

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

**IN THE MATTER OF ADOPTING FEES)
FOR ENVIRONMENTAL HEALTH)
SERVICES RELATING TO ONSITE)
WASTEWATER TREATMENT)
SYSTEMS, PUMPING,)
MAINTENANCE AND DISPOSAL)
SERVICES AND SEWAGE VIOLATION)
INSPECTIONS PURSUANT TO)
HEALTH & SAFETY CODE SECTION)
5410 ET SEQ)**

RESOLUTION NO. 19-110

WHEREAS, California State Water Code §13282, allows individual liquid waste disposal on-site so long as the authorized public agency assures proper design and construction of said systems; and

WHEREAS, the Central Coast Regional Water Quality Control Board approved the County of Santa Barbara's Local Agency Management Program in accordance with the State Water Resources Control Board's Onsite Wastewater Treatment System Policy for the siting, design, operation and maintenance of onsite wastewater treatment systems; and

WHEREAS, the Environmental Health Services (EHS) Division of the Public Health Department (hereafter "Department") is designated as the administrative authority for private sewage disposal system review and approval in Santa Barbara County Code §10-4.2(G); and

WHEREAS, Santa Barbara County Code §18C-4(B) authorizes the board of supervisors to adopt fees to enable the County to recover the reasonable and necessary costs incurred by the administrative authority; and

WHEREAS, Santa Barbara County Code §16-40 requires any person engaged in the business of pumping, maintaining and disposing of the contents of septic tanks, cesspools, sewage seepage pits, or chemical toilets to obtain an annual registration permit from the health officer; and

WHEREAS, California Health and Safety Code Article 2, §§5410 - 5416, Sewage and Other Wastes, is enforced by EHS when sewage is discharged in a manner that results or may result in contamination, pollution and or a nuisance and the illegal discharge must be abated; and

WHEREAS, Health and Safety Code §101325 provides that the Board of Supervisors may adopt a resolution prescribing fees to pay the reasonable expenses of the health officer incurred in the enforcement of any statute or regulation relating to public health; and

WHEREAS, §16-47 of the Santa Barbara County Code provides that the Board of Supervisors may adopt by resolution a schedule or schedules of required fees for specified health services by the Public Health Department; and

WHEREAS, the present fees for administering, reviewing and approving permits for on-site sewage disposal systems have remained unchanged since the adoption of Resolution 09-325, effective December 1, 2009; and

WHEREAS, the present fees for administering, reviewing and approving permits for cleaning and disposing of sewage, and response to, and enforcement of, sewage waste have remained unchanged since the adoption of Resolution 09-322, effective December 1, 2009; and

WHEREAS, Resolution 09-322 is repealed by separate resolution; and

WHEREAS, the Board of Supervisors finds that the fees set forth in this resolution 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 and materials; and

WHEREAS, the fees established by this resolution will recover the costs of providing said services and administering and enforcing said statute; 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 §6062a; 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.

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

That the permit, service, administration, and enforcement fees for all on-site sewage disposal systems reviewed and approved by Environmental Health Services are set forth in the attached schedule of fees and are hereby adopted pursuant to §101325 and §5412.5 of the California Health and Safety Code and Chapter 18C and sections 18C-4(B) and §16-47 of the Santa Barbara County Code. Said fees are to become effective July 1, 2019.

Resolution 09-325, effective December 1, 2009, is hereby repealed on the above-mentioned date that the fees imposed by this resolution become effective.

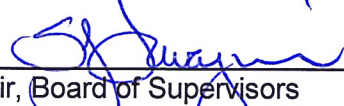
The repeal of Resolution 09-325 shall not affect any obligation to pay any fees incurred under said resolution, and said obligation shall continue in effect after said resolution is repealed, and the County of Santa Barbara may take any appropriate action in regard to any delinquent fees imposed pursuant to said resolution.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 2nd day of April, 2019, by the following vote:

- AYES: Supervisors Williams, Hart, and Hartmann
- NOES: Supervisors Adam and Lavagnino
- ABSTAIN: None
- ABSENT: ~~None~~
None

COUNTY OF SANTA BARBARA

STEVE LAVAGNINO



Chair, Board of Supervisors

Date: 4-2-19

ATTEST:
MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: 

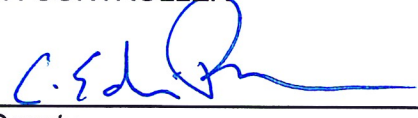
Deputy Clerk

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: 

**SANTA BARBARA COUNTY PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES FEE SCHEDULE**

**ONSITE WASTEWATER TREATMENT SYSTEMS, PUMPING, MAINTENANCE AND DISPOSAL SERVICES
AND SEWAGE VIOLATION INSPECTIONS**

1. Operating Permits, Fixed Fee

A. Septic Tank Pumper Trucks - Liquid Waste Haulers

Annual registration/inspection fee for each vehicle engaged in the business of pumping septic tanks, cesspools, seepage pits, or chemical toilets.

Annual Registration/Inspection Fee, each vehicle \$ 149/each year

B. Alternative Disposal or Supplemental Treatment Systems

Operating permits are required for onsite waste systems that utilize an alternative dispersal system or supplemental treatment to ensure that they are functioning properly and as designed. Permits are valid for five (5) years and require regular inspections of the system by a Qualified Inspector or a trained manufacturer's representative and submittal of reports to Environmental Health Services (EHS) pursuant to the Local Agency Management Program (LAMP).

Alternative Disposal or Supplemental Treatment Systems Operating Permit \$ 324/every 5 years

C. OWTS Repair or Abandonment

A one-time permit fee is required to cover the costs of administration and enforcement of California Water Code §13282 for onsite sewage disposal system repair and abandonment plan review and evaluation.

Repair Permit \$ 713
Abandonment Permit \$ 301

2. Building Site Clearance, Fixed Fee

Evaluation of existing on-site sewage disposal systems that can be accomplished at an EHS office front counter, related to a minor project that does not increase potential wastewater flow and does not require any modification of the existing system, including the building sewer or 100% expansion area.

Written Notice of Clearance \$ 193

3. Voluntary Maintenance Program, Fixed Fee

A submittal fee shall be applied to each Maintenance Report submitted by the registered liquid waste pumper for review, evaluation and follow-up of noted violations.

Maintenance Report, per submittal \$ 82

4. Construction/ Modification Plan Review Fees, Application plus hourly fees

All proposed new or altered systems must submit a Plan Review application, on a form approved by the EHS Director, with an application fee. The application fee is part of the overall plan review project and is non-refundable. Systems that have been operating without benefit of permit will be subject to all applicable fees.

Application Fee \$ 255

Hourly plan review fees provide for the administration and enforcement of California Water Code §13282 for on-site sewage disposal systems. Hourly plan review fees include: review of soil tests and Environmental Health Services records, plan check of system design, site check, approval/disapproval of permit application, construction evaluation and final clearance. Plans that are found to be unsatisfactory will be returned for revision or denial. EHS will not issue plan approval or final construction approval until all applicable fees have been paid.

Hourly Plan Check Fee \$161/per hour

5. Sewage Discharge Violations

An hourly rate fee, as described in Section 6, shall be charged for response to confirmed complaints of any unauthorized sewage discharges, including but not limited to, releases from onsite wastewater treatment systems or publicly operated sewage systems (in violation of Health & Safety Code § 5411). This fee shall be assessed to the owner of the property upon confirmation of the sewage discharge violation and shall include all time rounded to the nearest quarter hour actually expended by County personnel in the investigation and abatement of the sewage discharge, including reasonable travel time.

6. Hourly Rate

\$ 161

An hourly rate 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 Environmental Health Services personnel in performing the following services.

- A. Plan/record review and periodic inspection services of sites using reclaimed/recycled water or enhanced treatment systems.
- B. Consultation Services – Special inspections or consultations requested by property owner.
- C. Notices of Violation – Preparation, issuance and monitoring of compliance in conjunction with a Notice of Violation or other enforcement action.

7. Additional Program Charges

Photocopies, each \$ 0.35
Returned Check fee 41.00

8. Prorating of Fees

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

9. **Delinquent Fees**

Environmental Health Services will not issue plan approval until all appropriate fees have been paid. 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 30 days of delinquency, any unpaid portion of the balance due will have a penalty of 10% assessed.
- B. After 30 days of delinquency, an additional 15% of the unpaid balance will be assessed, and a Final Notice will be issued.
- C. If the delinquent fee is an annual fee for operation of a septic tank pumper truck/liquid waste hauler registration fee and such fee is not paid within two weeks from the issuance of a Final Notice, a Notice of Violation will be issued for operating without having paid the required fee. The operator will have 48 hours to pay the required fee and any penalty assessed during the delinquent period or cease the activity subject to the annual fee.
- D. If the fee, and any penalty assessed pursuant to this resolution, is not paid within three weeks from the date on the Final Notice, the unpaid balance may be referred to either the County Treasurer/Tax Collector's office or 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. The delinquency fees are in addition to any other remedies available to the County.
- E. If any person required to pay a fee pursuant to this resolution 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 resolution.

10. **Contest of Charges**

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

Such written notice shall be filed with the 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.

11. **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. 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