

ORDINANCE NO. 9322 (NEW SERIES)

AN ORDINANCE AMENDING PORTIONS OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO FEE ADJUSTMENTS FOR THE DEPARTMENT OF ENVIRONMENTAL HEALTH FOR FISCAL YEAR 2001-02

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

Section 1. The Board of Supervisors finds and determines that the Department of Environmental Health's cost of doing business has significantly increased since Fiscal Year 1992-93, as reflected by an increase of 26 percent in the San Diego region's Consumer Price Index and County employee salary increases totaling 24 to 41 percent since that time. Additionally, the Board of Supervisors finds and determines that the Department of Environmental Health is currently not recovering full costs for its services from regulated businesses as mandated by Board Policy B-29: Fees, Grants, Revenue Contracts—Department Responsibility for Cost Recovery. Accordingly, the Board of Supervisors authorizes the Department of Environmental Health to adjust its fees such that the Department achieves full cost recovery, with the exception of additional information technology outsourcing costs and certain services provided to nonprofit organizations, for services rendered to industry pursuant to Board Policy B-29. The appropriate sections of the San Diego County Code shall be amended to reflect the fee adjustments for the Department of Environmental Health for Fiscal Year 2001-02. The provisions of this ordinance shall be operative as of July 1, 2001.

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

SEC. 65.102. ANNUAL INSPECTION 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 or other environmental health regulated business or facility for which an annual or one time permit, license or registration is required under the provisions of this Code and issued by the Director of the Department of Environmental Health 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

Upon receipt of such application, accompanied by the required fee, it shall be the duty of the Director of the Department of Environmental Health 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 of the Department of Environmental Health 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 of the Department of Environmental Health upon a showing satisfactory to said Director of the Department of Environmental Health of a violation by the holder of such permit or any person acting with his consent or under his authority, of any applicable provisions of law regulating places or activities of the character for which the permit, license, or registration is granted.

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 food vending vehicles 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 operating permit for underground storage tanks shall be renewed as per Sections 68.1003 and 68.1009 of this Code.

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.

Section 5. Section 65.105 of the San Diego County Code is hereby amended to read as follows:

SEC. 65.105. DELINQUENT PAYMENTS.

- A. Any fee which is not paid by the annual permit expiration date, or for invoiced fees other than annual permits, thirty (30) days from the invoice date, is delinquent.
- B. In any case where a fee is delinquent, an initial penalty of fifty dollars (\$50) or an amount equal to 50% of the fee, whichever is less, shall be added to and collected with the required fee.
- C. In any case where a fee is delinquent, and the annual permit fee or invoiced fee and the initial penalty fee are not paid on or before the last day of the month following the annual permit expiration date, or for invoiced fees other than annual permits, thirty (30) days from the invoice date, an additional penalty of one hundred (\$100) or an amount equal to 100% of the fee, for a total penalty of one hundred-fifty dollars (\$150) or 150% of the fee, whichever is less, will be added to and collected with the required fee.
- D. The imposition of or payment of the penalty imposed by this section shall not prevent the imposition of any other penalty prescribed by this code or any ordinance nor prosecution for violation of this code or any ordinance.
- E. The delinquent penalty fee may be waived by the Director of the Department of Environmental Health in case of error made by Department of Environmental Health staff, in case of circumstances beyond the control of the applicant, or when the applicant has not held an environmental health permit during the past five years, and was unaware that an environmental health permit was required.

Section 6. 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 Uniform Retail Food Facilities Law,
 - (1) For restaurants.
 - 0 to 2 employees \$360.00
 - 3 to 10 employees \$425.00

11 to 25 employees \$490.00
26 to 100 employees \$595.00
101 or more employees \$1,095.00

For each food facility unit in excess of 3 at the same location. . . \$425.00, or the food facility permit fee, whichever is less.

Public Premise, ABC permit type 42 or 48 \$290.00

Unscheduled reinspection fee \$85.00

(2) For Concession Stands \$100.00

(3) For Retail Markets, other than Candy Stores:

1 to 25 employees \$225.00

26+ employees \$275.00

(4) For Candy Stores \$90.00

(5) For Food establishments vending pre-packaged non-refrigerated, non-potentially hazardous foods \$80.00

(6) For temporary food facilities at a community event, not to exceed 25 consecutive or non-consecutive days in a 90 day period.

Non-profit applicants and non-profit temporary event organizers are exempt from the fee for temporary food facilities at a community event with the exception of the late application submittal fees.

Prepackaged Non-Potentially Hazardous Foods

Event Permit (1-3 days) \$55.00

Annual Permit \$200.00

Late application submittal, supplemental fee paid in addition to required fee. Less than 14 days prior to the event \$30.00

Unpackaged Foods/Potentially Hazardous Foods

Event Permit (1-3 days) \$100.00

Annual Permit \$400.00

Late application submittal, supplemental fee paid in addition to required fee. Less than 14 days prior to the event . . . \$50.00

Temporary Event Organizer

Event Permit (1-3 days) . . . \$100.00

Annual Permit . . . \$400.00

Site Plan Late Submittal (less than 14 days prior to the event) . . . \$50.00

- (7) For food establishments operating retail markets and restaurants or delicatessens on the same premises:

1 to 10 employees . . . \$325.00

11+ employees . . . \$480.00

For food preparation areas in excess of 3 . . . \$300.00

Unscheduled reinspection fee . . . \$85.00

- (8) For food vending commissary (headquarters):

Vending machine commissary . . . \$175.00

Mobile Food Facility or Mobile Food Preparation Vehicle Commissary . . . \$200.00

- (9) For each mobile food facility, other than mobile food preparation units, under the same ownership and operating out of the same establishment:

Packaged Lunch Truck . . . \$175.00

Produce/Ice Cream/Other Mobile Food Facilities (Vehicles) . . . \$140.00

Boats . . . \$185.00

- (10) For each mobile food preparation unit under the same ownership and operating out of the same establishment . . . \$305.00

Non-profit Operations . . . \$190.00

Mobile food structural certification, supplemental inspection . . . \$120.00

- (11) For Mobile Food Facilities (push carts):

Annual site permits

Pre-packaged foods \$155.00

Food Preparation \$280.00

- (12) For each 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 \$15.00
- (13) Wholesale Food Warehouse \$300.00
- (14) For Food Processing Establishments:
 - Retail \$400.00
- (15) Catering:
 - Type II \$340.00
 - Equipment Rental \$70.00
 - Supplemental catering permit for permitted food facility (restaurant or retail market with a restaurant /deli) for food preparation or serving offsite \$100.00
- (16) Bed and Breakfast \$150.00
- (17) For food establishments that are non-profit. . . . \$145.00
- (18) School food facilities – Processing \$205.00
- (19) School food facilities – satellite food distribution \$75.00
- (20) Retail food delivery - Delivery of retail food items by other than an employee of the DEH permitted food facility, which was the source \$50.00
- (21) Foodborne illness and/or recall investigation for activities without a current food facility permit issued by San Diego County DEH Hourly rate as specified in section (k)(12).
- (22) Unscheduled reinspection fee \$85.00
- (23) Fee for investigation of a food facility operating without a health permit will be 200% of the annual permit fee payable in addition to the permit fee.
- (24) Food inspections consolidated with hazardous materials inspections. . . . \$65.00

(b) HOUSING PERMIT FEES--INSPECTION FEES FOR APARTMENT HOUSE, CONDOMINIUM OR HOTEL AS PROVIDED IN SECTION 66.1003:

- (1) For each apartment house, non-owner occupied condominium complex or hotel containing three or more units \$80.00
- (2) For each unit in excess of three (3) \$2.50

"UNIT" shall mean each apartment in an apartment house, separate dwelling of a condominium 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.

Separate apartment house buildings, condominiums and separate hotel buildings, or combination thereof, located upon a single parcel of land or contiguous parcels of land or under the same ownership shall be treated as one apartment house, condominium or hotel for the purpose of computing the fee prescribed by this section.

- (3) For each owner-occupied condominium complex containing three or more units . . . \$50.00
- (4) Non-profit housing \$80.00
- (5) Unscheduled reinspection fee \$85.00

(c) PUBLIC POOL PERMIT FEES:

- (1) For one (1) pool \$195.00
- (2) For two (2) pools \$235.00
- (3) For three (3) pools \$360.00
- (4) For four (4) pools \$385.00
- (5) For five (5) pools \$420.00
- (6) For each pool in excess of 5 as provided for in Section 67.302 . . . \$70.00
- (7) Inactive or closed pool \$50.00
- (8) Public Bath House \$600.00
- (9) Non-profit operated pools . . . \$80.00
- (10) Unscheduled reinspection fee \$85.00

(d) ENFORCEMENT/INVESTIGATION FEES:

Office hearing \$180.00

Suspension or revocation hearing \$360.00

Sherman food investigation, with a confirmed violation Hourly rate as specified in section (k)(12)

(e) LAND USE FEES:

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

Domestic Well.....\$270.00

Public Water Supply Well.....\$475.00

Well Destruction/Per well over one on same parcel.....\$90.00

(2) Onsite Wastewater System Inspection, as provided for in Section 68.326 . . . \$215.00

Onsite Wastewater System Re-Inspection, as provided for in Section 68.326 \$90.00

Onsite Wastewater System Repair Inspection. . . . \$190.00

(3) Deposit for Major Use Permits, Special Project review as provided for in Section 68.326.2 (Initial deposit, additional funds may be required for full cost recovery) \$700.00

(4) Layouts/Percolation Test, as provided for in Section 68.328.1:

New Construction \$490.00

Additions/Pools \$420.00

Re-Review Hourly rate as specified in section (k)(12)

Layout over the counter, no field investigation \$55.00

(5) Septic Cleaner Examination Fee, as provided for in Section 68.602 \$50.00

(6) Septic Cleaner Registration, as provided for in Section 68.604 \$50.00

(7) Sewage Pumping Vehicle, as provided for in Section 68.604a \$65.00

- (8) Deposit for a Tentative Map on septic as provided for in Section 81.201.1 (Initial deposit, additional funds may be required for full cost recovery) . . . \$3,000.00
- (9) Deposit for a Tentative Map on public sewer as provided for in Section 81.201 (Initial deposit, additional funds may be required for full cost recovery) . . . \$1,000
- (10) Tentative Parcel Map on septic as provided for in Section 81.207(d):
 - For one (1) or two (2) parcels \$535.00
 - For three (3) or more parcels. . . (Initial deposit, additional funds may be required for full cost recovery) . . . \$1,000
 - Re-Review . . . Hourly rate as specified in section (k)(12)
- (11) Tentative Parcel Map on sewer as provided for in Section 81.207(d). Field check only . . . \$420.00
- (12) Boundary Adjustment/Certificate of Compliance, as provided for in Sections 81.902.2, 81.1105.1 . . . \$225.00
 - For each lot over two (2) . . \$90.00
 - Re-Review . . . Hourly rate as specified in section (k)(12)
- (13) Grading Plan, Major, as provided for in Section 87.204.1 . . . \$225.00
 - Re-Review . . . Hourly rate as specified in section (k)(12)
- (14) Graywater System Permits
 - Plan Review - over the counter, as provided for in Section 68.326.1 . . . \$55.00
 - Plan Review - with field check, as provided for in Section 68.352 . . . \$240.00
 - Re-Review. . . Hourly rate as specified in section (k)(12)
 - Installation Inspections, as provided for in Section 68.352:
 - Simple one component systems . . . \$180.00
 - Multiple component systems . . . \$270.00
 - Complex Systems (Initial deposit; additional funds may be required for full cost recovery). . . \$500.00

Re-Inspection fee, as provided for in Section 68.352 \$90.00

- (15) Onsite Wastewater System Annual Operating Permit, as provided for in Section 68.334.....\$180.00
- (16) Enforcement Fee, as provided for in Section 68.334.2Hourly rate as specified in section (k)(12)
- (17) Backflow Tester Certificate, as provided for in California Health and Safety code, Section 116810 \$75.00
- (18) Backflow Tester Listing Fee, as provided for in California Health and Safety Code, Section 116810 \$30.00

(f) 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 may be required for full cost recovery).....\$1,000
- (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, 116580, 116595.....(Initial deposit, additional funds may be required for full cost recovery).....\$500.00
- (3) State Small Water System Change of Ownership Fee, as provided for in California Health and Safety Code, Sections 101325, 116340 \$220.00
- (4) State Small Water System Permit Amendment Fee, as provided for in California Health and Safety Code, Sections 101325, 116340...\$295.00
- (5) Public Water System Annual Drinking Water Operating Fee: as provided for in California Health and Safety Code, Sections 101325,116565, 116595.

Community Water System:

- 1-50 service connections. . . . \$460.00
- 51-100 service connections. . . . \$480.00
- 101-199 service connections. . . . \$550.00
- For each connection over 100. . . . \$2.00

Transient, Non-Community Water System:

1-15 service connections. . . . \$440.00

16 or more service connections. . . . \$500.00

Non-Transient, Non-Community Water System.....\$440.00

Exempt Non-Community Water System.....\$80.00

Public School Water System. . . . \$350.00

(6) State Small Water System Annual Drinking Water Operating Fee, as provided in California Health and Safety Code, Sections 101325, 116340.....\$440.00

(7) Enforcement fee, as provided for in California Health and Safety Code, Section 116595:

Charged using the hourly rate specified in section (k)(12), 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.

The Local Primary Agency (LPA) shall submit an invoice to the public water system that requires payment prior to September 1st of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure and the hourly cost rate of the LPA. The invoice shall not exceed the total costs to the LPA of enforcement activities specified in this subdivision. The LPA shall not be entitled to enforcement costs pursuant to this subdivision if either a court or the LPA determines that enforcement activities were in error. "Enforcement costs" as used in this subdivision do not include "litigation costs" as used in the California Health and Safety Code, Section 11685. The maximum reimbursement, pursuant to this subdivision, by a public water system serving less than 1,000 connections during any fiscal year shall not exceed twice the maximum for that public water system as set forth in California Health and Safety Code, Section 116565, subdivision (c).

(g) SOLID WASTE FEES: Solid Waste fees as provided in Sections 43213, 43508 and 44006, Part 4, Division 30, of the Public Resources Code.

(1) Landfills:

Large - Permitted to receive more than 500 tons per day \$44,265

Small - Permitted to receive 500 tons or less per day \$21,325

(2) Transfer/Processing Facilities and Operations:

Major Large Volume Facility - Permitted to receive/process greater than 1,000 tons per day – Twelve (12) inspections per year . . . \$13,835

Minor Large Volume Facility – Permitted to receive/process more than 100 and up to 1,000 tons per day – Twelve (12) inspections per year . . . \$9,685

Medium Volume 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 - Twelve (12) inspections per year . . . \$6,455

Limited Volume Transfer Station Operation – Permitted to receive less than 15 tons (or 60 cubic yards, whichever is greater) – Four (4) inspections per year . . . \$2,150

Sealed Container Transfer Operation – Operation where solid wastes remain at all times within unopened containers on-site and are not stored for more than 96 hours – One (1) inspection per year . . . \$615

(3) Composting Facilities, Contaminated Soil Facilities, and Other Solid Waste Facilities:

Full/Standard permit tiered facilities defined in Chapter 3.1 (commencing with Section 17850) of Division 7, of Title 14 of the California Code of Regulations that require twelve (12) inspections . . . \$7,380

Registration or Notification permit tiered facilities/operations defined in Chapter 3.1 (commencing with Section 17850) of Division 7, of Title 14 of the California Code of Regulations that require twelve (12) inspections per year . . . \$7,380

Registration or Notification permit tiered facilities/operations defined in Chapter 3.1 (commencing with Section 17850) of Division 7, of Title 14 of the California Code of Regulations that require four (4) inspections per year . . . \$2,615

Registration or Notification permit tiered facilities/operations defined in Chapter 3.1 (commencing with Section 17850) of Division 7, of Title 14 of the California Code of Regulations that require one (1) inspection per year . . . \$615

(4) Closed Sites:

Monthly - Sites that require twelve (12) inspections per year . . . \$19,825

Quarterly Large Landfills - Sites that require four (4) inspections per year . . . \$6,300

Quarterly Burnsites/Small Landfills – Sites that require four (4) inspections per year . . . \$3,380

Annual - Sites that require one (1) inspection per year . . . \$845

(5) Solid waste handling fees - All solid waste handlers within the jurisdiction of the County of San Diego LEA shall remit \$.14 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 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.

(6) Solid Waste Facility Report or Application Filing Fee

Each solid waste facility report or application shall be accompanied by a filing fee to reflect the cost of processing the application and to recover costs incurred in meeting the requirements of Article 3 (commencing with Section 43500) of Chapter 2 and Article 1 (commencing with Section 44001) of Chapter 3 of the California Public Resources Code. This fee is in addition to the fees authorized by Chapter 2 and Article 1 (commencing with Section 43200) of Part 4 of the California Public Resources Code. This fee shall be set at the hourly rate as specified in section (k)(12).

(h) PLAN CHECK FEES:

(1) Pool Plan Review, as provided for in Section 67.301.

(a) For up to two (2) pools . . . \$715.00

(b) For each pool in excess of two (2) . . . \$200.00

(c) Pool resurfacing or renovation. . . \$165.00

- Resurfacing or renovation each pool over one, with concurrent inspections. . . . \$65.00
- (d) Pool plan review (technical assistance). . . .Hourly rate as specified in section (k)(12)
- (e) Pool supplemental inspection \$90.00
- (2) Food Establishment Plan Review as provided for in Section 61.112:
 - 0—1,999 Square Feet \$500.00
 - 2,000—5,999 Square Feet \$800.00
 - 6,000—7,999 Square Feet \$1,000.00
 - 8,000—10,000 Square Feet . . . \$1,300.00
 - For each 2,000 sq. ft. in excess of 10,000 sq. ft. . . . \$450.00
- (3) Food Establishment Plan Re-review as provided for in Section 61.112 \$125.00
- (4) Restamping or Approval of Non-health Regulated Building Plans, as required by other governmental agencies . . . \$40.00
- (5) Minor plan review

Plan review for: (a) equipment only for food establishments and recreational health establishments which are subject to regulation, (b) the reopening of a establishment which had previously completed a plan review or (c) for other miscellaneous establishments regulated under 66.314 (Tattoo Establishment) Plans, 66.513 Massage Establishment Facilities, 66.606 (Bathhouses) Facilities, or for other miscellaneous establishments where a plan review is required \$225.00
- (6) Express plan review 200% of regular fee.
- (7) After hours inspection . . . \$180.00
- (8) Food or pool plan check (technical assistance)Hourly rate as specified in section (k)(12)
- (9) Food or pool plan check (supplemental inspection) \$90.00
- (10) Mobile food facility plan check \$135.00
- (11) 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 feeHourly rate as specified in section (k)(12).

(i) HAZARDOUS MATERIALS MANAGEMENT FEES:

(1) Operating Permit Base Fee (Required for all establishments) \$180.00

Reinspection Fee \$200.00

(2) Hazardous Waste Generator Operating Permit

Waste oil recycled by recycling company which uses state sanctioned modified manifesting procedures (flat rate) \$60.00

Per Waste less than 5 tons \$60.00

Per Waste 5-50 tons \$135.00

Per Waste greater than 50 tons \$240.00

(3) Onsite Hazardous Waste Treatment (Tiered Permitting) Facility Fee.

Conditional Exempt \$80.00

Conditional Authorized \$325.00

Permit by Rule \$485.00

(4) Hazardous Material Response Plans and Inventory Operating Permit (Maximum Fee is \$1,500):

Per material less than 550 gallons, 5,000 pounds or 5,000 cubic feet of compressed gas \$55.00

Per material 550 to 5,500 gallons, 5,000 to 50,000 pounds or 5,000 to 20,000 cubic feet of compressed gas \$90.00

Per material greater than 5,500 gallons, 50,000 pounds or 20,000 cubic feet of compressed gas \$165.00

(5) Limited hazardous waste/materials operating permit for businesses handling or generating only one (1) disclosable material or waste stream \$20.00

- (6) Underground Hazardous Materials Storage Operating Permit Per Tank \$270.00
- (7) Underground Hazardous Materials Storage Tank Special Permits

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

Base Fee (includes one (1) tank) \$890.00

Each Additional Tank \$90.00

Plan Re-Review \$200.00

Closure/Removal

Base Fee (includes one (1) tank) \$535.00

Each Additional Tank . . . \$90.00

Plan Re-Review \$200.00

Underground Storage Tank modification/upgrade including pipe repair/replacement that involves two inspections

Base Fee (includes entire facility). . . . \$755.00

Plan Re-Review. . . . \$200.00

Underground Storage Tank modification that involves one inspection

Base Fee (includes entire facility). . . . \$535.00

Plan Re-Review:. . . . \$200.00

Underground Storage Tank re-inspection fee. . . . \$300.00

- (8) Monitoring Wells/Soil Boring (permits)

Borings:

Base Fee (Includes First Boring) \$150.00

Each Additional Boring \$40.00

Monitoring Wells (Ground Water/Vadose Wells/Cathodic Protection Wells):

Base Fee (Includes first well). . . . \$150.00

Each Additional Well. . . . \$130.00

Monitoring Well Destruction:

Base Fee (Includes First Well) \$150.00

Each Additional Well \$100.00

Monitoring Well re-inspection Fee (per site) \$100.00

(9) Business establishments generating less than 200 pounds per month of bio-hazardous waste \$140.00

(10) Biohazardous Waste Limited Quantity Hauler Exemption Fee

Initial request or renewal for an exemption in accordance with the following criteria:

Up to 4 persons transporting medical waste for applicant \$25.00

Five or more persons transporting medical waste for applicant shall pay an additional fee of \$5.00 per person up to a maximum additional fee of \$25.00

(11) Hazardous Materials Management Business Plan (HMBP) Review for sites amending their HMBP as part of the Building Permit process . . . \$345.00/site

Hazardous Materials Management Business Plan (HMBP) Review for sites evaluated as part of the Building Permit process (Exempted Sites) \$70.00/site

(12) Preliminary workscope assessment where no fee is specifically indicated. (Includes oversight and investigation of contaminated ground water/soil; Risk Management Plans and other technical assistance.) Minimum charge, two hours at the hourly rate as specified in section (k)(12).

(13) California Accidental Release Program (CalARP) and Risk Management Plans (RMPs)

Program Levels II & III annual fee for triennial inspection.....\$515.00

Program Level I annual fee for triennial inspection.....\$200.00

Sites are billed at the hourly rate specified in section (k)(12) for RMP review work and additional inspection/audit costs that exceed the annual fee

(14) Remote site fee.....\$40.00

(15) Day Care Site Inspection for City of San Diego.....\$120.00/site

(16) Photographic waste only notification fee\$40.00

(j) X-RAY MACHINES

(1) Medical

First Room \$50.00

Each additional room in the same facility \$ 25.00

On site construction inspection \$ 50.00

(2) Dental

First Room \$45.00

Each additional room in the same facility \$10.00

On site construction inspection \$25.00

(3) Industrial

First room in the same facility \$150.00

Each additional room in the same facility \$ 75.00

On site construction inspection \$ 75.00

(k) MISCELLANEOUS FEES:

(1) Food Handler per Section 61.112.

Renewal Exam \$15.00

Duplicate Certificate \$10.00

Education Certificate and Food Service Food Handler or Manager Training Cert. (each certificate) \$4.00

Food Handler Training Booklets \$2.50

Food Manager Training Packet \$10.00

- Exam Materials \$0.20
- (2) Water sample delivered (per sample) \$55.00
- (3) Pet Shops/Kennels Permit Fee \$65.00
- (4) Organized Camps
 - Seasonal. . \$285.00
 - Year Around. . . . \$570.00
- (5) Massage Parlors \$75.00
- (6) Tattoo Parlors \$120.00
 - Tattoo/Body Art Technicians \$100.00
- (7) For each duplicate permit, license or registration as provided for in Section 61.110 \$10.00
- (8) Copies of Documents
 - Up to 8 1/2" x 14":
 - First Page \$1.00
 - Pages 2-11 (per page) \$0.50
 - Page 12 and above (per page) \$0.20
 - Over 8 1/2" x 14" up to 18" x 24" (per page) \$2.00
 - Larger than 18" x 24" (per page) \$3.00
 - Facsimile Machine Copies (per page), (plus telephone charges) \$3.00
 - Microfiche per page. . . . \$0.25
- (9) Clerical and Secretarial staff hourly rate for which no fee is specifically indicated. (minimum charge one hour, each additional 1/2 hour \$22.50) \$45.00
- (10) Vector Control Technician hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional 1/2 hour \$25.00) \$50.00

- (11) Environmental Health Technician hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour \$25.00) . . . \$50.00
- (12) Environmental Health Specialist hourly rate for which no fee is specifically indicated (minimum charge one hour, each additional ½ hour \$45.00) . . . \$90.00
- (13) 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 section (k)(12).
- (14) Cost for services provided for which a deposit is required will be at the hourly rate specified in section (k)(12).

Section 7. Section 66.302 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.302. DEFINITIONS.

The following terms contained in this chapter shall have the following meaning:

- (a). APPROVED means acceptable to the Director of the Department of Environmental Health of the County of San Diego; or the County Health Officer if the Health Officer is specified.
- (b). ASEPTIC TECHNIQUE means practices which prevent and hinder the transmission of disease producing micro-organisms from one person or place to another person or place.
- (c). BIOHAZARDOUS WASTE means any of the following:
 - (1) Laboratory waste, including, but not limited to, specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate and mix cultures or material which may contain infectious agents and may pose a substantial threat to health.
 - (2) Recognizable fluid blood elements and regulated body fluids, and containers and articles contaminated with blood elements or regulated body fluids that readily separate from the solid portion of the waste under ambient temperature and pressure. Regulated body fluids are cerebrospinal fluid, synovial fluids, pleural fluid, peritoneal fluid, pericardial fluid, and amniotic fluid.
 - (3) Sharps, which are objects or devices having acute rigid corners, edges, or protuberances capable of cutting or piercing, including, but not limited to hypodermic needles, blades and slides.

(4) Contaminated animal carcasses, body parts, excrement and bedding of animals including materials resulting from research, production of biologicals, or testing of pharmaceuticals which are suspected of being infected with a disease communicable to humans.

(5) Any specimens sent to a laboratory for microbiological analysis.

(6) Surgical specimens including human or animal parts or tissues removed surgically or by autopsy.

(7) Such other waste materials that result from the administration of medical care to a patient by health care providers and are found by the administering agency, the Department of Environmental Health, or the local Health Officer to pose a threat to human health or the environment. If there is a difference in opinion between the administering agency, the Department of Environmental Health, and/or the local Health Officer, the local Health Officer's view will prevail.

(d). DEPARTMENT means The County of San Diego Department of Environmental Health.

(e). ENFORCEMENT OFFICER means the Director of the Department of Environmental Health or his/her assistant deputies, designees and/or employees.

(f). HEALTH OFFICER means the Health Officer of the County of San Diego or his/her designees.

(g). MOBILE TATTOO VEHICLE means a non-permanent, mobile tattoo establishment, operating at locations remote from the permanent tattoo establishment, from which a tattoo artists does tattooing for a fee or for other consideration.

(h). PERMIT means an annual permit issued to a tattoo parlor, the tattoo artist/body arts technician or mobile tattoo vehicle by the Director of the Department of Environmental Health.

(i). SINGLE SERVICE means one-time, one person use.

(j). TATTOO ARTIST/Body Arts Technician means a person who engages in tattooing, body art or permanent cosmetics using tattooing techniques.

(k). TATTOO PARLOR ESTABLISHMENT means any permanent premises where a tattoo artist does tattooing for a fee or for other consideration.

(l). TATTOOING means any method of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or colors, by the aid of needles or instruments.

(m). NONPROFIT means any organization that has been recognized by the United States Internal Revenue Service as exempt from federal income tax.

Section 8. Section 66.1001 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.1001 DEFINITIONS

For the purpose of this chapter the words "HOTEL" and "APARTMENT HOUSE" or " CONDOMINIUM," unless otherwise specified, shall have the following meaning:

HOTEL means any structure, or any portion of a structure, including any lodging house, rooming house, dormitory, turkish bath, bachelor hotel, studio hotel, public club, or private club, containing six or more guest rooms and which is occupied, or is intended or designed for occupancy, by six or more guests, whether rent is paid in money, goods, labor or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention, or other building in which human beings are housed and detained under legal restraint.

APARTMENT HOUSE means any structure more than one story in height, or any portion of any such structure occupied, or designed, built or rented for occupancy, as a home by three or more families, each living in a separate apartment and cooking within the structure.

CONDOMINIUM means any structure, which has documentation, filed with the County Recorder's Office identifying the structure(s) as a condominium and the establishment of a homeowners association or equivalent. For the purposes of this ordinance a condominium, structurally, meets the same definition as an apartment house.

Section 9. Section 66.1002 of the San Diego County Code is hereby amended to read as follows:

SEC. 66.1002. PERMIT REQUIRED

It shall be unlawful to occupy, or to permit to be occupied, any apartment house, condominium or hotel now or hereafter erected, constructed, reconstructed, altered, converted or moved, as the case may be, or any portion thereof, for human habitation without an annual permit therefore issued by the Director of the Department of Environmental Health.

Section 10. Section 68.334 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.334. ANNUAL OPERATING PERMIT FOR MONITORED ONSITE WASTEWATER SYSTEM -- FEE

Any onsite wastewater system identified in this ordinance, or in Department Onsite Wastewater System Regulations, or in conditions imposed upon permit issuance, as requiring

ongoing monitoring and maintenance after being placed in operation, shall be operated and maintained in compliance with all applicable requirements.

- (a) No person, firm, corporation or other entity shall use, or cause or allow the use of, any onsite wastewater system for which monitoring is required as a condition of a permit or other grant of approval (hereinafter referred to as system) within the County of San Diego unless a valid annual operating permit is in effect for such use. Use of such a system without a permit or with a revoked permit is a public nuisance per se.
- (b) The Board of Supervisors shall establish a fee or schedule of fees for annual operating permits, to be collected by the Department of Environmental Health (hereinafter Department). Where the system is of such design that inspection is not required by the Department or by the Regional Water Quality Control Board, the fee may be waived by the Department.
- (c) Upon payment of all fees and submission of an application which demonstrates to the Department's satisfaction that the system will not have an adverse effect on the ground or surface waters, or upon the public health, and no significant effect upon the environment, an annual operating permit may be issued for a period of one, two or three years. The Department shall determine the length of time an annual operating permit may be valid for each system in accordance with Department guidelines. The same standard shall govern both initial issuance of a permit and annual renewal. The Department shall issue regulations governing application of the above criteria to alternative onsite wastewater systems. The term "adverse effect" shall be defined by the Department, but shall include cumulative effects.
- (d) The Department shall be granted a right to come onto the property of Grantor and to bring associates and employees of the Regional Water Quality Control Board to inspect and monitor the system when required. The right of access to the property to inspect and to monitor the system shall be conveyed to the County of San Diego in the form of a recorded easement. The Department may release the easement upon determination that connection to public sewer is made or when it is determined the easement is no longer required.

Section 11. Section 68.334.1 is hereby added to the San Diego County Code, to read as follows:

SEC. 68.334.1 REVOCATION.

- (a) If the Department determines that a system for which a permit has been granted may have an adverse effect upon the ground or surface waters, or upon public health, or may have a significant effect on the environment, the permit shall be subject to a revocation fact-finding hearing. Notice of the time and place of the revocation fact-finding hearing shall be mailed to

the permittee (i.e. the permit holder of record) setting forth the perceived public health hazard/environmental problem, possible causes and possible Department action in the absence of resolving the hazard/environmental problem. The hearing shall be held not later than two (2) weeks after the mailing of a “Notice of Possible Revocation of Annual Operating Permit for Monitored Onsite Wastewater System.” The notice shall provide the permittee an opportunity to attend a “Fact-Finding Hearing” and indicate that failure to attend the hearing may be presumed to be admission that the conditions believed to exist are true and correct as stated. The permittee may request that the hearing be held at an earlier time than scheduled, as may be reasonable and convenient to the Department. Upon the dispatch of written findings that the system poses a threat to public health and/or safety, and Notice of Revocation, the continued use of said system shall be unlawful and subject to abatement.

(b) Upon reasonable suspicion by the Department that the conditions in or around the system may pose a serious and imminent threat to public health and safety, a temporary suspension of the annual operating permit may be ordered. Such summary revocation shall be followed within three (3) days by written notice of the action mailed to the permittee, setting a time for a written response within ten (10) days of the date of mailing. This temporary suspension is in addition to the procedures set forth in subsection (a) and shall only be in effect until such time as the Fact-Finding Hearing described above in subsection (a) is scheduled. At that time, the Department shall determine whether there is good cause to revoke the annual operating permit. Failure to permit further inquiry into the condition of the monitored system, including access to the system site, shall be sufficient cause to permit revocation of the annual operating permit.

(c) A revoked permit may be reinstated if the Department determines that a plan has been established for adequate repair, alteration and/or maintenance of the system, and all costs of the enforcement, including attorney fees, reinspection fees and any of the costs described in Section 68.334.2 have been paid.

Section 12. Section 68.334.2 is hereby added to the San Diego County Code, to read as follows:

SECTION 68.334.2. ABATEMENT.

In any action, judicial or administrative, to enforce any provision of this Code relating to onsite wastewater systems, the County may recover all of its costs of enforcement, including but not limited to any administrative overhead, salaries and expenses incurred by the following Departments or Offices: County Counsel, District Attorney, Environmental Health, Planning and Land Use and/or Public Works. All such costs shall become a lien upon the property upon which the system is located.

Section 13. Section 68.334.3 is hereby added to the San Diego County Code to read as follows:

SECTION 68.334.3 PROVISIONS CUMULATIVE.

The provisions of these sections are in addition to any other requirement for a permit to construct, alter or repair an onsite wastewater system.

PASSED, APPROVED AND ADOPTED this 4th day of April, 2001.