

ORDINANCE AMENDING SANTA BARBARA COUNTY CODE CHAPTER 15, ARTICLE V OF THE SANTA BARBARA COUNTY CODE BY ADDING SEC. 15-104, ENTITLED "CERTIFIED UNIFIED PROGRAM AGENCY (CUPA) – HAZARDOUS MATERIALS FEES SCHEDULE".

ORDINANCE NO. _____

An ordinance of the County of Santa Barbara amending Santa Barbara County Code Chapter 15, Article V ~~Article V of the Santa Barbara County Code by adding~~ Sec. 15-104, entitled "Certified United Program Agency (CUPA) – Hazardous Material Fees Schedule", ~~which revises the current fee schedule that was adopted by resolution.~~ The fees off set the costs for the Fire Department, designated pursuant to Chapter 6.11 of the Health and Safety Code as the Certified Unified Program Agency (CUPA), to administer and enforce the hazardous materials programs included in the California Health and Safety Code Chapters 6.5 Hazardous Waste Control, 6.67 Aboveground Petroleum Storage Act, 6.7 Underground Storage of Hazardous Substances, and 6.95 Hazardous Materials Release Response Plans and Inventory, and 6.11 State of California Unified Program Oversight Fees.

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

Section One

This ordinance amends the fees contained in Santa Barbara County Code Chapter 15, Article V of the Santa Barbara County Code is amended by adding Sec. 15-104 entitled "Certified Unified Program Agency (CUPA), Hazardous Materials Fee Schedule".

Additionally, this ordinance adds a fee schedule for the administration and enforcement of California Health and Safety Code Chapter 6.67 Aboveground Petroleum Storage Act and a fee schedule for the delinquent payment of fees.

Sec. 15-104 is amended to read as follows:

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Sec. 15-104. Certified Unified Program Agency ("CUPA") - Hazardous Materials Fee Schedule.

<u>CUPA PROGRAMS</u>	<u>FEE</u>
BUSINESS PLANS	
Health and Safety Code (HSC) Chapter 6.95 Article 1	
Annual Administrative Fee	
Maximum # of Chemicals	
1 - 3	\$ <u>254.00</u>
4 - 6	<u>231.00</u>
7 - 10	<u>304.00</u>
11 - 20	<u>277.00</u>
21 - 100	<u>355.00</u>
101 or More	<u>323.00</u>
	<u>408.00</u>
	<u>371.00</u>
	<u>449.00</u>
	<u>409.00</u>
	<u>556.00</u>
	<u>506.00</u>
One Time Agricultural Exemption Registration Fee*	<u>101.00</u>
	<u>92.00</u>
One Time Remote Site Exemption Registration Fee**	<u>101.00</u> <u>92.00</u>
Exceptional Time & Consultation Fees***	<u>101.00/Hour</u> <u>92.00/Hour</u>
California Accidental Release Prevention Program (HSC Ch. 6.95, Article 2)	<u>97.00/Hour</u> <u>88.00/Hour</u>
Photocopies	<u>.10 / Each</u>
HAZARDOUS WASTE GENERATORS	
Health and Safety Code Chapter 6.5	
Annual Permit to Operate	
Hazardous Waste Generated per facility	
0.00 - 0.99 tons	\$ <u>351.00</u>
1.00 - 4.99 tons	<u>319.00</u>
5.00 - 19.99 tons	<u>425.00</u>
20.00 + tons	<u>387.00</u>
	<u>600.00</u>
	<u>546.00</u>
	<u>1,994.00</u>
	<u>1,814.00</u>
Some generators <= .04 tons (10 gallons) are exempt	
Site Mitigation (for clean-up oversight)	\$ <u>157.00/Hour</u> <u>143.00</u>

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	/ Hour
Monitoring Well Permits	
Well Construction/Modification	\$ 629.00 572.00
Each Additional Well for same site	157.00 143.00
Well Destruction/Inactivation	471.00 429.00
Each Additional Well for same site	157.00 143.00
Emergency Response (ER)/Complaint Response	\$122.00/Hour 111.00 / Hour
Exceptional Time & Consultation Fees***	96.00/Hour 87.00/ Hour
Violation Re-inspection Fee	96.00/Hour 87.00/ Hour
Photocopies	.10 / Each

ABOVEGROUND PETROLEUM STORAGE ACT
Health and Safety Code Chapter 6.67

1,320 – 9,999 gallons	\$ 231.00 per site
10,000 gallons and above	\$ 338.00 per site

UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES
Health and Safety Code Chapter 6.7

Annual Permit to Operate	
Per Tank Per Year	\$ 591.00 538.00
Plan Check/Construction Inspection Fee	2,050.00 1,865.00
(Fee covers up to 14/25 hours of oversight time)	
Plan Check/Modification/Repair Inspection Fee	2,006.00 1,825.00
(Fee covers up to 8/18 hours of oversight time)	
Plan Check/Abandonment Inspection Fee	1,312.00 1,194.00
(Fee covers up to 13/7 hours of oversight time)	
Exceptional Time, Consultation*** & Minor Project Fee	\$ 95.00/Hour 86.00 / Hour
Violation Re-inspection Fee	95.00/Hour 86.00/ Hour
Photocopies	.10 / Each

STATE OF CALIFORNIA UNIFIED PROGRAM OVERSIGHT FEES

Health and Safety Code Chapter 6.11

State General Program Oversight (until June 30, 2009)	\$ 24.00 / Facility
Electronic Reporting Surcharge State General Program Oversight (after July 1, 2009 per AB 2286 mandated increase of \$25.00)	25.0049.00 / Facility
State Underground Storage Tank Surcharge (Each Tank per Year)	15.00 / Tank
State California Accidental Release Prevention Program Fee	270.00 / Facility

***AGRICULTURAL FACILITY ABOVE GROUND FUEL TANK EXEMPTION**

Motor vehicle fuel above ground tanks at agricultural facilities having a capacity of 1,100 gallons or less are exempt from the Business Plan inventory reporting requirements. The facility must submit a one-time Business Plan and Site Map to the Santa Barbara County Fire Department Administering Agency, complete an exemption form and pay a One Time Only Agricultural Exemption Registration fee of ~~\$101.00~~ \$2.00. If, however, the cumulative fuel storage capacity of all tanks at a single facility is greater than 20,000 gallons, the above ground fuel tank exemption would not apply.

****REMOTE SITE EXEMPTION**

Remote sites are exempt from the Business Plan if the hazardous material inventory amounts are equal to or less than all of the following: 500 cu. ft. compressed inert gases; 500 GAL combustible liquids used as a fuel source (diesel, fuel oil, kerosene); 200 GAL electrolytes in closed containers; 500 GAL lubricating and hydraulic fluids; and 1200 GAL flammable gas used as a fuel source (propane). The facility has to submit a one-time Business Plan to the Santa Barbara County Fire Department Administering Agency, complete an exemption form and pay a One Time Only Remote Site Exemption Registration fee of ~~\$101.00~~ \$2.00. A remote site is defined as an unstaffed facility located in an isolated sparsely populated area, the facility is secured and not accessible to the public and warning signs are posted and maintained for hazardous materials pursuant to the CA Fire Code.

***** EXCEPTIONAL TIME & CONSULTATION FEES**

Surcharges based on actual costs will apply when, in the opinion of the fire chief, circumstances develop that require extraordinary time for issues including but not limited to special research, consultation or numerous inspections to ensure compliance.

DELINQUENT FEES

Fees that are invoiced by the Fire Department as outlined in Sec. 15-104 "Certified Unified Program Agency (CUPA)-Hazardous Materials Fee Schedule" and which are not paid within thirty (30) calendar days of the original invoice date shall be considered delinquent and the following charges added for delinquency:

1. For the first sixty (60) days from the original invoice date 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.
2. For the next thirty (30) day period that the bill is not paid in its entirety, a penalty fee equal to 15% of the unpaid balance shall be assessed.
3. Fees not paid within ninety (90) days from the original invoice date may be referred to the District Attorney or other agency for the purposes of collection. In addition to the fee(s) and any penalties associated with delinquent fee(s) described above, the accounts referred for collection shall be charged for the actual costs associated with collection efforts.

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NOTE: Businesses in Santa Barbara County must have a valid permit to conduct operations regulated by the Certified Unified Program Agency (CUPA) and Hazardous Materials Unit. Once the facility is in compliance and the invoice fees have been paid the Fire Department will issue a permit. Failure to pay the required fee(s) and possess a valid permit may cause regulated operations by the business to cease and cause the Fire Department to pursue enforcement actions.

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Section Two - Effective Date.

This ordinance, within fifteen (15) days after its passage and adoption, shall be published once in the Santa Barbara News-Press and shall be in full force and effect thirty (30) days after its passage and adoption.

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PASSED, APPROVED AND ADOPTED this ____ day of _____, 201109, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JONI GRAY JOSEPH CENTENO
CHAIR, BOARD OF SUPERVISORS

ATTEST:

CHANDRA L. WALLARMICHAEL BROWN
CLERK OF THE BOARD

By _____
Deputy

[DO NOT PUBLISH APPROVAL]

MICHAEL W. DYERTHOMAS E. FRANKLIN
COUNTY FIRE CHIEF

By _____

APPROVED AS TO FORM:
FORM:

DENNIS A. MARSHALL,
COUNTY COUNSEL

By _____
Deputy County Counsel

APPROVED AS TO ACCOUNTING

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By _____