

CITY OF SEBASTOPOL

RESOLUTION NO. 5787

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL RESCINDING RESOLUTION NO. 5659 AND ADOPTING REVISED UNIFIED PROGRAM HAZARDOUS MATERIALS (CUPA) FEES AND CHARGES

WHEREAS, the City of Sebastopol and the City of Healdsburg have entered into a Joint Powers Agreement to provide plan reviews, inspection, investigation and other fee for service related activities for the Hazardous Materials Oversight Program; and

WHEREAS, the Healdsburg/Sebastopol JPA performs hazardous materials related activities as part of its certification from Cal/EPA as a Certified Unified Program Agency (CUPA); and

WHEREAS, as a condition of certification, a CUPA must meet certain performance standards set forth in the California Code of Regulations including funding the costs of delivering the CUPA program; and

WHEREAS, Local Ordinance authorizes the City Council to periodically establish fees and charges to cover the cost of CUPA services, including any surcharges imposed by the State of California ("State"); and

WHEREAS, the Healdsburg/Sebastopol JPA periodically recommends adjustments to fees for CUPA services and surcharges to account for required State regulatory programs such as the Aboveground Petroleum Storage Act (APSA) program and State Electronic Reporting (CERS) program, and

WHEREAS, the State has mandates the CUPA to collect the \$25 surcharge for the CERS program for the next three (3) years, and

WHEREAS, due to the time commitment needed to implement the program, the City Council finds the fees as requested by the Healdsburg/Sebastopol JPA to be reasonable and necessary to defray the cost of the CUPA program; and

WHEREAS, the CUPA Program was found to be underfunded due to the additional costs to administer the program including increased regulatory oversight of the larger CUPA facilities and new programs; and

WHEREAS, the Healdsburg/Sebastopol JPA sends the annual CUPA billing for the Cities of Healdsburg and Sebastopol in late March,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sebastopol hereby:

1. Rescinds Resolution No. 5659 (setting fees for the Healdsburg/Sebastopol JPA CUPA program) in its entirety.
2. Adopts the Fire Department and Unified Program (CUPA) Fees and Charges, as shown on Exhibit "A", attached, all of which shall become effective upon adoption of this resolution, based on the information and evidence provided at the time this resolution was considered.
3. Includes the implementation of the APSA fee accountability program.
4. Includes the surcharge required by the State in the amount of \$25 to support the CERS program.

PASSED, APPROVED and ADOPTED this 2nd day of March, 2010 by the following vote:

AYES: Councilmembers Shaffer, Kelley, Vice Mayor Wilson and Mayor Gurney

NOES: None

ABSENT: Councilmember Robinson

ABSTAINING: None

SO ORDERED:



Sarah Gurney, Mayor

ATTEST:



Mary Goufley, City Clerk

I, Mary Gourley, City Clerk of the City of Sebastopol, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the City Council of the City of Sebastopol on this 2nd day of March, 2010.



Mary Gourley, City Clerk

Exhibit A

Unified Program (Hazardous Materials)		<u>Base Fee</u>	<u>Duration</u>
Hazardous Materials Business Plan			
Range One		\$ 65.00	
Range Two		\$ 450.00	
Range Three		\$ 650.00	
Range Four		\$ 800.00	
Range Five		\$ 1000.00	
RANGE	Pounds	Gallons	Gas - Cubic Feet
1	0-500	0-55	0-200
2	501-5,000	56-550	201-2,000
3	5,001-25,000	551-2,750	2,001-10,000
4	25,001-50,000	2,751-5,500	10,001-20,000
5	>50,000	>5,500	>20,000
Hazardous Materials Site Closure (non-UST)		\$ 120.00	Hourly Rate

Hazardous Waste Generator	<u>Base Fee</u>	<u>Duration</u>
Small Quantity Hazardous Waste Generator		
< 60gal/Year Self-Audit	\$ 80.00	Annual
> 60 to < 325 gal/year	\$ 110.00	Annual
> 325 to < 5 tons/Year (with recycling)	\$ 160.00	Annual
> 325 to gal/year (without recycling)	\$ 200.00	Annual

Large Quantity Hazardous Waste Generator		
> 5 to < 25 tons/year	\$ 540.00	Annual
> 25 to < 250 tons/year	\$ 815.00	Annual
> 250 tons/year	\$ 1545.00	Annual
> 500 tons/year	\$ 4480.00	Annual
Waste Oil Only over 5 Tons	\$ 515.00	Annual
Tiered Permits		
Hazardous Waste Onsite Treatment – All Tiers	\$ 175.00	Annual

Above Ground Storage Tank Program		
AGST Installation Flammable or Combustible Liquids or Compressed Natural Gas To install or construct an aboveground storage tank, plant or terminal, well, fuel dispensing station or similar facility where a hazardous materials is produced, stored dispensed or used.	\$ 600.00	Per Tank Hourly Rate after 6 Hours
AGST Modification To alter or modify aboveground storage tanks, plants, or terminals, wells, fuel dispensing stations or similar facilities where a flammable/combustible liquids are produced, processed, stored dispensed and used.	\$ 500.00	Per Tank Hourly Rate after 5 Hours
AGST Removal To remove, abandon, place out of service or otherwise dispose of an aboveground storage tank.	\$ 600.00	Per Tank Hourly Rate after 6 Hours
Above Ground Petroleum Storage Act (APSA)		
APSA 1,320 gallons and over but less than 5,000 gallons of petroleum products	\$ 120.00	These annual fees are in addition to Range Fees
APSA 5,000 gallons and over but less than 10,000 gallons of petroleum products	\$ 240.00	These annual fees are in addition to Range Fees
APSA 10,000 gallons and over of petroleum products	\$ 360.00	These annual fees are in addition to Range Fees
Spill Prevention Control and Countermeasure Plan Review	\$ 120.00	Hourly Rate

Underground Storage Tanks		
Permit to Operate (first tank)	\$ 800.00	
Each Additional Tank	\$ 425.00	
New Installation Plan Check and Inspection (first tank)	\$ 1200.00	
Each Additional Tank	\$ 170.00	
Plan Check Re-submittal Fee (incomplete plans)	\$ 120.00	
Major Repair & Modification Permit (first tank) To modify, alter or repair an UST/system (tank or piping) which affects the integrity of the primary or secondary containment; replacement of more than 20% of the monitoring system or any UST system work which requires cutting of facility concrete.	\$ 340.00	
Each Additional Tank	\$ 90.00	
Re-submittal Fee (incomplete application)	\$ 120.00	
Minor Repair & Modification Permit (first tank) To modify, alter or repair an underground storage tank/system (tank or piping) which does not affect the integrity of the primary or secondary containment.	\$ 100.00	Rate plus Hourly Inspection Fee Rate
Tank Closure Permit (first tank)	\$ 800.00	
Each Additional Tank	\$ 250.00	
Temporary Closure (per site)	\$ 390.00	
Transfer of Ownership	\$ 200.00	
Red Tag Enforcement	\$ 255.00	Plus Hourly Rate after 3 Hours
Enhanced Leak Detection Permit	\$ 330.00	
Start of Work Prior to Plan Approval or Issuance of Permit	Double Fees	

Risk Management/Accidental Release Plans		
Risk Management/Accidental Release Plans	\$ 120.00	Hourly Rate
Unified Program – Miscellaneous Fees		
Re-inspection Due to Non-Compliance (per inspection)*	\$ 100.00	Each Site Visit After 3 rd Inspection
Late Payment Penalty (each month beyond due date)	15% of Invoice	
Hourly Rate	\$ 120.00	
Staff Consultation	\$ 120.00	Hourly Rate
Consultation Quarter Hour Minimum	\$ 40.00	
File Search/Review Fee	\$ 85.00	Hourly Rate
Quarter Hour Minimum File Search	\$ 30.00	Quarter Hour Minimum File Search
Photocopies & Computer Printouts (per page)	\$ 0.25	
Hazardous Materials Investigation Reports	\$ 120.00	Hourly Rate
State Surcharge – CUPA	\$ 24.00	As required by the State
Added to fees for any CUPA Permit		
Electronic Reporting (3 Years)	\$ 25.00	
Underground Storage Tank (UST) per tank	\$ 15.00	
CERS Electronic Reporting for Non-Submittal	\$ 120.00	Hourly Rate