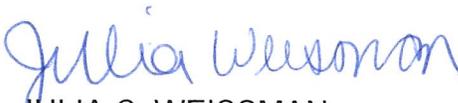


ANALYSIS

This ordinance amends Chapter 11.82 of Title 11 – Health and Safety of the Los Angeles County Code, relating to underground storage tank fees, as follows:

- To increase the existing fees charged to persons applying for, maintaining and modifying underground storage tank permits;
- To add three new fees:
 - (1) a "permit noncompliance fee," to be imposed for significant violations that require the affixing of a "red tag" to prohibit the delivery of additional petroleum into an underground storage tank;
 - (2) a "reinspection fee," to be imposed for violations that require the reinspection of a facility; and
 - (3) a "resubmittal for new plan clearance fee," to be imposed when an applicant resubmits the same plans multiple times without properly making required corrections.
- To make additional housekeeping changes.

MARK J. SALADINO
County Counsel

By 
JULIA C. WEISSMAN
Deputy County Counsel
Public Works Division

JCW:jjj

Requested: 03/25/15
Revised: 05/26/15

ORDINANCE NO. 2015-0014

An ordinance amending Chapter 11.82 of Title 11 – Health and Safety of the Los Angeles County Code, relating to underground storage tank fees.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 11.82.010 is hereby amended to read as follows:

11.82.010 **Operating permit application fee.**

The director shall collect an operating permit application fee, as set forth in Section 11.82.040, for each new application for a unified program facility permit application received listing one or more underground storage tanks. At the time of a new operating permit application submittal, the director shall collect, in addition to the operating permit application fee, ~~a pro-rated~~ an annual permit maintenance fee in accordance with Section 11.82.012, pro-rated as set forth below for the remainder of the annual permit period:

Days Remaining in the Annual Permit Period	Percentage of Annual Fee
1 to 30	0
31 to 121	25
122 to 211	50
212 to 302	75
303 to 365	100

Upon payment, no operating permit application fee or permit maintenance fee shall be refunded even though the application is denied or the permit is issued for a term of less than one (1) year or the permittee discontinues the activity or use of a facility prior to the expiration of the term, or otherwise.

SECTION 2. Section 11.82.012 is hereby amended to read as follows:

11.82.012 Annual ~~p~~Permit ~~m~~Maintenance ~~f~~Fee.

~~Upon certification of the unified program, t~~The CUPA shall collect an annual permit maintenance fee, as set forth in Section 11.82.040, for each ~~operating permit~~facility listed on the unified program facility permit as a part of the unified program single fee system. The annual permit maintenance fee shall be payable annually, thirty ~~(30)~~ days prior to the yearly anniversary date of the operating permit or on a date established by the CUPA. Such fee shall include a state-imposed service charge, payable to the CUPA, as required by Division 20, Chapter 6.11, of the California Health and Safety Code, Chapter 6.11, S~~ection 25404.5(b)~~. Applicants for new ~~operating unified program facility~~ permits shall pay a prorated annual permit maintenance fee for the remainder of the current annual permit period as set forth in Section 11.82.010. If a permittee with an existing unified program facility permit listing one (1) or more underground storage tanks applies for an addendum to add additional underground storage tank(s), such permittee shall pay the prorated amount of any additional maintenance fee applicable to such additional underground storage tank(s). Upon payment, no annual maintenance fee shall be refunded unless the request for refund is made prior to commencement of the annual period for which the fee is paid.

No prorated annual maintenance fee submitted as part of an application for a new unified program facility permit or addendum shall be refunded.

SECTION 3. Section 11.82.013 is hereby amended to read as follows:

11.82.013 Operating ~~p~~Permit ~~t~~Transfer ~~f~~Fee.

The ~~d~~Director shall collect an operating permit transfer fee, as set forth in Section 11.82.040, upon submittal of each application to transfer an operating permit. No portion of the operating permit transfer fee shall be refunded if the ~~d~~Director has commenced any portion of the review of the transfer application.

SECTION 4. Section 11.82.014 is hereby added to read as follows:

11.82.014 Permit Noncompliance Fee.

If the Director determines that a significant violation exists for any underground storage tank, and affixes a Red Tag to such underground storage tank, he or she shall collect from the permittee a permit noncompliance fee as set forth in Section 11.82.040. The permit noncompliance fee is separate from, and in addition to, any civil or criminal fines or penalties that may also be imposed for a violation.

SECTION 5. Section 11.82.015 is hereby amended to read as follows:

11.82.015 New ~~e~~Construction ~~p~~Plan ~~e~~Clearance ~~f~~Fee.

A. The ~~d~~Director shall collect a new construction plan clearance fee as set forth in Section 11.82.040 for each application for an operating permit or addendum requiring new construction plan clearance. Such fee shall be applied to: all-submittals for new construction where no underground storage tank previously existed, submittals for replacement of existing underground storage tanks with new underground storage

tanks, ~~or~~ and ~~to~~ other submittals requiring review of engineered plans for construction permits.

B. No portion of the new construction plan clearance fee shall be refundable if the ~~d~~Director has commenced any portion of the review of the plan. The ~~d~~Director may further impose a reinstatement fee equal to one-half (1/2) of the new construction plan clearance fee if the applicant fails to comply with all conditions and limitations made a part of plan approval by the ~~d~~Director or if the applicant has not commenced work within one hundred eighty (180) days from the date of issuance of plan approval. If construction work has not commenced within three hundred sixty (360) days from the date of plan approval issuance, such plan approval shall be null and void and the applicant shall reapply for a new construction plan clearance and pay all required fees.

SECTION 6. Section 11.82.016 is hereby added to read as follows:

11.82.016 Resubmittal of Plan Clearance Fee.

If a person submits an application requiring new construction plan clearance that is returned by the Director twice with a notice of correction, then the second time that the applicant resubmits the application, the applicant will be charged a resubmittal of plan clearance fee as set forth in Section 11.82.040. If the applicant fails to respond to a notice of correction for more than one hundred eighty (180) days, the application will be deemed canceled and the applicant will be required to submit a new application.

SECTION 7. Section 11.82.020 is hereby amended to read as follows:

11.82.020 Closure fFee.

A. The dDirector shall collect a fee as set forth in Section 11.82.040 for each application for closure, ~~as required by subsection B of~~ pursuant to Section 11.80.070. Such fee shall provide for the initial review of closure activities that may include: issuance of a closure authorization, inspections, review of preliminary closure reports as may be required by the closure authorization, and issuance of closure certification where no unauthorized release of hazardous materialssubstances has occurred requiring further cleanup of said contaminates at this site as provided by Chapter 11.76 of this division.

B. No portion of the closure fee shall be refundable if the dDirector has commenced any portion of the review of the closure proposal. The dDirector may further impose a reinstatement fee equal to one-half (1/2) of the closure fee if the applicant fails to notify the dDirector to allow inspections as may be required by the closure authorization or has not commenced work on such a closure within one hundred eighty (180) days from the date of issuance of a closure authorization. If work on closure has not commenced within three hundred sixty (360) days from the date of issuance of a closure authorization, the closure authorization shall be null and void and the applicant shall reapply for a closure authorization and pay all required fees.

SECTION 8. Section 11.82.021 is hereby added to read as follows:

11.82.021 Reinspection Fee.

The Director shall collect a fee as set forth in Section 11.82.040 for the reinspection of any facility.

SECTION 9. Section 11.82.025 is hereby amended to read as follows:

11.82.025 Permit aAddendum fFee.

The dDirector shall collect a fee as set forth in Section 11.82.040 for any permit addendum required to a permit as may be necessitated by an additional approval as set forth in pursuant to Section 11.80.010 or a determination of compliance as may be required by Section 15399.15 of the Government Code, except this section shall not apply where such an additional approval involves new construction plan clearance, closure, or transfer of a permitwith the exception of an addendum required because of the closure of a facility that is subject to a closure fee pursuant to Section 11.82.020.

No portion of the permit addendum fee shall be refundable if the dDirector has commenced any portion of the review of the permit addendum application.

SECTION 10. Section 11.82.030 is hereby amended to read as follows:

11.82.030 Permit fFees—Payment tTime—Penalties for dDelinquency.

~~All~~Annual permit maintenance fees required by Section 11.82.012 of this code shall be due and payable on the billing date established by the CUPA. Fees not paid within thirty (30) calendar days from the billing date shall be considered delinquent.

Delinquent fees shall be subject to a late payment penalty set forth in

Section 12.50.060. Permits for which the annual permit maintenance fee is delinquent

for ninety (90) days or more are subject to suspension as provided in Sections 11.84.010 and 11.84.030 and a lien against the permittee in accordance with Section 12.50.065.

SECTION 11. Section 11.82.035 is hereby repealed in its entirety.

SECTION 12. Section 11.82.040 is hereby amended to read as follows:

11.82.040 Schedule of Fees.

Fees for services provided by the dDirector under this division are established as follows:

Schedule of Fees	
Fee	Amount (<u>Effective July 1, 2015</u>)
Operating permit application fee	\$ 254 <u>352</u> .00, plus 5 <u>74</u> .00 for each underground storage tank
Annual permit maintenance fee	\$ 6331 <u>1,252</u> .00, plus 131 <u>240</u> .00 for each underground storage tank
Operating permit transfer fee	\$ 289 <u>412</u> .00
<u>Permit noncompliance fee</u>	\$ <u>743</u> .00
New construction plan clearance	\$ 420 <u>655</u> .00, plus 127 <u>196</u> .00 for each underground storage tank
<u>Resubmittal of new plan clearance</u>	\$ <u>337</u> .00

Closure application fee	\$366 <u>495.00</u> , plus 110\$ <u>148.00</u> for each underground storage tank
<u>Reinspection fee</u>	<u>\$395.00</u>
Permit addendum fee	\$463 <u>600.00</u>
Cleanup oversight fee, maximum rate per hour	*

<u>Schedule of Fees</u>	
<u>Fee</u>	<u>Amount (Effective July 1, 2016)</u>
<u>Operating permit application fee</u>	<u>\$450.00</u> , plus <u>\$93.00</u> for each <u>underground storage tank</u>
<u>Annual permit maintenance fee</u>	<u>\$1,252.00*</u> , plus <u>\$240.00*</u> for each <u>underground storage tank</u>
<u>Operating permit transfer fee</u>	<u>\$535.00</u>
<u>Permit noncompliance fee</u>	<u>\$1,486.00</u>
<u>New construction plan clearance</u>	<u>\$890.00</u> , plus <u>\$265.00</u> for each <u>underground storage tank</u>
<u>Resubmittal of new plan clearance</u>	<u>\$674.00</u>

<u>Closure application fee</u>	<u>\$624.00, plus \$186.00 for each underground storage tank</u>
<u>Reinspection fee</u>	<u>\$790.00</u>
<u>Permit addendum fee</u>	<u>\$736.00</u>

<u>Schedule of Fees</u>	
<u>Fee</u>	<u>Amount (Effective July 1, 2017)</u>
<u>Operating permit application fee</u>	<u>\$450.00*, plus \$93.00* for each underground storage tank</u>
<u>Annual permit maintenance fee</u>	<u>\$1,252.00*, plus \$240.00* for each underground storage tank</u>
<u>Operating permit transfer fee</u>	<u>\$658.00</u>
<u>Permit noncompliance fee</u>	<u>\$2,230.00</u>
<u>New construction plan clearance</u>	<u>\$1,125.00, plus \$334.00 for each underground storage tank</u>
<u>Resubmittal of new plan clearance</u>	<u>\$674.00*</u>
<u>Closure application fee</u>	<u>\$752.00, plus \$223.00 for each underground storage tank</u>
<u>Reinspection fee</u>	<u>\$790.00*</u>

<u>Permit addendum fee</u>	<u>\$736.00*</u>
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<u>Schedule of Fees</u>	
<u>Fee</u>	<u>Amount (Effective July 1, 2018)</u>
<u>Operating permit application fee</u>	<u>\$450.00*</u> , plus <u>\$93.00*</u> for each <u>underground storage tank</u>
<u>Annual permit maintenance fee</u>	<u>\$1,252.00*</u> , plus <u>\$240.00*</u> for each <u>underground storage tank</u>
<u>Operating permit transfer fee</u>	<u>\$781.00</u>
<u>Permit noncompliance fee</u>	<u>\$2,973.00</u>
<u>New construction plan clearance</u>	<u>\$1,360.00</u> , plus <u>\$403.00</u> for each <u>underground storage tank</u>
<u>Resubmittal of new plan clearance</u>	<u>\$674.00*</u>
<u>Closure application fee</u>	<u>\$881.00</u> , plus <u>\$262.00</u> for each <u>underground storage tank</u>
<u>Reinspection fee</u>	<u>\$790.00*</u>
<u>Permit addendum fee</u>	<u>\$736.00*</u>

<u>Schedule of Fees</u>	
<u>Fee</u>	<u>Amount (Effective July 1, 2019)</u>
<u>Operating permit application fee</u>	<u>\$450.00*</u> , plus <u>\$93.00*</u> for each <u>underground storage tank</u>
<u>Annual permit maintenance fee</u>	<u>\$1,252.00*</u> , plus <u>\$240.00*</u> for each <u>underground storage tank</u>
<u>Operating permit transfer fee</u>	<u>\$781.00*</u>
<u>Permit noncompliance fee</u>	<u>\$3,716.00</u>
<u>New construction plan clearance</u>	<u>\$1,596</u> , plus <u>\$470.00</u> for each <u>underground storage tank</u>
<u>Resubmittal of new plan clearance</u>	<u>\$674.00*</u>
<u>Closure application fee</u>	<u>\$1,009.00</u> , plus <u>\$298.00</u> for each <u>underground storage tank</u>
<u>Reinspection fee</u>	<u>\$790.00*</u>
<u>Permit addendum fee</u>	<u>\$736.00*</u>

-Editor's note: Starting July 1, 2016, Fee amounts changes in this section include changes marked with an asterisk () will be adjusted by the Department of Public Works due to based on increases in the Consumer Price Index and are effective July 1, 2014 in accordance with Section 11.82.045.

SECTION 13. Section 11.82.045 is hereby amended to read as follows:

11.82.045 Annual ~~r~~Review of ~~f~~Fees.

~~Except as provided in Section 11.82.035~~With the exception of fee amounts that are specifically adjusted pursuant to the fee schedule set forth in Section 11.82.040 (i.e., those fee amounts not marked with an asterisk (*)), beginning on July 1, 1992~~2016~~, and thereafter on each succeeding July 1st, the amount of each fee in this division shallwill be adjusted as follows: ~~calculate~~by the percentage movement for ~~twelve months between April~~January of the previous year and ~~March~~January of the current year in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles, ~~Anaheim, Riverside~~Orange County, California areas, as published by the United States Government Bureau of Labor Statistics, ~~adjust each fee by said percentage amount and rounded~~up to the nearest one dollar (\$1), except that no adjustment shall increase any fee by more than two percent (2%) in any year as a result of an increase in the CPI. Notwithstanding the foregoing, no such adjustment shall decrease any fee and further, except that no fee shall exceed the reasonable cost of providing the services for which the fee is collected.

SECTION 14. Section 11.82.050 is hereby amended to read as follows:

11.82.050 Fees ~~s~~Separate ~~f~~From ~~o~~Other ~~f~~Fees.

All fees and deposits required by this chapter shall be separate and in addition to any fee or deposit collected or imposed under provisions of the County Code, federal or state law, or by reason of any license, agreement or contract between the ~~applicant~~permittee ~~or~~and any other public agency.

SECTION 15. Section 11.82.055 is hereby added to read as follows:

11.82.055 Disputes and Appeals of Fees.

Should an owner or operator of a facility dispute the amount or applicability of any fee charged under this division, such owner or operator may contest the fee in accordance with Section 12.50.140.

[1182010JWCC]

SECTION 16. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Mike Antonovich
Mayor

ATTEST:

Patrick Ogawa
Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of May 26, 2015 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

<u>Ayes</u>		<u>Noes</u>	
Supervisors	<u>Hilda Solis</u>	Supervisors	<u>None</u>
	<u>Mark Ridley-Thomas</u>		
	<u>Sheila Kuehl</u>		
	<u>Don Knabe</u>		
	<u>Michael D. Antonovich</u>		

Effective Date: June 25, 2015

Operative Date: _____

Patrick Ogawa
Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

PATRICK OGAWA
Acting Executive Officer
Clerk of the Board of Supervisors

By Ant
Deputy



APPROVED AS TO FORM:
MARK J. SALADINO
County Counsel

By Richard D. Weiss
Richard D. Weiss
Chief Deputy County Counsel