

ORDINANCE NO. 10606 (NEW SERIES)

ORDINANCE AMENDING TITLE 6 OF THE SAN DIEGO COUNTY CODE OF
REGULATORY ORDINANCES TO ADJUST DEPARTMENT OF ENVIRONMENTAL
HEALTH REGULATORY PROGRAM FEES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Purpose.

This ordinance adjusts fees payable to the Department of Environmental Health during Fiscal Year 2019-2020 (and continuing until amended) in order to continue to meet program objectives, provide a level of service expected by stakeholders and customers, and fully recover costs except where the Board has previously directed the waiver or discounting of fees. The fees rates in this ordinance will be necessary to address cost increases affecting DEH. Annual adjustment to fees are planned, to implement the Department's commitment to the Board to make recovering costs a regular part of business, while providing stakeholders an opportunity to plan for fee adjustments.

Section 2. Section 61.102 of the San Diego County Code is amended to read as follows:

SEC. 61.102. DEFINITIONS.

The following definitions shall apply to this chapter and to Chapter 3 of this Title:

"CRFC" means the California Retail Food Code, which is codified in the California Health and Safety Code

"DEH" or "Department" means the County Department of Environmental Health.

"Director" means the Director of DEH and any person appointed or hired by the Director to enforce or administer this chapter.

"Equipment" has the same meaning as the term "equipment" in HSC section 113777.

"Food" has the same meaning as the term "food" in HSC section 113781.

"Expedited Plan Check Inspection" means plan check field inspection service that is provided within an accelerated time frame.

"Expedited Plan Review" means plan review service that is provided at an accelerated time frame.

"Food equipment rental establishment" means an establishment that provides food service equipment or utensils such as dishes, tableware, pots and pans to food facilities, catering operations, or to the public. Food equipment rental establishments are food facilities under the CRFC. (HSC section 113789(a)(2).)

"Food facility" has the same meaning as the term "food facility" in HSC section 113789, and also includes a "catering operation" or "catering facility" and a "catering host facility" as defined in Chapter 3 of this Title.

"Food handler" means a person who prepares, handles, packages, serves or stores food or handles utensils, or assists another person in any of those tasks at a food facility that requires a permit pursuant to this chapter.

"HSC" means the California Health and Safety Code.

"Imminent health hazard" has the same meaning as the term "imminent health hazard" in HSC section 113810.

"Minimal food preparation facility" means for purposes of section 65.107(a), a retail food facility that only serves frozen ice cream, hot dogs, beverages that are not potentially hazardous, coffee or cocoa based beverages that may contain cream, milk or similar dairy products requiring no preparation other than heating, blending, assembly, scooping or dispensing. A minimal food preparation facility also includes an Alcoholic Beverage Control license type 42 or 48 facility, as long as that facility does not engage in slicing, chopping or grinding of raw potentially hazardous foods, reheating for hot holding, washing of foods, or cooking, baking, barbecuing, broiling, frying or grilling any food.

"Minor Remodel" means renovations, including equipment changes or additions that do exceed 300 square feet of remodel area.

"Miscellaneous Food Facility" means a facility with 25 square feet or more of food display area (including Candy Stores, Concession Stands, Host Facilities, and Prepackaged Non-Potentially Hazardous Foods), and for Swap Meet Vendor without Temporary Event Organizer (as defined in California Health and Safety Code section 114335(a)), Catering Equipment Rentals and Retail Food Delivery (delivery of food made at a retail food facility to another location by a person other than an employee of the retail food facility where the food was prepared), and Satellite Food Service Operation (that is operating in accordance with Sections 113899 and 114067 of the California Retail Food Code).

"Multiple Kitchen Complex Operation" means any establishment used as a place of business for the purpose of leasing, renting, or otherwise providing individual commercial kitchen space to independent retail food facility operations, where that space is not used or shared by another operator. Common shared infrastructure such as restroom facilities, janitorial facilities, dry food storage, and refrigerated and/or frozen food storage is provided for each individual tenant to use.

"Prepare" means to package, process, assemble, portion or engage in any operation that changes the form, flavor or consistency of food, but does not include trimming produce.

"Ready-to-eat food" has the same meaning as the term "ready-to-eat food" in HSC section 113881.

"Revision" means any plan submittal required for corrections identified or minor changes to the initial submittal for any New, Major Remodel, or Minor Remodel project.

"School Auxiliary Facility" means an educational facility that is serviced by a School Food Processing Facility, or other permitted food facility, and conducts processes that includes but is not limited to dispensing, reheating, and storage of potentially hazardous foods. Auxiliary Facilities may open prepackaged food as necessary to stock an onsite salad bar. All other food preparation must be conducted at a School Food Processing Facility.

"School Food Processing Facility" means an educational facility that conducts full processing including, but is not limited to handling, preparing, assembling, cooking, cooling, and reheating of potentially hazardous foods; washing and slicing of produce. This site may be a stand-alone site, or a centralized location that services multiple auxiliary kitchens.

"Tableware" has the same meaning as the term "tableware" in HSC section 113926.

"Utensil" has the same meaning as the term "utensil" in HSC section 113934.

Section 3. Section 65.103 of the San Diego County Code is amended to read as follows:

SEC. 65.103. INVESTIGATION BY DEPARTMENT OF ENVIRONMENTAL HEALTH.

(a) Upon receipt of such application, accompanied by the required fee, it shall be the duty of the Director to investigate the matters set forth in such application, and the sanitary conditions in the place where it is proposed to conduct the business or activity mentioned in the application, or in the case of a unified program facility investigate the conditions in and about the place where it is proposed to conduct the activities subject to the unified program requirement specified in the application. If the Director determines that the statements contained in the application are true, and that the existing sanitary conditions in the place mentioned in said application comply with the provisions of law, or in the case of a unified program facility the facility complies with unified program facility requirements of this Code and State laws, a permit, license or registration shall thereupon be granted. Such permit, license, or registration shall be granted only upon the express condition that it shall be subject to revocation or suspension by said Director upon a showing satisfactory to said Director of a violation by the holder of such permit or any person acting with their consent or under their authority, of any applicable provision of law regulating places or activities of the character for which the permit, license, or registration is granted.

(b) Pursuant to California Health and Safety Code Section 114387, the Director may order the closure of any food facility that is operating without a permit, and may administratively impose and directly invoice the facility operator for a penalty of up to 300% of the applicable permit fee. These consequences are in addition to penalties under sections 114390 to 114399 of the California Health and Safety Code. If a closure is ordered pursuant to this subsection the Director shall notify the operator of their right to a hearing as provided in section 114409 of the Health and Safety Code. If a penalty is imposed under this subsection but the facility is not ordered to close, the Director shall notify the operator of their right to appeal as set out in Section 16.101 to 16.106 of the County Code.

Section 4. Section 65.107 of the San Diego County Code is amended to read as follows:

SEC. 65.107. FEES.

The fee for each permit, plan review, license or registration issued or investigation performed pursuant to the provisions of this division is set forth herewith:

(a) **FOOD FACILITY PERMIT FEES:** As required by Part 7 (Commencing with Section 113700) of Division 104 of the California Health and Safety Code, California Retail Food Code.

(1) Restaurant Annual Permits:

- 1 to 10 employees: \$753
- 11 to 25 employees: \$891
- 26 to 100 employees: \$1,059
- 101 or more employees: \$1,930

Each restaurant type food facility in excess of three (3) food preparation areas at the same location: \$588

Minimal Food Preparation (as defined in section 61.102) and Restricted Food Service Facilities (as defined in the California Health and Safety Code section 113893) Annual Permit. For those sites with lodging, additional housing fees apply: \$525

(2) Miscellaneous Food Facilities Facility (as defined in section 61.102) Annual Permit: \$170

(3) Prepackaged Retail Markets Food Facility (may also include prepackaged retail markets that make ice and dispense non-potentially hazardous beverages), Annual Permits:

- 1 to 10 employees: \$218
- 11+ employees: \$259

(4) Multiple Kitchen Complex Operation (as defined in section 61.102) (Note: Additional tenant fees are based on the type of food facility operated), Annual Permits:

- 0 – 9,999 square feet: \$147
- 10,000 square feet and over: \$191

(5) Retail Market with up to three delicatessens and/or other food preparation areas on the same premises, Annual Permits:

- 1 to 10 employees: \$867
- 11+ employees: \$1,128

For retail markets with delicatessens and/or other food preparation areas in excess of three (3) at the same location: \$500

(6) Temporary Food Facility that operates at a fixed location for the duration of a community event (as defined in California Health and Safety Code Section 113755).

(Note: Non-profit operators of temporary food facilities and non-profit community event organizers are exempt from the fee at a community event for not more than two [2] events in a calendar year. This exemption does not apply to the late application submittal fees):

- Prepackaged Foods – Single Event Permit: \$128
- Prepackaged Foods – Annual Permit: \$332
- Unpackaged Foods – Single Event Permit: \$224

Unpackaged Foods (with approved commissary or other approved facility and food safety certification if handling potentially hazardous foods) – Annual Permit: \$645

Temporary Food Facility Event Organizer – Single Event Permit: \$337

Temporary Food Facility Event Organizer – Annual Permit (Identical Event held at same location): \$612

(7) Certified Farmers Market Annual Permits:

Certified Farmers Market: \$439

Certified Farmers Market Events with adjacent Temporary Food Facilities (organizer in control of certified farmers market is same as organizer in control of temporary food facilities): \$733

(8) Food Sampling/Demonstrator (portioning of food made and served at an approved permanent food facility):

Single Event Permit: \$128

Annual Permit: \$332

(9) Late application submittal for all temporary food facilities and organizers of community events, certified farmers markets, and food demonstrators. Supplemental fee paid in addition to required fee if less than 14 days prior to the event: \$159

(10) Vending Machine or Prepackaged Food Facility Commissary Annual Permit: \$349

(11) Unpackaged Mobile Food or Food Preparation Commissary Annual Permit: \$420

(12) Mobile Food Facility or Mobile Support Unit (as defined in California Health & Safety Code Section 113818) under the same ownership and operating out of the same facility, Annual Permits:

Packaged Lunch Truck (may include dispensing coffee made at an approved commissary): \$218

Mobile Support Unit: \$222

Carts and Vehicles: Prepackaged foods/ice cream/produce/tamale carts: \$196

Limited Food Preparation (one limited food preparation cart and one auxiliary unit): \$465

Single Operating Site Mobile Food Facility (as defined in California Health & Safety Code Section 113831 (b) and 114306) with up to two limited food preparation carts out of no more than four: \$558

Single Operating Site Mobile Food Facility (as defined in California Health & Safety Code Section 113831 (b) and 114306) with three to four limited food preparation carts: \$684

Mobile Food Facility with full food preparation: \$685

(13) Vending Machine dispensing milk, ice cream or milk products or other kinds of potentially hazardous foods or beverages, or dispensing unbottled or uncanned liquid foods or

beverages, except vending machines which dispense unwrapped non-potentially hazardous, non-liquid food products, Annual Permit:

Hourly rate as specified in subsection (m)(6). For every 10 units or any part thereof, ½ hour will be assessed.

(14) Boat Annual Permit: \$342

(15) Wholesale Food Warehouse Annual Permits:

Warehouse (1-19,999 square feet): \$557

Warehouse (20,000 square feet and greater): \$698

(16) Retail Food Processing Facility Annual Permit: \$698

(17) Full Service Catering Facility and Direct Sales Catering Annual Permit: \$640

(18) School Food Processing Facility Annual Permit: \$404

(19) School Food Auxiliary Facility Annual Permit: \$291

(20) Licensed Health Care Facility Annual Permit: \$708

(21) Fisherman's Market Annual Permit: \$1,050

(22) Cottage Food Operations:

Class A - Initial Annual Registration with up to 10 food label reviews: \$201

Class A - Annual Registration Renewal: \$81

Class B - Initial Annual Permit with up to 10 food label reviews: \$458

Class B - Annual Permit Renewal: \$316

Class A or B - Additional Label Review: Hourly rate as specified in subsection (m)(6).
Minimum 1/2 hour.

(23) Microenterprise Home Kitchen Operation:

Initial Annual Permit: \$588

Annual Permit Renewal: \$294

Updated SOP Review (after annual permit has been issued): Hourly rate as specified in subsection (m)(6).

(24) Limited Service Charitable Feeding Operation (operating in accordance with Sections 113819 and 114333 of the California Retail Food Code):

Small Volume Annual Registration: \$294

Prepackaged Annual Registration: \$294

(b) HOUSING PERMIT FEES -- APARTMENT HOUSE OR HOTEL:

- (1) Annual Permit for Apartment House or Hotel base fee: \$150
- (2) For every 10 units or any part thereof, in addition to the base fee: \$19
- (3) Unscheduled reinspection or unpermitted housing complaint investigation with a confirmed violation fee: Hourly rate as specified in subsection (m)(6).

(c) PUBLIC POOL PERMIT FEES: As required by Chapter 3 of the San Diego County Code of Regulatory Ordinances commencing with Section 67.300.

Annual permit fees:

- (1) One (1) body of water: \$349
- (2) Two (2) bodies of water: \$432
- (3) Three (3) bodies of water: \$640
- (4) Four (4) bodies of water: \$700
- (5) Five (5) bodies of water: \$771
- (6) Additional fee for each body of water in excess of five (5): \$139
- (7) Dormant body of water: \$112
- (8) Activity Pool/Spray Grounds/Interactive Features (per feature/pool): \$496

(d) ENFORCEMENT/INVESTIGATION FEES:

- (1) Fee for reopen, regrade, or reinspection of a facility or an unscheduled investigation of any facility (per hour fee): Hourly rate as specified in subsection (m)(6).
- (2) Administrative office hearing: Four times the Hourly rate: Hourly rate as specified in subsection (m)(6).
- (3) Suspension or revocation hearing: Six times the Hourly rate as specified in subsection (m)(6).
- (4) Sherman Act food investigation in accordance with Sections 113980, 114089, and 114094 of the California Retail Food Code, with a confirmed violation: Hourly rate as specified in subsection (m)(6).
- (5) Foodborne illness and/or recall investigation for activities without a current food facility permit issued by the County of San Diego DEH: Hourly rate as specified in subsection (m)(6).
- (6) Penalty fee for operating a retail food facility without the required health permit: See Section 65.103(b).
- (7) DEH costs to investigate a complaint of non-compliance at any facility operation required by this Title to obtain a health permit, and DEH costs to verify return to compliance not otherwise recovered through a reinspection fee, only if the complaint is substantially validated: payable by and invoiced to the facility operator: Hourly rate as specified in subsection (m)(6).

(e) PLAN CHECK FEES:

- (1) Pool Plan Review, as provided for in Section 67.301.
 - (a) One (1) body of water: \$1,524
 - (b) Additional fee for each body of water in excess of one (1): \$524
 - (c) Body of water resurfacing or renovation: \$313
 - (d) Resurfacing or renovation each body of water over one, with concurrent inspections: \$168
 - (e) Supplemental Fee for special purpose pools and perimeter overflow system pools (includes activity pools, spray grounds, pools > 3,000 square feet, and interactive water features): \$1,241
 - (f) Minor Pool Plan Review and changes to suction outlets: \$512
 - (g) Major Pool Renovation: \$977
 - (h) Plan check review and related consultations, when construction was initiated prior to the approval of plans by both DEH and the local agency with authority over building plans: Hourly rate as specified in subsection (m)(6).
- (2) Food Facility Plan Review as provided for in Section 61.106:
 - (a) 0-1,999 Square Feet (up to three preparation areas): \$1,263
 - (b) 2,000-5,999 Square Feet (up to three preparation areas): \$1,624
 - (c) 6,000- 9,999 Square Feet (up to three preparation areas): \$2,733
 - (d) 10,000 Square Feet and over (one preparation area): \$2,978

For each additional food preparation area after three sites for 0-9,999 square feet, and after one site for sites 10,000 square feet or greater: \$571
- (3) Food Facility or Pool Plan Revision as provided for in Section 61.106 and 67.302.5: \$347
- (4) Restamping, Body of Water as Built Plan, Body of Water Resurfacing Revision, Minor Body of Water Plan Revision, or Approval of Non-Health Regulated Building Plans as required by other governmental agencies: \$155
- (5) Minor Remodel Plan Review - Food Facility Plan Review for:
 - (a) Equipment only for food facilities which are subject to regulation: \$516
 - (b) The reopening of a facility which has completed a plan check consultation and needs a plan review for equipment changes: \$476
- (6) Prepackaged Food or Wholesale Food Warehouse Plan Review: \$731
- (7) Minor Remodel Plan Review - Miscellaneous Facilities

- (a) Body Art Plan Review as regulated under 66.305 (Body Art Facility): \$451
 - (b) Massage Plan Review as regulated under 66.513 (Massage Establishment): \$447
 - (c) Other Miscellaneous Facilities as regulated under Section 66.606 (Bath Houses) or for other miscellaneous establishments where a plan review is required. \$412
 - (8) Expedited Plan Review: Two times the plan check fee.
 - (9) Expedited Plan Check Inspection: 1½ times the hourly rate specified in subsection (m)(6), minimum two hours.
 - (10) Food Plan Check Office Consultation: \$141
 - (11) Food Plan Check Field Consultation: \$311
 - (12) Food Plan Check Field Consultation (supplemental inspection): \$338
 - (13) Pool Plan Check Office Consultation: \$153
 - (14) Pool Plan Check Field Consultation: \$306
 - (15) Pool Plan Check Field Consultation (supplemental inspection): \$306
 - (16) Mobile Food Facility Plan Check/Mobile Food Support Unit: \$387
 - (17) Body Art Plan Check Field Consultation: \$308
 - (18) Body Art Plan Check Office Consultation: \$154
 - (19) Massage Plan Check Field Consultation: \$308
 - (20) Massage Plan Check Office Consultation: \$154
 - (21) Investigation of work without a permit. Whenever a food facility or pool is built, modified or remodeled without first submitting an application for the required permit/plan review, a special investigation shall be made before a permit may be issued for such work. The fee for this investigation will be in addition to the permit fee. \$306
- (f) MISCELLANEOUS PROGRAM FEES:
- (1) Food Handler per Section 61.102.
 - Education Certificate Food Handler (each certificate): \$3
 - Food Handler Training Booklets: \$0.40
 - Food Manager Training Packet: \$2
 - (2) Services to food handler training providers: hourly rates as stated in subsection (m)(5) and (m)(6) of this section, for time expended.
 - (3) Massage Establishment Annual Permit: \$204
 - (4) Body Art Facility Annual Permit: \$374
 - Body Art Practitioner (Annual Registration): \$128

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Body Art Temporary Event Sponsor: \$610

Body Art Temporary Event Late or Revised Application Fee (Less than 14 days prior to event.) \$208

Body Art Temporary Event Booth: \$71

Body Art Reinspection Fee (assessed if repeated noncompliance makes reinspection necessary): Hourly rate as specified in subsection (m)(6).

Notification fee for single-use-needle mechanical ear-piercing only facilities: \$45

(5) Organized Camps Permits

Seasonal: \$676

Year Round: \$1,1571,269

(6) Public Bath House Annual Permit: 981

(g) LAND USE FEES:

Duration of fees:

With the exception of well permits, renewable permits and deposit accounts, permits are valid for one year from the date of approval. Well permit applications are valid for 120 days from the date of approval. Renewable permits expire one year from the date they are issued. The permit for sewage pumping vehicles shall expire on December 31st of each year; refer to Section 65.104 on the renewal of licenses, permits, or registrations for additional information. Deposit accounts will remain active until the project is completed and all billing has been paid. See subsection (m)(6) of this section for billing rates.

(1) Recycled Water Plan Check Fees, as provided for in Section 67.521(d): Hourly rate as specified in subsection (m)(6).

(2) Recycled Water Shutdown Test, as provided for in Section 67.523: Hourly rate as specified in subsection (m)(6).

(3) Well Permit Application, as provided for in Section 67.441.B

Domestic Well: \$633

Additional Domestic Well/per well over one on same parcel: \$211

Public Water Supply Well: \$1,318

Well Destruction: \$337

Well Water Permit Time Extension: \$52

(4) Collected Water Sample from Private Well: \$336

(5) Layouts/Percolation Test, as provided for in Section 68.361:

New Construction: \$1,129

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Additions/ Pools: \$951

Layout/Percolation Test Time Extension: \$479

Layout over the counter, no field investigation: \$124

(6) Onsite Wastewater System permit, as provided for in Section 68.326:

Conventional Onsite Wastewater System Inspection: \$473

Conventional Onsite Wastewater System Re-Inspection: \$188

Conventional Onsite Wastewater System Repair Inspection: \$466

Treated Onsite Wastewater System Installation Inspection: \$1,043

Treated Onsite Wastewater System Major Repair Inspection: \$1,043

Treated Onsite Wastewater System Minor Repair Inspection: \$777

Treated Onsite Wastewater System Annual Operating Permit, as provided for in Section 68.334: \$383

Onsite Wastewater System Enforcement Fee, as provided for in Section 68.336: Hourly rate as specified in subsection (m)(6), minimum two hours.

(7) Lot Line Adjustment/Certificate of Compliance/Conditional Certificate of Compliance, up to two lots as provided for in Sections 81.901 et seq./81.1103/81.1104, field investigation needed:

Up to two lots: \$747

Three lots: \$1,105

Four lots: \$1,737

(8) Lot Line Adjustment/Certificate of Compliance/Conditional Certificate of Compliance over the counter, no field investigation: \$183

(9) Graywater System Permits

Plan Review - over the counter, as provided for in Section 68.361: \$126

Plan Review - with field check, as provided for in Section 68.361: \$521

Installation Inspections, as provided for in Section 68.361: \$453

Re-Inspection fee, as provided for in Section 68.361: \$204

(10) Complaint response. DEH costs to investigate a complaint and to verify return to compliance not otherwise recovered through a reinspection fee, only if the complaint is substantially validated: Hourly rate as specified in subsection (m)(6).

(11) Septic Cleaner Examination Fee, as provided for in Section 68.602: \$92

(12) Septic Cleaner Base Permit Fee, as provided for in Section 68.604(a): \$185

- (13) Sewage Pumping Vehicle Permit, as provided for in Section 68.604(b): \$136
 - (14) Sewage Pumping Vehicle complaint response. DEH costs to investigate a complaint of non-compliance by a sewage pumping vehicle, and DEH costs to verify return to compliance not otherwise recovered through a reinspection fee, only if the complaint is substantially validated: Hourly rate as specified in subsection (m)(6).
 - (15) Grading Plan, Major, as provided for in Section 87.204: \$420
 - (16) Deposit for a Special Projects Application review as provided for in Section 68.361. (Initial deposit, additional funds at the hourly rate may be required for full cost recovery): \$1,235
 - (17) Deposit for a Tentative Map as provided for in Section 81.201 et seq. (Initial deposit, additional funds at the hourly rate may be required for full cost recovery): \$3,195
 - (18) Deposit for Tentative Parcel Map on septic or sewer as provided for in Section 81.201 et seq. (Initial deposit, additional funds at the hourly rate may be required for full cost recovery): \$1,698
 - (19) Deposit for Major Use Permits, Standard Application review as provided for in Section 68.361 (Initial deposit, additional funds at the hourly rate may be required for full cost recovery): \$1,445
 - (20) Major Use Permit Modification/Minor Deviation as provided for in Section 68.361. \$737
 - (21) Discretionary Project Review as provided for in Section 68.361: \$616
 - (22) Administrative Permit Standard Application as provided for in Section 68.361. \$783
 - (23) Major Project Pre-application Conference as provided for in Section 68.361. \$790
 - (24) Pre-application Conference as provided for in Section 68.361. \$269
 - (25) Site Plan Application as provided for in Section 68.361. \$577
- (h) MONITORING WELLS FEES:
- (1) Monitoring Wells/Soil Boring (permits)
 - Borings:
 - Initial Soil Boring: \$248
 - Each Additional Soil Boring at a single site: \$66
 - (2) Monitoring Wells (Ground Water/Vadose Wells/Cathodic Protection Wells)
 - Initial Monitoring Well: \$371
 - Each Additional Monitoring Well at a single site: \$238
 - (3) Monitoring Well Destruction
 - Initial Monitoring Well Destruction: \$250

Each Additional Monitoring Well Destruction at a single site: \$153

(4) Monitoring Well Re-inspection Fee (per site). \$259

(5) Extension of Permit: \$54

(6) Soil Vapor Survey (per site): \$408

(7) Investigative Fee. For work done without a permit for which a permit is required or work done that is not in compliance with an approved permit: 100% of the permit cost.

(8) Tank Monitoring Well Fee (per site). Wells installed in UST backfill for purpose of monitoring tank system for leaks: \$387

(9) Miscellaneous Monitoring Well Program Fee. Includes Monitoring Well Program activities where no fee is specifically indicated. Charge is at the hourly rate as specified in subsections (m)(5) and (m)(6).

(10) Deposit for a preliminary risk assessment where no fee is specifically indicated. (Includes oversight and investigation of contaminated ground water/soil and other technical assistance): Minimum charge, ten hours at the hourly rate as specified in subsection (m)(6). Initial deposit, additional funds at the hourly rate may be required for full cost recovery.

(i) SMALL WATER SYSTEM FEES:

(1) Small Water Systems New Permit Application Fee: as provided for in California Health and Safety Code, Sections 101325, 116340, 116570, 116595. (Initial deposit, additional funds at the hourly rate may be required for full cost recovery.) \$1,080

(2) Public Water System Change of Ownership/Permit Amendment/ Exemption/Plan Review/Variance/Waiver Processing Fee, as provided for in California Health and Safety Code, Sections 101325, 116570, 116580, 116595. (Initial deposit, additional funds at the hourly rate may be required for full cost recovery.) \$540

(3) Public Water System Annual Drinking Water Operating Permit Fee: as provided for in California Health and Safety Code, Sections 101325, 116565, 116595.

Treated Community Water System: \$3,520

Community Water System: \$2,978

Treated Transient, Non-Community Water System: \$2,666

Transient, Non-Community Water System: \$2,108

Treated Non-Transient, Non-Community Water System: \$3,153

Non-Transient, Non-Community Water System: \$2,692

(4) State Small Water System

Annual Drinking Water Operating Permit Fee, as provided in California Health and Safety Code, Sections 101325, 116340.

Treated State Small Water System: \$1,854

State Small Water System: \$1,346

(5) Enforcement fee, as provided for in California Health and Safety Code, Section 116577:

Charged using the hourly rate specified in subsection (m)(6), for any of the following:

- (a) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (b) Preparing and issuing public notification.
- (c) Conducting a hearing pursuant to Section 116625.

(j) SOLID WASTE FEES: Solid Waste fees as provided in Sections 43213, 43508 and 44006, Division 30, of the Public Resources Code.

Annual Permit Fees:

(1) Municipal Solid Waste Landfills (active):

Large - Permitted to receive more than 500 tons per day \$50,472

Small - Permitted to receive 500 tons or less per day \$26,103

(2) Transfer/Processing Facilities and Operations:

(a) Extra Major Large - Sites that require twelve inspections per year: \$20,714

Large Volume Transfer/Processing Facility (permitted to receive/process more than 3,000 tons per day).

(b) Major Large - Sites that require twelve inspections per year: \$16,353

Large Volume Transfer/Process Facility (permitted to receive/process more than 1,000 tons per day)

(c) Minor Large - Sites that require twelve inspections per year: \$12,176

Large Volume Transfer/Process Facility (permitted to receive/process more than 100 and up to 1,000 tons per day)

Inert Debris Processing Facility (more than 1,500 tons per day)

(d) Medium - Sites that require twelve inspections per year: \$7,983

Medium Volume Transfer/Processing Facility (permitted to receive/process equal to or more than 15 tons (or 60 cubic yards, whichever is greater) but less than 100 tons per day)

Medium Volume CDI Debris Processing Facility

Medium Volume C&D Wood Debris Chipping and Grinding Facility

Inert Debris Processing Facility

Large Volume C&D Wood Debris Chipping and Grinding Facility

(e) Limited/Small - Sites that require four inspections per year: \$2,638

Limited Volume Transfer/Processing Operation (less than 15 tons or 60 cubic yards
(whichever is greater)

Small Volume CDI Debris Processing Operation

Small Volume C&D Wood Debris Chipping and Grinding Operation

Inert Debris Type A Only Processing Operation

(f) Limited/Small - Sites that require two inspections per year: \$1,768

Limited Volume Transfer/Processing Operation (less than 15 tons or 60 cubic yards
(whichever is greater)

(g) Sealed Container Transfer Operations - Sites that require one inspection per
year: \$776

Operation where solid wastes remain at all times within unopened containers on-site and
are not stored for more than 96 hours

(h) Recycling Center - Sites that require one inspection per year: \$776

CDI Recycling Center

Inert Debris Recycling Center

(3) Large Volume CDI Waste Disposal Facility - Sites that require twelve inspections per
year: \$12,176

(4) Inert Debris Type A Disposal Facility - Sites that require twelve inspections per
year: \$7,983

(5) Inert Debris Engineered Fill Operation - Sites that require four inspections per
year: \$2,683

(6) Compostable Materials Handling Facilities and Operations:

(a) Full Permit – Sites that require twelve inspections per year: \$10,054

(b) Registration Permit Tier or Enforcement Agency Notification -- Sites that require
twelve inspections per year: \$9,768

(c) Registration Permit Tier or Enforcement Agency Notification -- Sites that require four
inspections per year: \$3,334

(d) Enforcement Agency Notification -- Sites that require two inspections per year: \$1,768

(e) Registration Permit Tier or Enforcement Agency Notification -- Sites that require one
inspection per year: \$776

(7) Closed Sites Annual Fees:

(a) Monthly - Sites that require twelve (12) inspections per year: \$26,946

(b) Quarterly Large Landfills - Sites that require four (4) inspections per year: \$7,999

(c) Quarterly Burnsites/Small Landfills - Sites that require four (4) inspections per year: \$4,293

(d) Annual - Sites that require one inspection per year: \$997

Other Solid Waste Fees:

(8) Solid Waste Handling Fees - All solid waste handlers within the jurisdiction of the County of San Diego LEA shall remit \$0.19 per ton of solid waste handled.

(a) Exclusion: The fee shall not be assessed to solid waste handlers if it can be demonstrated to the satisfaction of the County of San Diego Local Enforcement Agency (LEA) that the waste was recycled and/or diverted from the solid waste stream. Additionally, this fee will not be assessed to solid waste handlers for each ton of waste for which it can be demonstrated to the satisfaction of the LEA that the fee was collected at a disposal site within the jurisdiction of County of San Diego LEA.

(b) All solid waste handlers within the jurisdiction of the County of San Diego LEA that receive revenue or income or charge fees for handling the solid waste shall maintain records and report waste handling information to the LEA in a manner or on a form provided by the LEA quarterly on or before May 1, August 1, November 1, and February 1 respectively and the records used to prepare these reports shall be maintained for a minimum of three (3) years. These records shall be made available for inspection by the LEA upon request during normal business hours.

(c) For purposes of this section, "solid waste handlers" means any person, agency or business that collects, transports, stores, transfers, disposes, or processes solid waste within the jurisdiction of the County of San Diego LEA.

(9) LEA Review of Required Submissions

LEA processing of application or notification materials for a solid waste facility permit or other allowed operating status, and processing of related informal submissions by project proponents inquiring concerning a solid waste facility permit or a potential permit modification or revision, and review and processing of any required technical reports or proposed plans related to solid waste management activity or the correction of illegal or unpermitted activity. This includes but is not limited to the costs of reviewing closure plans and evidence of financial ability. To be paid by the applicant or project proponent, based on LEA time expended at the hourly rate specified in subsection (m)(6). The LEA may require that a deposit be made against the estimated cost of reviewing or processing each submission by the operator applicant or project proponent.

(10) Unauthorized or Non-Compliant Solid Waste Activity

LEA investigation and resolution of any solid waste activity conducted without a required permit, including LEA review of any required reports to the LEA. Also DEH costs to investigate a complaint of non-compliance at a facility required to have a solid waste facility permit or other entitlement to operate, and DEH costs to verify return to compliance not otherwise recovered through a reinspection fee, if but only if the complaint is substantially validated: To be paid by the responsible party based on LEA time expended at the hourly rate specified in subsection

(m)(6), if unpermitted or otherwise illegal or non-compliant activity is substantially validated: Hourly rate as specified in subsection (m)(6). This fee is in addition to any fines or penalties imposed for the unpermitted activity-compliant activity, and in addition to any permit application fees that may apply. The LEA may require that a deposit be made against the estimated cost of reviewing or processing each submission by the responsible party.

(k) UNIFIED PROGRAM FEES:

(1) Unified Program Facility Annual Permit Base Fee (Required for all Operating Permits except as noted): \$354

Reinspection Fee: \$354

Additional Processing Fee where facility information and other program elements that are subject to electronic reporting in CERS are not submitted, repeatedly not accepted, or not up to date: Hourly rate in subsection (m)(5) or (m)(6) as applicable in each case.

(2) Hazardous and Medical Waste Generator Annual Operating Permit

(Note: Hazardous wastes stored in permitted underground storage tanks are not subject to the fees in this subsection (k)(2).)

(a) Per hazardous waste and/or medical waste: \$81

(b) Per universal waste at or above hazardous materials business plan inventory threshold: \$81

(3) Onsite Hazardous Waste Treatment (Tiered Permitting) Facility Annual Fees

(a) Conditional Exemption per unit: \$226

(b) Conditional Authorization per unit: \$382

(c) Permit by Rule per unit: \$504

(4) Hazardous Material Response Plans and Inventory Annual Operating Permit

(a) Per hazardous material: \$81

(b) Maximum fee for hazardous materials: \$3,120

(Note: Hazardous materials stored in permitted underground tanks are not subject to the fees in this subsection (k)(4).)

(5) Underground Hazardous Materials Storage Annual Operating Permit, Per Tank (includes storage of Hazardous Wastes and Hazardous Materials): \$478

(6) Underground Hazardous Materials Storage Tank Special Permits

(a) New Underground Storage Tank Installation/Repair/Upgrade (Interior lining, bladder installation)

Base Fee (includes one (1) tank): \$2,165

Each Additional Tank: \$549

- Plan Re-Review and Plan Extension: \$159
- (b) Closure/Removal
 - Base Fee (includes one (1) tank): \$1,545
 - Each Additional Tank: \$390
- (c) Plan Re-Review and Plan Extension: \$159
- (d) Underground Storage Tank modification/ upgrade including pipe repair/ replacement that involves two inspections
 - Base Fee (includes entire facility): \$2,165
 - Plan Re-Review and Plan Extension: \$159
- (e) Underground Storage Tank modification that involves one inspection
 - Base Fee (includes entire facility): \$1,501
 - Plan Re-Review and Plan Extension: \$159
- (f) Underground Storage Tank Additional Plan Check Inspection/Reinspection: \$722
- (g) Underground Storage Tank Consultation Fee: Hourly rate as specified in subsection (m)(6).
- (7) Business establishments generating less than 200 pounds per month of medical waste annual permit (Annual Operating Permit Base Fee not required): \$170
- (8) Business establishments that generate 200 or more pounds of medical waste in any month of a 12-month period annual permit: \$684
- (9) Hazardous Materials Management Business Plan (HMBP) Review for sites amending their HMBP as part of the Building Permit process (fee per site): \$403
- (10) Hazardous Materials Management Business Plan (HMBP) Review for sites evaluated as part of the Building Permit process (Exempted Sites; fee per site): \$74
- (11) Preliminary workscope assessment where no fee is specifically indicated. (Includes Risk Management Plans and other technical assistance.) Hourly rate as specified in subsection (m)(6), minimum two hours.
- (12) California Accidental Release Program (CalARP) and Risk Management Plans (RMPs)
 - (a) Program Level 1 annual fee: \$180
 - (b) Program Levels II & III annual fee: \$255
 - (c) RMP review work and additional inspection/ audit costs that exceed the annual fee: hourly rate specified in subsection (m)(6).
- (13) Day Care Questionnaire Review for City of San Diego (fee per site): \$261

(14) Notification Only Fee for Low Risk Unified Program Facilities designated by the Director of Environmental Health as notification only (Operating Permit Base Fee not required):

(a) Facilities designated pursuant to sections 68.902(b) and 68.909.5 of this Code, including Photographic Imaging Waste annual fee: \$74

(b) Unstaffed, Remote Location (one-time fee per facility): \$1,101

(15) Established businesses that operate a facility subject to the Unified Program without first submitting a permit application or notification to the Department must pay the following one-time non-notification fee. \$354

(16) Biotechnology facilities and research and development laboratories subject to the Unified Program Facility Permit base fee, the hazardous waste fees or the hazardous materials fees may have these fees reduced by 25% if the facility meets performance standards as defined by the Department.

(17) University of California at San Diego (UCSD) sites limited to contiguous UCSD owned property on and around Gilman Drive in the City of San Diego subject to the Unified Program Facility Permit Base Fee, the Hazardous Waste Generator Fees, the Medical Waste Generator Fees, the Hazardous Materials Fees, the Aboveground Petroleum Storage Act Fees, or the Underground Storage Tank Operating Permit Fees shall pay an annual flat fee in lieu of the fees listed in this section. UCSD shall be subject to all other fees not specifically covered in this Section. The flat fee applies only to UCSD Main Campus and the Scripps Institution of Oceanography. \$24,014

(18) Aboveground Petroleum Storage Act (APSA) annual fee is based on the total aggregate shell capacity of petroleum in Aboveground Storage Tank(s) (AST) (maximum quantity):

Program Level I (1,320 - 9,999 gal): \$225

Program Level II (10,000 - 100,000 gal): \$290

Program Level III (100,001 - 1,000,000 gal): \$347

Program Level IV (1,000,001 - 10,000,000 gal): \$1,434

Program Level V (10,000,001 - 100,000,000 gal): \$1,782

(19) Corrective Action Oversight. The responsible party or the person requesting the County's oversight of corrective action shall pay the County for its oversight costs. Funds to pay for DEH's oversight of corrective action pursuant to section 68.915 of this code shall be advanced to and retained by the County as specified herein.

An initial deposit as specified in section (k)(19)(a) below shall be made by the responsible party or the person requesting oversight. Actual time expended by DEH in oversight shall be charged to this deposit account at the current labor rate.

Additional deposits shall be made to the deposit account by the responsible party or person requesting oversight as specified by the County, to maintain a positive balance sufficient to cover anticipated oversight costs in that case for two to three months. Upon completion of work and

closure of the case, any funds not expended shall be returned to the responsible party or person seeking oversight.

(a) Corrective Action Initial Deposit: \$3,692

(20) Regulated facility complaint response: DEH costs to investigate a complaint or an agency referral regarding non-compliance at a facility required to have a Unified Program Facility Permit, including DEH costs to verify return to compliance. Applicable ~~if but only~~ if the complaint is substantially validated:

DEH labor, including travel time, at the hourly rates specified in subsection (m)(6) and (m)(7), payable by and invoiced to the facility operator as a regulatory program fee.

Note: If an emergency response is undertaken, Chapter 8 of Division 8 of this Title is also applicable. If removal and disposal of abandoned hazardous waste or hazardous material is undertaken on a non-emergency basis, subsection (k)(22) of this Section is also applicable. For the Hazardous Incident Response Team Emergency Response the Environmental Health Specialist hourly rate is specified in subsection (m)(7).

(21) Other complaint response: DEH costs to investigate a complaint or an agency referral regarding improper management of hazardous wastes or hazardous materials at any place not otherwise required to have a Unified Program Facility Permit. This include DEH costs to verify proper on-site management, or the removal and proper subsequent disposition of those materials or wastes. Applicable if the complaint is substantially validated:

DEH labor, including travel time, at the hourly rates specified in subsection (m)(6) and (m)(7), payable by and invoiced to the person who owns or controls the hazardous waste or material, as a regulatory program fee.

Note: If an emergency response is undertaken, Chapter 8 of Division 8 of this Title is also applicable. If removal and disposal of abandoned hazardous waste or hazardous material is undertaken on a non-emergency basis, subsection (k)(22) of this Section is also applicable. For the Hazardous Incident Response Team Emergency Response the Environmental Health Specialist hourly rate is specified in subsection (m)(7).

(22) Hazardous waste and hazardous material abatement. DEH costs to remove and manage, or to arrange for the removal and proper management of, hazardous wastes or hazardous materials that have been abandoned, where there is no immediate need for an emergency response:

DEH labor, including travel time, at the hourly rates specified in subsection (m)(6) and (m)(7), plus all other costs incurred, including but not limited to costs, costs of equipment usage, the cost of supplies, contract service costs, administrative and overhead costs, and the cost of legal services incurred. Payable by and invoiced to the responsible party if identified. Payable by the property owner or lessee if the responsible party cannot be identified. For the Hazardous Incident Response Team Emergency Response the Environmental Health Specialist hourly rate is specified in subsection (m)(7).

The appeal and lien provisions of Chapter 8 of Division 8 of this Title are applicable to invoices issued under this subsection (k)(22).

This subsection does not limit the County's ability to instead order the abatement of, or to abate or summarily abate, a public nuisance and pursue cost recovery as provided in Chapter 2 of Division 6 of Title 1 of this code.

(23) Payment for medical waste onsite treatment permit application review and processing:

(a) Initial Application: Hourly rate as specified in subsection (m)(6). Two hour minimum.

(b) Review or Revised Application(s): Hourly rate as specified in subsection (m)(6). Two hour minimum.

(l) RADIATION SHIELDING PLAN CHECK FEES:

(1) Radiation Shielding Plan Check Fee (base fee includes two rooms): \$114

(2) Fees for additional rooms in same facility (3-6 rooms): \$52

For more complex plan checks, sites are billed at the hourly rate specified in subsection (m)(6) for additional plan check and inspection costs that exceed the hours covered by the fee calculated above.

(m) MISCELLANEOUS DEPARTMENT FEES:

(1) Duplicate permit, license, grade card, registration, or other required document under any DEH program (per document): \$18

(2) Health regulated business name change: \$30

(3) Copies of Documents: Fees are allowed under the California Public Records Act (Government Code Section 6253(b)), are set by the County of San Diego Auditor and Control and can be found here: <https://www.sandiegocounty.gov/content/sdc/auditor/feeschedule.html>.

(4) Vector Control Technician hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour will be charged one half of the hourly rate): \$142

(5) Environmental Health Technician hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour will be charged one half of the hourly rate): \$85

(6) Environmental Health Specialist hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour will be charged one half of the hourly rate): \$153

(7) Hazardous Incident Response Team Emergency Response hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour will be charged one half of the hourly rate): \$204

(8) Expedited services will be provided at the request of the customer when possible. These services will be provided by staff working paid overtime. Costs will be recovered by charging one and a half times the hourly rate specified in subsection (m)(6).

(9) Cost for services provided for which a deposit is required will be at the hourly rate specified in subsection (m)(6). Costs for expedited services provided for which a deposit is required will be at one and a half times the hourly rate specified in subsection (m)(6).

(10) FEE WAIVER FOR STRUCTURES DAMAGED OR DESTROYED BY NATURAL DISASTER. Notwithstanding the fees otherwise specified in Section 65.107, said fees may be waived for an applicant who is rebuilding legally built structures which have been damaged or destroyed by a wildfire or other natural disaster and which are located within the boundaries of a geographic area which has been declared by resolution of the Board of Supervisors to be eligible for this fee waiver. The fee waiver shall not apply to any portion of a new structure which exceeds the square footage of the structure which is being replaced.

(11) Fees for sample collection, laboratory costs, and project oversight shall be assessed at the approved hourly rate as specified in subsection (m) and for all laboratory costs associated with sampling and analysis.

(12) The following fees shall be paid to the Department of Environmental Health for Vector Laboratory services:

Special Projects include, but are not limited to, preparation for and speaking at public workshops, engagements, meetings, preparation of reports, review of reports or documents, and/or research. Fees for special projects shall be calculated and will be charged using the standard hourly billing rates set forth below.

Laboratory tests: \$38

Save body: \$20

(13) Vector Laboratory Special Projects:

CLASS	CLASS TITLE	HOURLY RATE
2120	County Veterinarian	\$328
5426	Agricultural Scientist	\$201
4317	Disease Research Scientist	\$140

Section 5. Section 65.108 of the San Diego County Code is amended to read as follows:

SEC. 65.108. PERMIT FEE REDUCTIONS FOR NONPROFIT ORGANIZATIONS.

Where alternative funding has been provided, the Director may invoice a nonprofit applicant for a permit or renewal thereof relating to operation of a food facility establishment specified in subdivision (a) of Section 65.107, housing specified in subdivision (b) of Section 65.107, or a public swimming pool specified in subdivision (c) of Section 65.107 at 50% of the fee specified for the permit or renewal specified in said subdivisions, provided that the applicant is a nonprofit organization for federal tax purposes as set out in Section 501(c)(3) of the federal Internal Revenue Code.

Section 6. Section 65.109 of the San Diego County Code is amended to read as follows:

SEC. 65.109. REFUNDS.

(a) The Director shall authorize the refunding of any Department of Environmental Health fee which was erroneously paid or collected when no fee was due.

(b) The Director shall authorize the refunding of any fee paid for which no service costs have been incurred. Permit application processing and any inspection or enforcement activity directed at a business is a service cost.

(c) The Director may authorize the refunding of a portion of a fee paid which is in excess of service costs incurred. Refund processing is a service cost which will be deducted from any refund request being made.

(d) Every applicant for an environmental health fee refund of \$10 or less or for any refund where service costs have been incurred, shall file with the Department of Environmental Health a written application on a form prescribed by said Department.

Section 7. Section 66.903 of the San Diego County Code is amended to read as follows:

SEC. 66.903. DEFINITIONS.

For the purpose of this chapter, unless otherwise specified, the following word or words shall have the following meaning:

APARTMENT HOUSE means any building or portion thereof which contains three or more dwelling units. Separate apartment house buildings located upon a single parcel of land or contiguous parcels of land or under the same ownership shall be treated as one apartment house for the purpose of computing the fee prescribed by Section 65.107(b).

CO-LOCATED RENTAL UNIT means any other rental unit on the same premises and under the same ownership or management as an apartment house.

DWELLING UNIT shall mean each apartment in an apartment house and each sleeping room in a hotel, and each apartment and each hotel sleeping room in a building, containing both apartments and hotel sleeping rooms which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family and for the purpose of Chapter 1, Division 9, Title 6 includes rented residences.

GUEST means any person hiring or occupying a room for living or sleeping purposes.

GUEST ROOM means any room or rooms used or intended to be used by a guest for sleeping purposes.

HOTEL means any building, or set of buildings located on the same or contiguous premises and under the same ownership or management, containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests. Separate hotel buildings located upon a single parcel

of land or contiguous parcels of land or under the same ownership shall be treated as hotel for the purpose of computing the fee prescribed by Section 65.107(b).

Section 8. Section 65.301.5 is added to the San Diego County Code is to read as follows:

SEC. 67.301.5. DEFINITIONS

The following definitions shall apply to this chapter and to Chapter 3 of this Title:

“Body of Water” means an outdoor or indoor structure intended for swimming or recreational bathing, including a swimming pool, hot tub, spa, non-portable wading pool, activity pool, spray ground, and interactive water feature.

“DEH” or “Department” means the County Department of Environmental Health.

“Director” means the Director of DEH and any person appointed or hired by the Director to enforce or administer this chapter.

“Expedited Plan Review” means plan review service that is provided at an accelerated time frame.

“Expedited Plan Check Inspection” means plan check field inspection service that is provided at an accelerated time frame.

“Revision” means any plan submittal required for corrections identified or minor changes to the initial submittal for any New, Major Remodel, or Minor Remodel project.

Section 9. Section 68.803 of the San Diego County Code is amended to read as follows:

SEC. 68.803. HAZARDOUS INCIDENT RESPONSE.

(a) The Director as local Health Officer may respond to releases (including suspected or threatened releases) of hazardous materials anywhere in the County, when necessary to protect public health and safety and the environment. Planning for, funding, and execution of release responses outside of the unincorporated areas of the County shall be coordinated with the Unified San Diego County Emergency Services Organization (USDCESO) and its member agencies. Responses to releases within the unincorporated area can be conducted through USDCESO or independently by DEH, as USDCESO and the Director find appropriate.

(b) When responding to a release or threatened release, the Director as local Health Officer may order that areas or premises be evacuated, and may determine when evacuated areas or premises may be reoccupied.

(c) When responding to a release or threatened release, the Director may order, supervise or undertake all measures necessary to protect public health and safety and the environment, including but not limited to measures to prevent or stop a release; measures to limit or stop the spread of hazardous substances; measures to suppress or extinguish fire; measures to contain, recover, remove, transport, store or dispose of hazardous substances or waste or contaminated environmental media; measures to mitigate the impacts of a release or fire; site safety, exposure

control and monitoring and decontamination activities; and all activities reasonably related to the foregoing activities, including testing, sampling and staff work necessary to assess, evaluate and characterize the emergency condition, to formulate appropriate plans for corrective actions, and to prepare records for related reporting, cost recovery, and enforcement.

(d) When responding to a release or threatened release, the Director shall determine:

(1) Whether evacuation from the building, structure, property, or public right-of-way where the incident originated was necessary to prevent loss of life or injury.

(2) Whether the incident resulted in the spread of a hazardous substance or substances, or fire, that posed a danger making a response necessary.

(3) Whether the spread of a hazardous substance posed a real and imminent threat to public health and safety beyond the building, structure, property, or public right-of-way where the incident originated.

(4) Whether negligence caused or contributed to the incident, and if so the person whose negligence caused or contributed to the incident.

(5) Whether a violation of Sections 25504 to 25508.2, inclusive, or Section 25511 of the Health and Safety Code resulted in or significantly contributed to the emergency, including a fire, and if so the business, facility or handler that was in violation.

(6) Whether any other violation of law by an individual resulted in or significantly contributed to the emergency, and if so the identity of that individual and his or her employer.

(7) Whether, for an incident involving a motor vehicle, the operation of that motor vehicle caused the incident requiring an emergency response.

(e) The Director shall record their findings pursuant to subsection (d) of this section in a report or memorandum prepared close in time to the incident that required an emergency response. The report or memorandum shall include a short summary of the facts supporting those findings.

Section 10. Section 68.909.5 of the San Diego County Code is amended to read as follows:

SEC. 68.909.5. NOTIFICATION-ONLY LOW RISK UNIFIED PROGRAM FACILITIES.

Businesses operating facilities designated pursuant to Section [68.902\(b\)](#) of this Code as being eligible as "notification-only low risk unified program facilities" shall submit an annual notification through CERS in lieu of a permit application and in lieu of any other CERS reporting for that facility only. This notification shall include an entry in the Facility Information element in CERS that the facility generates hazardous waste and a statement by the business certifying that the facility meets the conditions for "notification only" status established by the Director for the specific facility type.


Section 11. Effective Date. This Ordinance shall take effect on July 1, 2019, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the

Ordinance No. 10606 (N.S.)
Meeting Date: 05/01/19 (05)

names of the members voting for and against the same in the The Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY
Rodney Lorang, Senior Deputy

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 1st day of May, 2019.



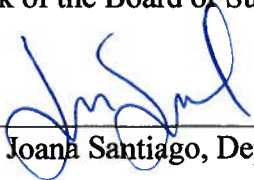
DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 1st day of May, 2019.

ANDREW POTTER
Clerk of the Board of Supervisors

By 

Joana Santiago, Deputy



Ordinance No.: 10606 (N.S.)
05/01/19 (05)