

PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES
MONITORING WELLS AND BORINGS

ATTACHMENT J

**ORDINANCE AMENDING FEES FOR ENVIRONMENTAL HEALTH SERVICES
MONITORING WELLS AND BORINGS**

ORDINANCE NO. _____

An ordinance of the County of Santa Barbara amending Monitoring Wells and Borings Fee Schedule to adjust for increased costs of doing business.

WHEREAS, Section 13701 of the Water Code provides that improperly constructed and abandoned wells and borings allow for the contamination of groundwater resources posing a serious threat to public health; and

WHEREAS, Section 13801(c) of the Water Code requires that a county, city or water agency adopt a well ordinance by January 15, 1990 that meets or exceeds the standards contained in Department of Water Resources Bulletin 74-81; and

WHEREAS, Chapter 34A of the Santa Barbara County Code regulates the construction, modification, repair and the destruction of wells within the unincorporated areas of the County; and

WHEREAS, Environmental Health Services is the designated successor to the Fire Department for enforcement of statutes, ordinances or regulations related to hazardous materials, hazardous wastes or hazardous substances and the administrative authority currently responsible for regulating monitoring wells; 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 present fees for certain specified services 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, Environmental Health Services recommends updating the fees related to its regulation of monitoring wells; and

WHEREAS, County Code Chapter 15, Article V, Section 104 is repealed by separate ordinance; and

WHEREAS, the fees established by this ordinance will recover the costs of administering and enforcing Chapter 34A of the Santa Barbara County Code and the Department of Water Resources Bulletin 74-81 Section 23; 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 permit, service, administration, and enforcement fees which are set forth in the attached schedule of fees, are hereby adopted pursuant §101325 of the California Health and Safety Code. Said fees are to be assessed against all applicants and persons as defined in Chapter 34A of the Santa Barbara County 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 ____ day of _____, 2019, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

COUNTY OF SANTA BARBARA

STEVE LAVAGNINO

Chair, Board of Supervisors

Date: _____

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**

MONITORING WELLS AND BORINGS

1. Wells and Borings, Fixed Permit Fees

A fee is required for review and approval of permit applications for construction, destruction, modification or inactivation of monitoring wells and borings. Permit fees include inspection of well sites, construction evaluation and final clearance.

	<u>Fee</u>
Monitoring Well Construction or Modification Permit	\$ 670
Each additional well during same mobilization for site	\$ 260 each
Monitoring Well Destruction	\$ 655
Each additional well during same mobilization for site	\$ 260 each
Remediation/Environmental Boring	\$ 365
Geotechnical Boring: Single Parcel	\$ 535
Geotechnical Boring: 12 Month-Multi-parcel	\$2,308

2. Wells and Borings, Hourly Rate \$ 161

An hourly rate fee shall be determined by the number of person-hours, rounded up 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. Inspections required to gain compliance with provisions of State of California Water Well Standards Bulletins 74-81 and 74-90 and Santa Barbara County Code Chapter 34A.
- B. Reinspection Fee (each occurrence) – Follow-up investigations and/or reinspections when violations remain uncorrected after an original inspection. The hourly rate shall apply to the reinspection and all subsequent reinspections, including reasonable travel time, until all violations have been corrected.
- C. The abatement of nuisances or hazards resulting from the well drilling operation.
- D. Services provided by Environmental Health Services for the inspection or evaluation of well(s) constructed, modified or destroyed without a permit(s), as required in Chapter 34-A (such hourly rate shall be in addition to the permit fee(s) subsequently charged pursuant to this ordinance).

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 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 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 EHS Director upon a showing of good cause. Upon receipt of such written notice of contest of fees, the EHS 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.