



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

Department Name: Fire  
Department No.: 031  
For Agenda Of: May 20, 2008  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Select\_Board(s)  
**FROM:** Fire Chief John Scherrei 681-5500  
Contact Info: Chris Hahn, Fire Marshal 681-5500  
**SUBJECT:** Set Hearing for Hazardous Materials Program Fee Resolution

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form:

**Recommended Actions:**

That the Board of Supervisors:

- Set a hearing for June 3, 2008 to consider the adoption of three (3) fee resolutions (listed below) for the Fire Department's administration and enforcement of state mandated hazardous materials control laws, which are administered as the Business Plan, Waste Generator, and Underground Storage Tank Programs.
  1. Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.95: Hazardous Materials Release Response Plans and Inventory
  2. Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.5: Hazardous Waste Control
  3. Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.7: Underground Storage of Hazardous Substances
- Adopt the attached Notice of Exemption under the California Environmental Quality Act

**Summary Text:**

The Santa Barbara County Fire Department, pursuant to Health and Safety Code Chapter 6.11 (sec. 25404 et seq), implements state mandated hazardous materials control laws in Santa Barbara County under the auspices of the Unified Program administered by the California Environmental Protection Agency (Cal/EPA). Under the Unified Program, each county must be certified by Cal/EPA to implement the hazardous materials control laws contained in the Health and Safety Code. In Santa Barbara County, the Fire Department is the Certified Unified Program Agency (CUPA). The purpose of the CUPA is to reduce fragmentation and duplication in the business inspection process, as well as, implement the single-fee system required by the State under the Unified Program. Fees for the

implementation of the Unified Program are pursuant to Health and Safety Code Chapter 6.11 (sec. 25404.5). The proposed fees are presented at this time in conformance with FY 08/09 budget principals.

At the Board of Supervisor's hearing of May 27, 2003, the Board approved a fee adjustment based on the results of a full fee study conducted by the Office of the Auditor-Controller and the Fire Department. On July 27, 2004, a 3% fee adjustment was approved to cover the projected salary increases for Fiscal Year 2004/05. The current proposed fee adjustment is based on the results of a fee study conducted by the Fire Department, utilizing the methodologies developed in 2003 and applying current data to the methodologies. The main purposes of the fee study were to assure that the fees continued to be equitable to the business community and to ensure that they accurately represented the activities performed within each program pursuant to the Health and Safety Code sec. 25404.5(a)(2)(A). The current methodology identifies logical bases on which to allocate the costs within each program, resulting in the proposed fee structures and fee amounts. The various bases include factors such as the average hours spent by the Hazardous Materials Unit specialists at the various facilities, the amount of waste generated by the facilities, the amount of time spent on specific activities related to underground storage tanks and the per hour cost of performing certain tasks.

Each fee imposed by this resolution shall be automatically adjusted, annually, by the Consumer Price Index, All Urban Consumers, Los Angeles-Anaheim-Riverside, and shall use the percent change of that index from January to December of each year. Adjustments to fees shall be effective on July 1 of each year, beginning in 2009. The Fire Chief will annually review revenues and expenditures to ensure that fees charged fairly reflect the cost of the services provided;

The Fire Department has sent the fee schedule to and will discuss the fees with the 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.

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.

**Background:** These fees were last updated by a resolution of the Board of Supervisors on July 27, 2004.

**Fiscal Impacts**

The proposed fees have been incorporated in the Fire Department's FY 08/09 proposed budget for the Hazardous Materials Business Plan, Waste Generator and Underground Storage Tank Programs. The fees are billed on a calendar year basis and are coordinated with the required permits that are effective for the calendar year in which they are issued.

**Staffing Impacts:**

All programs are operating at State specified service levels.

**Special Instructions:**

Direct the Clerk to notice the fee resolutions twice in a newspaper of general circulation in the County of Santa Barbara once at least 10 days prior to the hearing and again with at least 5 days intervening between the dates of first and last publication.

Transmit the Notices of Public Hearing – Proof of Publication to the Fire Department (attention Rose Pueschel) and County Counsel.

**Attachments:**

- *Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.95: Hazardous Plans and Inventory*
- *Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.5: Hazardous Waste Control*
- *Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.7: Underground Storage of Hazardous Substances*
- *Fee Schedule*
- *California Environmental Quality Act Notice of Exemption*

**Authored by:**

Chris Hahn, Fire Marshal

**cc:**