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THOMAS M. MILLER, County Executive Officer

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EXECUTIVE ORDER

WHEREAS, on Friday, April 8, 2011, an explosion occurred at an unoccupied cabin in the Serene Lakes development near Donner Summit which completely destroyed the three-story structure; and

WHEREAS, on April 8, 2011, due to the severity of the snow loads and attendant propane risks, the County Assistant Director of Emergency Services proclaimed a local emergency as provided for under the California Emergency Services Act, Section 8630, and on April 11, 2011, the Placer County Board of Supervisors ratified the Proclamation of Local Emergency for the eastern Placer County area; and

WHEREAS, an incident command post has been set up in Serene Lakes to deal with the increasing number of sites where propane has been detected, and Truckee Fire Protection District, along with the Placer County Sheriff's Office, and the Offices of Environmental Health and Emergency Services are continuing to work on identifying and abating leaking propane tanks, regulators or lines in the Serene Lakes area and the continuing State of Local Emergency gives the Board, or officials designated thereby, the authority to promulgate countywide orders and regulations necessary to provide for the protection of life and property. (Government Code § 8634; see also 62 Op. Attorney General 701); and

WHEREAS, a State of Local Emergency already exists and is continuing based on hazardous propane gas leaks presenting health and safety issues, I hereby confirm that there is an immediate threat to public health and safety in Placer County caused by the presence of hazardous materials from snow loads damaging tanks, regulators and piping in the area; and

WHEREAS, I hereby determine and declare that the presence of propane leaks beneath significant snow-pack on numerous sites in the Serene Lakes Subdivision and in other eastern Placer County communities is a nuisance requiring abatement because of the threat to public safety posed by potentially explosive propane gas; and

WHEREAS, this declaration of nuisance is based both on my authority as County Executive Officer of the County of Placer under State Law, the County Charter, and the County's Regulatory and Administrative Codes; and on my emergency authority as Director of Emergency Services pursuant to 2.88.050 with the powers and duties set forth in Placer County code section 2.88.060.

THEREFORE, pursuant to the authority cited above as well as California Government Code section 25845(a), and based on the continuing State of Local Emergency, I am ordering the following changes to County Code be implemented immediately:

The notice, service, and hearing requirements of sections 17.62.160 B, C and D of County Code are hereby suspended for cases in which a propane nuisance that I have declared may be abated by direct County action, after seeking the consent and cooperation of the property owner. These streamlined procedures will apply where the County must enter a site to abate hazardous materials constituting a public nuisance pursuant to a Right of Entry ("ROE") signed by the property owner or after obtaining an administrative warrant. In all such cases, the owner will be assessed by the County the reasonable cost of the abatement actions necessary.

The County Assistant Director of Emergency Services may order that any of the time and notice requirements be modified such that an expeditious resolution of the issue may be had and that the nuisance be quickly abated. In all cases in which the County undertakes the abatement on behalf of the property owner, the County is authorized to assess the property owner all costs of abatements as outlined in Placer County Code Section 17.62.160 E.

I am further ordering as follows:

- 1. The Director of Environmental Health or her designee shall notify landowners who have evidence of propane present on their property of my determination that the presence of such hazardous material constitutes a public nuisance that must be abated. These notices should be appropriate in form and presentation to the circumstances, e.g., a notice to an owner who has signed a Right of Entry can be given in a different manner than a notice to an owner who declined to sign a Right of Entry and failed over the course of the time specified to act to abate the hazard directly.
- 2. The Director of Public Works shall contract with abatement services companies to inspect and abate the threat of leaking propane from properties, and arrange for the safe and legal abatement of those hazardous materials, except at sites where owners complete this work themselves on a timely basis. The Director of Public Works shall use all available means and resources to complete individual property abatement as soon as practical and feasible after—confirmation of the need for abatement of propane present on the property. The Director of Public Works shall notify me if sufficient resources are not available.
- 3. To the extent possible consistent with overall program logistics, priority in abatement of propane leaks should be given to properties that are close to the community entrance and to properties that are occupied continuously by the property owner or readily identified tenant.
- 4. To the maximum extent feasible, the abatement of propane leaks, including clearing the tank, lines and regulators, shall be achieved in a manner that ensures protection of workers and neighbors and prevents the further threat of explosion.
- 5. To the maximum extent feasible, abatements shall be based on the consent of the land owner, to enter the property to abate the nuisance which shall be signified by the property owner's execution of a Right of Entry. The Director of Public Works shall cooperate with such owners to abate the nuisance on their property.

- 6. The Environmental Health Director or her designee shall issue notice and orders to abate to owners whose property has been identified as containing a potential propane leak or discharge, request that such property owner signs the Right of Entry to allow the County to enter onto the property to abate the propane leak and if such permission is not provided, the Director shall provide notice to the owner that direct County abatement action on such properties will begin as soon as practical and feasible.
- 7. Where direct County abatement is necessary, the Chief of the Truckee Fire Protection District or the County Fire Warden, or his designee, shall enter that property pursuant to consent given by the owner, or pursuant to an administrative abatement warrant, unless there is a clear public exigency specific to that site (i.e., the presence [past or present] of propane on the site considered in isolation poses an immediate threat to life, public health, or safety). Any written consent by an owner shall be in the form of an executed Grant of Right of Entry to Abate. If the Assistant Director of Emergency Services concludes that public exigency requires entry onto any site without consent that conforms to these instructions or a warrant, he shall consult with County Counsel before making that entry.
- 8. The Assistant Director of Emergency Services shall request and accept direct assistance and financial assistance from, and shall coordinate with, State and Federal Agencies that can assist in completing this mission.
- 9. To accomplish this mission, the Assistant Director of Emergency Services is authorized and directed to exercise all powers residing in me as County Executive Officer of the County of Placer, and as Emergency Services Director of the County of Placer. The Assistant Director of Emergency Services may also exercise such powers as may be delegated to her by any State or Federal official during this mission.
- 10. The Assistant Director of Emergency Services shall cause this order to be given widespread publicity and notice pursuant to Government Code section 8634.

Dated: April 14, 2011

Thomas M. Miller,

Director of Emergency Services