



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

2011 OCT 26 PM 4:30

COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

Department Name: Fire  
Department No.: 031  
For Agenda Of: November 8, 2011  
Placement: Set Hearing  
Estimated Tme: 10 Minutes  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

**TO:** Board of Supervisors

**FROM:** Fire Chief Michael W. Dyer, 681-5500  
Contact Info: Richard Todd, Division Chief/Fire Marshal 681-5500

**SUBJECT:** Set Hearing for Hazardous Materials Program Fee Ordinance

**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- 1) Set a hearing for December 6, 2011 to consider the introduction (first reading) of the attached ordinance that amends Chapter 15 of the Santa Barbara County Code to:
  - a) Adopt an updated fee schedule for the Fire Department's administration and enforcement of the California Health and Safety Code, Chapters 6.5 Hazardous Waste Control, 6.7 Underground Storage of Hazardous Substances, 6.95 Hazardous Materials Release Response Plans and Inventory, 6.11 State of California Unified Program Oversight Fees, and
  - b) Adopt a fee schedule for the administration and enforcement of the California Health and Safety Code, Chapter 6.67 Aboveground Petroleum Storage Act (APSA); and
  - c) Adopt a fee schedule for the delinquent payment of fee(s); and
  - d) Approve the CEQA Notice of Exemption (attached) and find that these fee increases enable the operation of the Hazardous Materials regulatory programs and as such are statutorily exempt under section 15273 of the CEQA guidelines.
- 2) Consider on December 13, 2011 (second reading) the adoption of an ordinance amending Chapter 15 of the Santa Barbara County Code as set forth above.

**Summary Text:**

The Santa Barbara County Fire Department, pursuant to Health and Safety Code Chapter 6.11 (sec. 25404 et seq), implements state mandated hazardous materials control laws in Santa Barbara County under the authority of the Unified Program administered by the California Environmental Protection Agency (Cal/EPA). Under the Unified Program, each county must be 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 CUPA 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. Fees for the implementation of the Unified Program are pursuant to Health and Safety Code Chapter 6.11 (sec. 25404.5). The proposed fees are presented at this time in conformance with FY 2011/12 budget principals.

At the Board of Supervisor's hearing of May 27, 2003, the Board 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. On July 27, 2004, a 3% fee adjustment was approved to cover the projected salary increases for Fiscal Year 2004/05. On August 15, 2006, the Site Mitigation fees were adjusted to reflect the addition of two Hazardous Materials Specialists. In May 2009 the Board again adopted a fee schedule that had the concurrence of the Auditor/Controller. The current fee schedule does not cover the CUPA or Site Mitigation Unit (SMU) (Collectively the Hazardous Materials Unit (HMU)) costs due to increased salary and benefit costs.

This proposed fee schedule represents a 9.9% increase in the Hazardous Materials Unit fees and will allow the Fire Department to recover its costs under the current structure. These new fees would go into effect January 2012.

The Hazardous Materials Unit will be undergoing a reorganization to create a more efficient, mission oriented and customer focused CUPA program. The new organization will require the funding of up to 4 additional Haz Mat specialists in the next 3 to 4 years. An incremental fee increase will be needed over the same time period to accommodate any staffing increases. The Fire Department will conduct a fee and time study in 2012 to determine a final accurate base for fees and the necessity of additional staff.

Discussions have taken place between the Fire Department and the Community Toxics Advisory Committee (CTAC) and will continue on a quarterly basis in the future. The Community Toxics Advisory Committee, a citizen advisory group, is comprised of representatives of a variety of community organizations including: Santa Barbara Industrial Association, League of Women Voters, Coalition of Labor, Agriculture, and Business, Community Environmental Council, Automotive Services Council, and the Service Station Dealers of Southern California. The intent of the discussions is to collaboratively explore alternative methods of establishing fees and/or to discuss efficiencies that may impact the costs associated with administering the hazardous materials programs. The process is ongoing. This proposed fee schedule has been presented to CTAC for discussion and comment and has been forwarded to additional Fire Department stakeholders for their input.

The fees are given statutory California Environmental Quality Act exemption under the Public Resource Code, section 21080, subdivision (b)(8)(A) & (B) and Title 14 of the California Code of Regulations, section 15273.

**Background:** These fees were last updated by a resolution of the Board of Supervisors on May 26, 2009.

**Fiscal Impacts**

The proposed fees will ensure full cost recovery for the inspection program of the current organization. A new fee and time study will be conducted in 2012 to support the proposed reorganization of the Haz Mat Unit.

In addition, a fee schedule comparison is attached to this board letter.

The Hazardous Materials Unit annual permit fees are billed on a calendar year basis and are coordinated with the required permits that are effective for the calendar year in which they are issued. The Site Mitigation Unit and California Accidental Release Program (Cal ARP) fees are billed monthly. Other fees such as the Underground Storage Tank Program construction, modification and closure fees are charged on an as-needed basis.

**Special Instructions:**

Clerk of the Board to notice the ordinance twice in a newspaper of general circulation in the County of Santa Barbara, once at least 14 days prior to the hearing and again with at least 5 days intervening between the dates of first and last publication, per Government code Section 6066.

Transmit the Notices of Public Hearing – Proof of Publication to the Fire Department (attention Rose Pueschel) and County Counsel.

**Attachments:**

- *Ordinance Establishing Fees for Fire Department's Administration of 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, 6.95: Hazardous Plans and Inventory, and adding Section 15-133 Delinquent Fees to Article VII*
- *Strikeout version of the Ordinance cited above*
- *Fee Schedule Comparison Chart*
- *California Environmental Quality Act Notice of Exemption*

**Authored by:**

Richard Todd, Division Chief/Fire Marshal

**cc:**