

**ORDINANCE AMENDING THE
INTEGRATED SOLID WASTE MANAGEMENT FEE SCHEDULE**

ORDINANCE NO. _____

An ordinance of the County of Santa Barbara amending the existing Integrated Solid Waste Management Fee Schedule to adjust for increased costs of doing business.

WHEREAS, the California Integrated Waste Management Act of 1989, Public Resources Code, §40000 et seq., (hereinafter “the Waste Management Act” or “Act”) established a comprehensive scheme for regulating solid waste management; and

WHEREAS, the Environmental Health Services Division of the Public Health Department has been designated pursuant to the Act §43202 as the Local Enforcement Agency within the County of Santa Barbara; and

WHEREAS, the Waste Management Act provides that the local enforcement agency shall process applications, issue permits, make inspections, and carry out an enforcement program pursuant to the Act for solid waste facilities; and

WHEREAS, §43213 of the Waste Management Act allows the local governing board to approve a fee structure to cover the costs for administration of the solid waste enforcement program to be carried out by the Local Enforcement Agency; and

WHEREAS, pursuant to California Government Code section 54985, County Board of Supervisors of each County 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, the fees proposed in the fee schedule established by Ordinance will recover a portion of the actual costs of administering the Local Enforcement Agency program within the County; and

WHEREAS, the present fees for administration of the Local Enforcement Agency program have remained unchanged since the adoption of Resolution 04-366, effective July 1, 2004; 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 this Ordinance are hereby adopted pursuant to §43213 of the Act and said fees are to become effective on October 1, 2011.

That Resolution 04-366 of July 1, 2004, that covers the programs and services that are covered by this Ordinance is hereby repealed on the above-mentioned date that the fees imposed by this Ordinance become effective. The repeal of Resolution 04-366 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 ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

By _____
Chair, Board of Supervisors

ATTEST:
CHANDRA L. WALLAR
CLERK OF THE BOARD

By _____
Deputy

APPROVED AS TO FORM:
DENNIS MARSHALL
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:
ROBERT GEIS
AUDITOR-CONTROLLER

By _____
Deputy

By _____
Deputy

**SANTA BARBARA COUNTY PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES DIVISION FEE SCHEDULE
SOLID WASTE FACILITIES**

1. Tonnage Fees

All operators of solid waste disposal facilities, as defined in the Waste Management Act, shall pay a quarterly solid waste enforcement fee based on the type and quantity of material (by weight) received at their respective sites. The quantity figures shall be consistent with those reported to the California Regional Water Quality Control Board, Central Coast Region, as conditions of Waste Discharge Requirements issued by that Board.

Intake reports shall be submitted to the Director of Environmental Health Services on a quarterly basis within 15 days of the end of each quarter. These reports shall be used to calculate the appropriate quarterly fee, which shall be invoiced to each waste facility operator.

Municipal Solid Waste \$0.94 / ton*

*Includes the diversion of \$.03/ton from tonnage fees collected, into an established designation fund to be used by the Local Enforcement Agency for independent services (legal counsel or professional).

2. Annual Fee

An annual fee shall be assessed for every non-disposal solid waste facility for surveillance, administration and enforcement activities. The annual fee shall be based on the type of permit category:

Notification Permit	\$ 395
Registration Permit	1,200
Full Permit	1,200

3. Application Fees

In addition to the Annual Fee, all proposed new solid waste facilities seeking to initiate operations must submit a permit 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 operations after having been closed for business. (Note: Facilities that have been operating without benefit of permit will not be exempt from application fees.)

Notification Permit	\$1,130 (5 Hrs)
Registration Permit	3,385 (15 Hrs)
Full Permit	9,030 (40 Hrs)

4. Hourly Rate

\$ 136

All other persons, as determined by the Director of Environmental Health Services, who are not subject to paying the tonnage fee set forth in Section 1 above shall be charged an hourly rate fee for solid waste enforcement activities performed by Environmental Health Services pursuant to the Waste Management Act. The 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 County personnel in performing solid waste enforcement activities as outlined. These enforcement activities include:

- A. Permit processing beyond the time allotted in item 3 above, exemption request processing, hearings and reports.
- B. Required inspections of exempted or excluded operations as well as closed or illegal disposal sites.
- C. Inspections of solid waste conversion technology, composting, storage, transfer, processing, construction and demolition debris processing, land reclamation, inert debris disposal and materials recovery facilities or operations.
- D. Time spent for review of solid waste conversion technology, composting, storage, transfer, processing, construction and demolition debris processing, land reclamation, inert debris disposal and materials recovery facility or operation permits. This includes but is not limited to: permit processing, document reviews, hearings and reports in excess of the time allotted in item 3 above.
- E. Inspection and abatement activities for illegal or abandoned solid waste disposal or storage sites when the complaint is not associated with a permitted solid waste facility paying tonnage fees.
- F. Time spent for oversight of the clean closure of an illegal or abandoned disposal site for a property sale or for a land use permit.
- G. Time spent acting as lead agency for the California Environmental Quality Act (CEQA), in addition to cost recovery for the use of consultants.
- H. Time spent inspecting solid waste hauling vehicles.

5. Additional Program Charges

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

6. Prorating of Fees

The County reserves the right to prorate, in quarterly increments, all fees described in this Ordinance.

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 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 two weeks from the date on the Final Notice, the unpaid balance will be referred to the Santa Barbara County Treasurer/Tax Collector's office 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 reduced as provided in this Ordinance.

8. Contest of Charges

Any person required to pay fees 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. If the staff time required to review and approve construction plans addressed by this Ordinance is at least 30 minutes less than that allotted for that particular fee category, the applicant may request a partial refund of the fee paid.

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.

9. 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.