

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 7/27/06
Department Name: Fire
Department No.: 031
Agenda Date: 8/8/06
Placement: Administrative
Estimate Time: 30 minutes on 8/15/06
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: John M. Scherrei
Fire Chief

STAFF CONTACT: Randy Coleman, Division Chief/Fire Marshal, x5554

SUBJECT: Set Hearing for Addition of Two Hazardous Materials Specialist Positions to the Site Mitigation Unit for Oil Field Clean-up Oversight and Related Fee Increase

Recommendation(s):

That the Board of Supervisors:

(A) Set a public hearing on the departmental agenda for August 15, 2006.

(B) On August 15, 2006, it is recommended that the Board of Supervisors:

1. Adopt the personnel resolution effective August 28, 2006, adding two Hazardous Materials Specialist I/II positions (3858/3859, range 5148/5438, \$3162-\$3860/\$3654-\$4461 per month) to the Fire Department's, Site Mitigation Unit.
2. Adopt a Fee Resolution adjusting the Hazardous Materials Fee Schedule to recover the full cost of the Site Mitigation Unit. The hourly billable rate will increase from \$102 per hour to \$113 per hour.
3. Approve the Budget Revision Related to the Addition of the two Specialists and the Fee Adjustment.
4. Approve the Notice of Exemption Pursuant to Section 15273 of the California Environmental Quality Act Guidelines.

Alignment with Board Strategic Plan: The recommendations are aligned with Strategic Plan Goal No. 1.; An Efficient Government Able to Respond Effectively to the Needs of the Community and with Goal No. 2.; A Safe and Healthy Community in Which to Live, Work, and Visit.

Executive Summary and Discussion:

The Santa Barbara County Fire Department has been designated as the local enforcement agency of California Health and Safety Code Chapter 6.5, Hazardous Waste Control, and of Santa Barbara County Code Chapters 15 and 18 by Santa Barbara County Ordinance No. 4215 (including regulatory oversight of oilfield cleanup).

Under the authority of the Health and Safety Code provisions, the Fire Department's Site Mitigation Unit oversees the assessment and remediation of contaminated soil including contamination primarily associated with oil field operations throughout the county. It is a fee for service program and has historically been paid for entirely by the parties responsible for the contamination, which are primarily oil companies. This program's responsibility is to assure that, as oil companies leave the county, all known contamination from their operations is appropriately cleaned up. The work carried out by this Unit reduces the potential for residential and commercial developments to be built on sites contaminated by hazardous materials.

The complex nature of site mitigation results in cleanups taking an average of five years from identification of the parties responsible for the contamination to issuance of a closure letter. There are 400+ active sites in the county assigned to the Site Mitigation Unit. There is also the potential of additional sites being identified that will require remediation. In 2005, 30 new sites were opened while 18 sites were closed. A large number of the oil field sites are located in the Santa Maria Valley where there are 800 known oil wells with associated features (sumps, pipelines, tank batteries, etc.). These factors have made the Santa Maria Valley the area of the County with the highest workload demand for the Site Mitigation Unit.

The Site Mitigation Unit currently has three Hazardous Materials Specialists, who are non-safety civilian employees. The total number of active sites is divided among the specialists, with, depending on complexity, an average of 30 sites actively being addressed per specialist. This equates to many sites not getting the attention necessary in a timely manner and concern has been expressed regarding the time it takes to issue closure letters. Closure letters indicate that the site has undergone remediation to an acceptable level to enable development to occur on the site. In order to better focus on and address the needs of all interested parties, the Fire Department is proposing to add two Hazardous Materials Specialist positions to help address this issue. The addition of these positions, in general, will allow more time to be spent on individual cases and, specifically, will expedite the issuance of closure letters for those sites that have completed the remediation process.

The Fire Department has explored the possibility of hiring part-time or extra help employees to help ease the burden. Due, however, to the nature of the business and the qualifications required, candidates have only been willing to accept full time positions. Moreover, according to the Human Resources Department using contractors would be more expensive than hiring staff and may run into conflict of interest issues.

The proposed fee (\$113.00/hr) reflected in the attached fee schedule has been calculated to fully recover the cost of the Site Mitigation Unit, including the addition of the two new Hazardous Materials Specialists. The current fee is \$102.00/hr.

The Fire Department has discussed these fee increases with the Fire Department's citizen advisory group known as the Community Toxics Awareness Committee. The Community Toxics Awareness Committee is comprised of representatives of a variety of community organizations including: Santa Barbara Industrial Association, League of Women Voters, Coalition of Labor Agriculture and Business, Community Environmental Council, Automotive Services Council and the Service Station Dealers of Southern California. There was no strong opposition to the fee increase expressed by the members present at this meeting.

The fees are given statutory California Environmental Quality Act exemption under the Public Resource Code, section 21080, subdivision (b)(8)(1) & (2) and Title 14 of the California Code of Regulations, section 15273.

Mandates and Service Levels:

There are no changes in mandates. The addition of the two recommended positions will increase the Site Mitigation Unit service level by 66%. This increased service will be applied as necessary to expedite closure of sites currently being addressed and to begin addressing additional priority sites.

Fiscal and Facilities Impacts:

The total program costs for Fiscal Year 06/07 will be \$782,000. Included in this amount is the cost for the two positions, \$182,000, of which \$38,000 is one time start up costs (vehicles, computers, radios, pre-employment physicals, etc.). All costs for this program, including the costs associated with the addition of these two positions, will be fee offset and charged to the parties identified as responsible for the contamination. The fees will be billed at an hourly rate of \$113.00 (an increase from the current hourly rate of \$102.00) and are reflected in the attached Hazardous Materials fee schedule.

In the event the two positions are approved but the fee increase is not adopted, there would be an anticipated annual shortfall of \$70,000. A budget revision is being processed with this board letter to incorporate the recommended increase in expenditures and related revenues into the Fiscal Year 2006-07 budget.

Special Instructions:

Please transmit the Notice(s) of Public Hearing – Proof of Publication to the Fire Department (attention Rose Pueschel) and County Counsel (attention Enrique Sanchez). Please transmit the adopted resolutions and attached fee schedules to the Fire Department and County Counsel along with a certified copy of the minute order. Please forward an approved copy of the Personnel Resolution to Human Resources, attention to Sandra Viola.

Attachments:

- *Personnel Resolution*
- *Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.5: Hazardous Waste Control*
- *California Environmental Quality Act Notice of Exemption*
- *Fee Schedule*
- *Budget Revision*

Concurrence:

Auditor/Controller

County Counsel

County Executive Office

Santa Barbara County Fire Department Prevention Services Division - Hazardous Materials Unit Fee Schedule

Effective 9/1/2006

BUSINESS PLANS

Annual Administrative Fee		
Maximum # of Chemicals		
1 - 3	\$	203.00
4 - 6		383.00
7 - 10		564.00
11 - 20		722.00
21 - 100		901.00
101 or More		3,326.00

Agricultural One Time Business Plan Registration	94.00
Remote Site One time Business Plan Registration	94.00
Exceptional Time & Consultation Fees	\$ 94.00 / Hour
Cal ARP Hourly Rate	85.00 / Hour
Photocopies	.54 / Each

UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES

Annual Permit to Operate		
Per Tank Per Year	\$	516.00
Plan Check/Construction Inspection Fee (Fee covers up to 16 hours of oversight time)		1,288.00
Plan Check/Modification/Repair Inspection Fee (Fee covers up to 8 hours of oversight time)		621.00
Plan Check/Abandonment Inspection Fee (Fee covers up to 11 hours of oversight time)		892.00
Exceptional Time, Consultation & Minor Project Fee	\$ 83.00 / Hour	
Violation Reinspection Fee	83.00 / Hour	
Photocopies		.54 / Each
Leaking Underground Fuel Tank Clean-up Oversight Fee (Fee for costs above State contract amount)		\$40/Hour

HAZARDOUS WASTE GENERATORS

Annual Permit to Operate		
Waste Stream		
0.00 - 0.99 tons	\$	167.00
1.00 - 4.99 tons		229.00
5.00 - 19.99 tons		313.00
20.00 + tons		1,171.00

* Some generators <= .04 tons (10 gallons) are exempt

Site Mitigation Fee

Monitoring Wells		\$ 113.00 / Hour
(LUFT/SMU Programs Fee Exempt)		
Well Construction/Modification Permit	\$	408.00
Additional Wells (Each)		102.00
Well Destruction/Inactivation		306.00
Additional Wells (Each)		102.00
(Vapor Extraction Wells are Fee Exempt)		

Emergency Response (ER)/Complaint Response	\$97.00 / Hour
Exceptional Time & Consultation Fees	82.00 / Hour
Violation Reinspection Fee	82.00 / Hour
Photocopies	.54 / Each

STATE OF CALIFORNIA UNIFIED PROGRAM OVERSIGHT FEES

State General Program Oversight	\$ 24.00 / Facility
State UST Surcharge (Each Tank per Year)	15.00 / Tank
State Cal-ARP Program Fee	270.00 / Facility

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF AMENDING RESOLUTION)
 NO. 06-206, AS AMENDED, BEING THE SALARY) RESOLUTION NO. _____
RESOLUTION OF THE COUNTY OF SANTA BARBARA)

WHEREAS, Salary Resolution No. 06-206 established a Classification Plan, and authorized Departmental Position Allocation effective July 3, 2006; and,

WHEREAS, this Board of Supervisors finds that there is good cause for amending said Resolution No. 06-206, as amended, in the manner provided in this Resolution;

NOW, THEREFORE, IT IS HEREBY RESOLVED, as follows:

1. Resolution No. 06-206, adopted by this Board on July 11, 2006, is hereby amended by amending that (those) portion(s) of Section(s) 4 to read as follows effective August 28, 2006:

SECTION 4. Departmental Position Allocation

<u>DEPARTMENT/BUDGET UNIT</u>	<u>CLASS</u>	<u>P/T</u>	<u>TOTAL NO. POS.</u>	<u>TITLE</u>	<u>BARG UNIT</u>
<u>FIRE (#3710)</u>					
Add 2 new	003858		5	HAZ MATERIALS SPEC I	OR 28
	003859			HAZ MATERIALS SPEC II	28

2. Except as amended by this Resolution, Resolution No. 06-206 as amended, continues unchanged as in full force and effect.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2006, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Supervisors

ATTEST:
 MICHAEL F. BROWN
 CLERK OF THE BOARD

APPROVED AS TO FORM:
 STEPHEN SHANE STARK
 COUNTY COUNSEL
 NOVEMBER 1993
 8/15/06

By: _____ (SEAL)
 Deputy Clerk

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

Resolution Establishing Fees for)
Fire Department's Administration)
of the California Health and Safety Code,)
Chapter 6.5: Hazardous Waste Control)

WHEREAS, Chapter 6.5, Division 20 of the California Health and Safety Code, section 25100 et seq. (Chapter 6.5) and Santa Barbara County Code Chapter 15, Article VII, section 15-126 et seq. and Chapter 18, Article IV, section 18-30, et seq. establish a comprehensive scheme for regulating hazardous waste; and

WHEREAS, sections 18-33.1 and 18-33.2 of Chapter 18 of the Santa Barbara County Code provide that the board of supervisors shall adopt a fee schedule at a level sufficient to pay the necessary and reasonable costs incurred in administering the provisions of Chapter 18, including, but not limited to, permitting and inspection responsibilities; and

WHEREAS, Health and Safety Code section 101325 authorizes the board of supervisors to impose fees for administering and enforcing State statutes and regulations relating to the public health; and

WHEREAS, the County of Santa Barbara administers and enforces Chapter 6.5 as it relates to hazardous waste, and the County intends to recover its expenses in enforcing Chapter 6.5 and any order, quarantine, rule or regulation prescribed by a State health officer or department relating to said Chapter 6.5; and

WHEREAS, (1) the Santa Barbara County Fire Department (Fire Department) has been designated as the local enforcement agency of Chapter 6.5 and of Santa Barbara County Code Chapters 15 and 18 by Santa Barbara County Ordinance No. 4215, and (2) the Fire Department has been designated pursuant to Chapter 6.11 of the Health and Safety Code, (hereinafter Chapter 6.11), as the Certified Unified Program Agency (CUPA) for enforcement of various designated hazardous materials programs, including Chapter 6.5; and

WHEREAS, section 25404.5 of Chapter 6.11 requires a single fee system (1) to replace the fees levied by the County of Santa Barbara pursuant to Chapter 6.5, and, (2) to provide, in conjunction with section 101325 of the Health and Safety Code, for the payment of the necessary and reasonable costs incurred in administering the

provisions of Chapter 6.5, including, but not limited to, permitting and inspection responsibilities; and

WHEREAS, section 25404.2 of Chapter 6.11 provides that the CUPA shall process a single unified program facilities permit program for purposes of administering and enforcing Chapter 6.5; and

WHEREAS, section 25404.5, subdivision (b), of Chapter 6.11 provides that the CUPA will collect a state surcharge for the purposes of implementing Chapter 6.11; and

WHEREAS, the board of supervisors adopted Resolution No. 04-214 establishing hazardous materials program fees; and

WHEREAS, the board of supervisors finds that the fees set forth in this resolution are exempt from CEQA review pursuant to Public Resources Code section 21080, subdivision (b)(8)(1) and (2) (14 CCR section 15273), 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 section 6062a; and

WHEREAS, the fees may be revised as needed by the board of supervisors, and if the revision does not occur, the existing fees shall remain in effect.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, as follows:

1) The fees for the administration and the enforcement of Chapter 6.5 and of Santa Barbara County Code Chapters 15 and 18 by the Fire Department, which are set forth in the attached fee schedule, are hereby adopted and are to be effective on August 21, 2006.

2) The fees established by this Resolution shall be administered as a component part of the single fee system required by section 25404.5 of Chapter 6.11.

3) Resolution No. 04-214, is hereby repealed on the date that the fees imposed by this resolution become effective. The repeal of Resolution 04-214 shall not affect any obligation to pay any fees incurred under said resolution, and said obligation shall continue in

effect after said resolution is repealed, and the County of Santa Barbara may take any appropriate action in regard to any delinquent fees imposed pursuant to said resolution.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 15th day of August, 2006, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

By _____
Chair of the Board of Supervisors

Attest:
Michael F. Brown
Clerk of the Board

By _____
Deputy

Approved as to form:
Stephen Shane Stark
County Counsel

Approved as to Accounting:
Robert W. Geis, C.P.A.
Auditor-Controller

By _____

By _____