

MEMORANDUM
PLACER COUNTY HEALTH AND HUMAN SERVICES
Environmental Health Division

TO: Honorable Board of Supervisors

FROM: Richard J. Burton, M.D., M.P.H.
Placer County Health Officer and Director of Health & Human Services
Jill Pahl, REHS, Director of Environmental Health

DATE: April 5, 2011

SUBJECT: Adoption of a Resolution to Set Fees for Statutorily-Mandated Aboveground Petroleum Storage Tank Program

ACTION REQUESTED:

Conduct a public hearing and adopt a resolution to set fees for the statutorily-mandated aboveground petroleum storage tank program that are at or below previously-established State fees.

BACKGROUND:

On January 1, 2008, Assembly Bill 1130 transferred responsibility for implementation, enforcement, and administration of the Aboveground Petroleum Storage Act (APSA) from the State Water Resources Control Board to Placer County Environmental Health. The law requires that the Placer County Certified Unified Permitting Agency (CUPA) perform routine compliance inspections at tank facilities at least every three years, and verify that an adequate Spill Prevention Control and Countermeasure Plan (SPCCP) has been prepared.

This is a mandatory program that Placer County is required to implement. The State Water Resources Control Board had 1992 fees of \$100 to \$1,600 for program implementation. Placer County conducted a time study to develop annual fees. On average the proposed fees are equivalent or less than the prior State fees. The fees proposed include the first year's implementation and will also have an initial fee for review of the SPCCP that has not been conducted by the State.

Initial funding of \$74,131 was for program training, and outreach was provided through a grant from the State of California Environmental Protection Agency (CalEPA) for a two-year period of 01/01/08–12/31/09. CalEPA generated this funding source from collecting fees for program implementation. The fee authority is now shifted to the CUPA pursuant to APSA.

Nine staff were trained to implement APSA. Business outreach was conducted through three, hands-on business workshops (one in Tahoe and two in Auburn), onsite business assistance, providing information on the website, and mailing of an informational flyer to over 150 businesses known to be subject to the program. A significant part of the training consisted of how to develop spill prevention and counter control measure plans for the above ground tanks. The initial process for program implementation will be to review these plans and conduct a confirmation inspection. Triennial inspections will occur after the initial implementation.

The APSA requires that the CUPA establish a fee schedule and begin charging facilities for permitting, inspection, and enforcement services. During the grant period, Environmental Health staff developed an inspection form and conducted time studies to develop the fees. An initial plan check fee of between \$256 and \$1,950 will be charged depending upon the size of tank facility involved. Thereafter an annual fee of between \$128 and \$975 will be charged to cover the program costs. These fees will be adjusted annually in accordance with Section 2.116.100 of the County Code, which provides for an

adjustment in accordance with the Consumer Price Index. The categories of amounts of petroleum storage reflected in the resolution require differential review pursuant to the Health and Safety Code.

The proposed resolution is attached as Exhibit A. The fee would go into effect upon adoption of the resolution.

A legal notice for this item was published in the Sacramento Bee. Interested groups and citizens were sent copies of the public hearing notice.

FISCAL IMPACT:

Projected fees will provide for the full cost of service of \$102,000.

Attachments:

Resolution/Exhibit A

Proposed Aboveground Petroleum Storage Act (APSA)

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

Resolution No: _____

**Adoption of a Resolution to Establish Fees
for Aboveground Petroleum Storage Tank
Program.**

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Robert M. Weygandt
Chairman, Board of Supervisors

Attest: _____
Ann Holman
Clerk of said Board

WHEREAS, pursuant to the Aboveground Petroleum Storage Act (Health and Safety Code Section 25270 et seq.), the Placer County Environmental Health Division, acting as the authorized Placer County Certified Unified Program Agency (CUPA), is responsible for implementing for the Aboveground Petroleum Storage Act (APSA), and

WHEREAS, pursuant to Health and Safety Code 25270.6(b), a CUPA shall set a fee to implement APSA, and

WHEREAS, pursuant to Health and Safety Code 25404.5, a CUPA shall institute fees in a single fee system to recover the necessary and reasonable costs incurred in administering a program, and

WHEREAS, the County has undertaken a study to determine such costs based upon the salary costs of County staff and the time spent by County staff on activities related to the program based upon prior years costs of providing the services through grant funding, and

WHEREAS, the County has determined the proposed fee amount does not exceed the estimated reasonable cost of administering the program and providing the services for which the fee will be utilized,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Placer does hereby adopt the fees as set forth in Exhibit A, attached hereto, for implementation of Aboveground Petroleum Storage Act within the Placer County CUPA's areas of authority.

BE IT FURTHER RESOLVED, by the Board of Supervisors of the County of Placer that said fees shall be adjusted annually in accordance with Section 2.116.100 of the Placer County Code.

BE IT FURTHER RESOLVED, by the Board of Supervisors of the County of Placer that said fees shall take effect from the date of adoption of this resolution.

EXHIBIT A

Aboveground Petroleum Storage Tank Program Fee Schedule

Program Element*	Program Description	Plan Check Fee	Annual Fee
2009	Farming and temporary construction facilities that store >1320 gallons of petroleum in aggregate containers of 55 gallons or larger.	\$256.00	\$128.00
2001	Business facilities that store >1320 gallons of petroleum in aggregate containers of 55 gallons or larger, but <9,999 gallons of petroleum	\$410.00	\$205.00
2003	Business facilities that store >10,000 gallons of petroleum in aggregate containers of 55 gallons or larger, but <99,999 gallons of petroleum	\$564.00	\$282.00
2004	Business facilities that store >100,000 gallons of petroleum in aggregate containers of 55 gallons or larger, but <999,999 gallons of petroleum	\$924.00	\$462.00
2005	Business facilities that store >1,000,000 gallons of petroleum in aggregate containers of 55 gallons or larger, but <9,999,999 gallons	\$1,950.00	\$975.00

*Program Elements are internal database tracking numbers.

Proposed Aboveground Petroleum Storage Act (APSA) Fees

The fee estimate is based on the approximate hours required to conduct all program activities. The program requires tri-annual inspections and some annual activities. Facilities would be charged an initial plan check fee in addition to the annual inspection fee.

Inspection hours	These hours include the review of the Spill Prevention Control and Countermeasure (SPCC) plan, travel to and from the facility, the inspection and the inspection report.
Follow up inspections hours	These hours include the review of the annual submittal of tank facility page, any amendments to SPCC plan, and corrections of any violations from the inspection

		# Facilities					
2008	25	3 years	Annually	Plan Check Fee	Annual Fee	Farming and temporary construction facilities that store >1320 gallons of petroleum in aggregate containers of 55 gallons or larger.	
Tri-annual Inspection hours		2.5					
APSA Conditionally Exempt		2.5	0.833333	\$256.66	\$128.33		
2002	90	3 years	Annually	Initial Fee	Annual Fee	Business facilities that store >1320 gallons of petroleum in aggregate containers of 55 gallons or larger, but <9,999 gallons of petroleum	
Tri-annual Inspection Hours		3					
Follow-Up Hours		1					
APSA Qualified		4	1.3	\$410.66	\$205.33		
2003	34	3 years	Annually	Initial Fee	Annual Fee	Business facilities that store >10,000 gallons of petroleum in aggregate containers of 55 gallons or larger, but <99,999 gallons of petroleum	
Tri-annual Inspection Hours		4.5					
Follow-Up Hours		1					
APSA Non-Qualified Category I		5.5	1.8	\$564.66	\$282.33		
2004	4	3 years	Annually	Initial Fee	Annual Fee	Business facilities that store >100,000 gallons of petroleum in aggregate containers of 55 gallons or larger, but <999,999 gallons of petroleum	
Tri-annual Inspection Hours		7.5					
Follow-Up Hours		1.5					
APSA Non-Qualified Category II		9	3.0	\$924.00	\$462.00		
2005	1	3 years	Annually	Initial Fee	Annual Fee	Business facilities that store >1,000,000 gallons of petroleum in aggregate containers of 55 gallons or larger, but <9,999,999 gallons	
Tri-annual Inspection Hours		16.0					
Follow-Up Hours		3.0					
APSA Non-Qualified Category III		19	6.3	\$1,950.66	\$975.33		

