

**ORDINANCE AMENDING THE
CUPA FEE SCHEDULE**

ORDINANCE NO. 5079

An ordinance of the County of Santa Barbara amending the existing CUPA Fee Schedule to adjust for increased costs of doing business and amending Chapters 15 and 18C to correct CUPA Fee references.

WHEREAS, on February 5, 2019, the County of Santa Barbara Board of Supervisors adopted Chapter 18C, Article III, for the Certified Unified Program Agency (CUPA) in the Public Health Department's Environmental Health Services; and

WHEREAS, Chapter 18C, Article III provides that the local CUPA shall process applications, issue permits, make inspections, and carry out an enforcement program per California Health and Safety Code, Chapter 6.11 (§25404 *et seq.*), Chapter 6.5, (§25100 *et seq.*), Chapter 6.67 (§25270 *et seq.*), Chapter 6.7, (§25280 *et seq.*) and Chapter 6.95 (§25500 *et seq.*); and

WHEREAS, the present fees for administration of the CUPA 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, pursuant to California Government Code section 54985, the County Board of Supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing a product or service; and

WHEREAS, Environmental Health Services recommends updating the fees for administration of the CUPA, which updated fees are set forth in the Fee Schedule included in this ordinance; and

WHEREAS, Environmental Health Services further recommends amending Chapter 18C, Article III to add language regarding CUPA fees; and

WHEREAS, Chapter 18C, Article III currently references the outdated CUPA Fee Schedule in Chapter 15, "Fire Prevention", Article V, Section 104; and

WHEREAS, Environmental Health Services further recommends repealing the outdated Fee Schedule from Chapter 15, Article V, Section 104, which will be replaced by the fees established by this Ordinance; and

WHEREAS, pursuant to Government Code section 54986, 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 Board of Supervisors finds that the fees set forth in this Ordinance are exempt from 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 or materials; 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 set forth in the attached Schedule of Fees are hereby adopted pursuant to Chapter 6.11 (§25404 *et seq.*), Chapter 6.5 (§25100 *et seq.*), Chapter 6.67 (§25270 *et seq.*), Chapter 6.7 §25280 and Chapter 6.95 (§25500 *et seq.*) of the California Health Safety Code and §§ 54985 and 54986 of the California Government Code and said fees are to become effective on July 1, 2019.

Chapter 15, "Fire Prevention", Article V, Section 104

Chapter 15, Article V, Section 104, "Certified Unified Program Agency ("CUPA")—Hazardous materials fee schedule" is hereby repealed in its entirety on the above-mentioned date that the fees imposed by this ordinance become effective.

The repeal of Chapter 15, Article V, Section 15-104 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.

Chapter 18C, Article III, Certified Unified Program Agency

Section 52 is hereby amended to read as follows: Said amendment shall become effective on the above-mentioned date that the CUPA Schedule of Fees imposed by this ordinance become effective.

Sec. 18C-52. Fees

~~The fee resolutions for the regulation of hazardous materials/substances/ wastes set forth in Chapter 15, Article V, Section 15-104 shall remain in effect. Environmental Health Services shall administer and implement said fee resolution and collect the fees authorized by said resolution until such time as said resolution is superseded by fee resolutions that are hereafter adopted by the board of supervisors for the Environmental Health Services' implementation of this Article III.~~

The Santa Barbara County board of supervisors may, by ordinance, adopt such fees as necessary to pay the reasonable expenses of the health officer in enforcing city, county and state statutes, orders, quarantines, ordinances, rules or regulations relating to the public health.

An ordinance adopting said fees may prescribe such terms and conditions as may be necessary for the county to recover its costs of administering and enforcing this Article III.

Failure to pay the fees established and set forth in any fee ordinance adopted by the board of supervisors pursuant to this Article III shall constitute cause for revocation or suspension of a permit issued pursuant to section 18C-46.3.

Sec. 18C-52.1. - Permit fee.

Each person who is required to have a permit issued pursuant to section 18C, Article III shall pay a nonrefundable annual permit fee for each place of business said permit is required. The Santa Barbara County board of supervisors may set the annual permit fee by ordinance.

Sec. 18C-52.2. - Persons liable for fees.

Each of the persons whose duty it is to obtain, or cause to be obtained, a permit from the health officer, as herein provided, shall be, and is hereby declared and made to be, jointly and severally liable for the payment of the fee required to be paid to the health officer for such permit.

Sec. 18C-52.3. - Fees—Collection by suit.

In the event of the nonpayment of any fee required by this article to be paid the health officer, the health officer may proceed to collect such fee from any such person so liable by appropriate action in a court of competent jurisdiction.

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: 

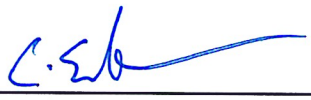
Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 

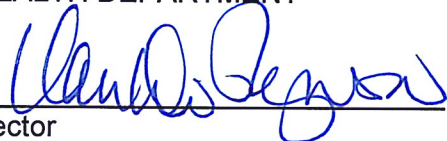
Deputy County Counsel

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

By: 

Deputy

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

By: 

Director

**SANTA BARBARA COUNTY PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES DIVISION**

CERTIFIED UNIFIED PROGRAM AGENCY (CUPA)

FEE SCHEDULE

1. Permit Fees

An annual Permit is required for all CUPA facilities. The annual permit fee shall be based on:

- **Business Plan (BP)** permit fees are categorized by "Level" based on quantity of material stored or handled on site. The BP Levels are as follows:
 - BP Level 1: 55-275 gallons; 500-2,500 lbs; 200-1,000 cubic ft.
 - BP Level 2: 276-500 gallons; 2,501-5,000 lbs; 1,001-2,000 cubic ft.
 - BP Level 3: 501-5,500 gallons; 5,001-50,000 lbs; 2,001-20,000 cubic ft.
 - BP Level 4: 5,501-10,000 gallons; 50,001-100,000; 20,001-40,000 cubic ft.
 - BP Level 5: >10,000 gallons; >100,000 lbs; >40,000 cubic ft.
- **Generator** (hazardous waste) permit fees are based on quantity of hazardous waste generated during a calendar year.
- **Above Ground Petroleum Storage Act (APSA)** permit fees are based on quantity of petroleum stored on site.
- **Underground Storage Tank** permit fees are based on number of operating tanks at a facility.
- **Risk Management Plan** permit fees are based on the severity of the risks posed by the facility which coincide with the type of Extremely Hazardous substance a facility is storing/handling, facility release history, and the type of business the facility is engaged in (e.g., chemical processing versus chemical storage, etc.). Facility risk, established and defined as Programs 1-3 in 19 CCR § 2735.4 of the California Code of Regulations, are expressed below as RMP Levels 1-3 with Level 3 being the highest risk category.

Service	Fee Description	Fee
BUSINESS PLANS		
One Time Business or Site Exemption Fee	Fixed Fee	\$ 421
Business Plan BP Level 1	Fixed Fee	\$ 275
Business Plan BP Level 2	Fixed Fee	\$ 345
Business Plan BP Level 3	Fixed Fee	\$ 415
Business Plan BP Level 4	Fixed Fee	\$ 485
Business Plan BP Level 5	Fixed Fee	\$ 555
GENERATORS		
Hazardous Waste 0.00 - 0.99 Tons	Fixed Fee	\$ 433
Hazardous Waste 1.00 - 4.99 Tons	Fixed Fee	\$ 505
Hazardous Waste 5.00 - 19.99 Tons	Fixed Fee	\$ 577
Hazardous Waste 20.00 or More Tons	Fixed Fee	\$1,442
ABOVEGROUND PETROLEUM STORAGE ACT (APSA)		
APSA Level 0: Less than 1,320 gallons	Annual	\$ 146
APSA Level 1: 1,320 to 9,999 gallons	Annual	\$ 293
APSA Level 2: 10,000 gallons to 100,000 gallons	Annual	\$ 439
APSA Level 3: 100,001 gallons and above	Annual	\$1,172

Service	Fee Description	Fee
UNDERGROUND STORAGE TANKS		
UST Annual Operating Permit (1st tank)	Annual (1st tank)	\$1,165
UST Annual Operating Permit (each additional tank)	Each additional tank	\$ 561
RISK MANAGEMENT PLAN		
RMP Level 1 - Base Fee	Annual per facility	\$ 793
RMP Level 2 - Base Fee	Annual per facility	\$ 996
RMP Level 3 - Base Fee	Annual per facility	\$1,162

2. Underground Storage Tank Plan Review Fees, Application plus hourly fees

All proposed new or modified Underground Storage Tanks (UST) must submit a Plan Review application, on a form approved by the Director of Environmental Health Services, with the appropriate application fee. The application fee shall also be applied when a facility re-initiates UST operations after having been closed for business. Note: UST facilities that have been operating without benefit of permit will not be exempt from application fees. The application fee is part of the overall plan review project and is non-refundable.

Application Fee \$286

Hourly plan review fees include plan review, construction evaluation and final inspection services. Plans that are found to be unsatisfactory will be returned for revision. Environmental Health Services will not issue plan approval or final construction approval until all applicable fees have been paid.

Hourly Plan Review Fee \$143/per hour

3. Other Services – Hourly Rate

An hourly rate fee, determined by the number of person-hours expended by CUPA personnel, including reasonable travel time and rounded up to the nearest one-quarter hour, shall be charged for the following services:

- A. Violation Re-inspection Fee – Follow-up and/or re-inspections when violations remain uncorrected after a routine/original inspection. The hourly rate shall apply to all subsequent re-inspections, including reasonable travel time, until all violations have been corrected.
- B. Consultation Services – Special inspections or consultations requested by operators or prospective new facility operators.
- C. Notices of Violation – Preparation, issuance and monitoring of compliance in conjunction with a Notice of Violation or other enforcement action.

Hourly Rate \$143/per hour

4. Other Risk Management Plan Services – Hourly Rate

An hourly rate fee, determined by the number of person-hours expended by CUPA Risk Management Plan (RMP) personnel, including reasonable travel time and rounded up to the nearest one-quarter hour, shall be charged for the following services:

- A. Routine Inspections – Facility Inspections performed on a regular basis according to the facility's designated RMP Level.

- B. Violation Re-inspections – Follow-up and/or re-inspections when violations remain uncorrected after a routine/original inspection. The hourly rate shall apply to all subsequent re-inspections, including reasonable travel time, until all violations have been corrected.
- C. Consultation Services – Special inspections or consultations requested by operators or prospective new facility operators.
- D. Notices of Violation – Preparation, issuance and monitoring of compliance in conjunction with a Notice of Violation or other enforcement action.

Hourly RMP Rate

\$184/per hour

5. Emergency Response / Complaint Response – Hourly Rate

An hourly rate fee, determined by the number of person-hours expended by CUPA personnel, including reasonable travel time and rounded up to the nearest one-quarter hour, shall be charged for the following services:

- A. Emergency/Complaint Response: On-call personnel and services from the CUPA Emergency Response Unit of the County of Santa Barbara, Department of Environmental Health Services for incidents involving hazardous materials. Emergency response may include, but is not limited to: providing technical assistance, sampling, hazard identification, investigation and enforcement as needed or requested by emergency response agencies.

Hourly Rate

\$214/per hour

6. Additional Program Charges

Photocopies, each
Returned Check fee

\$ 0.35
\$ 41.00

7. Delinquent Fees

Fees that are invoiced by Environmental Health Services as outlined in this fee schedule, which are not paid by the due date on the invoice shall be considered delinquent, and the following additional charges added:

- A. During the first thirty (30) days of delinquency, any unpaid portion of the permit fee will have a penalty of 10% assessed.
- B. After thirty 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 30 days from the date on the Final Notice, the unpaid balance may be referred to 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 as set forth by the collection agency. 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 reduced as provided in this Ordinance.

8. Prorating of Fees

The County reserves the right to prorate all fees described in this ordinance at the discretion of the Director of Environmental Health Services.

9. Contest of Charges

Any person required to pay fees or charges pursuant to this Ordinance may file a written notice of contest of fees 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 Division for determination of the correct amount of fees due under this Ordinance.

Such written notice shall be filed with said 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.

10. 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.