

ORDINANCE NO. 10680 (NEW SERIES)

ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES TO ADJUST CERTAIN DEPARTMENT OF ENVIRONMENTAL HEALTH REGULATORY REQUIREMENTS RELATED TO HAZARDOUS MATERIALS AND ASSOCIATED ORDINANCE REVISIONS

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

Section 1. Purpose.

This ordinance updates and streamlines certain business processes in order to gain efficiencies and to promote customer service and cost savings. This ordinance shifts small quantity medical waste generator inspections to a registration program, creates a new minimal variation low-risk business category for facilities with a corresponding flat fee structure, revises the fee structure for regulated underground storage tank facilities, and eliminates the local requirement for the submittal of redundant supplemental chemical reporting to the California Environmental Reporting System (CERS) website.

Section 2. Section 65.102 of the San Diego County Code is hereby amended to read as follows:

SEC. 65.102. FEE FOR ENVIRONMENTAL HEALTH REGULATED ACTIVITIES.

Every person applying for a permit, license or registration for a food establishment, apartment house or hotel, organized camp, public swimming pool, sewage pumping vehicle, unified program facility, small quantity medical waste generator registration or other environmental health regulated business or facility for which an annual, biennial, or one time permit, license or registration is required under the provisions of this Code and issued by the Director shall at the time of making application for the permit, license or registration pay the permit, license or registration fees, as set forth in Section 65.107.

Section 3. Section 65.103 of the San Diego County Code is hereby 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, or facility eligible for the small quantity medical waste generator registration program, investigate the conditions in and about the place where it is proposed to conduct the activities subject to the unified program or other 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, the Medical Waste Management Act, 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 65.104 of the San Diego County Code is hereby amended to read as follows:

SEC. 65.104. RENEWAL OF PERMIT, LICENSE OR REGISTRATION.

A permit, license, or registration issued pursuant to this Title 6 shall expire on the last day of the month of the one year anniversary month in which the permit was issued and shall be renewed annually, except as set forth as follows:

(a) The permit for sewage pumping vehicles shall expire on December 31 of each year. The permit for newly permitted non-prepackaged mobile food facilities and mobile food preparation units and newly permitted food vending machines shall also expire on December 31 of each year. "Newly permitted" is defined as "not permitted to the same owner or operator within the last three years by the Department of Environmental Health." The annual fees shall be pro-rated as follows:

1. If the permit is issued during the period of January 1, to June 30, the full annual rate is due.
2. If the permit is issued after June 30, the rate shall be one-half (1/2) of the annual rate or at full cost recovery whichever is more.

(b) The permit for newly permitted prepackaged mobile food facilities shall expire on March 31 of each year. The annual fees shall be pro-rated as follows:

1. If the permit is issued during the period of April 1, to September 30, the full annual rate is due.
2. If the permit is issued after September 30, the rate shall be one-half (1/2) of the annual rate or at full cost recovery, whichever is more.

(c) The operating permit for underground storage tanks shall be renewed as per Sections 68.1003 and 68.1009 of this Code.

(d) The registration fee for small quantity medical waste generators eligible for the registration program shall be renewed pursuant to sections 68.909.6 and 68.1204.

At the time application is made, there shall be paid to the Department of Environmental Health the required annual fee, which fee is due and payable each year by the expiration date of the permit, except where specified above.

Section 5. Section 65.107 of the San Diego County Code is hereby 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:

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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:

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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

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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 67.301.

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

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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

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: \$1,269

(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 31 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).

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(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

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, 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

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(3) Public Water System Annual Drinking Water Operating 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)

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(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 AND HAZARDOUS MATERIALS PROGRAM FEES:

(1) Unified Program Facility Annual Permit Base Fee (Required for all 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 and Small Medical Waste Generator Registration applications repeatedly not accepted: Hourly rate in subsection (m)(5) or (m)(6) as applicable in each case.

(2) Hazardous and Medical Waste

(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 Permit

(a) Per hazardous material: \$81

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

(c) Minimal Inventory Variation Low Risk Business Operations: \$435

(5) Underground Storage Tank Annual Operating Permit, Per Tank: \$478 409

(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) Unified program facilities subject only to Chapter 6.5 of the California Health and Safety Code as small quantity hazardous waste generators, and no other unified program requirements, and which generate less than 200 pounds per month of medical waste annual permit (Unified Program Facility Annual Permit Base Fee not required): \$170

(8) Small Quantity Medical Waste Generator Biennial Registration: \$160

(9) 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.

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(10) Business establishments that generate 200 or more pounds of medical waste in any month of a 12-month period annual permit: \$684

(11) Hazardous Materials Management Business Plan (HMBP) Review for sites amending their HMBP as part of the Building Permit process (fee per site): \$403

(12) Hazardous Materials Management Business Plan (HMBP) Review for sites evaluated as part of the Building Permit process (Exempted Sites; fee per site): \$74

(13) 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.

(14) 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).

(15) Day Care Questionnaire Review for City of San Diego (fee per site): \$261

(16) Notification Only Fee for Low Risk Unified Program Facilities designated by the Director of Environmental Health as notification only (Unified Program Facility Annual 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

(Note: Facilities with a valid Small Quantity Medical Waste Generator Biennial Registration are not subject to this fee.)

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

(17) 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

(18) 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.

(19) 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

(20) 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

(21) 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 Department of Environmental Health's (DEH) 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)(21)(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

(22) 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 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)(24) 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).

(23) 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 includes 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 rate 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)(24) 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).

(24) 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 rate 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)(24).

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.

(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
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2120	County Veterinarian	\$328
5426	Agricultural Scientist	\$201
4317	Disease Research Scientist	\$140

Section 6. Section 68.902 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.902. DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH TO IMPLEMENT AND ENFORCE THE UNIFIED PROGRAM.

(a) The Director of the Department of Environmental Health (DEH), in addition to their other duties, is hereby designated as the Officer to implement and enforce the Unified Program as certified by the California Secretary for Environmental Protection and specified in the California Health and Safety Code, Chapter 6.11 (commencing with Section 25404). Requirements of the Medical Waste Management Act as defined in Part 14 of Division 104 of the California Health and Safety Code are incorporated into the Unified Program with the exception of facilities excluded from the definition of a Unified Program Facility in Section 68.904.5.

(b) The Director of the Department of Environmental Health may designate categories of facilities that are subject to the Unified Program, or the Small Quantity Medical Waste Generator Registration Program as described in Section 68.909.6, as "Notification-Only Low Risk Unified Program Facilities." Facilities that are subject to the Unified Program solely because they recycle photochemical wastes to recover silver have been so designated for many years and will remain so designated unless the Director affirmatively de-designates such facilities. This designation may also be applied to other categories of facilities but may only be applied to facilities that are subject to the Unified Program solely as waste generators. Each category of facilities designated shall be defined by such conditions concerning wastes and waste management as the Director finds are necessary to ensure that associated risks are extremely low. Designations shall be disclosed on the appropriate DEH web page or pages and in local CERS instructions.

(c) Any "notification-only" designation to which an objection is made by the Director of the California Department of Toxic Substances Control shall be rescinded.

(d) The Director may streamline the permitting and reporting process for notification-only low risk unified program facilities, and need not perform inspections of these facilities.

Section 7. Section 68.904 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.904. CERS REPORTING.

(a) Any business, person, owner or operator that has a unified program facility as defined in Section 68.904.5 shall submit and shall keep up to date, through CERS, all of the following:

(1) The facility information and program elements as defined in section 68.904.5 required to be reported under State law.

(2) The waste generator shall provide information for each hazardous waste and medical waste generated at the facility. Wastes that are less than 55 gallons, 500 pounds, and for compressed gases less than 200 cubic feet, are required to be reported as inventory. At a minimum the following information shall be included: the common name of the waste, maximum amount in storage at any one time, annual waste amount, physical state of the waste, unit of measure, and if applicable, State waste code and hazard categories for hazardous waste.

(3) Where applicable, the additional locally required information specified in Section 68.1113 of this Code.

(b) Any business which handles hazardous material in quantities subject to the requirements of the Hazardous Materials Release Response Plans and Inventory Law shall certify that the business plan meets the requirements as specified in Division 20, Chapter 6.95 of the California Health and Safety Code.

(c) Pursuant to Chapter 6.95 of the California Health and Safety Code electronic updates are required within 30 days for reportable information affected by the following events:

(1) A 100 percent or more increase in the quantity of a previously disclosed hazardous material that is subject to the inventory reporting requirements in State law.

(2) Any handling of a previously undisclosed hazardous material that is subject to the inventory reporting requirements in State law.

(3) Change of business address.

(4) Change of business ownership.

(5) Change of business name.

(6) A substantial change (as defined in State law) in the handler's operations occurs that requires modification to any portion of the business plan.

(d) An application or submission to apply for a new Unified Program Facility permit must be made within 30 days of becoming a Unified Program Facility subject to any of the program elements defined in Section 68.904.5.

(e) Notification and submittal of unified program facility information and required program elements through CERS is the only submittal method that meets the requirements of State law and this code.

(f) Submissions, updates, and any required certifications in CERS may be made by the business, person, owner or operator of the Unified Program facility, an officially designated representative, or by DEH if a CERS application form is authorized by an officially designated representative.

Note: An additional hourly fee will be due under Section 65.107(m) if outdated information or unaccepted submittals in CERS results in increased costs to process a permit application or renewal.

]Section 8. Section 68.904.5 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.904.5. DEFINITIONS.

The relevant definitions in Chapters 6.5, 6.67, 6.7, 6.11 and 6.95 of Division 20 and in Part 14 of Division 104 of the California Health and Safety Code shall apply where the context makes those definitions applicable. In addition, the following definitions apply to Chapters 9, 10, 11, and 12 of this Division.

"Accepted" in reference to CERS, or "Accepted in CERS" means the CUPA has reviewed the submitted program elements and finds that the data /documents provided appear to meet the State and local reporting requirements. Accepted status does not imply that data has been validated by a field inspection or that the accuracy of the submission has been verified.

"CERS" and "California Environmental Reporting System" have the same meaning as "statewide information management system" as defined in the California Health and Safety Code, Section 25501.

"Certified Uniform Program Agency" or "CUPA" means the agency certified by the Secretary of the California Environmental Protection Agency to implement the unified program in the County of San Diego.

"Chapter 6.95" means Chapter 6.95 (commencing with Section 25500) of Division 20 of the California Health and Safety Code.

"Minimal Inventory Variation Low Risk Business Operations" are those businesses not subject to the Underground Storage Tank Program or the Aboveground Petroleum Storage Act and are limited to the following facilities: unmanned telecommunications sites; food and beverage facilities where compressed gases related to beverage carbonation is the primary hazardous material; dry cleaners; car washes with no auto repair or maintenance activities; facilities where a fuel tank associated with an emergency generator is the primary hazardous material; and facilities where propane associated with forklift operations is the primary hazardous material.

"Person" means "person" as defined in section 25118 of the California Health and Safety Code.

"Program elements" means the unified program elements specified in Health and Safety Code Section 25404(c), the administration of which have been consolidated under California State Law as the unified program. For the purposes of Title 6 of this code, generation, storage, transfer, or disposal of medical waste subject to Part 14 of Division 104 of the California Health and Safety Code at unified program facilities is also defined as a program element. "Program element" refers to any of the program elements.

"Unified program facility" or "UPF" means all contiguous land and structures, other appurtenances and improvements on the land, which are subject to the requirements listed in the California Health and Safety Code, Division 20, Chapter 6.11, Section 25404(c), or generate, store, transfer, or dispose of medical waste. Exception: facilities in the Small Quantity Medical Waste Generator Registration Program that generate small amounts of universal waste or silver-only wastes that are being properly recycled are excluded from the definition of a "Unified program facility" for purposes of Title 6 of this code.

"Unified program facility permit" or "UPFP" means the permit issued by the Department of Environmental Health pursuant to Chapters 9, 10, 11, and 12 of this Division. These permits implement unified program elements for hazardous materials and hazardous wastes, and also implement the State program to regulate facilities that generate, handle, store, or treat medical wastes. Permits excluded from the definition of "Unified Program Facility Permit" at Section 25404(a)(6) of the California Health and Safety Code (e.g., Fire Code and Building Code permits) are not unified program facility permits.

Section 9. Section 68.905 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.905. UNIFIED PROGRAM FACILITY PERMIT REQUIRED.

No business, person, owner or operator shall have a unified program facility as defined in Section 68.904.5 without obtaining a unified program facility permit with the applicable permit elements from the Director of the Department of Environmental Health. Unified program facility permits are not transferable to a different business, person, owner or operator pursuant to Section 65.106 unless approved by the Director. Any business, person, owner or operator who has a unified program facility without obtaining a unified program facility permit from the Director of the Department of Environmental Health shall cease unified program activities and shall be guilty of a misdemeanor punishable by a \$1,000 fine or 6 months in prison or both. The County may also impose civil penalties against the business, person, owner or operator in the amount of \$1,000 per violation and may seek injunctive relief if the business, person, owner or operator refuses to cease unified program activities.

Section 10. Section 68.906 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.906 . APPLICATION FOR PERMIT.

Every applicant for a unified program facility permit required by this division shall submit the information required to obtain said permit through CERS or by submitting a completed application to DEH. Any required update to such information (including but not limited to information on changes in ownership) shall be submitted in the same manner.

Section 11. Section 68.907 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.907. FEE.

(a) Every business, person, owner or operator required to have a unified program facility permit or small quantity medical waste generator registration shall pay the applicable fees specified in Section 65.107 of this Code when applying for a new permit or registration, or for the renewal of an existing permit or registration.

(b) The Director may collect a fee that is based on the relevant facts observed during an inspection, notwithstanding any contrary data in CERS. The Director is not obliged to reduce CERS-based fees downward where a business has failed to update CERS data in time for data to

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be "accepted" prior to an annual invoice being calculated. It is the responsibility of the facility operator to keep information required to be reported in CERS up to date.

Section 12. Section 68.907.1 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.907.1 ESTABLISHED FACILITY NON-NOTIFICATION FEE.

Any business, person, owner or operator who has a unified program facility and failed to obtain or apply for a Unified Program Facility Permit through CERS, or complete and submit a CERS application to DEH, shall be subject to a onetime non- notification fee as specified in Section 65.107 of this Code.

Section 13. Section 68.908.1 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.908.1. RE-INSPECTION WITH RE-INSPECTION FEE.

If the unified program facility permit is denied for failure to pay appropriate fees associated with a unified program permit, or if a facility fails to comply with requirements set forth in this Code or State law, or if a facility subject to the Small Quantity Medical Waste Registration Program fails to comply with the registration requirements, inspections shall continue to be performed to mitigate threats to public health and safety and the environment, and a re-inspection fee shall be due for each such inspection. Any notification and related submittals for a new or updated permit will be processed in accordance with Section 68.908.

Section 14. Section 68.909 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.909. ELECTRONIC REPORTING AND VERIFICATION PROCEDURES.

Unified program facilities that handle hazardous materials in quantities subject to the requirements of Chapter 6.95 of the California Health and Safety Code must comply with the certification requirements in State law. Provided required fees have been paid, the Director shall verify the completeness of the reported information. Information that is verified as complete and is accepted by DEH in CERS shall be treated as having been submitted when it was first posted by the business, person, owner, operator or designated representative. Information that is identified by DEH as "not accepted" in CERS shall be deemed submitted on the date that corrected information was submitted, provided that corrected information is verified as complete and is accepted by DEH in CERS.

Section 15. Section 68.909.5 of the San Diego County Code is hereby amended to read as follows:

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

Facilities that are subject to the Unified Program or the Small Quantity Medical Waste Generator Registration Program 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 16. Section 68.909.6 is hereby added to the San Diego County Code to read as follows:

SEC. 68.909.6. SMALL QUANTITY MEDICAL WASTE GENERATOR REGISTRATION PROGRAM FACILITIES.

Facilities that generate less than 200 pounds per month of medical waste, that do not treat medical waste and are not considered a Unified Program Facility as defined in section 68.904.5, must register every two years with DEH by completing and submitting an application, certifying compliance with the Medical Waste Management Act, and paying the required Small Quantity Medical Waste Generator registration fee as specified in section 65.107.

Section 17. Section 68.1112.5 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1112.5. LOCAL INTERPRETATIONS OF CERTAIN CERS REQUIREMENTS.

- (a) Site maps submitted through CERS shall identify each location where a reportable quantity of a hazardous material is stored, even if materials stored in different locations are combined for inventory reporting purposes.
- (b) Chemicals with the same CAS (Chemical Abstract Service) number can be combined for CERS purposes even if the common names of those chemicals as labeled at the facility differ. A single applicable common name can be reported.
- (c) The Director may allow specific categories of low-risk hazardous materials that are similar in type, physical state and hazardous components or properties to be combined for reporting purposes, even if those materials have different CAS numbers. The Director shall document the determinations that categories of materials can be combined by posting local instructions in CERS.

Section 18. Section 68.1113 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1113. ADDITIONAL LOCALLY-REQUIRED INFORMATION.

Any business which handles compressed gases with an American Conference of Governmental Industrial Hygienists Threshold Limit Value (TLV) of 10 parts per million or less shall report these gases in CERS as part of their chemical inventory, in any quantity, unless the contents are an instrument calibration gas standard at a concentration below the Immediately Dangerous to

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Life and Health (IDLH) limits of the gas. The business shall prepare a business plan in conformance with Chapter 6.95, and shall submit said plan to the Director of the Department of Environmental Health through CERS.

Section 19. Section 68.1202 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.1202. MEDICAL WASTE GENERATORS.

(a) It shall be unlawful for any generator of medical waste, other than a trauma scene waste management practitioner, to store, transfer or dispose of such wastes without an annual Unified Program Facility Permit or a valid Small Quantity Medical Waste Generator Registration from the Director.

(b) Any person desiring a permit or registration required by this chapter shall make application as prescribed in Chapter 9, Section 68.906 or 68.909.6 of this division, whichever is applicable.

(c) For medical waste generators subject to Unified Program requirements, maintaining an annual Unified Program Facility Permit satisfies the requirement set forth in the Medical Waste Management Act to register with the local enforcement agency.

Section 20. Section 68.1204 of the San Diego County Code is hereby amended to read as follows:

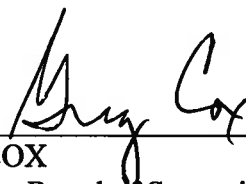
SEC. 68.1204. FEE.

Every person required to have a permit, registration, or license required by this division shall, at the time of making application or renewal, pay the fee prescribed for such a permit, registration, or license. Such fees shall be specified in Section 65.107 of the County Code of Regulatory Ordinances.

Section 21. Effective Date. This Ordinance shall take and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Transcript, a newspaper of general circulation published in the County of San Diego

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY
Geoffrey P. Holbrook, Senior Deputy

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 5th day of August 2020.



GREG COX
Chairman, 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 5th day of August 2020.

ANDREW POTTER
Clerk of the Board of Supervisors

By



Joana Santiago, Deputy



Ordinance No.: 10680 (N.S.)
Meeting Date: 08/05/2020 (03)