary powers by a public agency.
2. Transfer of appropriations of \$5,150,000 within Department of Public Works General Fund, Services & Supplies to Operating Transfers Out; *and* establish appropriations of \$5,150,000 in Inactive Waste Site Management Fund, Services & Supplies, for Ramona Burn Dump Consolidate and Cap Project, based on an Operating Transfer In from the Department of Public Works General Fund. **(4 VOTES)**
3. Authorize the Director, Department of Purchasing and Contracting, to advertise and award a construction contract for the Ramona Burn Dump Consolidate and Cap Project and to take any action authorized by Section 401 et seq., of the Administrative Code with respect to contracting for the Construction Contract for the Project.
4. Designate the Director, Department of Public Works, as County Officer responsible for administering the construction contract, in accordance with Board Policy F-41, Public Works Construction Projects.

EQUITY IMPACT STATEMENT

Today's action continues the County of San Diego's (County) commitment to providing programs and services that enhance the health and safety of our local community. This action reflects the County's focus on equitable outcomes for all members of our community by addressing environmental concerns and protecting public health through the proper management of closed burn sites.

SUSTAINABILITY IMPACT STATEMENT

Today's action supports the County of San Diego's (County) Sustainability Goals to protect the environment and health and well-being of residents. Remediation of the Ramona Burn Dump site to encapsulate waste and contaminated soils and continued monitoring and maintenance of the site helps reduce the risk of exposure for humans and wildlife, reduces potential environmental and

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human health impacts through hazard mitigation, and preserves natural resources, ecosystems, and habitats.

FISCAL IMPACT

Funds for this request are not included in the Fiscal Year 2024-25 Operational Plan in the Inactive Waste Site Management Fund. If approved, total construction costs for the Ramona Burn Dump Consolidate and Cap Project are estimated at \$5,150,000, including contingencies. The funding source is an operating transfer from the Department of Public Works, General Fund. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

County of San Diego contracts are competitively bid and help stimulate the local economy by creating employment opportunities. All workers employed on public works projects must be paid the prevailing wages determined by the California Department of Industrial Relations, according to the type of work and location of the project. The prevailing wage rates are usually based on rates specified in collective bargaining agreements.

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

Prior to the 1970s, much of the municipal solid waste in southern California was burned with the ash and remnants buried or placed in dumps, which were rudimentary compared to modern landfills. The County of San Diego (County) operated several burn sites to meet municipal waste disposal needs. The County's Department of Public Works (DPW) currently owns and maintains eight closed burn sites. These sites no longer accept trash; however, State laws require the owner or identified responsible party to monitor and maintain the sites to minimize impacts to the environment and to protect public health and safety. Other sites used to burn and dispose of waste were sold or the leases ended after the waste activities ended and the sites were covered with a soil cap.

From approximately 1947-1974, the County operated the Ramona Burn Dump on National Forest Service lands under a special use permit issued by the United States Department of Agriculture Forest Services (USDA FS). The site encompasses approximately 3.5 acres located in the unincorporated area of Ramona, within the Cleveland National Forest, immediately north of the Ramona Landfill, on Dump Road, which is not accessible to the general public. When solid waste activities on the site ended, the burn ash was covered with soil to encapsulate the waste, the special use permit issued by the USDA FS was ended, and responsibility for the site was returned to USDA FS.

In November 2007, the Witch Creek fire burned the vegetation covering the Ramona Burn Dump, and a subsequent inspection of the burned area documented that the soil cap had deteriorated and exposed burn ash and waste debris at the surface. On January 22, 2008, the Solid Waste Local Enforcement Agency (LEA) issued a notification to USDA FS and the County about the condition of the site and required that it be brought into compliance with State minimum standards for cover

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soil, erosion control, and site security, as outlined in State regulations. Since the original notification in 2008, the LEA has conducted regular inspections of the property and has consistently noted the same areas of concern. A site evaluation in 2008 determined that there was a release or threat of release of hazardous substances at the site.

The USDA FS completed a preliminary assessment site inspection in May 2010, which found that elevated concentrations of metals, such as arsenic, lead, and zinc, and chemicals, such as dioxins and furans, were consistently detected in the soil and burn ash on the site and that some leaching of lead has likely occurred. An Engineering Evaluation of the site was conducted in January 2014 to aid the USDA FS in reclamation of the site, and after continued negotiations between the two parties, a final agreement and court order outlining response efforts for the Ramona Burn Dump was filed on June 5, 2023. While USDA FS will remain as owners of the site, the County will bring the site back into compliance with State regulations and will be the responsible party for ongoing maintenance and monitoring. The USDA FS is responsible to oversee the work performed by the County and has approval authority over all project deliverables. Following the final agreement and court order, the County received \$1,500,000 from its prior insurance carriers from policies that the County had in the 1960s and 1970s, that was deposited into the General Fund fund balance.

Since July 2023, DPW has worked with USDA FS to complete site assessments and evaluate environmental, geotechnical, and engineering data and develop a remediation plan to reduce potential public and environmental health risks and the risk of future site erosion. USDA FS has approved the design plan for construction to consolidate the waste into a smaller footprint, install an improved soil cap with a geotechnical layer, and improve drainage and site security. Construction costs are estimated at \$5,150,000 including contingencies for unforeseen conditions, and the funding source is prior year available General Fund fund balance. After completion of the project, ongoing maintenance of the site will be performed by DPW with an estimated annual cost of \$40,000.

Prior to the start of construction, DPW will conduct outreach to nearby property owners and residents, including notifications such as mailers, social media postings, and site signage that describe the nature and expected duration of the construction activities, how to keep informed of project progress, and how to contact the County with any concerns. The notifications will be provided in English and Spanish, which are the primary languages spoken in the community, and will be provided in other languages as requested. Project information will also be available through the DPW webpage in all threshold languages. The project will include dust control measures to limit impacts on the community. The burn site is located more than half a mile from any homes or businesses and DPW has not received any public inquiries or concerns regarding the site.

This is a request for the Board of Supervisors (Board) to approve the advertisement and subsequent award of a construction contract to the lowest responsive and responsible bidder for the project. Upon Board approval, the Department of Purchasing and Contracting will advertise and subsequently award a contract for construction. Construction is anticipated to begin in Spring 2025 and be completed in early 2026.

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ENVIRONMENTAL STATEMENT

The proposed action is not a project subject to California Environmental Quality Act (CEQA) as specified under Section 15060(c)(1) of the State CEQA Guidelines because the activity does not involve the exercise of discretionary powers by a public agency. Public Resources Code Section 21080 provides that CEQA only applies to discretionary actions undertaken or approved by a public agency. The consolidation and capping of the burn material at the dump is not discretionary as it is required by court order and would be carried out in compliance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Projects undertaken under CERCLA cannot require additional federal, State, or local permits 42 U.S.C § 9621(e)(1). Additionally, the burn site cleanup is on federal land to which CEQA does not apply. Therefore, the burn material consolidation and capping at the dump is not subject to CEQA. Since the cleanup is undertaken by the County, NEPA does not apply.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today’s recommendations support the Sustainability and Community Strategic Initiatives in the County of San Diego’s 2024-2029 Strategic Plan by protecting natural resources and promoting well-being of our residents and our environments.

Respectfully submitted,



DAHVIA LYNCH
Deputy Chief Administrative Officer

ATTACHMENT(S)

- A. Vicinity Map
- B. Site Map