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ENVIRONMENTAL HEALTH DEPARTMENT COMMUNITY DEVELOPMENT AGENCY



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MEMORANDUM

TO: Amador County Admin Committee

FROM: Michael W. Israel, Environmental Health Department *MWI*

DATE: July 16, 2015

SUBJECT: Fee Review

The last major fee revision for the Environmental Health Department was in 2006. Minor revisions were made in 2013. The 2006 fees were established by the Board of Supervisors based on a Government Finance Research (GFR) study which determined the cost per billable staff hour (other than administrative support personnel) to be \$96. Time task analysis for each fee related activity multiplied by \$96 determined fees. The fee ordinance states that the board may increase or decrease the hourly rate by ordinance revision at any time if it determines that there has been a significant change in program or departmental costs. The hourly rate shall be reviewed and, if necessary, revised no less frequently than once every three years.

Updating the elements from the GFR study with data from the requested FY 15/16 budget indicates that the current cost per billable hour has increased to \$117.21. CPI adjustment to the \$96 per hour rate established in 2006 yields \$118.43, a simpler though perhaps less accurate approach. Another crude method is to divide the FY 15/16 budget total by all billable hours; this yields \$110.29.

Fees established in 2006 were based on time demand assumptions for different program activities, permits, and processes. Time accounting software indicates that there have been changes in program emphasis over time; many of the time demand assumptions from 2006 are not accurate today. Likewise, comparison of Amador County fees to those of surrounding counties suggests different assumptions are made for time demand for similar permits or services. The table below provides an idea of time coded to each program during calendar year 2014, the projected cost (at \$117.21 per hour) and the fee based revenue, if any, received for each program. The table does not include hours coded for vacation, sick leave or other time off, administrative functions, etc. because these are accounted for in calculating the hourly cost. While it is unrealistic to expect the department to become fully self-sufficient based on fees alone, it may be reasonable to make some adjustments where current fees are significantly outdated. In general terms, programs that represent significant unrecovered cost include retail foods, CUPA, on-site sewage, solid waste LEA, and small public water system LPA.

Program	Time Demand	Delivery Cost	Revenue	Shortfall or Surplus	Comments
Food	963	\$112,873.23	\$66,231.50	\$46,641.73	
CUPA	1,982.6	\$232,380.55	\$75,989.00	\$156,391.55	Additional \$47,435 grant this year
Organized Camps	29.75	\$3,487.00	\$2,994.00	\$493.00	
Housing & Institutions	8.9	\$1,043.17	\$0.00	\$1,043.17	
Land Development	126.7	\$14,850.51	\$2,550.00	\$12,300.51	Includes Buena Vista Casino
Public Pools	207.25	\$24,291.77	\$7,408.00	\$16,883.77	
On-site Sewage	1,195.33	\$140,104.63	\$47,090.00	\$93,014.63	
CSA #6	262.5	\$30,767.63	\$14,876.70	\$15,890.93	CSA #6 assessment
Solid Waste LEA	741.25	\$86,881.91	\$22,652.00	\$64,229.91	Includes \$16,340 LEA grant
Small Water LPA	925.5	\$108,477.86	\$20,910.00	\$87,567.86	Additional \$52,500 grant this year
Wells	209.7	\$24,578.94	\$23,313.00	\$1,265.94	
Body Art	8.5	\$996.29	\$430.00	\$566.29	
Vector Control	25.5	\$2,988.86	\$0.00	\$2,988.86	
General Env Health	2,518.5	\$295,193.39	\$0.00	\$295,193.39	
Air Quality	4	\$468.84	\$0.00	\$468.84	

The next table compares Amador's hourly rates and a selection of fees to those of adjoining counties. It should be noted that El Dorado County's Solid Waste LEA functions are provided via a contract with Placer County staff. Funding for the program is made up of a ~\$18,000 annual grant, a franchise fee set at 5% of the gross revenues of franchise holders and a \$17 per parcel assessment over a portion of the county.

SELECTED FEES AS COMPARED TO ADJOINING COUNTIES								
	Amador	Calaveras	San Joaquin	Sacramento	El Dorado	Alpine	Average	% of Ave
Hourly rate	\$96.00	\$89.00	\$130.00	\$213.00	\$143.00	\$91.00	\$133.20	72%
Mobile Food Prep	\$159.00	\$178.00	\$260.00	\$318.00	\$287.00	\$273.00	\$263.20	60%
Restaurant - smallest	\$168.00	\$267.00	\$300.00	\$836.00	\$360.00	\$273.00	\$407.20	41%
Restaurant - largest	\$351.00	\$312.00	\$347.00	\$1,130.00	\$431.00	\$683.00	\$580.60	60%
Bar	\$128.00	\$178.00	\$231.00	\$697.00	\$287.00	\$273.00	\$333.20	38%
Market - smallest	\$115.00	\$267.00	\$208.00	\$355.00	\$287.00	\$91.00	\$241.60	48%
Market - largest	\$384.00	\$356.00	\$404.00	\$1,074.00	\$360.00	\$410.00	\$520.80	74%
Water well permit	\$288.00	\$356.00	\$341.00	\$852.00	\$431.00	\$410.00	\$478.00	60%
Well destruction	\$120.00	\$178.00	\$158.00	\$746.00	\$216.00	\$102.00	\$280.00	43%
water system	\$332.00	\$445.00	\$558.00	\$991.00	\$431.00	\$410.00	\$567.00	59%
Smallest comm sys	\$554.00	\$534.00	\$399.00	\$1,273.00	\$574.00	\$273.00	\$610.60	91%
Pool	\$144.00	\$223.00	\$242.00	\$401.00	\$431.00	\$137.00	\$286.80	50%
Spa	\$128.00	\$223.00	\$242.00	\$213.00	\$287.00	\$137.00	\$220.40	58%
Conv septic	\$368.00	\$616.00	\$473.00	\$746.00	\$717.00	\$478.00	\$606.00	61%
Minor repair	\$96.00	\$154.00	\$242.00	\$586.00	\$216.00	\$239.00	\$287.40	33%
Alternative system	\$816.00	\$693.00	\$630.00	\$1,225.00	\$1,435.00	\$887.00	\$974.00	84%
UST annual permit	\$224.00	\$223.00	\$550.00	\$1,103.00	\$431.00	\$410.00	\$543.40	41%
Smallest HMBP	\$144.00	\$45.00	\$240.00	\$201.00	\$216.00	\$91.00	\$158.60	91%
Largest HMBP	\$480.00	\$356.00	\$240.00	\$1,420.00	\$287.00	\$91.00	\$478.80	100%
Haz waste CESQG	\$96.00	\$89.00	\$213.00	\$123.00	\$216.00	\$273.00	\$182.80	53%
RMP annual	\$288.00	\$356.00	Hourly	\$1,017.00	?	\$410.00	\$594.33	48%
Transfer station	\$1,152.00	\$89.00/hr	\$350.00	\$4,241.00	See text	\$1,092.00	\$1,894.33	61%
Truck	\$63.00	\$89.00	\$10.00	\$106.00	See text	\$137.00	\$85.50	74%

Many retail food businesses are operating on a thin profit margin; any adjustments in that program should be carefully considered so as to avoid putting operations out of business. It appears that hours allocated for CFOs are consistent with surrounding counties.

We have received limited term grants over the past few years to assist CUPA program delivery but there is no guarantee that these will continue in the future. Amador does not receive the \$60,000 per year rural reimbursement funding received by Calaveras and some other small counties. I suggest that fees for business plans and hazardous waste generators not be altered. Fees for underground tanks are far from providing for cost recovery and are significantly lower than most adjoining counties. It is worth reviewing this sector for revision.

The on-site sewage program is running close to a \$100,000 deficit and our fees are generally lower than surrounding counties. It would be make sense to review this program more closely to determine if any fees should be adjusted.

LEA revenues include an annual grant of \$16,300 and annual fees for two transfer stations, a closed landfill (not Buena Vista) and a composting operation. Any increase to transfer station or collection vehicle fees will be passed on to the public, possibly including some overhead. It might make sense to explore other revenue sources to fund this program.

The LPA has received a one-time grant which we've spread over two years to offset most program costs. In the absence of future grants, however, the program will run a significant deficit. We might be able to adjust fees a bit but it is unrealistic to expect they could be raised to a level 5X the current amount. The county will either need to count on subsidizing this program in the long term or consider surrendering it to the state.

If you so direct, the Department will develop a presentation for the Board of Supervisors proposing a revised fee structure based on the following concepts:

1. Increase the hourly rate from \$96 to \$120 (as a hedge against future cost increases and to facilitate division for fractional hours)
2. Re-evaluate time demand for services.
3. Increase those fees where
 - a. The increase would cause no undue hardship on the public, and
 - b. The current fee is clearly below the average cost to provide the service, and
 - c. The current fee is clearly below the average of the five surrounding counties
4. Streamline the fee schedule where possible.



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MEMORANDUM

TO: Amador County Administrative Committee

FROM: Michael W. Israel, Environmental Health Department *mwi*

DATE: July 16, 2015

SUBJECT: Agricultural Businesses - Update

Many of our agricultural businesses in the county have been unresponsive to prior contacts regarding hazardous materials business plan requirements of the Health and Safety Code and regulations adopted pursuant to that code. The Environmental Health Department has sent the attached letter and associated information to those businesses that have not completed their forms. The options offered in the letter include:

1. An affidavit certifying that the business does not handle threshold quantities of hazardous materials and is not subject to the program.
2. An application for program exemption for those businesses that do handle threshold quantities but do not exceed risk criteria agreed upon by those members of the Hazardous Materials Advisory Committee.
3. An invitation to request assistance, if needed, completing data entry for those businesses that must comply with state law.



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**Affidavit Certifying that Quantities of Hazardous Materials Handled in Relation
to a Specified Business do not Meet or Exceed Threshold Quantities**

I, _____, declare that I am
an authorized representative of the owner of the land and/or business described as

I hereby certify that hazardous materials handled in conjunction with any business pursuit at this location do not meet or exceed threshold quantities as established by state and local laws or regulations. I understand that should my operation change so as to become subject to business plan requirements I must contact the Amador County Environmental Health Department and submit the required information via the California Environmental Reporting System within 30 days.

I declare, under penalty of perjury, that all the above information is true and accurate to the best of my knowledge and belief.

Print Name

Signature

Title:

Mail Address / P.O. Box

City / State

Date

7/13/2015

Re:

Dear:

We are contacting you at this time because records indicate that you operate an agricultural business that may be subject to regulatory oversight regarding the handling of hazardous materials. Past attempts by this office to document compliance with business plan requirements have not been successful.

As you may be aware, all businesses in California, including agricultural businesses, which handle hazardous materials above certain quantities are required to establish and implement a business plan for emergency response to a release or threatened release of a hazardous material pursuant to section 25507, et seq, of the California Health and Safety Code.

The Amador County Environmental Health Department is the Certified Unified Program Agency (UPA) for Amador County. The Agricultural Commissioner has been assigned the authority to perform on-site inspections of business plan requirements at agricultural businesses.

There are provisions in the code intended to reduce the burden on agricultural businesses that cultivate the soil or raise or harvest any agricultural or horticultural commodity. At a minimum, however, they must:

- Annually submit the facility information and inventory required by Section 25506 HSC to the statewide information management system (CERS).
- Each building in which hazardous materials subject to this article are stored is posted with signs that provide notice of the storage of any of the following:
 - Pesticides.
 - Petroleum fuels and oil.
 - Types of fertilizers.
- Provide a training program for employees regarding safety procedures in the event of a release or threatened release of a hazardous materials. Training records shall be retained for a minimum of three years.

Amador County has adopted additional exemptions for specific materials which raises the reporting threshold for including them in the business plan inventory. Additionally, Section 25507(d) of the Health and Safety Code provides that the UPA, upon application by a handler, may exempt the handler, under conditions that the UPA determines to be proper, from any portion of the requirements to establish and maintain a business plan, upon a written finding that the exemption would not pose a significant present or potential hazard to human health or safety

or to the environment, or affect the ability of the unified program agency and emergency response personnel to effectively respond to the release of a hazardous material, and that there are unusual circumstances justifying the exemption. The unified program agency shall specify in writing the basis for any exemption under this subdivision.

Please contact this office no later than 5:00 PM, August 17, 2015, with one of the following:

1. A signed affidavit certifying that you do not operate an agricultural business that handles hazardous materials in excess of threshold quantities.
2. A signed application for exemption from filing a hazardous materials business plan.
3. Notification that you have completed all applicable CERS data entry or that you would like to schedule an appointment for assistance with data entry.

CERS data entry assistance is provided by UPA staff at no charge. Staff are also willing to provide limited consultation to help you decide whether there may be changes in your operation that can help reduce or eliminate the need for regulatory oversight.

If it is determined that you operate a business subject to business plan requirements and that you have not taken substantial steps toward compliance by the August 15 target date please be advised that you will be subject to enforcement action consistent with the Unified Program Enforcement Plan.

If you have any questions, please feel free to contact this office.

Sincerely,

Michael W. Israel, REHS
Environmental Health Director

MWI:ew



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Chapter 6.95 of the California Health & Safety Code establishes statutory requirements for hazardous materials business plans. The applicable regulations can be found in California Code of Regulations, Title 19, Division 2, Chapter 4, Article 4.

To paraphrase, the basic thresholds for all businesses are:

1. Hazardous material or mixture containing hazardous material on site at any one time during the year equal to or greater than 500 pounds of solid, 55 gallons of liquid, or 200 cubic feet of gas.
 - a. A Solid or liquid classified as hazardous solely because it is an irritant or sensitizer the thresholds are 5,000 pounds and 550 gallons, respectively. If a gas is classified as a hazard solely as a simple asphyxiant compressed gas, not including any cryogenic gases, the threshold is 1,000 cubic feet. These thresholds apply unless findings are made by the CUPA in consultation with the local fire chief that lower thresholds are appropriate.
 - b. Nitrogen, oxygen and nitrous oxide in medical settings in quantities less than 1,000 cubic feet may be exempted from the requirements of HSC 25506 & 25507.
 - c. A single business facility with lubricating oils not in excess of 55 gallons, total volume of all types of lubricating oil at the facility not in excess of 275 gallons, at any one time are exempt from HSC 25506 & 25508.
 - d. Oil-filled electrical equipment that is not contiguous to an electric facility is exempt from HSC 25506, 25507 & 25508 if the aggregate capacity is less than 1,320 gallons.
 - e. Hazardous materials in consumer packaging is not subject to the business plan requirement unless determined by the CUPA.
2. Threshold planning quantities of extremely hazardous substances listed in Appendix A, Part 355, Title 40, of the Code of Federal Regulations (CFR).
3. Radioactive materials that are handled in quantities for which an emergency plan is required by the CFR

Agribusinesses are expected to annually submit their inventory via CERS, post buildings which store hazardous materials with signs if they contain pesticides, petroleum fuels and oil or fertilizers. The agricultural handler must also provide employee safety training related to the hazardous materials. Inventory requirements are reduced for agribusinesses. Inspections are performed by the office of the Ag Commissioner.

In 2009, the Amador County Board of Supervisors adopted a resolution which altered business plan reporting thresholds for several materials. The revised thresholds apply to all businesses (except the propylene glycol in winery chillers) and include:

1. Freon in Building AC systems – (fluorocarbons, chlorocarbons, chlorofluorocarbons)
2. Propylene Glycol (winery chillers)

3. Acetylene / Oxygen (<1000 cubic ft total)
4. Carbon Dioxide for soft drink machines (200 pounds / 1700 cubic feet)
5. Inert Gases (Compressed Air, Argon, Carbon Dioxide, Helium, Krypton, Neon, Nitrogen, Xenon or mixtures, 6000 cubic feet total)
6. Compressed Air used by emergency responders
7. Propane used for on premise heating, cooling, or cooking (1000 gallons total)
8. Propane used for on premise standby generator (1000 gallons total)
9. Cement - Less than 10,000 pounds or 1,190 gallons
10. Stucco - Less than 10,000 pounds or 1,190 gallons
11. Plastering Compounds- Less than 10,000 pounds or 1,190 gallons
12. Cold Patch Asphalt- Less than 10,000 pounds or 1,190 gallons
13. Roofing Tar- Less than 10,000 pounds or 1,190 gallons
14. Diatomaceous Earth- Less than 10,000 pounds or 1,190 gallons

The same resolution and another adopted in 2010 include exemptions specifically for agribusinesses. The following thresholds exempt them from the inventory portion of the business plan

1. Gasoline aboveground tanks up to 1,100 gallon (total).
2. Diesel aboveground tanks up to 1,100 gallon (total).
3. NPK Fertilizers less than 10,000 pounds (1,190 gallon) except ammonium nitrates.

These higher thresholds are predicated on the conditions that

1. All hazardous materials are stored 100+ yards from neighboring residences.
2. One time submission of complete HMBP with onetime fee / inspection.
3. Updated Emergency Response and Employee Training Records kept onsite.
4. Agricultural handler must review and certify HMBP every three years and with change in inventory, quantity or operator / owner.

For propane at agribusinesses, volumes of 1,200 gallons or less are exempt from business plan requirements. Volumes of 1,200 to 6,000 gallons require a one-time submission of HMBP with one-time fee / inspection. Propane tank locations must comply with property line setbacks shown below.

Agricultural Propane Tank Setback	
Propane Volume (gal)	Distance (ft)
1200 to 3000	1150
3000 to 6000	1200