

ORDINANCE NO. 9767 (NEW SERIES)

AN ORDINANCE AMENDING PORTIONS OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO SMALL DRINKING WATER SYSTEM FEES FOR THE DEPARTMENT OF ENVIRONMENTAL HEALTH FOR FISCAL YEAR 2006-07 THROUGH FISCAL YEAR 2008-09

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. 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 for the regulation of small drinking water systems such that the Department achieves full cost recovery. 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 2006-07 through Fiscal year 2008-09. The provisions of this ordinance shall be operative as of July 1, 2006.

Section 2. Section 65.107(g) of the San Diego County Code is hereby amended to read as follows:

SEC. 65.107.FEES.

(g) 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

Treated Community Water System:

FY06-07	\$1290.00
FY07-08	\$1876.00
FY08-09	\$2498.00

Community Water System:

:	FY06-07	\$1108.00
	FY07-08	\$1607.00
	FY08-09	\$2138.00

Treated Transient, Non-Community Water System:

FY06-07	\$990.00
FY07-08	\$1439.00
FY08-09	\$1908.00

Transient, Non-Community Water System:

FY06-07	\$775.00
FY07-08	\$1127.00
FY08-09	\$1503.00

Treated Non-Transient, Non-Community Water System:

FY06-07	\$1153.00
FY07-08	\$1673.00
FY08-09	\$2228.00

Non-Transient, Non-Community Water System

FY06-07	\$983.00
FY07-08	\$1425.00
FY08-09	\$1899.00

Kelly Bill Small Water System

FY06-07	\$80.00
FY07-08	\$85.00
FY08-09	\$95.00

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

Treated State Small Water System:

FY06-07	\$718.00
FY07-08	\$1043.00
FY08-09	\$1391.00

State Small Water System:

FY06-07	\$508.00
FY07-08	\$735.00
FY08-09	\$977.00

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

Charged using the hourly rate specified in section (l)(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).

PASSED AND ADOPTED THIS 5th DAY OF APRIL 2006