

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 7/8/04
Department Name: Fire
Department No.: 031
Agenda Date: 7/20/04
Placement: Departmental
Estimate Time: 30 Minutes
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: John M. Scherrei
Fire Chief

STAFF CONTACT: Tom Franklin
x5525

SUBJECT: Fee Resolutions for Hazardous Materials Business Plans/Waste
Generator/Underground Storage Programs

Recommendation(s):

That the Board of Supervisors:

1. Approve the Fee Resolutions and Fee Schedules, effective as of July 1, 2004 listed below:
 - a. Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.95: Hazardous Plans and Inventory
 - b. Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.5: Hazardous Waste Control
 - c. Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.7: Underground Storage of Hazardous Substances
2. Adopt the attached Notice of Exemption under the California Environmental Quality Act

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 2. Ensure the Public Health and Safety and Provide Essential InfraStructure.

Executive Summary and Discussion:

At your Board's July 6, 2004 meeting you approved the Fire Department's request to hold a public hearing to consider fee adjustments to the present fee schedules which support, in part, the regulation of the storage and use of hazardous materials in Santa Barbara County. The required public noticing procedures and posting has been performed. The Santa Barbara County Fire Department implements state mandated hazardous materials control laws throughout Santa Barbara County under the auspices of the Unified Program administered by California Environmental Protection Agency (Cal/EPA). Under the Unified Program each

county must have an agency 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 Unified Program 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.

At your Board's hearing of May 27, 2003, you 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. The current proposed 3% fee adjustment reflects an increase sufficient to cover the salary increases that have been projected for FY 04/05. These salary increases are driven by increased workers compensation, retirement and health insurance costs.

The attached Expenditure and Revenue History shows that the proportionate share of fee revenues from businesses and the General Fund's proportionate share for the Unified Program have remained roughly the same from Fiscal Year 96/97 (the fiscal year the Fire Department was designated as the CUPA) through Fiscal Year 02/03. The fee adjustment of May 2003, along with the 3% current proposed adjustment and the increased fee revenues associated with increased efforts required in the Site Mitigation Unit, which provides oversight of oil field clean up and restoration activities, is projected to decrease the General Fund's proportionate share of the Unified Program down to 16% for Fiscal Year 04/05. If General Fund support for the Unified Program implementation were completely eliminated, fees would need to be raised an additional 25% to support those activities covered in the proposed budget.

The bulk of the \$269,000 General Fund contribution projected for Fiscal Year 04/05 is related to emergency responses and complaint investigations. Emergency responses and complaint investigations are driven by all sectors of our community. These responses and investigations are conducted in order to ensure a healthy, safe environment for everyone who lives, visits and works in the County. Due to the overriding nature of these activities to protect the community as a whole, it is believed that this should be a General Fund responsibility. The Fire Department will continue to prosecute emergency responses caused by negligence or a willful disregard of the law, and will continue to attempt to collect cost recoveries when responding to emergencies that require greater than 4 hours of Hazardous Materials staff time, when a responsible party can be identified. Another component of the General Fund contribution is related to a number of regulated businesses that are assessed no fees due to the fact that they operate with such a small amount of hazardous materials so as to be considered an "exempt" business.

The Fire Department has discussed this fee increase with the Fire Department's citizen advisory group known as the Community Toxics Awareness Committee (CTAC). CTAC is comprised of representatives of a variety of community organizations including: Santa Barbara Industrial Association (SBIA), League of Women Voters, Coalition of Labor Agriculture and Business (COLAB), Community Environmental Council, Automotive Services Council (ASC) and the Service Station Dealers of Southern California.

The fees are given statutory CEQA exemption under the Public Resource Code, section 21080, subd. (b)(8)(1) & (2) and Title 14 (California Code of Regulations), section 15273.

Mandates and Service Levels:

All programs are operating at State specified service levels.

Fiscal and Facilities Impacts:

The proposed fee increases have been incorporated in the Fire Department's FY 04/05 adopted budget for the Hazardous Materials Programs. If this 3% increase is not adopted, the General Fund contribution would increase by approximately \$35,000 or 2%.

Special Instructions:

Please transmit the Notice(s) of Public Hearing – Proof of Publication to the Fire Department (attention Rose Pueschel) and County Counsel (attention Enrique Sanchez). Please transmit the adopted resolutions and attached fee schedules to the Fire Department and County Counsel along with a certified copy of the minute order.

Attachments:

- Expenditure and Revenue History
- Summary Fee Schedule
- Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.95: Hazardous Plans and Inventory
- Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.5: Hazardous Waste Control
- Resolution Establishing Fees for Fire Department's Administration of the California Health and Safety Code, Chapter 6.7: Underground Storage of Hazardous Substances
- California Environmental Quality Act Notice of Exemption

Concurrence:

County Counsel, Auditor-Controller

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

Resolution Establishing Fees for)
Fire Department's Administration)
of the California Health and Safety Code,)
Chapter 6.95: Hazardous Plans and)
Inventory)

WHEREAS, Chapter 6.95, Division 20 of the California Health and Safety Code, section 25500 et seq. (Chapter 6.95) establishes a comprehensive scheme for regulating the storage and handling of hazardous waste; and

WHEREAS, (1) the Santa Barbara County Fire Department (Fire Department) has been designated as the local enforcement agency of Chapter 6.95 within the County of Santa Barbara by Santa Barbara County Ordinance No. 4215, (2) the Fire Department has been designated pursuant to Chapter 6.11 of the Health and Safety Code, (hereinafter Chapter 6.11), as the Certified Unified Program Agency (CUPA) for enforcement of various designated hazardous materials programs, including Chapter 6.95; and

WHEREAS, section 25404.5 of Chapter 6.11 requires a single fee system (1) to replace the fees levied by the County of Santa Barbara pursuant to sections 25513 and 25535.2 of Chapter 6.95 and section 101325 of the Health and Safety Code, and, (2) to provide for the payment of the necessary and reasonable costs incurred in administering the provisions of Chapter 6.95, including, but not limited to, permitting and inspection responsibilities; and

WHEREAS, section 25404.2 of Chapter 6.11 provides that the CUPA shall process a single unified program facilities permit program for purposes of administering and enforcing Chapter 6.95; and

WHEREAS, section 25404.5, subdivision (b), of Chapter 6.11 provides that the CUPA will collect a state surcharge for the purposes of implementing Chapter 6.11; and

WHEREAS, the board of supervisors adopted Resolution No. 03-167 establishing hazardous materials program fees; and

WHEREAS, the Fire Department has recommended a change in the way fees are calculated in the fee schedule set forth in Resolution No. 03-167; and

WHEREAS, the board of supervisors finds that the fees set forth in this resolution are exempt from CEQA review pursuant to Public Resources Code section 21080, subdivision (b)(8)(1) and (2) (14 CCR section 15273), 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 section 6062a; and

WHEREAS, the fees may be revised as needed by the board of supervisors, and if the revision does not occur, the existing fees shall remain in effect.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, as follows:

1) The fees for the administration and the enforcement of Chapter 6.95 by the Fire Department, which are set forth in the attached fee schedule, are hereby adopted and are to be effective on July 1, 2004.

2) The fees established by this Resolution shall be administered as component part of the single fee system required by section 25404.5 of Chapter 6.11.

3) Resolution No. 03-167 of May 27, 2003, is hereby repealed on the date that the fees imposed by this resolution become effective. The repeal of Resolution No. 03-167 shall not affect any obligation to pay any fees incurred under said resolution, and said obligation shall continue in effect after said resolution is repealed, and the County of Santa Barbara may take any appropriate action in regard to any delinquent fees imposed pursuant to said resolution.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors
of the County of Santa Barbara, State of California, this 20th day of
July, 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

By _____
Chair of the Board of Supervisors

Attest:
Michael F. Brown
Clerk of the Board

By _____
Deputy

Approved as to form:
Stephen Shane Stark
County Counsel

Approved as to Accounting:
Robert W. Geis, C.P.A.
Auditor-Controller

By _____

By _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

Resolution Establishing Fees for)
Fire Department's Administration)
of the California Health and Safety Code,)
Chapter 6.5: Hazardous Waste Control)

WHEREAS, Chapter 6.5, Division 20 of the California Health and Safety Code, section 25100 et seq. (Chapter 6.5) and Santa Barbara County Code Chapter 15, Article VII, section 15-126 et seq. and Chapter 18, Article IV, section 18-30, et seq. establish a comprehensive scheme for regulating hazardous waste; and

WHEREAS, sections 18-33.1 and 18-33.2 of Chapter 18 of the Santa Barbara County Code provide that the board of supervisors shall adopt a fee schedule at a level sufficient to pay the necessary and reasonable costs incurred in administering the provisions of Chapter 18, including, but not limited to, permitting and inspection responsibilities; and

WHEREAS, Health and Safety Code section 101325 authorizes the board of supervisors to impose fees for administering and enforcing State statutes and regulations relating to the public health; and

WHEREAS, the County of Santa Barbara administers and enforces Chapter 6.5 as it relates to hazardous waste, and the County intends to recover its expenses in enforcing Chapter 6.5 and any order, quarantine, rule or regulation prescribed by a State health officer or department relating to said Chapter 6.5; and

WHEREAS, (1) the Santa Barbara County Fire Department (Fire Department) has been designated as the local enforcement agency of Chapter 6.5 and of Santa Barbara County Code Chapters 15 and 18 by Santa Barbara County Ordinance No. 4215, and (2) the Fire Department has been designated pursuant to Chapter 6.11 of the Health and Safety Code, (hereinafter Chapter 6.11), as the Certified Unified Program Agency (CUPA) for enforcement of various designated hazardous materials programs, including Chapter 6.5; and

WHEREAS, section 25404.5 of Chapter 6.11 requires a single fee system (1) to replace the fees levied by the County of Santa Barbara pursuant to Chapter 6.5, and, (2) to provide, in conjunction with section 101325 of the Health and Safety Code, for the payment of the necessary and reasonable costs incurred in administering the

provisions of Chapter 6.5, including, but not limited to, permitting and inspection responsibilities; and

WHEREAS, section 25404.2 of Chapter 6.11 provides that the CUPA shall process a single unified program facilities permit program for purposes of administering and enforcing Chapter 6.5; and

WHEREAS, section 25404.5, subdivision (b), of Chapter 6.11 provides that the CUPA will collect a state surcharge for the purposes of implementing Chapter 6.11; and

WHEREAS, the board of supervisors adopted Resolution No. 03-168 establishing hazardous materials program fees; and

WHEREAS, the Fire Department has recommended a change in the way the fees are calculated in the fee schedule set forth in Resolution No. 03-168; and

WHEREAS, the board of supervisors finds that the fees set forth in this resolution are exempt from CEQA review pursuant to Public Resources Code section 21080, subdivision (b)(8)(1) and (2) (14 CCR section 15273), 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 section 6062a; and

WHEREAS, the fees may be revised as needed by the board of supervisors, and if the revision does not occur, the existing fees shall remain in effect.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, as follows:

1) The fees for the administration and the enforcement of Chapter 6.5 and of Santa Barbara County Code Chapters 15 and 18 by the Fire Department, which are set forth in the attached fee schedule, are hereby adopted and are to be effective on July 1, 2004.

2) The fees established by this Resolution shall be administered as a component part of the single fee system required by section 25404.5 of Chapter 6.11.

3) Resolution No. 03-168, is hereby repealed on the date that the fees imposed by this resolution become effective. The repeal of Resolution 03-168 shall not affect any obligation to pay any fees incurred under said resolution, and said obligation shall continue in effect after said resolution is repealed, and the County of Santa Barbara may take any appropriate action in regard to any delinquent fees imposed pursuant to said resolution.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 20th day of July, 2004, by the following vote:

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Chair of the Board of Supervisors

Attest:
Michael F. Brown
Clerk of the Board

By _____
Deputy

Approved as to form:
Stephen Shane Stark
County Counsel

Approved as to Accounting:
Robert W. Geis, C.P.A.
Auditor-Controller

By _____

By _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

Resolution Establishing Fees for)
Fire Department's Administration)
of the California Health and Safety Code,)
Chapter 6.7: Underground Storage of)
Hazardous Substances)

WHEREAS, Chapter 6.7, Division 20 of the California Health and Safety Code, section 25280 et seq. (Chapter 6.7) and Santa Barbara County Code Chapter 15, Article VII, section 15-126 et seq. and Chapter 18, Article III, section 18-21, et seq., establish a comprehensive scheme for regulating underground storage of hazardous substances; and

WHEREAS, section 18-22 of Article III of Chapter 18 of the Santa Barbara County Code provides that the board of supervisors shall adopt a fee schedule at a level sufficient to pay the necessary and reasonable costs incurred in administering the provisions of Chapter 6.7 and of Santa Barbara County Code Chapter 18, Article III, including, but not limited to, permitting and inspection responsibilities; and

WHEREAS, the County of Santa Barbara administers and enforces Chapter 6.7 as it relates to the underground storage of hazardous substances, and the County intends to recover its expenses in enforcing Chapter 6.7 and any order, quarantine, rule or regulation prescribed by a State health officer or department relating to said Chapter 6.7; and

WHEREAS, (1) the Santa Barbara County Fire Department (Fire Department) has been designated pursuant to Chapter 6.11 of the Health and Safety Code, (hereinafter Chapter 6.11), as the Certified Unified Program Agency (CUPA) for enforcement of various designated hazardous materials programs, including Chapter 6.7, and (2) the Fire Department has been designated as the local enforcement agency of Chapter 6.7 and of Santa Barbara County Code Chapters 15 and 18 by Santa Barbara County Ordinance No. 4215; and

WHEREAS, section 25404.5 of Chapter 6.11 requires a single fee system (1) to replace the fees levied by the County of Santa Barbara pursuant to section 25287, subdivision (a), of Chapter 6.7, to provide for the payment of the necessary and reasonable costs incurred in administering the provisions of Chapter 6.7, including, but not limited to, permitting and inspection responsibilities; and

WHEREAS, section 25404.2 of Chapter 6.11 provides that the CUPA shall process a single unified program facilities permit program for purposes of administering and enforcing Chapter 6.7; and

WHEREAS, section 25404.5, subdivision (b), of Chapter 6.11 provides that the CUPA will collect a state surcharge for the purposes of implementing Chapter 6.11; and

WHEREAS, the board of supervisors adopted Resolution No. 03-169 establishing underground storage of hazardous substances fees; and

WHEREAS, the Fire Department has recommended a change in the way the fees are calculated in the fee schedule set forth in Resolution No. 03-169; and

WHEREAS, the board of supervisors finds that the fees set forth in this resolution are exempt from CEQA review pursuant to Public Resources Code section 21080, subdivision (b)(8)(1) and (2) (14 CCR section 15273), 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 section 6062a; and

WHEREAS, the fees may be revised as needed by the board of supervisors, and if the revision does not occur, the existing fees shall remain in effect.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, as follows:

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2) The fees established by this Resolution shall be administered as a component part of the single fee system required by section 25404.5 of Chapter 6.11.

3) Resolution No.03-169, is hereby repealed on the date that the fees imposed by this resolution become effective. The repeal of

Resolution No. 03-169 shall not affect any obligation to pay any fees incurred under said resolution, and said obligation shall continue in effect after said resolution is repealed, and the County of Santa Barbara may take any appropriate action in regard to any delinquent fees imposed pursuant to said resolution.

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Attest:
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By _____
Deputy

Approved as to form:
Stephen Shane Stark
County Counsel

Approved as to Accounting
Robert W. Geis, C.P.A.
Auditor-Controller

By _____

By _____

Notice of Exemption

TO: Santa Barbara County Clerk of the Board of Supervisors
FROM: Santa Barbara County Fire Department

Based on a preliminary review of the project, the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN (s): _____ Case No.: _____

Location: Santa Barbara County

Project Title: _____

Project Description Santa Barbara County Fire Department, Fire Prevention Division implements State mandated hazardous materials control laws throughout Santa Barbara County under the auspices of the Unified Program administered by the California Environmental Protection Agency (Cal/EPA).

: In May and June of 2003 Cal/EPA public noticed the proposed state surcharge increases for the Unified Programs. Based on consideration of the comments received during the comment period, Cal/EPA determined that the proposed rates are necessary and reasonable costs of the State Agencies with Unified Program responsibilities.

Exempt Status: (Check one)

- _____ Ministerial
- x Statutory
- x Categorical Exemption
- _____ Emergency Project
- _____ No Possibility of Significant Effect [Sec. 15061 (b,3)]

Cite specific CEQA Guideline Section: 14 CCR 15273: Fees will be used for operating expenses and for purchase of supplies, equipment and materials.

Reasons to support exemption findings (attach additional material, if necessary):

This project is to enable the operation of regulatory programs and as such is categorically and Statutorily exempt under section 15273 of the CEQA guidelines and 21080 of the Public Resources code, respectively.

Department/Division Representative Date

Note: A copy must be posted in DERC at least 6 days prior to consideration of the activity by the decision makers to comply with County CEQA guidelines and a copy must be filed with the County Clerk of the Board after project approval to begin a 35 day statute of limitations on legal challenges.

Distribution: DER
Dev Rev project file (when RMD permit is required)

Date File of County Clerk

**Santa Barbara County Fire Department Fee Schedule
Hazardous Waste Generator Program**

2. Site Mitigation

	<u>FY 03/04 Fees</u>	<u>FY 04/05 Fee</u>
Site Mitigation Fee	\$ 99.00 / Hour	\$102.00 / Hour
Hazardous Substances Monitoring Wells *		
Well Construction/ Modification Permit (Vapor extraction wells are fee exempt)	\$ 396.00	\$ 408.00
Additional Wells Constructed/Modified (on the same property and constructed and/ or modified the same day as the initial well)	\$ 99.00 / Well	\$ 102.00 / Well
Well Destruction/Inactivation (Vapor extraction wells are fee exempt)	\$ 297.00	\$ 306.00
Additional Wells Destroyed/Inactivated (on the same property and destroyed and/or inactivated the same day as the initial well)	\$ 99.00 / Well	\$ 102.00 / Well

* LUFT/SMU Programs are fee exempt

3. Proration of Fees

The County reserves the right to prorate all fees described in this resolution except fees imposed by the State of California.

4. Delinquency Fees

Fees that are invoiced by the Fire Department as outlined in this fee schedule and which are not paid within sixty (60) days shall be considered delinquent and the following additional charges added for delinquency:

For the first sixty (60) days that the bill is not paid in its entirety, a penalty fee equal to 10% of the unpaid amount of such fee shall be assessed.

For the second thirty (30) day period that the fee is not paid in its entirety, a penalty fee equal to 15% of the unpaid balance shall be assessed.

Fees not paid in ninety (90) days shall be referred for collection. In addition to the fee(s) and any penalties associated with delinquent fee(s) described above, accounts referred for collection shall be charged for the actual cost associated with collection efforts.

Santa Barbara County Fire Department Fee Schedule Hazardous Waste Generator Program

The delinquency fees are in addition to any other remedies available to the County.

5. Contest of Charges

Any person required to pay fees pursuant to this fee resolution, 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 Fire Chief (or designee) for determination of the correct amount of fees due under this resolution. Such written notice shall be filed with said Fire Chief (or designee) within 45 days after mailing or personal delivery of the statement of fees. The Fire Chief upon a showing of good cause may extend this time period. Upon receipt of such written notice of contest of fees, said Fire Chief (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 the Fire Department and shall not include interest.

6. Fee Waiver

Any person required to pay fees pursuant to this fee resolution 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, and the Board of Supervisors may waive or reduce said fees, or any portion thereof, to the extent permitted by law and public policy, upon a showing of good cause by the applicant for waiver of fee(s) filed with the Clerk of the Board of Supervisors within 45 days after mailing or personal delivery of the statement of fees. 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 the Fire Department and shall not include interest.

**Santa Barbara County Fire Department Fee Schedule
Underground Storage Tank Program**

1. Annual Fee

A. Underground Storage of Hazardous Substances

	<u>FY 03/04 Fees</u>	<u>FY 04/05 Fees</u>
Annual Permit to Operate	\$ 501.00 / Tank	\$ 516.00 / Tank

B. Other Permit / Service Fees

Plan Check/Construction/Installation Inspection Fee (Fee covers up to 16 hours of oversight time)	\$1,250.00 / Tank	\$1,288.00 / Tank
Plan Check/Modification/Repair Inspection Fee (Fee covers up to 8 hours of oversight time)	\$ 603.00 / Tank	\$ 621.00 / Tank
Plan Check/Abandonment/Closure Inspection Fee (Fee covers up to 11 hours of oversight time)	\$ 866.00 / Tank	\$ 892.00 / Tank
Exceptional Time, Consultation & Minor Project Fee	\$ 81.00 / Hr	\$ 83.00 / Hr
Violation Re-inspection Fee	\$ 81.00 / Hr	\$ 83.00 / Hr
Photocopies	\$ 0.52 / Ea	\$ 0.54 / Ea

C. State of California Unified Program Oversight Fees

The State of California, in accordance with California Code of Regulations Title 27, has established a service fee to cover oversight costs associated with Cal/EPA's coordinating role in the Unified Program for each regulated facility. The service fee is collected by the County and passed on to the State. The service fee has been established as follows:

General Program Oversight	\$24.00 / Facility
UST Program Oversight	\$15.00 / Tank

(Note: The State fees for FY 04/05 have not been set at this time. Current FY 03/04 fees remain in effect and are charged until such time as the State updates their fees).

2. Proration of Fees

The County reserves the right to prorate all fees described in this resolution except fees imposed by the State of California.

Santa Barbara County Fire Department Fee Schedule Underground Storage Tank Program

3. Delinquency Fees

Fees that are invoiced by the Fire Department as outlined in this fee schedule and which are not paid within sixty (60) days shall be considered delinquent and the following additional charges added for delinquency:

For the first sixty (60) days that the bill is not paid in its entirety, a penalty fee equal to 10% of the unpaid amount of such fee shall be assessed.

For the second thirty (30) day period that the fee is not paid in its entirety, a penalty fee equal to 15% of the unpaid balance shall be assessed.

Fees not paid in ninety (90) days shall be referred for collection. In addition to the fee(s) and any penalties associated with delinquent fee(s) 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.

4. Contest of Charges

Any person required to pay fees pursuant to this fee resolution, 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 Fire Chief (or designee) for determination of the correct amount of fees due under this resolution. Such written notice shall be filed with said Fire Chief (or designee) within 45 days after mailing or personal delivery of the statement of fees. The Fire Chief upon a showing of good cause may extend this time period. Upon receipt of such written notice of contest of fees, said Fire Chief (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 the Fire Department and shall not include interest.

5. Fee Waiver

Any person required to pay fees pursuant to this fee resolution 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, and the Board of Supervisors may waive or reduce said fees, or any portion thereof, to the extent permitted by law and public policy, upon a showing of good cause by the applicant for waiver of fee(s) filed with the Clerk of the Board of Supervisors within 45 days after mailing or personal delivery of the statement of fees. 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 the Fire Department and shall not include interest.

**Santa Barbara County Fire Department
Expenditure and Revenue History for the Hazardous Materials Programs**

	<u>Expenditures</u>	<u>Revenues</u>	<u>General Fund Contribution</u>	
FY 96/97	\$ 1,053,335	\$ 703,468	\$ 349,867	33%
FY 97/98	912,231	656,958	255,273	28%
FY 98/99	946,893	664,600	282,293	30%
FY 99/00	1,077,178	718,402	358,776	33%
FY 00/01	1,112,357	878,958	233,399	21%
FY 01/02	1,285,251	930,417	354,834	28%
FY 02/03	1,414,338	1,071,712	342,626	24%
FY 03/04 Adopted Budget	1,590,365	1,253,183	337,182	21%
FY 04/05 Recommended *	1,688,927	1,419,640	269,287	16%

* Includes fee increases as described in this board letter.

Note: Expenditures include departmental overhead costs.

Santa Barbara County Fire Department Prevention Services Division - Hazardous Materials Unit Fee Schedule

Effective 7/1/2004

BUSINESS PLANS

Annual Administrative Fee		
Maximum # of Chemicals		
1 - 3	\$	203.00
4 - 6		383.00
7 - 10		564.00
11 - 20		722.00
21 - 100		901.00
101 or More		3,326.00
Agricultural One Time Business Plan Registration		94.00
Remote Site One time Business Plan Registration		94.00
Exceptional Time & Consultation Fees	\$ 94.00 / Hour	
Cal ARP Hourly Rate		85.00 / Hour
Photocopies		.54 / Each

UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES

Annual Permit to Operate		
Per Tank Per Year	\$	516.00
Plan Check/Construction Inspection Fee		1,288.00
(Fee covers up to 16 hours of oversight time)		
Plan Check/Modification/Repair Inspection Fee		621.00
(Fee covers up to 8 hours of oversight time)		
Plan Check/Abandonment Inspection Fee		892.00
(Fee covers up to 11 hours of oversight time)		
Exceptional Time, Consultation & Minor Project Fee	\$ 83.00 / Hour	
Violation Reinspection Fee		83.00 / Hour
Photocopies		.54 / Each

HAZARDOUS WASTE GENERATORS

Annual Permit to Operate		
Waste Stream		
0.00 - 0.99 tons	\$	167.00
1.00 - 4.99 tons		229.00
5.00 - 19.99 tons		313.00
20.00 + tons		1,171.00
* Some generators <= .04 tons (10 gallons) are exempt		
Site Mitigation Fee		\$ 102.00 / Hour
Monitoring Wells		
(LUFT/SMU Programs Fee Exempt)		
Well Construction/Modification Permit	\$	408.00
Additional Wells (Each)		102.00
Well Destruction/Inactivation		306.00
Additional Wells (Each)		102.00
(Vapor Extraction Wells are Fee Exempt)		

Emergency Response (ER)/Complaint Response	\$97.00 / Hour
Exceptional Time & Consultation Fees	82.00 / Hour
Violation Reinspection Fee	82.00 / Hour
Photocopies	.54 / Each

STATE OF CALIFORNIA UNIFIED PROGRAM OVERSIGHT FEES

State General Program Oversight	\$ 24.00 / Facility
State UST Surcharge (Each Tank per Year)	15.00 / Tank
State Cal-ARP Program Fee	270.00 / Facility

**Santa Barbara County Fire Department Prevention Services Division - Hazardous Materials Unit
Fee Schedule**