

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

Resolution Establishing Fees for)
Fire Department's Administration) Resolution No.
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, 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, Health and Safety Code section 101325 authorizes the board of supervisors to impose fees by resolution for administering and enforcing State statutes and regulations relating to the public health; 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 published a notice regarding this resolution in a newspaper of general circulation, 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 July 1, 2008.

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 3rd day of June 2008, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

By _____
Salud Carbajal
Chair of the Board of Supervisors

Attest:
Michael F. Brown
Clerk of the Board

By _____
Deputy

Approved as to form:
Daniel Wallace
County Counsel

By _____

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

By _____