

ORDINANCE AMENDING FEES FOR ENVIRONMENTAL HEALTH SERVICES SITE MITIGATION

ORDINANCE NO. 5254

An ordinance of the County of Santa Barbara amending the existing Site Mitigation Fee Schedule to adjust for increased costs of doing business.

WHEREAS, Section 101480(b) of the California Health and Safety Code states that "Whenever a release of waste occurs and remedial action is required, and that waste release site is not being overseen by the department or the regional water quality control board, a responsible party may request the local officer to oversee the remedial investigation or remedial action, or both"; and

WHEREAS, Chapter 18C, Article IV of the Santa Barbara County Code designates the Director of Environmental Health Services as the "local officer" to supervise the remedial investigation and/or remedial action "whenever a release of waste occurs and remedial action is required"; and

WHEREAS, the local Director of Environmental Health Services or Health Officer may agree to this supervision if he/she has determined that adequate resources and requisite technical expertise and capabilities are available; and

WHEREAS, subsequent to supervision, and after determination that the required actions and a permanent remedy for the release has been achieved, the local Director of Environmental Health Services or Health Officer may provide the responsible party with certification that the cleanup goals were accomplished; and

WHEREAS, Section 101490 of the California Health and Safety code states that a local Health Officer may charge the responsible party a fee to recover the reasonable and necessary costs incurred in carrying out this article; and

WHEREAS, the present fees for supervision of site mitigation have remained unchanged since the adoption of Ordinance 5078, effective July 1, 2019; and

WHEREAS, California Health and Safety Code §101325 provides that the Board of Supervisors may adopt an ordinance or resolution prescribing fees to pay the reasonable expenses of the Health Officer incurred in the enforcement of any statute or regulation relating to public health; and

WHEREAS, the Board of Supervisors finds that the fees set forth in this ordinance are exempt from the California Environmental Quality Act (CEQA) review pursuant to 14 CCR 15273 and Public Resources Code §21080, subd. (b)(8)(A) and (B), in that the fees will be used for operating expenses and for the purchase of supplies, equipment and materials; and

WHEREAS, the County of Santa Barbara has, in connection with the above fees, held a public hearing as part of a regularly scheduled meeting and published notice of the meeting, including a general description of the matter to be considered, in accordance with Government Code § 6062a; and

WHEREAS, the fees may be revised as needed by the Santa Barbara County Board of Supervisors, and if the revision does not occur, the existing fees shall remain in effect.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA ORDAINS:

1. That the fees which are set forth in the attached schedule of fees, are hereby adopted pursuant to §101490 and 101325 of the California Health and Safety Code. Said fees are to be assessed against all applicants and persons as defined in Section 101480-101490 of the California Health and Safety Code. Said fees are to become effective July 3, 2025.
2. The Director of Environmental Health Services shall annually review and may adjust fees adopted herein pursuant to the changes to the Consumer Price Index (CPI). Adjustments shall be rounded to the nearest dollar and become effective no earlier than July 1 of each year and appropriate notice shall be provided to the public 60 days prior to the adjustment effective date. Consumer Price Index adjustments shall be based on the All Urban Consumers, Los Angeles-Riverside-Orange County area and shall use the percent change of that index from January through December of the year prior to the effective date.
3. Ordinance 5078, effective July 1, 2019, is hereby repealed on the above-mentioned date that the fees imposed by this Ordinance become effective. The repeal of Ordinance 5078 shall not affect any obligation to pay any fees incurred under said Ordinance, and said obligation shall continue in effect after said Ordinance is repealed, and the County of Santa Barbara may take any appropriate action in regard to any delinquent fees imposed pursuant to said Ordinance.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 3rd day of June, 2025, by the following vote:

AYES: Supervisors Lee, Capps and Hartmann
NOES: Supervisor Nelson
ABSTAIN: Supervisor Lavagnino
ABSENT: None

ATTEST:

Mona Miyasato
County Executive Officer
Clerk of the Board

By: Shirley La Guerra
Deputy Clerk

COUNTY OF SANTA BARBARA:

Laura Capps

By: [Signature]
Chair, Board of Supervisors
Date: 6-3-25

RECOMMENDED FOR APPROVAL:

Mouhanad Hammami, Director
Public Health Department

Signed by:
By: Mouhanad Hammami
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Department Head

APPROVED AS TO ACCOUNTING FORM:

Betsy M. Schaffer, CPA
Auditor-Controller

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By: [Signature]
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Deputy

APPROVED AS TO FORM:

Rachel Van Mullem
County Counsel

Signed by:
By: Lindy Giacomuzzi-Rotz
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Deputy County Counsel

SANTA BARBARA COUNTY PUBLIC HEALTH DEPARTMENT ENVIRONMENTAL HEALTH SERVICES (EHS) FEE SCHEDULE

Site Mitigation

1. Site Mitigation Services

Site Mitigation services include, but are not limited, to the following:

- Remedial Action Agreement
- Corrective Action Delegation
- Site Designation Committee
- Oilfield Restoration
- Emergency Response Cleanup Oversight

Service	Fee Description	Fee
Site Mitigation Services – Hourly Rate	Per Hour	\$ 214
Pre-Project Development Review / Phase I Environmental Site Assessment (ESA) / Soil Management Plan / Work Plan Review Application (per document)	Fixed Fee	\$ 1,079
Phase II ESA / Risk Management Plan Review (per document)	Fixed Fee	\$ 1,248

2. Other Services, Hourly Rate

\$ 214 per hour

An hourly rate fee shall be determined by the number of person-hours, rounded to the nearest one-quarter hour, including reasonable travel time, actually expended by Environmental Health Services of the Public Health Department (hereafter, Environmental Health Services) personnel in performing the following services:

- A. Establish remedial action objectives in conjunction with responsible party and their agents and oversee all phases of project work to ensure compliance with applicable codes, ordinances, regulations and statutes.
- B. Review and respond to environmental assessment reports, site assessment work plans, soil management plans, remedial action plans, administrative control documents including land use covenants, and remedial action completion reports. Issue conditional approval letters for all work plans.
- C. Perform site inspections to identify and evaluate contaminant sources, direct and oversee collection and analyses of environmental samples, ensure compliance with conditions of approved work plan and permits as well as compliance with health and safety requirements.
- D. Conduct final project review and issue case closure or no further action letter certifying that the approved remedial objectives have been met.

3. Additional Program Charges

Photocopies, each	\$ 0.35
Returned Check fee	\$ 41.00

4. Delinquent Fees

Fees that are invoiced by Environmental Health Services, as outlined in this fee ordinance, which are not paid by the due date on the invoice shall be considered delinquent, and the following additional charges added:

- A. For the first thirty (30) days of delinquency, any unpaid portion will have a penalty of 10% assessed.
- B. After 30 days of delinquency, an additional penalty of 15% of the unpaid balance will be assessed, and a Final Notice will be issued.
- C. If the fee, and any penalty assessed pursuant to this ordinance, is not paid within three weeks from the date on the Final Notice, the unpaid balance may be referred to either the Santa Barbara County Treasurer/Tax Collector's office or the County's contracted collection agency for collection. In addition to the fee(s) and any penalties associated with delinquent fee(s) as described above, accounts referred for collection shall be charged for the actual cost associated with collection efforts. The delinquency fees are in addition to any other remedies available to the County.
- D. If any person required to pay a fee pursuant to this ordinance has an outstanding balance due for any service rendered by Environmental Health Services, any past due amount shall be paid before Environmental Health Services will approve a subsequent application from that person or renewal of an existing permit for that person, unless such past due amount is waived or reduces as provided in this ordinance.

5. Contest of Charges

Any person required to pay fees or charges pursuant to this ordinance may file a written notice of contest of charges accompanied by such materials as will support the claim for relief, including payment in full as invoiced, with the Director (or designee) of Environmental Health Services for determination of the correct amount of fees due under this ordinance.

Such written notice shall be filed with the Director (or designee) within 45 days after mailing or personal delivery of the fee invoice or other notification of fees due. This period may be extended by the Director upon a showing of good cause. Upon receipt of such written notice of contest of fees, the Director (or designee) shall make a decision on said contested fees. The decision shall be final with no further right of review. Failure to include payment in full as invoiced will result in denial of review.

Refunds made as a result of this process shall be paid by Environmental Health Services and shall not include interest.

6. Fee Waiver

Any person required to pay fees pursuant to this fee ordinance may file a written application, including payment in full as invoiced, with the Board of Supervisors for a waiver or reduction of any said fees, or any part thereof. The Board of Supervisors may waive or reduce the fees to the extent permitted by law and public policy, upon a showing of good cause by the applicant. The application shall be filed with the Clerk of the Board of Supervisors within 45 days after mailing or personal delivery of the fee invoice. Failure to include payment in full as invoiced will result in denial of review.

Refunds made as a result of this process shall be paid by Environmental Health Services and shall not include interest.