

ORDINANCE NO. _____
ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS
TO AMEND MARIN COUNTY CODE CHAPTER 7.80 CERTIFIED UNIFIED PROGRAM
AGENCY (CUPA), 7.81 UNDERGROUND STORAGE TANK PROGRAM, 7.82 HAZARDOUS
MATERIALS BUSINESS PLANS AND THE CALIFORNIA ACCIDENTAL RELEASE
PREVENTION PROGRAM, 7.83 HAZARDOUS WASTE GENERATORS AND ADD CHAPTER
7.84 ABOVEGROUND STORAGE OF PETROLEUM PRODUCTS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN DOES HEREBY ORDAIN AS FOLLOWS:

Section I: Chapter 7.80 of the Marin County Code is hereby amended to read:

Chapter 7.80 CERTIFIED UNIFIED PROGRAM AGENCY (CUPA) REGULATORY FEES AND PUBLIC FILE REVIEW

7.80.000 Title.

7.80.005 Purpose.

7.80.010 Definitions.

7.80.015 Fee schedule.

7.80.020 Underground storage tank fees.

7.80.025 Hazardous materials business plan and California accidental release prevention fees.

7.80.030 Hazardous waste generator and hazardous waste treatment fees.

7.80.032 Aboveground Storage of Petroleum Products

7.80.035 State CUPA Surcharge Fee.

7.80.037 Fee Adjustment

7.80.038 Fee Dispute Resolution Procedures

7.80.040 Delinquent fees.

7.80.045 Public inspection of documents (file review).

7.80.000 Title.

This chapter shall be known as the Marin County Public Works Department Certified Unified Program Agency (CUPA) Regulatory Fees and Public File Review. (Ord. 3490 § 1 (part), 2008)

7.80.005 Purpose.

The provisions of this chapter establishing fees associated with hazardous materials and hazardous waste regulations are enacted pursuant to the provisions of California Health and Safety Code, Sections 101325 and 101280; Division 20, Chapter 6.5 (commencing with Section 25100), Chapter 6.7 (commencing with Section 25280), Chapter 6.95 (commencing with Section 25500), Chapter 6.67 (commencing with Section 25270) and Chapter 6.11 (commencing with Section 25404); California Code of Regulations, Title 27; California Water Code (commencing with Section 13700), and California Constitution, Article XI, Section 7. Enactment of the fees is necessary in order to provide a source of revenue with which to defray the personnel and other costs incurred by the county in conducting the regulatory programs established and otherwise identified by State and local laws and regulations. The costs incurred by the county for such regulatory purposes are not met by any grants by the State of California, any fees prescribed by the State, and other county revenues are insufficient to cover such costs. (Ord. 3490 § 1 (part), 2008)

7.80.010 Definitions.

As used in this chapter, the terms identified in Sections 7.80.010 through 7.80.032 shall be ascribed the meanings contained therein:

A. "Certified Unified Program Agency (CUPA)" means the Agency certified by the Secretary of the California Environmental Protection Agency to implement the unified program specified in Chapter 6.11 of the California Health and Safety Code and Title 27 California Code of Regulations. The Public Works Department for Marin County is the CUPA for both the incorporated and unincorporated areas of Marin County.

B. "County" means the County of Marin, or Marin County.

C. "Director" means the Director of the Public Works Department for Marin County, or his/her designee.

D. "Health and Safety Code" means the California Health and Safety Code.

E. "Public Works Department" means the Public Works Department for Marin County. (Ord. 3490 § 1 (part), 2008)

7.80.015 Fee schedule.

Pursuant to Health and Safety Code, Division 20, Chapter 6.11, Section 25404.5(a), each CUPA shall institute a single fee system for all CUPA programs. Any existing fees for programs now under CUPA are to be replaced by the single fee system. These fees are to be set to a level sufficient to pay necessary and reasonable costs incurred by the CUPA in administering the CUPA programs. The changes in the fee schedule shall become in effect upon the effective date of the ordinance codified in this chapter. Future amendments may be added to cover the costs of implementing the various CUPA programs and periodic increases in fees based on herein prescribed inflation factors. No refund or rebate of a permit application shall be allowed by reason of the fact that the permit is denied or the permittee discontinues the activity or use of a facility prior to the expiration of the term of that permit. (Ord. 3490 § 1 (part), 2008)

7.80.020 Underground storage tank fees.

The following fees and charges are enacted:

Annual permit to own or operate (store): Per tank	\$1,000.00
Plan check/installation inspection: Per tank (up to 5 hours staff time*)	\$500.00
Modification of tank system:	
No plan check: Per tank (up to 3 hours staff time*)	\$300.00
Plan check: Per tank (up to 5 hours of staff time*)	\$500.00
Removal of tank(s): Per tank (up to 5 hours staff time*)	\$500.00
In-place closure: Per tank (up to 5 hours of staff time*)	\$500.00
Temporary closure	\$100.00
Consultation/facility oversight	\$100.00 per hour

*Additional hours billed at \$100.00/per hour.
(Ord. 3490 § 1 (part), 2008)

7.80.025 Hazardous materials business plan and California accidental release prevention fees. The following fees and charges are enacted:

Total Volume of Hazardous Materials in Tanks (both Aboveground and Underground)		
Fee Group	Volume	Fee
T1	Aggregates of up to and including 500 gallons	\$247.50
T2	Aggregates of 501 -- 1,500 gallons	\$275.00
T3	Aggregates of 1,501 -- 12,000 gallons	\$302.50
T4	Aggregates of 12,001 -- 40,000 gallons	\$330.00
T5	Aggregates of more than 40,000 gallons	\$357.50
Volume of Hazardous Materials NOT Contained in Tanks		
R1	Aggregates of 0 -- 55 gallons (Applicable only if you use hazardous materials in a tank)	\$50.00
R2	Aggregates of 56 -- 165 gallons, 200 -- 500 cubic feet, and 500 -- 1,000 pounds	\$412.50
R3	Aggregates of 166 -- 550 gallons, 501 -- 1,000 cubic feet, and 1,001 -- 5,000 pounds	\$440.00
R4	Aggregates of 551 -- 1,100 gallons, 1,001 cubic feet and over, and 5,001 -- 10,000 pounds	\$467.50
R5	Aggregates of 1,101 gallons and over and 10,001 pounds and over	\$495.00
F	Farms	\$165.00
California Accidental Release Prevention Program (CalARP)		\$2,500.00
Consultation/facility oversight		\$100.00 per hour

(Ord. 3490 § 1 (part), 2008)

7.80.030 Hazardous waste generator and hazardous waste treatment fees.

The following fees and charges are enacted:

Hazardous waste generator not in combination with other programs	\$200.00
Hazardous waste generator in combination with other programs	\$425.00
Hazardous waste generator classified as a large quantity generator	\$600.00
Hazardous waste onsite treatment/tiered permitting	\$550.00
Hazardous waste generator classified as a farm	\$150.00
Consultation/facility oversight	\$100.00 per hour

(Ord. 3490 § 1 (part), 2008)

7.80.032 Aboveground Storage of Petroleum Products:

The following fees and charges are enacted:

Fees for storage of petroleum product shall be calculated based on the total volume of petroleum product stored onsite aboveground in gallons:

1,320 to 9,999 gallons	\$750.00
10,000 to 99,999 gallons	\$1,500.00
100,000+ gallons	\$2,500.00
Plan check/installation inspection: Per tank (up to 5 hours staff time*)	\$500.00
Modification of tank system:	
No plan check: Per tank (up to 2 hours staff time*)	\$200.00
Plan check: Per tank (up to 5 hours of staff time*)	\$500.00
Removal of tank(s): Per tank (up to 2 hours staff time*)	\$200.00
Consultation/facility oversight	\$100.00 per hour

7.80.035 State CUPA Surcharge Fee.

The term "State CUPA Surcharge" shall be deemed to refer to those provisions and fees prescribed pursuant to contained in Section 25404.5 Paragraph (b)(1), and Section 25287 Paragraphs (a) and (b) of the California Health and Safety Code.

A State of California surcharge as required by the Health and Safety Code and California Code of Regulations shall be added to each fee. (Ord. 3490 § 1 (part), 2008; Ord. 3357 §§ 1 and 2,

2003: Ord. 3330 §§ 1 and 2, 2001: Ord. 3313 §§ 1 and 2, 2000: Ord. 3263 § 1, 1997; Ord. 3262 § 1 (part), 1997)

7.80.037 Fee Adjustments

As of July 1, 2010, and thereafter on each succeeding July 1st, the amount of the fee(s) and charges in Sections 7.80.020, 7.80.025, 7.80.030 and 7.80.032 of this code may be adjusted by the following methods:

a. The percentage of change between April of the previous year and April of the current year in the Consumer Price Index (CPI) for all urban consumers in the San Francisco Bay Area, as published by the United States Government Bureau of Labor Statistics shall be calculated, and each fee shall be adjusted by said percentage change and rounded off to the nearest \$1. Notwithstanding any change in the CPI, no such adjustment shall decrease any fee or charge, and further, no increase shall exceed the reasonable cost of providing the services for which the fee or charge is collected.

b. Or the percentage increase in labor costs (COLA) as provided for in the labor contract between the County of Marin and SEIU Local 1021 General Unit or its successor for the previous fiscal year, whichever is greater (CPI or COLA).

c. Said fee adjustments in succeeding years shall be submitted to the Board of Supervisors for consideration along with the herein specified CPI data and SEIU labor contract information.

d. Notwithstanding subsections a and b of this section, the Director, with the concurrence of the Board of Supervisors, may modify the fees charged for permits and services for particular types of facilities if the Director in his discretion, believes that the standard fee(s) for such facilities are insufficient to reasonably defray the costs to the Division of Waste Management for administration of the Certified Unified Program.

7.80.038 Fee Dispute Resolution Procedures

Any fee disputes (including state surcharges) between businesses and the County will follow existing Director policy and procedure outlined below.

a. Written notification to the Director of the disputed fee.

b. Review of the file and account by the Director

c. Verification of disputed item confirmed or denied by the Director.

d. If necessary, account fee adjusted, with approval by the Director, with appropriate documentation in the record.

e. If business appeals the decision request is re-evaluated by the Director..

f. Decision by Director is provided to the business in writing.

g. Any unresolved dispute involving State surcharges will be referred to the State Department of Toxic Substance Control. The CUPA referral to the State may include a suggested resolution for resolving the dispute.

7.80.040 Delinquent fees.

All fees delinquent for thirty (30) days shall be subject to a penalty of twenty-five (25%) percent of the permit fee. For each additional month, or fraction thereof, in which the delinquency continues, an additional penalty of twenty-five (25%) percent of the fee shall be collected. Delinquent penalty fees will continue to be assessed for each additional month up to one hundred (100%) percent of the permit fee. (Ord. 3490 § 1 (part), 2008: Ord. 3262 § 1 (part), 1997)

7.80.045 Public inspection of documents (file review).

A. The Public Works Department shall maintain records related to the CUPA programs, including administration enforcement orders. These documents shall be available for public review during the regular working hours of the Department of Public Works, Waste Management

Division.

B. A written request to inspect documents must be submitted to the Public Works Department, Waste Management Division. The request must specify what type of information is requested and state the business name and address whose documents are requested.

C. The Public Works Department, Waste Management Division shall review the document(s) requested for inspection and set aside any confidential information.

D. The Public Works Department, Waste Management Division shall notify the person(s) making the request of the date and time that the document(s) will be available for inspection. The Public Works Department, Waste Management Division shall make available such documents within ten working days of receipt of request for review.

E. Files shall not be removed from the premises of the Public Works Department, Waste Management Division by members of the public.

F. A fee will be charged for any copying services provided. (Ord. 3490 § 1 (part), 2008; Ord. 3262 § 1 (part), 1997)