

ORDINANCE AMENDING FEES FOR ENVIRONMENTAL HEALTH SERVICES SITE MITIGATION

ORDINANCE NO. 5078

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 site remediation is required, the responsible party for the release may request the local Health Officer to supervise the remedial action"; and

WHEREAS, Chapter 18, Article VII of the Santa Barbara County Code authorizes the Health Officer to direct and supervise the development and implementation of a contamination cleanup plan upon determination that groundwater contamination at a hazardous waste facility exceeds background levels; and

WHEREAS, the local 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 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 4819, effective January 13, 2012, which was codified at County Code Chapter 15, Article V, Section 104; and

WHEREAS, County Code Chapter 15, Article V, Section 104 is being repealed by separate ordinance; and

WHEREAS, California Health and Safety Code §101325 provide 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 AS FOLLOWS:

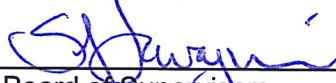
That the fees which are set forth in the attached schedule of fees, are hereby adopted pursuant to §101490 and 101325 of the California Health and Safety Code. Said fees are to be assessed against all applicants and persons as defined in Section 101480-101490 of the California Health and Safety Code. Said fees are to become effective July 1, 2019.

That the repeal of County Code Chapter 15, Article V, Section 104 (repealed by separate ordinance) shall not affect any obligation to pay any fees incurred under said Section, and said obligation shall continue in effect after said Section is repealed, and the County of Santa Barbara may take any appropriate action in regard to any delinquent fees imposed pursuant to said Section.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 9th day of April, 2019, by the following vote:


AYES: Supervisors Williams, Hart, Hartmann, and Lavagnino
NOES: Supervisor Adam
ABSTAIN: None
ABSENT: None

COUNTY OF SANTA BARBARA
STEVE LAVAGNINO



Chair, Board of Supervisors
Date: 4-9-19

ATTEST:
MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: 

Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 

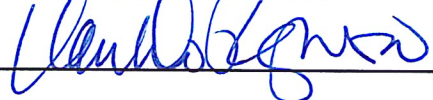
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:
BETSY M. SCHAFFER, CPA
AUDITOR-CONTROLLER

By: 

Deputy

APPROVED
VAN DO-REYNOSO, MPH, PhD
DIRECTOR
PUBLIC HEALTH DEPARTMENT

By: 

**SANTA BARBARA COUNTY PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES FEE SCHEDULE**

Site Mitigation

1. Site Mitigation Services

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

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

Service	Fee Description	Fee
Site Mitigation Services – Hourly Rate	Per Hour	\$ 206
Pre-Project/Development Review/Phase I Environmental Site Assessment Review Application	Fixed Fee	\$ 412
Phase II ESA Review	Fixed Fee	\$ 619

2. Other Services, Hourly Rate **\$ 206**

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 Division 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.