

ORDINANCE NO. 17-_____

ORDINANCE ESTABLISHING AN

EXTENDED PRODUCER RESPONSIBILITY STEWARSHIP PROGRAM

FEE SCHEDULE

An ordinance of the County of Santa Barbara to establish an Extended Producer Responsibility Stewardship Fee Schedule to cover the costs of administering the program, including Plan reviews and annual operating costs.

WHEREAS, the United States Drug Enforcement Agency promulgated regulations at, inter alia, 21 CFR § 1317, et seq. in 2014 allowing the collection of controlled substances at collection receptacles, take-back events, and mail-back programs; and

WHEREAS, the California Medical Waste Management Act allows local jurisdictions to promulgate more stringent requirements to dispose of medical waste pursuant to Health and Safety Code section 117800; and

WHEREAS, on June 21, 2016, the Santa Barbara County Board of Supervisors adopted Ordinance 4971, amending Chapter 18C of the County Code relating to the Extended Producer Responsibility Stewardship for the Collection and Disposal of Unwanted Covered Drugs; and

WHEREAS, Section 18C-26 of Santa Barbara County Code authorizes the Director of Public Health to recommend fees to the board of supervisors to recover, but not exceed, actual costs from a Producer(s) or Stewardship Organization to cover the costs of administering and enforcing local jurisdiction of the program; and

WHEREAS, the County of Santa Barbara Auditor-Controller's Office has confirmed that the methodology used by the Director of Public Health ensures that the recommended fees will not exceed actual costs to the County; 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, pursuant to Section 6066 of the Government Code and in accordance with Section 54986 of the Government Code; and

WHEREAS, pursuant to Santa Barbara County Code Section 18C-26(C) the Board of Supervisors must approve the schedule of fees for it to become effective.

NOW THEREFORE, the board of supervisors of the County of Santa Barbara ordains as follows:

That the fees set forth in this Ordinance are hereby adopted pursuant to §18-C of the Santa Barbara County Code. Said fees are to be assessed against all persons or entities participating in the Extended Producer Responsibility Stewardship program and shall become effective 30 days after adoption.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

By _____
JOAN HARTMANN , Chair
BOARD OF SUPERVISORS

ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI,
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING
THEODORE FALLATI, CPA
AUDITOR-CONTROLLER

By _____
Deputy County Counsel

By _____
Deputy

APPROVED:
CARRIE TOPLIFFE
INTERIM DIRECTOR
PUBLIC HEALTH DEPARTMENT

By: _____
Director

Santa Barbara County Public Health Department
Environmental Health Services Division

Extended Producer Responsibility Stewardship Program
Fee Schedule

Plan Fees

A Producer (either individually or jointly with other Producers) or Stewardship Organization shall pay to the County fees for the initial submittal, review, and approval of each Stewardship Plan (Plan). Plan reviews shall follow the process described in section 18C-23 of the Santa Barbara County Code relating to the Extended Producer Responsibility Stewardship program.

Fees shall be assessed at a per hour rate for review of each Plan. Each Plan is estimated to require a minimum of one (1) hour review time per Producer, but may exceed one (1) hour depending upon complexity.

A deposit shall be paid to the County at the time of Plan submittal. Review time spent in excess of the deposit provided shall be billed at an hourly rate of \$136.00. Producer(s) or a Stewardship Organization shall be refunded any remaining deposit amount after review and approval of the Plan.

After a Plan begins operation, a Producer (either individually or jointly with other Producers) or Stewardship Organization shall pay to the County fees for submittal and review of an updated Plan at least every three years in accordance with Santa Barbara County Code Section 18C-14(E)(5). The three-year Plan update shall include a review of all substantive changes following the process described in section 18C-23 of the Santa Barbara County Code.

1. Proposed Stewardship Plan – Initial Submittal Review Fees

	<u>Deposit</u>
A Plan with 6 or more Producers (20 hours).....	\$2,720.00
A Plan with 1-5 Producers (4 hours).....	\$544.00

Fees include but are not limited to:

- Initial review of new Plan;
- Review of resubmitted (previously rejected) Plan;
- Work with the Stewardship Plan operator to define goals, as requested;
- Guidance on the development of a single system of promotion, as requested;
- Review of substantive changes to an approved Plan;
- Review of application to use an Alternative Technology for disposal; and
- Public posting and notice.

Additional hours required, if necessary\$136/hour

2. Three-year Stewardship Plan Review

	<u>Deposit</u>
A Plan with 6 or more Producers (4 hours).....	\$544.00
A Plan with 1-5 Producers (2 hours).....	\$272.00

Fees include but are not limited to:

- Review of substantive changes to an approved Plan; and
- Public posting and notice.

Additional hours required, if necessary\$136/hour

Annual Operating Fees

An annual operating fee for the Extended Producer Responsibility Stewardship program shall be apportioned to each Producer or Stewardship Organization based on the total number of Producers in a Plan, not to exceed actual costs of administering and enforcement, per Santa Barbara County Code Section 18C-26(B). The annual operating fee may be adjusted as needed.

Annual Operating Fees\$119.00 per Producer

Fees include but are not limited to:

- (1) Research and database management of all stakeholders;
- (2) Maintain ordinance contact database(s);
- (3) Update and maintain information on the County website;
- (4) Provide information and correspondence with the public (emails, calls, in-office);
- (5) Coordinate cooperation with other counties;
- (6) Annual update of Producers reported by Wholesalers & follow-up to new Producers;
- (7) Correspondence and communication with ordinance participants;
- (8) Follow-up with potential Producers not participating in a Plan;
- (9) Enforcement proceeding (includes: written warning letters, administrative fines, enforcement, collection);
- (10) Provide information, counseling, and technical assistance about the requirements of the ordinance to assist with the development of a proposed Stewardship Plan;
- (11) Review and comment on draft survey questions, and make survey results available to the public online;
- (12) Random collection site/event inspection for compliance;
- (13) Audit/inspect Stewardship Organization's records or facilities;
- (14) Report to Board of Supervisors; and
- (15) Conduct annual report reviews.

3. Additional Program Charges

Photocopies each	\$ 0.35
Check returned for non-sufficient funds, closed account, etc.	\$35.00

4. Delinquent Fees

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

- A. Thirty (30) days of delinquency on any unpaid portion of the fee will have a penalty of 10% assessed.
- B. Sixty (60) days of delinquency on any unpaid portion of the fee will have an additional penalty of 15% of the unpaid balance assessed and a Final Notice will be issued.
- C. If the fee, including any penalty assessed pursuant to this Ordinance, is not paid within thirty (30) days from the date of the Final Notice, the unpaid balance may be referred to a collections agency. In addition to the fee(s) and any penalties associated with delinquent fee(s) described above, accounts referred for collection shall be charged the actual cost associated with collection efforts. The delinquency fees are in addition to any other remedies available to the County.
- D. If any Producer or Stewardship Organization 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 Plan from that Producer or Stewardship Organization, unless such past due amount is waived or reduced as provided in this ordinance.