



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 5, 2009
Placement: Administrative
Estimated Tme: 20 Minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Fire Chief Tom Franklin 681-5500
Contact Info: Chris Hahn, Deputy Chief 681-5500

SUBJECT: Set Hearing for Hazardous Materials Program Fee Ordinance

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- 1) Set a hearing for May 19, 2009 to consider the introduction (first reading) of the attached ordinance that amends Chapter 15 of the Santa Barbara County Code to:
 - a) Adopt an updated fee schedule for the Fire Department's administration and enforcement of the California Health and Safety Code, Chapters 6.5 Hazardous Waste Control, 6.7 Underground Storage of Hazardous Substances and 6.95 Hazardous Materials Release Response Plans and Inventory; and
 - b) Approve the CEQA Notice of Exemption (attached).

- 2) Consider on May 26, 2009 (second reading) the adoption of an ordinance amending Chapter 15 of the Santa Barbara County Code as set forth above.

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 2009/10 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. On August 15, 2006, the Site Mitigation fees were adjusted to reflect the addition of two Hazardous Materials Specialists. 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.

Discussions have taken place between the Fire Department and the Community Toxics Awareness Committee and will continue into the future. The Community Toxics Awareness Committee, a citizen advisory group, 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 intent of the discussions is to collaboratively explore alternative fee calculation methodologies. Coming to resolution on alternatives is proving to be a lengthy process due to the complexity of the methodologies being discussed. Pending the outcome of these discussions, it has been agreed to bring a fee proposal forward using the existing methodologies in order to offset the current costs of the programs and thereby reducing the general fund contribution.

The fees are given statutory California Environmental Quality Act exemption under the Public Resource Code, section 21080, subdivision (b)(8)(A) & (B) 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 2009/10 proposed budget for the Hazardous Materials Business Plan, Waste Generator and Underground Storage Tank Programs. The fee increase will result in increased revenues of \$373,000 with revenues covering 97% of program costs in FY 2009/10 as opposed to the coverage of 78% of program costs in FY 2008/09. This significant change is the result of the Hazardous Materials Program fees not being increased since July 2004.

The FY 2009/10 budget reflects an overall decrease of \$409,000 General Fund Contribution (GFC) for the Hazardous Materials Unit programs. The high level of GFC for the Hazardous Materials Unit has

resulted in a reduction of GFC for fire related programs since GFC is allocated on a departmental level and total departmental GFC was not increased. The \$61,928 GFC in FY 2009/10 covers costs related to the Hazardous Materials Unit Emergency Response/Complaint Investigation efforts which do not always have an identifiable responsible party.

The chart below depicts the revenues, expenditures and GFC for FY 2008/09 and 2009/10. In addition, a fee schedule comparison for each type of fee is attached to this board letter.

	FY 08/09 Adjusted Budget	FY 09/10 Requested Budget
Revenues	\$1,682,878	\$2,055,628
Expenditures	\$2,153,672	\$2,117,556
General Fund Contribution	\$470,794	\$61,928

The Hazardous Materials Unit annual permit 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. The Site Mitigation Unit and California Accidental Release Program (CalARP) fees are billed monthly. Other fees such as the Underground Storage Tank Program construction, modification and closure fees are charged on an as-needed basis.

Special Instructions:

Clerk of the Board to notice the ordinance twice in a newspaper of general circulation in the County of Santa Barbara, once at least 14 days prior to the hearing and again with at least 5 days intervening between the dates of first and last publication, per Government code Section 6066.

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

Attachments:

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

Authored by:

Chris Hahn, Deputy Fire Chief

cc: