

1 [Hazardous Materials Fees.]  
 2 **Ordinance amending Section 1176 of San Francisco Health Code Article 21 to increase**  
 3 **fees for hazardous materials registration, storage, handling and inspections by the**  
 4 **Department of Public Health; to add new fees for oversight of voluntary cleanups; and**  
 5 **to provide for subsequent fee adjustments to ensure that such fees cover program**  
 6 **costs; and making environmental findings.**

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8 Note: Additions are *single-underline italics Times New Roman*;  
 9 deletions are ~~*strikethrough italics Times New Roman*~~.  
 10 Board amendment additions are double underlined.  
 Board amendment deletions are ~~strikethrough normal~~.

11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. Findings.

13 A. The Planning Department has determined that the actions contemplated in this  
 14 Ordinance are in compliance with the California Environmental Quality Act (California Public  
 15 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the  
 16 Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

17 Section 2. The San Francisco Health Code is hereby amended by amending Section  
 18 1176 to read as follows:

19 SEC. 1176. HAZARDOUS MATERIALS FEE SCHEDULE.

20 (a) Fees generally, for services and regulatory functions of the Department of Public  
 21 Health pursuant to this Article shall be as provided in this Section.

22 (b) State Surcharge. Registrants, and permittees or grantees subject to the  
 23 requirements of this Article shall pay to the Department the annual State surcharge for  
 24 general program oversight, along with any program-specific surcharges established by the  
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1 Secretary of the California Environmental Protection Agency pursuant to California Health and  
2 Safety Code Section 25404.5(b).

3 (c) Hazardous Materials Registration Fees. (1) Registration fees shall be payable  
4 on the filing of a complete application for a certificate of registration and on annual renewal.  
5 On the filing of an addendum disclosing increased quantities or previously undisclosed  
6 hazardous materials, a registration fee is due equal to the difference between the most  
7 recently charged registration fee and the fee due taking into account the information in the  
8 addendum.

9 (2) Registration fees shall be as follows:

10 (A) Temporary certificate of registration, ~~\$98 for fiscal year 2000 (beginning July 1,~~  
11 ~~1999), \$112 for fiscal year 2001 (beginning July 1, 2000), \$125 for fiscal year 2002~~  
12 ~~(beginning July 1, 2001), and \$135 for fiscal year 2003 (beginning July 1, 2002) and~~  
13 ~~thereafter; \$143 for fiscal year 2004 (beginning July 1, 2004), \$151 for fiscal year 2005~~  
14 ~~(beginning July 1, 2005), \$159 for fiscal year 2006 (beginning July 1, 2006);~~

15 (B) Freight forwarding and freight transportation services establishments, ~~\$196 for~~  
16 ~~fiscal year 2000, \$225 for fiscal year 2001, \$250 for fiscal year 2002, and \$270 for~~  
17 ~~fiscal year 2003 and thereafter; \$285 for fiscal year 2004 (beginning July 1, 2004),~~  
18 ~~\$301 for fiscal year 2005 (beginning July 1, 2005), \$319 for fiscal year 2006 (beginning~~  
19 ~~July 1, 2006);~~

20 (C) For all other Registrants subject to this Article, a fee determined by the total  
21 quantity of liquids, quantity of solids and quantity of gases required to be  
22 registered by the establishment, excluding hazardous materials contained in  
23 underground storage tanks. The applicable fee shall be determined by adding  
24 together the appropriate quantity groups as set forth in Chart I for liquids, solids  
25 and gases at the establishment (excluding hazardous materials contained in

1 underground storage tanks in order to arrive at a quantity group total. The  
2 corresponding fee for each quantity group is set forth in Chart II.

3 (D) An establishment required to obtain a UST permit which does not have any  
4 aboveground storage of hazardous materials subject to this Article shall be  
5 exempt from payment of a registration fee.

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CHART I QUANTITY GROUPS

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Group No.	Quantity of Liquids (Gallons)	Quantity of Solids (Pounds)	Quantity of Gases (Cubic Feet)
1	Less than 55	less than 500	less than 200
2	55 — 99	500 — 999	200 — 1,499
3	100 — 499	1,000 — 1,499	1,500 — 2,499
4	500 — 999	1,500 — 1,999	2,500 — 3,999
5	1,000 — 1,499	2,000 — 3,499	4,000 — 4,999
6	1,500 — 1,999	3,500 — 4,999	5,000 — 5,999
7	2,000 — 2,749	5,000 — 7,499	6,000 — 6,999
8	2,750 — 3,499	7,500 — 9,999	7,000 — 7,999
9	3,500 — 4,499	10,000 — 14,999	8,000 — 8,999
10	4,500 — 5,499	15,000 — 19,999	9,000 — 9,999
11	5,500 — 6,499	20,000 — 24,999	10,000 — 12,499
12	6,500 — 7,499	25,000 — 29,999	12,500 — 14,999
13	7,500 — 8,999	30,000 — 39,999	15,000 — 17,499
14	9,000 — 9,999	40,000 — 49,999	17,500 — 19,999
15	10,000 or greater	50,000 or greater	20,000 or greater

1 CHART II CERTIFICATE OF REGISTRATION FEE SCHEDULE

2	Quantity				
3	Group Total	<i>Fiscal Year 2003</i>	<u>Fiscal Year 2004</u>	<u>Fiscal Year 2005</u>	<u>Fiscal Year 2006</u>
4		<i>and thereafter</i>			
5	1	\$221	<u>\$234</u>	<u>\$247</u>	<u>\$261</u>
6	2	\$ 231	<u>\$244</u>	<u>\$258</u>	<u>\$273</u>
7	3	\$ 251	<u>\$265</u>	<u>\$280</u>	<u>\$296</u>
8	4	\$ 300	<u>\$317</u>	<u>\$335</u>	<u>\$354</u>
9	5	\$ 340	<u>\$359</u>	<u>\$380</u>	<u>\$401</u>
10	6	\$ 381	<u>\$403</u>	<u>\$425</u>	<u>\$449</u>
11	7	\$ 421	<u>\$445</u>	<u>\$470</u>	<u>\$497</u>
12	8	\$ 463	<u>\$489</u>	<u>\$517</u>	<u>\$546</u>
13	9	\$ 503	<u>\$531</u>	<u>\$562</u>	<u>593</u>
14	10	\$ 542	<u>\$573</u>	<u>\$605</u>	<u>\$639</u>
15	11	\$ 603	<u>\$637</u>	<u>\$673</u>	<u>\$711</u>
16	12	\$ 664	<u>\$702</u>	<u>\$741</u>	<u>\$783</u>
17	13	\$ 725	<u>\$766</u>	<u>\$809</u>	<u>\$855</u>
18	14	\$ 785	<u>\$829</u>	<u>\$876</u>	<u>\$926</u>
19	15	\$ 847	<u>\$895</u>	<u>\$946</u>	<u>\$999</u>
20	16	\$ 906	<u>\$957</u>	<u>\$1,012</u>	<u>\$1,069</u>
21	17	\$ 967	<u>\$1,022</u>	<u>\$1,080</u>	<u>\$1,141</u>
22	18	\$ 1027	<u>\$1,085</u>	<u>\$1,147</u>	<u>\$1,212</u>
23	19	\$ 1089	<u>\$1,151</u>	<u>\$1,216</u>	<u>\$1,285</u>
24	20	\$ 1158	<u>\$1,224</u>	<u>\$1,293</u>	<u>\$1,366</u>
25	21	\$ 1229	<u>\$1,299</u>	<u>\$1,372</u>	<u>\$1,450</u>

1	22	<u>\$-1300</u>	<u>\$1,374</u>	<u>\$1,451</u>	<u>\$1,534</u>
2	23	<u>\$-1371</u>	<u>\$1,449</u>	<u>\$1,531</u>	<u>\$1,617</u>
3	24	<u>\$-1443</u>	<u>\$1,525</u>	<u>\$1,611</u>	<u>\$1,702</u>
4	25	<u>\$-1512</u>	<u>\$1,598</u>	<u>\$1,688</u>	<u>\$1,784</u>
5	26	<u>\$-1583</u>	<u>\$1,673</u>	<u>\$1,767</u>	<u>\$1,868</u>
6	27	<u>\$-1654</u>	<u>\$1,748</u>	<u>\$1,847</u>	<u>\$1,951</u>
7	28	<u>\$-1734</u>	<u>\$1,832</u>	<u>\$1,936</u>	<u>\$2,046</u>
8	29	<u>\$-1814</u>	<u>\$1,917</u>	<u>\$2,025</u>	<u>\$2,140</u>
9	30	<u>\$-1896</u>	<u>\$2,003</u>	<u>\$2,117</u>	<u>\$2,237</u>
10	31	<u>\$-1977</u>	<u>\$2,089</u>	<u>\$2,207</u>	<u>\$2,332</u>
11	32	<u>\$-2057</u>	<u>\$2,174</u>	<u>\$2,297</u>	<u>\$2,427</u>
12	33	<u>\$-2138</u>	<u>\$2,259</u>	<u>\$2,387</u>	<u>\$2,522</u>
13	34	<u>\$-2219</u>	<u>\$2,345</u>	<u>\$2,477</u>	<u>\$2,618</u>
14	35	<u>\$-2300</u>	<u>\$2,430</u>	<u>\$2,568</u>	<u>\$2,713</u>
15	36	<u>\$-2380</u>	<u>\$2,515</u>	<u>\$2,657</u>	<u>\$2,808</u>
16	37	<u>\$-2462</u>	<u>\$2,601</u>	<u>\$2,749</u>	<u>\$2,904</u>
17	38	<u>\$-2542</u>	<u>\$2,686</u>	<u>\$2,838</u>	<u>\$2,999</u>
18	39	<u>\$-2603</u>	<u>\$2,750</u>	<u>\$2,906</u>	<u>\$3,071</u>
19	40	<u>\$-2663</u>	<u>\$2,814</u>	<u>\$2,973</u>	<u>\$3,142</u>
20	41	<u>\$-2724</u>	<u>\$2,878</u>	<u>\$3,041</u>	<u>\$3,214</u>
21	42	<u>\$-2793</u>	<u>\$2,951</u>	<u>\$3,118</u>	<u>\$3,295</u>
22	43	<u>\$-2825</u>	<u>\$2,985</u>	<u>\$3,154</u>	<u>\$3,333</u>
23	44	<u>\$-2866</u>	<u>\$3,028</u>	<u>\$3,200</u>	<u>\$3,381</u>
24	45	<u>\$-2906</u>	<u>\$3,071</u>	<u>\$3,245</u>	<u>\$3,428</u>
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1 d. UST Permit Fees. A person required to obtain a UST permit shall pay an  
 2 annual fee for each tank at each site ~~of \$98 for fiscal year 2000, \$112 for fiscal year~~  
 3 ~~2001, \$125 for fiscal year 2002, and \$135 for fiscal year 2003 and thereafter~~ \$270 for  
 4 fiscal year 2004 (beginning July 1, 2004), \$285 for fiscal year 2005 (beginning July 1,  
 5 2005), \$301 for fiscal year 2006 (beginning July 1, 2006).

6 e. Miscellaneous Other Fee Schedules. Other hazardous materials fees shall be as  
 7 follows:

8	Type of Fee	<i>Fiscal Year</i>	<i>Fiscal Year</i>	<i>Fiscal Year</i>	<i>Fiscal Year</i>
9		<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
10	Application fee for UST repair,				
11	modification, removal or				
12	closure approval and up to	\$ <del>685</del>	<u>\$724</u>	<u>\$765</u>	<u>\$808</u>
13	three hours field inspection,				
14	per site				
15	<del>Inspection Fee for Fire</del>				
16	<del>Department inspection exceeding</del>				
17	<del>three ours for UST repair,</del>				
18	<del>modification, removal, or</del>				
19	<del>closure, per hour</del>				
20	Field inspection fee, per hour				
21	(business hours)	<u>\$130</u>	<u>\$137</u>	<u>\$145</u>	<u>\$153</u>
22	Field inspection fee, per hour				
23	(Sat., Sun., evenings)	<u>\$195</u>	<u>\$206</u>	<u>\$218</u>	<u>\$230</u>
24	Permit Review by Department				
25	of City Planning	<u>\$66</u>	<u>\$70</u>	<u>\$74</u>	<u>\$78</u>

1	Closure plan processing fee				
2	and up to three hours of plan	<del>\$ 424</del>	<u>\$448</u>	<u>\$473</u>	<u>\$500</u>
3	review				
4	Closure plan review				
5	exceeding three hours, per	<del>\$130</del>	<u>\$137</u>	<u>\$145</u>	<u>\$153</u>
6	hour				
7	Consultation fee, per hour	<del>\$130</del>	<u>\$137</u>	<u>\$145</u>	<u>\$153</u>
8	Director's Hearing pursuant to				
9	Sections 1137(a)(3), (4), (5)	<del>\$ 208</del>	<u>\$220</u>	<u>\$232</u>	<u>\$245</u>
10	and (7)				
11	<u>Application fee for a Voluntary</u>				
12	<u>Remedial Agreement with the</u>		<u>\$390</u>	<u>\$414</u>	<u>\$439</u>
13	<u>Director</u>				
14	<u>Voluntary Remedial Agreement</u>		<u>\$137</u>	<u>\$145</u>	<u>\$153</u>
15	<u>Fee, hourly rate</u>				

17           f.       Additional Fees as Penalties. Additional fees assessed pursuant to Sections  
18                               1120 and 1120.1 shall be as follows:

20	Type of Fee	<del>Fiscal Year</del>	<u>Fiscal Year</u>	<u>Fiscal Year</u>	<u>Fiscal Year</u>
21		<del>2003</del>	<u>2004</u>	<u>2005</u>	<u>2006</u>
22	Site investigation	<del>\$ 846</del>	<u>\$894</u>	<u>\$945</u>	<u>\$998</u>
23	(maximum)				

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1	Failure to timely				
2	obtain/renewal a				
3	Certificate, or permit or				
4	grant of authorization,	<del>\$ 348</del>	<u>\$368</u>	<u>\$389</u>	<u>\$411</u>
5	unless otherwise provided				
6	in this section				
7	Failure to timely register a				
8	temporary storage facility	<del>\$ 135</del>	<u>\$143</u>	<u>\$151</u>	<u>\$159</u>
9	Failure to obtain approval				
10	to modify, repair, close or	<del>\$ 846</del>	<u>\$894</u>	<u>\$945</u>	<u>\$998</u>
11	remove an UST.				
12	Failure to schedule a site				
13	inspection prior to the				
14	modification, closure or	<del>\$ 424</del>	<u>\$448</u>	<u>\$473</u>	<u>\$500</u>
15	removal of an UST				

16           g.     Application Fee for New Certificate of Registration. Registrants and permittees  
17                   shall pay an application fee for a new Certificate of Registration *of \$98 for the*  
18                   *fiscal year 2000, \$112 for the fiscal year 2001, \$125 for the fiscal year 2002, and \$135*  
19                   *for the fiscal year 2003 and thereafter \$143 for fiscal year 2004 (beginning July 1,*  
20                   *2004), \$151 for fiscal year 2005 (beginning July 1, 2005), \$159 for fiscal year 2006*  
21                   *(beginning July 1, 2006).*

22           h.     Hazardous Materials and Hazardous Waste Base Fee. Any business that is  
23                   subject to Articles 21, 21A and/or 22 shall pay an annual base fee *of \$98 for the*  
24                   *fiscal year 2000, \$112 for the fiscal year 2001, \$125 for the fiscal year 2002, and \$135*  
25                   *for the fiscal year 2003 and thereafter \$143 for fiscal year 2004 (beginning July 1,*

1                    2004), \$151 for fiscal year 2005 (beginning July 1, 2005), \$159 for fiscal year 2006

2                    (beginning July 1, 2006); This subsection shall not apply to Minimal Quantity

3                    Generators as defined in Section 1204(b) of Article 22 of this Code.

4                    i. Beginning with fiscal year 2007-2008, no later than April 15 of each year, the  
5                    Controller shall adjust the fees provided in this Article to reflect changes in the relevant  
6                    Consumer Price Index, without further action by the Board of Supervisors. In adjusting the  
7                    fees, the Controller may round these fees up or down to the nearest dollar, half-dollar or  
8                    quarter-dollar. The Director shall perform an annual review of the fees scheduled to be  
9                    assessed for the following fiscal year and shall file a report with the Controller no later than  
10                   May 1st of each year, proposing, if necessary, an adjustment to the fees to ensure that costs are  
11                   fully recovered and that fees do not produce significantly more revenue than required to cover  
12                   the costs of operating the program. The Controller shall adjust fees when necessary in either  
13                   case.

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15                   APPROVED AS TO FORM:  
16                   DENNIS J. HERRERA, City Attorney

17                   By: \_\_\_\_\_  
18                   RONA H. SANDLER  
19                   Deputy City Attorney