

RESOLUTION NO. 2008R-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM SUPERSEDING RESOLUTION NO. 2007-113 RELATING TO FEES AND PENALTIES IN CONNECTION WITH IMPLEMENTING THE UNIFIED HAZARDOUS WASTE AND HAZARDOUS MATERIAL MANAGEMENT REGULATORY PROGRAM ACT

WHEREAS, the City Council of the City of Anaheim has heretofore amended the Anaheim Municipal Code to assume responsibility for implementing the Unified Hazardous Waste and Hazardous Material Management Regulatory Program Act; and

WHEREAS, the City of Anaheim was certified as the Certified Unified Program Agency (CUPA); and the City of Anaheim Fire Department is responsible for administering and enforcing the CUPA Program; and

WHEREAS, Section 25404.5 of the Health and Safety Code requires each CUPA to institute a single fee system, with the fee amount established by the CUPA's governing body to be at a level sufficient to pay the necessary and reasonable costs incurred by the CUPA; and

WHEREAS, the City Council hereby finds that said fees, in the amounts hereinafter set forth in Exhibit "A", are less than or equal to, but in no event greater than, the actual direct and indirect costs and expenses incurred by the City in performing the services connected with such fees; and

WHEREAS, Section 6.11.140 of the Anaheim Municipal Code authorizes the City Council to establish a schedule of fees and penalties in connection with the CUPA; and

WHEREAS, the City Council hereby finds and declares that adoption of this fee schedule is exempt from the provisions of the California Environmental Quality Act pursuant to Section 21080(b)(8) of the Public Resources Code and California Code of Regulations Section 15273 in that the fees and rates are established not to exceed the City's reasonable cost in administering the CUPA programs, including but not limited to permitting and inspection responsibilities; and

WHEREAS, the fees have been considered at a duly noticed public meeting or public hearing, as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anaheim that Resolution No. 2007-113 be amended in its entirety as follows:

1. The fees set forth in the fee schedule attached hereto as Exhibit "A" shall be, and the same are, hereby adopted.

2. The fees set forth in the fee schedule attached hereto as Exhibit "A" shall become effective immediately upon adoption of this Resolution.

3. The fees established herein shall, upon the effective date of said fees, supersede fees set forth in Resolution No. 2007R-113 and any previously adopted fees for the same permit or approval.

4. The City Council hereby declares that should any one or more fees established by this Resolution or any portion of this Resolution be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other fees and portions of this Resolution independent of the elimination herefrom of any such fee or such portion as may be declared invalid.

BE IT FURTHER RESOLVED that Resolution No. 2007-113 is hereby rescinded upon the effective date of the new fee schedule.

THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Anaheim this 24th day of June, 2008, by the following roll call vote:

- AYES: Mayor Pringle, Council Members Hernandez, Sidhu, Galloway, Kring
- NOES: NONE
- ABSENT: NONE
- ABSTAIN: NONE

CITY OF ANAHEIM
 By 
 MAYOR OF THE CITY OF ANAHEIM

ATTEST:

 CITY CLERK OF THE CITY OF ANAHEIM

EXHIBIT "A"

I. Hazardous Waste Control:

- a. Annual Fee per facility (based on number of employees involved in the program at the facility and/or any adjoining properties)
 - 1. Special Generator (see page 4 for Special Generator Definition) 150.00
 - 2. 0-10 Employees 290.00
 - 3. 11-25 Employees 370.00
 - 4. 26-50 Employees 535.00
 - 5. 51-100 Employees 695.00
 - 6. 101-250 Employees 1,050.00
 - 7. 251-500 Employees 1,350.00
 - 8. 500 + Employees 1,775.00

- b. On-Site Treatment per facility (charged only for the highest tier on site)
 - 1. Permit-by-Rule 990.00
 - 2. Conditionally Authorized 635.00
 - 3. Conditionally Exempt 150.00

II. Underground Storage of Hazardous Substances:

- a. Annual Fee per tank 294.00

- b. Transfer of Ownership per tank 60.00

III. Hazardous Materials Release Plan and Inventory:

- a. Hazardous Materials Inventory Annual Fee per chemical
 - 1. 1-2 Hazardous Substances 205.00
 - 2. Each Additional Substance 55.00
 - 3. Maximum Charge 1,195.00(this fee shall apply to facilities using, handling or storing up to 20 or more hazardous substances)

IV. California Accidental Release Prevention Program:

- a. Annual Fee per facility 450.00 for up to 6 hours,
plus 75.00 each
additional hour

- b. Third Party Review
Party submitting Risk Management Plans will contract with and pay for a qualified consultant approved by the City to conduct third party review of the document or specific portion of the document *Actual cost charged by outside vendor*

V. Pro-rated Fees:

- a. Annual Fees assessed to new facilities (excluding State surcharges)
 - 1. Between January 1 and March 31 25% reduction
 - 2. Between April 1 and June 30 50% reduction

VI. Plan Check Fees (includes all plan check and inspection activities):

- a. Facility Closure 150.00 for up to 2 hours
- b. Underground Storage Tank Installation 750.00 for up to 10 hours
- c. Underground Storage Tank Removal 450.00 for up to 6 hours
- d. Underground Storage Tank System Modification 300.00 for up to 4 hours
- e. Additional Plan Check Hours 75.00 each additional hour
- f. Underground Storage Tank Abandonment in Place 300.00 for up to 4 hours
- g. Permit to Change Contents or Remove Flammables 75.00 for up to 1 hour
- h. Underground Storage Tank Temporary Closure 300.00 for up to 4 hours
- i. Expedited Plan Check (for review within 2 business days) 150.00
- j. Laserfiche Fee (for all plans over 8 ½ x 11) *Actual cost charged by outside vendor*

VII. Administrative Fees:

- a. Late filing of documents required to be submitted to the CUPA
 - 1. 31-60 days late 100.00
 - 2. 61-90 days late Additional 100.00
 - 3. Over 91 days late Additional 100.00
- b. Late payment of assessed fees
 - 1. 31-60 days late 100.00
 - 2. 61-90 days late Additional 100.00
 - 3. Over 91 days late Additional 100.00
- c. Replacement copy of issued permits 25.00

VIII. Other Services Fees:

Any investigation, consultation, special inspection or incident mitigation services pertaining to hazardous materials or hazardous waste 75.00 per hour

IX. Reinspection Fees:

After an initial/routine inspection and one follow-up reinspection, each additional reinspection will be charged 100.00

X. Small Hydrocarbon Pick-up Program:

a. Engine Company Response 250.00
Clean up initiated by Engine Company includes cost of material per incident

b. Small Hydrocarbon Pick-Up Unit 2.00
Includes cost for driver, vehicle, transportation and disposal per minute

Special Generator Definition

A Special Generator is a facility that generates no more than 55 gallons/500 pounds every 180 days (6 months) of any one of the wastes listed in Chapter 6.5, California Health and Safety Code, Section 25160.2* and no more than 165 gallons/1500 pounds total of these every 180 days, and/or treats photographic solution waste hazardous only due to silver content.

** (c) The consolidated manifesting procedure set forth in subdivision (b) may be used only for the following waste streams and in accordance with the conditions specified below for each waste stream:*

(1) Used oil and the contents of an oil/water separator, if the separator is a catch basin, clarifier, or similar collection device that is used to collect water containing residual amounts of one or more of the following: used oil, antifreeze, or other substances and contaminants associated with activities that generate used oil and antifreeze.

(2) The wastes listed in subparagraph (A) may be manifested under the procedures specified in this section only if all of the requirements specified in subparagraphs (B) and (C) are satisfied.

(A) Wastes eligible for consolidated manifesting:

- (i) Solids contaminated with used oil.*
- (ii) Brake fluid.*
- (iii) Antifreeze.*
- (iv) Antifreeze sludge.*
- (v) Parts cleaning solvents, including aqueous cleaning solvents.*
- (vi) Hydroxide sludge contaminated solely with metals from a wastewater treatment process.*
- (vii) "Paint-related" wastes, including paints, thinners, filters, and sludges.*
- (viii) Spent photographic solutions.*
- (ix) Dry cleaning solvents (including perchloroethylene, naphtha, and silicone based solvents).*
- (x) Filters, lint, and sludges contaminated with dry cleaning solvent.*
- (xi) Asbestos and asbestos-containing materials.*
- (xii) Inks from the printing industry.*
- (xiii) Chemicals and laboratory packs collected from K-12 schools.*
- (xiv) Absorbents contaminated with other wastes listed in this section.*
- (xv) Filters from dispensing pumps for diesel and gasoline fuels.*
- (xvi) Disabled vehicle wastes, as defined in subdivision (a) of Section 25163.2.*
- (xvii) Any other waste, as specified in regulations adopted by the department.*

(B) The generator does not generate more than 1,000 kilograms per calendar month of hazardous waste and meets the conditions of paragraph (1) of subdivision (h) of Section 25123.3. For the purpose of calculating the 1,000 kilograms per calendar month limit described in this section, the generator may exclude the volume of used oil and the contents of the oil/water separator that is managed pursuant to paragraph (1) of subdivision (c).

(C) (i) The generator enters into an agreement with the transporter in which the transporter agrees that the transporter will submit a confirmation to the generator that the hazardous waste was transported to an authorized hazardous waste treatment facility for appropriate treatment. The agreement may provide that the hazardous waste will first be transported to a storage or transfer facility in accordance with the applicable provisions of law.