

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Environmental Resources *SJA*

BOARD AGENDA # 9:10 a.m. (a)

Urgent Routine

AGENDA DATE April 27, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider the Introduction and Waiving of the First Reading of an Ordinance to Amend Existing Fees for the Department of Environmental Resources to Include a New Fee for the Aboveground Petroleum Storage Act (APSA) Program

STAFF RECOMMENDATIONS:

Conduct public hearing to consider the introduction and waiving of the first reading of an ordinance to amend existing fees for the Department of Environmental Resources to include a new fee for the Aboveground Petroleum Storage Act (APSA) Program.

FISCAL IMPACT:

California State law specifies that fees for services cannot exceed the costs of providing the services. The Department of Environmental Resources has determined the annual operating costs to administer the Aboveground Petroleum Storage Act (APSA) Program is estimated to be \$19,817. Revenues generated by the proposed new fee are expected to offset this cost.

BOARD ACTION AS FOLLOWS:

No. 2010-250

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, and Chairman Grover

Noes: Supervisors: DeMartini

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE NO. C.S. 1074

ATTEST:

Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-L-7

Public Hearing to Consider the Introduction and Waiving of the First Reading of an Ordinance to Amend Existing Fees for the Department of Environmental Resources to Include a New Fee for the Aboveground Petroleum Storage Act (APSA) Program

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DISCUSSION:

The Department of Environmental Resources (Department) charges fees for services it provides in the program areas of Code Enforcement, Environmental Health, Hazardous Materials, Landfill, Milk & Dairy and Solid Waste. State law mandates that fees charged for services cannot exceed actual costs and must be used to cover the costs of implementing the programs.

Annually, in preparation for the Proposed Budget, the Department evaluates the program costs and the fees associated with programs administered. This process includes the consideration of new or additional fees, where appropriate, as well as modifications to existing fees in order to cover the program costs. This year the Department is proposing the creation of a new fee for the Aboveground Petroleum Storage Act Program as mandated by law in Hazardous Materials. There are no proposed fee changes for Code Enforcement, Environmental Health, Landfill, Milk & Dairy, or Solid Waste.

Hazardous Materials

On October 13, 2007, Assembly Bill 1130 (AB 1130) was signed by the Governor, which went into effect on January 1, 2008, transferring the responsibility for implementation, enforcement and administration of the Aboveground Petroleum Storage Act (APSA) Program from the Regional Water Control Board to the local Certified Unified Program Agency (CUPA). AB 1130 was written as an extension of the Federal Spill Prevention, Control and Countermeasure (SPCC) Plan found in Chapter 40 of the Code of Federal Regulations, Part 112, designed to prevent oil discharges from reaching navigable waters or adjoining shorelines.

AB 1130 requires the owner or operator of a tank facility with aggregate storage capacity of 1,320 gallons or more of petroleum to prepare an SPCC Plan in accordance with Federal law. However, under APSA, CUPAs are required to conduct inspections at tank facilities with aggregate storage capacity of 10,000 gallons or more of petroleum at least once every three years. The purpose of the inspection is to determine the owner's or operator's compliance with the SPCC requirements of the APSA and the Department serves as the CUPA for Stanislaus County.

To fund the initial program development, the California Environmental Protection Agency (CalEPA) awarded a one-time grant in the amount of \$119,403 to the Department in July 2008 (approved by the Board of Supervisors on February 12, 2008, Board Action No. 2008-102). The monies from the grant were used to update the State Water Resources Control Board inventory list, train CUPA personnel, and provide workshops and outreach to the regulated community. The award was only intended to provide the initial funding needed to frame the APSA Program and did not include the annual administrative or operating costs. To cover the APSA program costs, which includes but is not limited to inspections, enforcement, and administrative costs, the Department now needs to establish a fee as part of the single fee system.

On March 3, 2010, the Department held a workshop to discuss the proposed APSA fee with industry representatives. Information about the workshop was mailed to all parties affected or potentially affected by the fee. Two representatives from the regulated business community attended the

Public Hearing to Consider the Introduction and Waiving of the First Reading of an Ordinance to Amend Existing Fees for the Department of Environmental Resources to Include a New Fee for the Aboveground Petroleum Storage Act (APSA) Program
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workshop and supported the proposed fee and no concerns were expressed.

Proposed Fees

Tank facilities that aggregate between 1,320 gallons and 9,999 gallons of petroleum will be inspected under the Hazardous Material Business Plan and would not be subject to APSA fees. Only tank facilities with aggregate storage capacity of 10,000 gallons or more of petroleum would be subject to the APSA fee and will be inspected once every three years. In calculating the proposed fee, the Department reviewed the storage capacity of the tanks within the regulated facilities and the amount of time spent on determining compliance.

The Department proposes to incorporate the APSA Program into the existing CUPA structure. The projected annual operating cost is approximately \$19,817.

Aboveground Petroleum Storage Facilities	Number of Facilities	Proposed Fee	Difference
1,320 gallons - <10,000 gallons	145	\$0	N/A
10,000 gallons - 50,000 gallons	65	\$237	NEW
50,001 gallons -100,000 gallons	5	\$332	NEW
100,001 gallons - 1,000,000 gallons	4	\$427	NEW
> 1,000,000 gallons	2	\$522	NEW

Public Hearing

On March 16, 2010, the Board set the public hearing to consider this item for April 27, 2010, at 9:10 a.m., as required by Government Code Section 54985, et seq.; a requirement that must be met before new fees can be established or existing fees can be raised. In addition, the Notice of Public Hearing was printed in the Modesto Bee on April 16, 2010, and April 22, 2010. If approved, these fee increases will correspond with Fiscal Year 2010-2011, and will become effective on July 1, 2010.

POLICY ISSUE:

An ordinance of the Board of Supervisors is required to amend or establish fees for the Department. Further, the Board should determine if amending existing fees for the Department including a new fee for the Aboveground Petroleum Storage Act Program is consistent with its priorities of a safe community, a healthy community, a well-planned infrastructure system, and the efficient delivery of public services.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

Public Hearing to Consider the Introduction and Waiving of the First Reading of an Ordinance to Amend Existing Fees for the Department of Environmental Resources to Include a New Fee for the Aboveground Petroleum Storage Act (APSA) Program
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CONTACT PERSON:

Sonya K. Harrigfeld, Director. Telephone: 209-525-6770.

ORDINANCE NO. C.S. _____

**AN ORDINANCE AMENDING EXISTING FEES
COLLECTED BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES
TO INCLUDE A NEW FEE FOR THE ABOVEGROUND PETROLEUM
STORAGE ACT (APSA) PROGRAM**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

Section 1. Fees to be collected by the Department of Environmental Resources are adopted and amended as set forth in the Department of Environmental Resources Fee Schedule attached hereto as Exhibit A and incorporated by reference, copy of which is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act.

Section 2. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____ seconded by Supervisor _____, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this ____ day of _____, 2010, by the following called-vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Jeff Grover, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

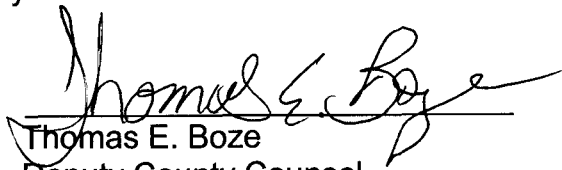
ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By: 

Thomas E. Boze
Deputy County Counsel

Hazardous Materials Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Aboveground Petroleum Storage Act (APSA) Program			
California Health and Safety Code 25270.6(b)			
1,320 Gallons - <10,000 Gallons	New	New	No Charge
10,000 Gallons - 50,000 Gallons	New	New	\$ 237.00
50,001 Gallons - 100,000 Gallons	New	New	\$ 332.00
100,001 Gallons - 1,000,000 Gallons	New	New	\$ 427.00
>1,000,000 Gallons	New	New	\$ 522.00

***WLR is \$95.00**

Hazardous Materials Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Underground Storage Tank (UST) Program			
California Health and Safety 25404.5; California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1			
UST Upgrades (5 Hours)	WLR* (5 hr min)	2008	No Change
UST (1-3 Tanks)	\$ 522.00	2008	No Change
UST (4-6 Tanks)	\$ 644.00	2008	No Change
UST (7+ Tanks)	\$ 899.00	2008	No Change
UST Transfer (2.5 Hours)	WLR (2.5 hr min)	2008	No Change
UST Closure (6 Hours)	WLR (6 hr min)	2008	No Change
UST Installation Inspection (10 Hours)	WLR (10 hr min)	2008	No Change
UST Plan Review (3 Hours)	WLR (7 hr min)	2008	No Change
Justified Complaint	WLR (1 hr min)	2006	No Change

***WLR is \$95.00**

Hazardous Materials Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Medical Waste Program			
California Health and Safety Code 117825			
Large Generator (>200 Pounds/Month)	\$ 277.00	2008	No Change
Small Generator (<200 Pounds/Month)	\$ 138.00	2008	No Change
Specialty Clinic	\$ 471.00	2008	No Change
Primary Care Clinic	\$ 471.00	2008	No Change
Licensed Clinical Lab	\$ 277.00	2008	No Change
Limited Quantity Hauling Exemption	\$ 138.00	2008	No Change
Common Storage Facility (1-10 Generator Facility)	\$ 138.00	2008	No Change
Common Storage Facility (11-49 Generator Facility)	\$ 354.00	2008	No Change
Common Storage Facility (50+ Generators Facility)	\$ 692.00	2008	No Change
General Acute Care Facility (1-99 Beds)	\$ 825.00	2008	No Change
General Acute Care Facility (100-199 Beds)	\$ 1,196.00	2008	No Change
General Acute Care Facility (200-250 Beds)	\$ 1,562.00	2008	No Change
General Acute Care Facility (251+ Beds)	\$ 2,006.00	2008	No Change
Acute Psychiatric Hospital	\$ 277.00	2008	No Change
Intermediate Care Facility	\$ 416.00	2008	No Change
Skilled Nursing Facility (1-99 Beds)	\$ 377.00	2008	No Change
Skilled Nursing Facility (100-199 Beds)	\$ 471.00	2008	No Change
Skilled Nursing Facility (200+ Beds)	\$ 554.00	2008	No Change
Health Care Service Plan Facility	\$ 471.00	2008	No Change
Medical Waste Transfer Facility	\$ 692.00	2008	No Change
Veterinary Clinic Or Hospital	\$ 277.00	2008	No Change
Justified Complaint	WLR* (1 hr min)	2006	No Change

***WLR is \$95.00**

Hazardous Materials Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Hazardous Material Disclosure Program			
California Health and Safety 25404.5; California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1			
Business Plan (1-4 Chemicals)	\$ 127.00	2004	No Change
Business Plan (5-10 Chemicals)	\$ 180.00	2004	No Change
Business Plan (11-16 Chemicals)	\$ 200.00	2004	No Change
Business Plan (17-30 Chemicals)	\$ 575.00	2004	No Change
Business Plan (\geq 31 Chemicals)	\$ 717.00	2004	No Change
Acutely Hazardous Gases (0-999 Pounds)	\$ 185.00	2004	No Change
Acutely Hazardous Gases (1,000-20,000 Pounds)	\$ 448.00	2004	No Change
Acutely Hazardous Gases (\geq 20,000 Pounds)	\$ 527.00	2004	No Change
Acutely Hazardous Solids/Liquids (0-1,999 Pounds Or Gallons)	\$ 185.00	2004	No Change
Acutely Hazardous Solids/Liquids (2,000-10,000 Pounds Or Gallons)	\$ 264.00	2004	No Change
Acutely Hazardous Solids/Liquids (\geq 10,000 Pounds Or Gallons)	\$ 395.00	2004	No Change
Justified Complaint	WLR* (1 hr min)	2006	No Change

***WLR is \$95.00**

Hazardous Materials Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Farm Disclosure Program			
California Health and Safety 25404.5; California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1			
Inspection	\$ 28.00	1996	No Change

Hazardous Materials Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Tiered Permitting Program			
California Health and Safety 25404.5; California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1			
Permit by Rule	\$ 738.50	2008	No Change
Conditional Authorization	\$ 738.50	2008	No Change
Conditional Exempt	\$ 95.00	2008	No Change

Hazardous Materials Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Conditionally Exempt Small Quantity Generator (CESQG)/Generator Program			
California Health and Safety 25404.5; California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1			
Dry Cleaning Waste			
Filters	\$1.83 Per Pound	2008	No Change
Oil	\$0.76 Per Pound	2008	No Change
Water	\$0.90 Per Pound	2008	No Change
Paint Waste			
Latex	\$0.27 Per Pound	2008	No Change
Oil Base	\$0.93 Per Pound	2008	No Change

Hazardous Materials Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Conditionally Exempt Small Quantity Generator (CESQG)/Generator Program - Continued			
AntiFreeze Waste	\$0.26 Per Pound	2008	No Change
Oil Filters	\$0.26 Per Pound	2008	No Change
PCB Ballast	\$5.28 Each	2008	No Change
Car Batteries	No Fee	2005	No Change
Paint Booth Filters	\$4.22 Per Pound	2008	No Change
Waste Oil	\$0.09 Per Pound	2005	No Change
Misc. Waste			
(1-50 Pounds)	\$ 17.72	2008	No Change
(51-100 Pounds)	\$ 36.93	2008	No Change
(101-150 Pounds)	\$ 62.03	2008	No Change
(151-220 Pounds)	\$ 88.62	2008	No Change
Straight Fluorescent Lamp	\$ 0.25 / Foot	2008	No Change
Compact / Small Lamp	\$0.60 Each	2008	No Change
U-Tube and Circular Lamp	\$3.00 Each	2008	No Change
High Intensity Discharge Lamp (HID)	\$3.00 Each	2008	No Change
CESQG (< 220 Pounds/Month)	\$ 110.00	2008	No Change
CESQG Who Recycles	\$ 55.00	2008	No Change
Small Quantity Gen. (< 2,220 Pounds/Month)	\$ 346.00	2008	No Change
Small Gen. Who Recycles	\$ 183.00	2008	No Change
Large Quantity Generator (>= 2,220 Pounds/Month)	\$ 794.00	2008	No Change
Large Gen. Who Recycles	\$ 607.00	2008	No Change

***WLR is \$95.00**

Hazardous Materials Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Miscellaneous Fees			
California Health and Safety Code 101325; California Water Code 13801			
Reinspections	WLR* (1 hr min)	2008	No Change
Plan Review	WLR (1 hr min)	2008	No Change
Administrative Office Hearing	WLR (1 hr min)	2008	No Change
Monitoring Well Permits (Site Mitigation Program) First Well	\$ 75.00	2003	No Change
Each Well Thereafter	\$ 35.00	2003	No Change
Monitoring Wells Plan Reviews/Permits (Other Programs)	WLR (1 hr min)	2008	No Change
Subdivision Review	WLR (8 hr min)	2003	No Change

***WLR is \$95.00**

State Fees Collected by Hazardous Materials

Unified Program Hazardous Materials/Waste Annual Surcharge Fees; California Health and Safety Code Section 25404.5

CUPA Oversight	\$ 24.00		No Change
Underground Storage Tank (Per Tank)	\$ 15.00		No Change
California Accidental Release Prevention Program	\$ 270.00		No Change
Temporary 3 Year Hazardous Materials Electronic Reporting Surcharge (CERS), Sunsets 2012	\$ 25.00	2009	No Change

Environmental Health Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Food Program			
California Health and Safety Code 113920; California Code of Regulations, Title 17, 1276			
Food Bank/Food Pantry	\$ 160.00	2008	No Change
Food Establishment Prepackage Non-Potentially Hazardous Food	\$ 107.00	2008	No Change
Food Establishment Category 3	\$ 428.00	2008	No Change
Food Establishment Category 3 Reduced Fee Incentive Program "B"	\$ 322.00	2008	No Change
Food Establishment Category 3 Seasonal	\$ 320.00	2008	No Change
Food Establishment Category 2A: 0-2000 sq. ft. or 0-20 seats	\$ 587.00	2008	No Change
Food Establishment Category 2A Reduced Fee Incentive Program "A"	\$ 382.00	2008	No Change
Food Establishment Category 2A Reduced Fee Incentive Program "B"	\$ 440.00	2008	No Change
Food Establishment Category 2B: 2001-6000 sq. ft. or 21-50 seats	\$ 599.00	2008	No Change
Food Establishment Category 2B Reduced Fee Incentive Program "A"	\$ 389.00	2008	No Change
Food Establishment Category 2B Reduced Fee Incentive Program "B"	\$ 449.00	2008	No Change
Food Establishment Category 2C: 6001-15000 sq. ft. or 51-100 seats	\$ 653.00	2008	No Change
Food Establishment Category 2C Reduced Fee Incentive Program "A"	\$ 424.00	2008	No Change
Food Establishment Category 2C Reduced Fee Incentive Program "B"	\$ 490.00	2008	No Change
Food Establishment Category 2D: 15000 sq. ft. or Over, or 101 seats or Over	\$ 657.00	2008	No Change
Food Establishment Category 2D Reduced Fee Incentive Program "A"	\$ 427.00	2008	No Change
Food Establishment Category 2D Reduced Fee Incentive Program "B"	\$ 493.00	2008	No Change
Food Establishment Category 2E: 0-2000 sq. ft. or 0-20 seats With Drive Thru, Take Out, or Delivery	\$ 625.00	2008	No Change
Food Establishment Category 2E Reduced Fee Incentive Program "A"	\$ 406.00	2008	No Change
Food Establishment Category 2E Reduced Fee Incentive Program "B"	\$ 469.00	2008	No Change
Food Establishment Category 2F: 2001-6000 sq. ft. or 21-50 seats With Drive Thru, Take Out, or Delivery	\$ 631.00	2008	No Change
Food Establishment Category 2F Reduced Fee Incentive Program "A"	\$ 410.00	2008	No Change
Food Establishment Category 2F Reduced Fee Incentive Program "B"	\$ 473.00	2008	No Change
Food Establishment Category 2 Caterer Using Rental Kitchen	\$ 373.00	2008	No Change
Category 1 A: 0-2000 sq. ft. or 0-20 seats	\$ 801.00	2008	No Change
Food Establishment Category 1A Reduced Fee Incentive Program "A"	\$ 521.00	2008	No Change
Food Establishment Category 1A Reduced Fee Incentive Program "B"	\$ 601.00	2008	No Change
Category 1 B: 2001-6000 sq. ft. or 21-50 seats	\$ 813.00	2008	No Change
Food Establishment Category 1B Reduced Fee	\$ 528.00	2008	No Change
Food Establishment Category 1B Reduced Fee Incentive Program "B"	\$ 610.00	2008	No Change
Category 1 C: 6001-15000 sq. ft. or 51-100 seats	\$ 856.00	2008	No Change
Food Establishment Category 1C Reduced Fee Incentive Program "A"	\$ 556.00	2008	No Change
Food Establishment Category 1C Reduced Fee Incentive Program "B"	\$ 642.00	2008	No Change
Category 1 D: 15001 sq. ft. and Over, or 101 seats or	\$ 883.00	2008	No Change

Environmental Health Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Food Program - Continued			
Food Establishment Category 1D Reduced Fee Incentive Program "A"	\$ 574.00	2008	No Change
Food Establishment Category 1D Reduced Fee Incentive Program "B"	\$ 662.00	2008	No Change
Category 1 E: 0-2000 sq. ft. or 0-20 seats with Drive Thru, Take Out or Delivery	\$ 832.00	2008	No Change
Food Establishment Category 1E Reduced Fee Incentive Program "A"	\$ 541.00	2008	No Change
Food Establishment Category 1E Reduced Fee Incentive Program "B"	\$ 624.00	2008	No Change
Category 1 F: 2001-6000 sq. ft. or 21-50 seats with Drive Thru, Take Out or Delivery	\$ 845.00	2008	No Change
Food Establishment Category 1F Reduced Fee Incentive Program "A"	\$ 549.00	2008	No Change
Food Establishment Category 1F Reduced Fee Incentive Program "B"	\$ 634.00	2008	No Change
Food Establishment Category 1 Caterer Using Rental Kitchen	\$ 428.00	2008	No Change
Food Establishment Category 1 Rental Kitchen	\$ 428.00	2008	No Change
Bed & Breakfast/Agricultural Homestay	\$ 320.00	2008	No Change
County Fair Concession Stand/Truck	\$ 89.00	2008	No Change
Temp Food Facilities (2-10)	\$ 211.00	2008	No Change
Temp Food Facilities (11-20)	\$ 420.00	2008	No Change
Temp Food Facilities (21-30)	\$ 631.00	2008	No Change
Temp Food Facilities (31-40)	\$ 842.00	2008	No Change
Temp Food Facilities (>40)	\$ 1,114.00	2008	No Change
Mobile Food Facility	\$ 214.00	2008	No Change
Mobile Food Prep Unit	\$ 480.00	2008	No Change
Non-Motorized Confectionary	\$ 53.00	2008	No Change
Non-Motorized Confectionary Additional Carts	\$ 26.00	2008	No Change
Mobile Support Unit	\$ 214.00	2008	No Change
Satellite Food Distribution Facility (Kiosk)	\$ 214.00	2008	No Change
Certified Farmers Market	\$ 214.00	2008	No Change
Produce Stand	\$ 107.00	2008	No Change
Swap Meet Prepackaged Food Stand Single Site	\$ 53.00	2008	No Change
Swap Meet Prepackaged Food Stand Multiple Sites	\$ 100.00	2008	No Change
Swap Meet Operator	WLR* (9 hr min)	2003	No Change
Swap Meet Operator Reduced Fee Incentive Program	\$ 695.00	2008	No Change
Food Handler's Class	\$ 103.00	2008	No Change
Food Certification Class	\$ 115.00	2006	No Change
HACCP Review	WLR (2 hr min)	2008	No Change
Plan Check	WLR (6 hr min)	2003	No Change
Construction - New, Major Remodel Of Food Facility - Prepackaged Food Only	WLR (2 hr min)	2003	No Change
Construction - New, Major Remodel Of Food Facility - Preparation Without Hood (< 2,000 sq.ft.)	WLR (2 hr min)	2003	No Change
Construction - New, Major Remodel Of Food Facility - Preparation Without Hood (2,001-6,000 sq.ft.)	WLR (2 hr min)	2003	No Change
Construction - New, Major Remodel Of Food Facility-Preparation Without Hood (6,001-15,000 sq.ft.)	WLR (3 hr min)	2003	No Change
Construction - New, Major Remodel Of Food Facility - Preparation Without Hood (15,001 sq.ft. or more)	WLR (3 hr min)	2003	No Change
Construction - New, Major Remodel Of Food Facility - Preparation With Hood (< 2,000 sq.ft.)	WLR (3 hr min)	2003	No Change
Construction - New, Major Remodel Of Food Facility - Preparation With Hood (2,001-6,000 sq.ft.)	WLR (3 hr min)	2003	No Change
Construction - New, Major Remodel Of Food Facility-Preparation With Hood (6,001-15,000 sq.ft.)	WLR (4 hr min)	2003	No Change
Construction - New, Major Remodel Of Food Facility - Preparation With Hood (15,001 sq.ft. or more)	WLR (5 hr min)	2003	No Change
Minor Remodel Less Than 25% Food Service Area Or Equipment	WLR (2 hr min)	2003	No Change

Environmental Health Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Food Program - Continued			
Mobile Food Facility Plan or Operational Procedure Review	WLR (2 hr min)	2008	No Change
Food Facility Operating Without A Valid Permit	\$ 600.00	2008	No Change
Reopening Following DER Closure	WLR (2 hr min)	2008	No Change
Justified Complaint	WLR (1 hr min)	2005	No Change

***WLR is \$95.00**

Environmental Health Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount

Recreational Health

California Health and Safety Code 101325; California Code of Regulations Title 17, 1276

Public Pool/Spa Single	\$ 255.00	2008	No Change
Public Pool/Spa Additional - Each (Same Site)	\$ 178.00	2008	No Change
Temporary State Surcharge for Pool Retrofits, Sunsets 2014	\$ 6.00	2009	No Change
Water Slide	\$ 255.00	2008	No Change
Plan Check	WLR* (6 hr min)	2003	No Change
Public Pool Construction (<1,000 Gallons)	WLR (2 hr min)	2003	No Change
Public Pool Construction (1,001 - 20,000 Gallons)	WLR (3 hr min)	2003	No Change
Public Pool Construction (20,001 Gallons Or More)	WLR (4 hr min)	2003	No Change
Plan Check/Remodel	WLR (3 hr min)	2003	No Change
Plan Check - Over The Counter Clearance	\$ 52.00	2008	No Change
Reopening Following DER Closure	WLR (2 hr min)	2008	No Change
Justified Complaint	WLR (1 hr min)	2003	No Change

***WLR is \$95.00**

Environmental Health Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount

Water Program

California Health and Safety Code 116565, 116570, 116577, 116580, 116585, 116595; California Water Code 13801; Health and Safety Code 113920

Water System Technical, Managerial, and Financial Review	WLR* (3 hr min)	2003	No Change
Water System Permit Issuance	WLR* (3 hr min)	2006	No Change
Permit Amendment	WLR (5 hr min)	2003	No Change
Community Single Source No Treatment (1A)	\$ 900.00	2008	No Change
Community Single Source No Treatment Incentive Program "A" (1AA)	\$ 650.00	2008	No Change
Community Single Source No Treatment Incentive Program "B" (1AB)	\$ 750.00	2008	No Change
Community Single Source Treatment (1B)	\$ 1,000.00	2008	No Change
Community Single Source Treatment Incentive Program "A" (1BA)	\$ 750.00	2008	No Change
Community Single Source Treatment Incentive Program "B" (1BB)	\$ 850.00	2008	No Change
Community Multiple Source No Treatment (1C)	\$ 1,200.00	2008	No Change
Program "A" (1CA)	\$ 950.00	2008	No Change
Community Multiple Source No Treatment Incentive Program "B" (1CB)	\$ 1,050.00	2008	No Change
Community Multiple Source Treatment (1D)	\$ 1,300.00	2008	No Change
Community Multiple Source Treatment Incentive Program "A" (1DA)	\$ 1,050.00	2008	No Change
Community Multiple Source Treatment Incentive Program "B" (1DB)	\$ 1,150.00	2008	No Change
Non-Transient Non-Community Single Source No Treatment (2A)	\$ 850.00	2008	No Change
Non-Transient Non-Community Single Source No Treatment Incentive Program "A" (2AA)	\$ 600.00	2008	No Change

Environmental Health Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Water Program - Continued			
Non-Transient Non-Community Single Source No Treatment Incentive Program "B" (2AB)	\$ 700.00	2008	No Change
Non-Transient Non-Community Single Source Treatment (2B)	\$ 950.00	2008	No Change
Non-Transient Non-Community Single Source Treatment Incentive Program "A" (2BA)	\$ 700.00	2008	No Change
Non-Transient Non-Community Single Source Treatment Incentive Program "B" (2BB)	\$ 800.00	2008	No Change
Non-Transient Non-Community Multiple Source No Treatment (2C)	\$ 1,150.00	2008	No Change
Non-Transient Non-Community Multiple Source No Treatment Incentive Program "A" (2CA)	\$ 900.00	2008	No Change
Non-Transient Non-Community Multiple Source No Treatment Incentive Program "B" (2CB)	\$ 1,000.00	2008	No Change
Non-Transient Non-Community Multiple Source Treatment (2D)	\$ 1,250.00	2008	No Change
Non-Transient Non-Community Multiple Source Treatment Incentive Program "A" (2DA)	\$ 1,000.00	2008	No Change
Non-Transient Non-Community Multiple Source Treatment Incentive Program "B" (2DB)	\$ 1,100.00	2008	No Change
Transient Non-Community Single Source No Treatment (3A)	\$ 750.00	2008	No Change
Transient Non-Community Single Source No Treatment Incentive Program "A" (3AA)	\$ 500.00	2008	No Change
Transient Non-Community Single Source No Treatment Incentive Program "B" (3AB)	\$ 600.00	2008	No Change
Transient Non-Community Single Source Treatment (3B)	\$ 850.00	2008	No Change
Transient Non-Community Single Source Treatment Incentive Program "A" (3BA)	\$ 600.00	2008	No Change
Transient Non-Community Single Source Treatment Incentive Program "B" (3BB)	\$ 700.00	2008	No Change
Transient Non-Community Multiple Source No Treatment (3C)	\$ 1,050.00	2008	No Change
Transient Non-Community Multiple Source No Treatment Incentive Program "A" (3CA)	\$ 800.00	2008	No Change
Transient Non-Community Multiple Source No Treatment Incentive Program "B" (3CB)	\$ 900.00	2008	No Change
Transient Non-Community Multiple Source Treatment (3D)	\$ 1,150.00	2008	No Change
Transient Non-Community Multiple Source Treatment Incentive Program "A" (3DA)	\$ 900.00	2008	No Change
Transient Non-Community Multiple Source Treatment Incentive Program "B" (3DB)	\$ 1,000.00	2008	No Change
State Small Single Source No Treatment (4A)	\$ 550.00	2008	No Change
State Small Single Source No Treatment Incentive Program "A" (4AA)	\$ 300.00	2008	No Change
State Small Single Source No Treatment Incentive Program "B" (4AB)	\$ 400.00	2008	No Change
State Small Single Source Treatment (4B)	\$ 750.00	2008	No Change
State Small Single Source Treatment Incentive Program "A" (4BA)	\$ 500.00	2008	No Change
State Small Single Source Treatment Incentive Program "B" (4BB)	\$ 600.00	2008	No Change

Environmental Health Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Water Program - Continued			
Water Samples	\$ 110.00	2008	No Change
Well Permits Private	\$ 578.00	2008	No Change
Well Modification Private	\$ 222.00	2008	No Change
Well Destruction	\$ 310.00	2008	No Change
Well Destruction Without A Permit	\$ 581.00	2008	No Change
Concurrent Well Installation And Well Destruction - One Inspection Only	\$ 578.00	2008	No Change
Well Call-Back	WLR*	2003	No Change
Well Permits Public	\$ 578.00	2008	No Change
Well Modification Public	\$ 444.00	2008	No Change
Well Installation Without a Valid Permit	\$ 707.00	2008	No Change
Dry Well Permit	\$ 222.00	2008	No Change
Dry Well Permit, 2 Or More, Installed Concurrently, Same Property	WLR (3 hr min)	2006	No Change
Dry Well Destruction	\$ 370.00	2008	No Change
Dry Well Destruction, 2 Or More, Destroyed Concurrently, Same Property	WLR (3 hr min)	2006	No Change
Consultation	WLR	2003	No Change
Food Code Water System Level 1	\$ 308.00	2008	No Change
Food Code Water System Level 2	\$ 206.00	2008	No Change
Enforcement	WLR (6 hr min)	2008	No Change
Public Water System Violation	WLR (2 hr min)	2008	No Change
Variance/Exemption/Waiver	WLR	2003	No Change
Plan Review	WLR	2003	No Change
Maximum Contaminant Level Violations	WLR (1 hr min)	2003	No Change
Justified Complaint	WLR (1 hr min)	2003	No Change

***WLR is \$95.00**

Environmental Health Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Liquid Waste Program			
California Health and Safety Code 101325; California Code of Regulations, Title 17, 1276			
Septic Pumper Truck-1st Truck	\$ 133.00	2008	No Change
Septic Pumper Truck-Additional Trucks	\$67.00 Each	2008	No Change
Operating Without A Valid Permit	\$ 326.00	2008	No Change
Sewage Treatment Operation Permit	\$ 150.00	2003	No Change
New Installation of Septic/Primary/Secondary Onsite Wastewater Treatment System (Building Permit)	\$ 535.00	2008	No Change
Replacement of Septic/Primary/Secondary On-site Wastewater Treatment System	\$ 535.00	2008	No Change
Septic/Primary/Secondary On-site Wastewater Treatment System Repair	\$ 340.00	2008	No Change
Septic/Primary/Secondary On-site Wastewater Treatment System Modification	\$ 340.00	2008	No Change
Septic/Primary/Secondary On-site Wastewater Treatment System Installation/Repair Without A Valid Permit	Double Fee	2006	No Change
Septic Tank Destruction Independent Of Installation	\$ 228.00	2008	No Change
Septic Tank Destruction Without a Valid Permit	\$ 344.00	2008	No Change
Call Back	WLR*	2003	No Change
Justified Complaint	WLR	2003	No Change
Site Evaluation/Consultation	WLR	2003	No Change
Plan Check	WLR (2 hr min)	2003	No Change

***WLR is \$95.00**

Environmental Health Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Land Use Program			
California Health and Safety Code 101325; California Code of Regulations, Title 17, 1276			
Land Use Fee Minor	\$ 160.00	2008	No Change
Land Use Fee Major	\$ 410.00	2008	No Change
Subdivision/ Project Road Improvement Plan Review	\$ 50.00	2008	No Change
Building Permit/Review Permit	\$ 40.00	2008	No Change
Subdivision Review	WLR* (8 hr min)	2003	No Change

***WLR is \$95.00**

Environmental Health Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Housing Program			
Health and Safety Code 17910 et seq., 101325 through 101345; Government Code 25845, 50022.1 through 50022.8, 53069.4, 54895; Stanislaus County Ordinance 2.92			
Inspection/Enforcement	WLR*	2004	No Change

***WLR is \$95.00**

Environmental Health Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Employee Camps Program			
Health and Safety Code 17910 et seq., 101325 through 101345; Government Code 25845, 50022.1 through 50022.8, 53069.4, 54895; Stanislaus County Ordinance 2.92, (LEA = Local Enforcement Agency)			
Permit to Operate	\$ 45.00	2004	No Change
Per Employee	\$ 12.00	2004	No Change
Transfer	\$ 20.00	2004	No Change
Operation of Camp Without Permit (Health and Safety Code #17037)	Double Normal Permit Fees	2006	No Change
Operation of Camp Without Permit twice within 5 years (Health and Safety Code #17037)	10 X Normal Permit Fees	2006	No Change
Amended Permit	\$ 20.00	2004	No Change
Employee Housing State LEA Resinpection Fee - 1st hour or any part	\$ 178.00	2006	No Change
Employee Housing State LEA Resinpection Fee - additional 1/2 hour or part	\$ 41.00	2006	No Change
Employee Housing State LEA Technical Service Fee - 1st hour or any part	\$ 196.00	2006	No Change
Employee Housing State LEA Technical Service Fee - additional 1/2 hour or part	\$ 41.00	2006	No Change

***WLR is \$95.00**

Environmental Health Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Administration			
California Health and Safety Code 101325; California Code of Regulations, Title 17, 1276			
Application Fee	\$ 53.00	2008	No Change
Revoked Permit Reinstatement	Double Fee	2003	No Change
Reinspection #2	\$ 126.00	2008	No Change
Reinspection #3	\$ 315.00	2008	No Change
Reinspection #4	\$ 631.00	2008	No Change
Permit Sticker Replacement	\$ 53.00	2008	No Change
Permit Amendment	\$ 53.00	2008	No Change
Change Of Ownership	\$ 53.00	2008	No Change
Consultation	WLR*	2005	No Change
After-Hours Inspection	WLR	2003	No Change
After-Hours Rush Plan Review	WLR (6 hr min plus 50%)	2004	No Change
Administrative Office Hearing	WLR (6 hr min)	2008	No Change
Justified complaint	WLR	2003	No Change

***WLR is \$95.00**

Milk and Dairy Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Milk and Dairy Program Fees			
Food and Agriculture Code, Division 15, Chapter 4, Article 8, 33251-33265			
Grade A Inspection / per quarter	\$.00875/Gal up to a max \$393.75	2008	No Change
Grade B Inspection / per quarter	\$.00875/Gal up to a max \$192.50	2008	No Change
Grade A Goat Inspection / per quarter	\$ 393.75	2008	No Change
Grade B Goat Inspection / per quarter	\$ 192.50	2008	No Change
Ownership Change Fee	WLR* (6 hr min)	2008	No Change
Plan Check Fee	WLR* (10 hr min)	2008	No Change
Antibiotics	WLR (3 hr min)	2008	No Change
*WLR is \$95.00			
Code Enforcement Fees			
Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Code Enforcement Program			
Government Code 25845, 38773.5; Stanislaus County Ordinance 2.92.070			
Nuisance Abatement Recovery	WLR*	2003	No Change
Nuisance Abatement Hearing	WLR	2003	No Change
Incidental Costs - Fees To Other Agencies	Actual Cost	2003	No Change
Nuisance Abatement - 1st Violation Citation	\$ 100.00	2003	No Change
Nuisance Abatement - 2nd Violation Citation	\$ 200.00	2003	No Change
Nuisance Abatement - 3rd Violation Citation	\$ 400.00	2003	No Change
Graffiti Abatement - Incidental Costs	Actual Cost	1994	No Change
*WLR is \$95.00			
Solid Waste Management Fees			
Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Solid Waste Management Program			
Government Code 54985			
Franchise Hauler Annual Permit Fee	\$ 118.00	1991	No Change
Franchise Hauler Quarterly Gross Receipts	8% of Gross Receipts	1989	No Change
Industrial Hauler Annual Permit Fee	\$ 118.00	1991	No Change
Industrial Hauler Quarterly Gross Receipts	8% of Gross Receipts	1989	No Change
Small Hauler Annual Permit Fee	\$ 40.00	1992	No Change
Small Hauler Annual Truck Fee	\$25.00 per truck	1992	No Change
Food Processing By-Product Use Site - Annual Permit	WLR*	1985	No Change
Food Processing By-Product Monitoring Fee	WLR** Env. Technician	1985	No Change
Food Processing By-Product Research Project - Tonnage	\$0.10 per ton	2006	No Change
Oakdale Drop-Off (Bulky Items)	\$10.00 per load	2003	No Change
Transfer Station Plan Review Fee	WLR	1985	No Change
Resource Recovery Facility Plan Review Fee	WLR	1985	No Change
Miscellaneous			
Change of Ownership/Transfer	WLR	n/a	No Change
Inert Disposal/Land Reclamation Permit	\$ 177.00	1991	No Change
Farm/Ranch Disposal Permit	\$ 30.00	1991	No Change
*WLR is \$95.00			
**WLR Env. Technician is \$40.87			

Landfill Fees

Fee Description	Current Fee		Proposed Fee
	Fee Amount	Fiscal Year Adopted	Fee Amount
Landfill			
Public Resources Code 40059 & Government Code 25823			
Price by load			
Passenger cars, Station wagons, Blazers and Mini	\$5.00 per load	2001	No Change
Pickups (without sideboards) and Full Size Vans	\$10.00 per load	2001	No Change
Two-wheel trailers (without sideboards - 8' Maximum length, 3' Maximum height	\$10.00 per load	2001	No Change
Four-wheel trailers (without sideboards - 8' Maximum length, 3' Maximum height	\$15.00 per load	2001	No Change
Tires			
Car/pick-up (9 or less with or without rims)	\$1.00 each	2001	No Change
Truck (9 or less with or without rims)	\$5.00 each	2001	No Change
Tractor (with or without rims) - Smaller than 20.5 x 25	\$7.00 each	2001	No Change
Earthmover Tires - 20.5 x 25 or larger	\$45.00 each	2001	No Change
*Hauling 10 or more tires requires a Waste Tire Hauler's Permit Issued by the State of California			
Price by the ton			
Normal Refuse: Garbage, paper, lumber, bottles, cans, small dead animals, household trash, garden refuse, demolition, construction debris	\$33.00 per ton (See minimum charge below)	2009	No Change
Non-Friable Asbestos: Taken only with approval letter from the Stanislaus County Department of Environmental Resources (see below)	\$100.00 per ton as noted under Hard-to-Handle (with a minimum fee of \$20.00)	2008	No Change
Hard-to-Handle (Bulk Material): RV trailers, mobilehomes, large loads of small dead animals, large dead animals, large plastic sheets, wire, bailing twine, tree stumps/logs & whole trees, treated wood waste, non-friable asbestos, large tanks, long/large pipe (over 4 feet), large chunks of concrete, boats, pontoons, large sheets of foam or aluminum siding, sensitive records, spoiled/damaged finished food products, and all other material in pieces over 4X4. Must call ahead to arrange an appointment.	\$100.00 per ton or \$10.00 each for 5 or fewer small dead animals (with a minimum fee of \$20.00)	2009	No Change
Special Handling: Any material that has to have a special hole dug and buried immediately. Must call to arrange an appointment.	\$100.00 per ton* (*Loads of large dead animals require a written request from the Director of the Office of Emergency Services) or \$30.00 each** for 5 or fewer Lg. Dead animals/\$50.00 minimum for 6 or more small dead animals (**Must be pre-approved by landfill staff)	2009	No Change
Solid Material (Inert): Dirt, rock, gravel, concrete, asphalt, plaster, brick, roofing, tile and sheetrock	\$5.00 per ton (See minimum charge below)	2001	No Change
Tires: Car/pick-up and Truck Only (10 or more - with or without rims)	\$100.00 per ton	2001	No Change
Waste-to-Energy Ash	\$16.00 per ton	2001	No Change
Minimum Charge:			
Trucks or Two-wheel trailers	\$10.00 per load	2001	No Change
Four-wheel trailers	\$15.00 per load	2001	No Change
Truck and Two-wheel trailer*	\$20.00 per load	2001	No Change
Truck and Four-wheel trailer*	\$25.00 per load	2001	No Change
Tires	Actual Cost	2001	No Change
(*If both contain any amount of any type of refuse)			

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

May 05, 2010

**STANISLAUS COUNTY
NOTICE OF PROPOSED
ORDINANCES**

NOTICE IS HEREBY GIVEN that on May 18, 2010, at 6:30 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St, Modesto, CA, to consider waiving the second reading and the adoption of the following ordinances:

Ordinance C.S. 1074 amending existing fees to include a new fee to charge for the implementation of the Aboveground Petroleum Storage Act (APSA) Program (for further information, contact Sonya K. Harrigfeld, Director of Environmental Resources at 209-525-6770 or at 3800 Cornucopia Way, Suite C, Modesto, CA).

Ordinance C.S. 1075 amending existing fees for Department of Public Works Engineering Division (for further information, contact Diane Haugh in the Public Works Department at 209-525-6550 or at 1010 Tenth Street, Suite 3500, Modesto, CA).

Ordinance C.S. 1076 adopting a Parking Penalties Schedule and adjust existing parking penalties collected by the Sheriffs Department (for further information, contact Captain Tim David, Sheriff Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).

Ordinance C.S. 1077 increasing existing fees collected by the Sheriffs Department for Carry Concealed Weapons Permits (for further information, contact Captain Tim David, Sheriff Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).

Ordinance C.S. 1087 increasing existing fees collected by the Sheriffs Department for Fingerprint Processing (for further information, contact Captain Tim David, Sheriff Administration Division, at 209-525-7014 or at 250 E. Hackett Rd, Modesto, CA).

NOTICE IS FURTHER GIVEN that a full copy of the proposed ordinances are available for review in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: April 27, 2010. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk
Pub Dates May 5, 2010

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

May 5th, 2010

(Signature)

Marie Dieckmann

ABOVEGROUND PETROLEUM STORAGE ACT (APSA) Program

Sonya K. Harrigfeld, Director

Beronia Beniamine, Senior Hazardous Materials
Specialist

Department of Environmental Resources

April 27, 2010

**PowerPoint
Presentation**

Aboveground Petroleum Storage Act History

- Prior to 2007 Aboveground Storage Tanks (AST) containing petroleum fuels were regulated by the State Water Resources Control Board (SWRCB).
- Required that a Spill Prevention Control and Countermeasure Plan (SPCC) be prepared in accordance with Federal Regulations.
 - SPCC Plans are required under 40CFR112 and are designed to prevent petroleum spills.
- AST Facilities paid fees to State.

APSA History (continued)

- The Aboveground Petroleum Storage Act (APSA) Assembly Bill 1130, Chaptered October 13, 2007 transferred the responsibility for the implementation, enforcement, and administration of the APSA from the SWRCB to the local Certified Unified Program Agency (CUPA).
 - Provided grant funding to CUPA for the initial implementation of APSA and training of personnel.
 - Regulations state CUPA shall establish a fee to cover the cost of administration of APSA.

APSA History (continued)

- On February 12, 2008 DER went to the Board of Supervisors for approval to apply for grant funds from California Environmental Protection Agency related to APSA.
- Stanislaus County CUPA awarded APSA grant in the amount of \$119,403.

APSA Grant Implementation

As part of the APSA grant award the Department of Environmental Resources completed the following tasks as outlined in the 2008 Grant Application:

- Staff visited AST facilities to gather accurate facility information and reconciled inventory with that of Cal EPA.
- In August 2009 conducted two one-day informational seminars for AST facilities and business professionals.
- In November 2009 hosted Aboveground Storage Tank inspector training with California Specialized Training Institute.

APSA Fees

- The APSA grant only provided funding for the initial implementation of the APSA and does not cover the administration costs associated with the program.
- The CUPA shall assess a fee to cover the costs associated with inspections, enforcement, and administration costs.

APSA Fees (continued)

- On March 3, 2010 DER held a workshop to discuss proposed APSA fees with regulated businesses.
- All affected parties notified of fee workshop.
- Business community did not express concern related to proposed fees during the workshop.

Stanislaus County APSA

Facility Tank Capacity (gallons)	Number of Facilities	Proposed Fee
1,320 – 10,000	145	\$0
10,001 – 50,000	65	\$237
50,001 – 100,000	5	\$332
100,001 – 1 million	4	\$427
>1 million	2	\$522

APSA Regulation Overview

APSA Requires

- The CUPA to perform inspections at tank facilities every three years that have a storage capacity of 10,000 gallons or more of petroleum.
- Owners or operators to file a tank facility statement with the CUPA annually.
- Owners or operators of a tank facility to make notification of a spill or other release of one barrel (42 gallons) or more of petroleum.
- Tank facilities that have a storage capacity of 1,320 gallons or more of petroleum to prepare and implement an SPCC Plan according to 40 CFR, part 112.

APSA - Regulated Chemicals

- APSA only applies to facilities storing “petroleum” in aboveground storage tanks.
 - “Petroleum” – crude oil fraction, liquid at room temperature and pressure. Includes fuels, lubricants, solvents, and biodiesel.
- Does not include LPG, LNG, 100% biodiesel or 100% synthetic oil, ethanol, some waxes, tars, and asphalts.



Types of APSA Facilities

1. Tier I Qualified Facility
 - Can use Template SPCC and self-certify
2. Tier II Qualified Facility
 - Can self-certify own SPCC plan
3. Non-qualified Facility
 - Must have SPCC plan certified by a Professional Engineer



Aboveground Petroleum Storage Act (APSA) Exemptions

1. Pressure vessel or boiler
2. Hazardous waste tanks
3. Aboveground oil production tank
4. Oil-filled electrical equipment
5. A regulated underground storage tank
6. Any transportation-related tank subject to DOT



APSA Exemption - Conditional

A farm, nursery, logging site, or construction site would be exempt from preparing an SPCC if:

- Largest container <20,000 gallons
- Total site storage capacity <100,000 gallons



Staff Recommendation

- Conduct public hearing to consider the introduction and waiving of the first reading of an ordinance to amend existing fees for the Department of Environmental Resources to include a new fee for the Aboveground Petroleum Storage Act (APSA) Program.

Questions?