

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; and making environmental findings.**

5
 6 Note: Additions are *single-underline italics Times New Roman*;
 7 deletions are ~~*strikethrough italics Times New Roman*~~.
 8 Board amendment additions are double underlined.
 Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. Findings.

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

15 Section 2. The San Francisco Health Code is hereby amended by amending Section
 16 1176 to read as follows:

17 **SEC. 1176. HAZARDOUS MATERIALS FEE SCHEDULE.**

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

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

25

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

7 (2) Registration fees shall be as follows:

8 (A) Temporary certificate of registration, ~~\$143 for fiscal year 2004 (beginning July 1,~~
9 ~~2004), \$151 for fiscal year 2005 (beginning July 1, 2005), \$159 for fiscal year 2006~~
10 ~~(beginning July 1, 2006)~~ \$172;

11 (B) Freight forwarding and freight transportation services establishments, ~~\$285 for~~
12 ~~fiscal year 2004 (beginning July 1, 2004), \$301 for fiscal year 2005 (beginning July 1,~~
13 ~~2005), \$319 for fiscal year 2006 (beginning July 1, 2006)~~ \$371;

14 (C) For all other Registrants subject to this Article, a fee determined by the total
15 quantity of liquids, quantity of solids and quantity of gases required to be
16 registered by the establishment, excluding hazardous materials contained in
17 underground storage tanks. The applicable fee shall be determined by adding
18 together the appropriate quantity groups as set forth in Chart I for liquids, solids
19 and gases at the establishment (excluding hazardous materials contained in
20 underground storage tanks in order to arrive at a quantity group total. The
21 corresponding fee for each quantity group is set forth in Chart II.

22 (D) An establishment required to obtain a UST permit which does not have any
23 aboveground storage of hazardous materials subject to this Article shall be
24 exempt from payment of a registration fee.
25

CHART I QUANTITY GROUPS

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 2004</i>	<i>Fiscal Year 2005</i>	<i>Fiscal Year 2006</i>	<u><i>Fiscal Year</i></u>
4					<u>2008 - 2009</u>
5	1	\$234	\$247	\$261	<u>\$284</u>
6	2	\$244	\$258	\$273	<u>\$296</u>
7	3	\$265	\$280	\$296	<u>\$321</u>
8	4	\$317	\$335	\$354	<u>\$384</u>
9	5	\$359	\$380	\$401	<u>\$436</u>
10	6	\$403	\$425	\$449	<u>\$487</u>
11	7	\$445	\$470	\$497	<u>\$540</u>
12	8	\$489	\$517	\$546	<u>\$593</u>
13	9	\$531	\$562	\$593	<u>\$644</u>
14	10	\$573	\$605	\$639	<u>\$694</u>
15	11	\$637	\$673	\$711	<u>\$772</u>
16	12	\$702	\$741	\$783	<u>\$851</u>
17	13	\$766	\$809	\$855	<u>\$928</u>
18	14	\$829	\$876	\$926	<u>\$1,005</u>
19	15	\$895	\$946	\$999	<u>\$1,085</u>
20	16	\$957	\$1,012	\$1,069	<u>\$1,160</u>
21	17	\$1,022	\$1,080	\$1,141	<u>\$1,239</u>
22	18	\$1,085	\$1,147	\$1,212	<u>\$1,316</u>
23	19	\$1,151	\$1,216	\$1,285	<u>\$1,395</u>
24	20	\$1,224	\$1,293	\$1,366	<u>\$1,483</u>
25	21	\$1,299	\$1,372	\$1,450	<u>\$1,574</u>

1	22	\$1,374	\$1,451	\$1,534	<u>\$1,665</u>
2	23	\$1,449	\$1,531	\$1,617	<u>\$1,756</u>
3	24	\$1,525	\$1,611	\$1,702	<u>\$1,848</u>
4	25	\$1,598	\$1,688	\$1,784	<u>\$1,937</u>
5	26	\$1,673	\$1,767	\$1,868	<u>\$2,029</u>
6	27	\$1,748	\$1,847	\$1,951	<u>\$2,118</u>
7	28	\$1,832	\$1,936	\$2,046	<u>\$2,222</u>
8	29	\$1,917	\$2,025	\$2,140	<u>\$2,324</u>
9	30	\$2,003	\$2,117	\$2,237	<u>\$2,429</u>
10	31	\$2,089	\$2,207	\$2,332	<u>\$2,532</u>
11	32	\$2,174	\$2,297	\$2,427	<u>\$2,636</u>
12	33	\$2,259	\$2,387	\$2,522	<u>\$2,738</u>
13	34	\$2,345	\$2,477	\$2,618	<u>\$2,842</u>
14	35	\$2,430	\$2,568	\$2,713	<u>\$2,945</u>
15	36	\$2,515	\$2,657	\$2,808	<u>\$3,048</u>
16	37	\$2,601	\$2,749	\$2,904	<u>\$3,153</u>
17	38	\$2,686	\$2,838	\$2,999	<u>\$3,256</u>
18	39	\$2,750	\$2,906	\$3,071	<u>\$3,334</u>
19	40	\$2,814	\$2,973	\$3,142	<u>\$3,411</u>
20	41	\$2,878	\$3,041	\$3,214	<u>\$3,489</u>
21	42	\$2,951	\$3,118	\$3,295	<u>\$3,577</u>
22	43	\$2,985	\$3,154	\$3,333	<u>\$3,618</u>
23	44	\$3,028	\$3,200	\$3,381	<u>\$3,671</u>
24	45	\$3,071	\$3,245	\$3,428	<u>\$3,722</u>
25					

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 ~~\$270 for fiscal year 2004 (beginning July 1,~~
 3 ~~2004), \$285 for fiscal year 2005 (beginning July 1, 2005), \$301 for fiscal year 2006~~
 4 ~~(beginning July 1, 2006)~~ \$327.

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

7	Type of Fee	<i>Fiscal Year</i>	<i>Fiscal Year</i>	<i>Fiscal Year</i>	<i>Fiscal Year</i>
8		<i>2004</i>	<i>2005</i>	<i>2006</i>	<u><i>2008-2009</i></u>
9	Application fee for UST repair,				
10	modification, removal or				
11	closure approval and up to	\$724	\$765	\$808	<u>\$877</u>
12	three hours field inspection,				
13	per site				
14	Field inspection fee, per hour	\$137	\$145	\$153	<u>\$166</u>
15	(business hours)				
16	Field inspection fee, per hour	\$206	\$218	\$230	<u>\$250</u>
17	(Sat., Sun., evenings)				
18	Permit Review by Department	\$70	\$74	\$78	<u>\$85</u>
19	of City Planning				
20	Closure plan processing fee				
21	and up to three hours of plan	\$448	\$473	\$500	<u>\$543</u>
22	review				
23	Closure plan review				
24	exceeding three hours, per	\$137	\$145	\$153	<u>\$166</u>
25	hour				

1	Consultation fee, per hour	\$137	\$145	\$153	<u>\$166</u>
2	Director's Hearing pursuant to				
3	Sections 1137(a)(3), (4), (5)	\$220	\$232	\$245	<u>\$266</u>
4	and (7)				
5	Application fee for a Voluntary				
6	Remedial Agreement with the	\$390	\$414	\$439	<u>\$476</u>
7	Director				
8	Voluntary Remedial	\$137	\$145	\$153	<u>\$166</u>
9	Agreement Fee, hourly rate				

10

11 f. Additional Fees as Penalties. Additional fees assessed pursuant to Sections

12 1120 and 1120.1 shall be as follows:

13

14	Type of Fee	<i>Fiscal Year</i>	<i>Fiscal Year</i>	<i>Fiscal Year</i>	<i>Fiscal Year</i>
15		<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2008-2009</i>
16	Site investigation	\$894	\$945	\$998	<u>\$1,084</u>
17	(maximum)				
18	Failure to timely				
19	obtain/renewal a				
20	Certificate, or permit or	\$368	\$389	\$411	<u>\$446</u>
21	grant of authorization,				
22	unless otherwise provided				
23	in this section				
24	Failure to timely register a	\$143	\$151	\$159	<u>\$172</u>
25	temporary storage facility				

1 Failure to obtain approval
2 to modify, repair, close or \$894 \$945 \$998 \$1,084
3 remove an UST.

4 Failure to schedule a site
5 inspection prior to the \$448 \$473 \$500 \$542
6 modification, closure or
7 removal of an UST

- 8 g. Application Fee for New Certificate of Registration. Registrants and permittees
9 shall pay an application fee for a new Certificate of Registration *~~\$143 for fiscal~~*
10 *~~year 2004 (beginning July 1, 2004), \$151 for fiscal year 2005 (beginning July 1, 2005),~~*
11 *~~\$159 for fiscal year 2006 (beginning July 1, 2006)~~ \$172.*
- 12 h. Hazardous Materials and Hazardous Waste Base Fee. Any business that is
13 subject to Articles 21, 21A and/or 22 shall pay an annual base fee *~~\$143 for fiscal~~*
14 *~~year 2004 (beginning July 1, 2004), \$151 for fiscal year 2005 (beginning July 1, 2005),~~*
15 *~~\$159 for fiscal year 2006 (beginning July 1, 2006)~~ \$172; This subsection shall not
16 apply to Minimal Quantity Generators as defined in Section 1204(b) of Article 22
17 of this Code.*
- 18 i. Beginning with fiscal year 2007-2008, no later than April 15 of each year, the
19 Controller shall adjust the fees provided in this Article to reflect changes in the relevant
20 Consumer Price Index, without further action by the Board of Supervisors. In adjusting
21 the fees, the Controller may round these fees up or down to the nearest dollar, half-
22 dollar or quarter-dollar. The Director shall perform an annual review of the fees
23 scheduled to be assessed for the following fiscal year and shall file a report with the
24 Controller no later than May 1st of each year, proposing, if necessary, an adjustment to
25 the fees to ensure that costs are fully recovered and that fees do not produce

1 significantly more revenue than required to cover the costs of operating the program.
2 The Controller shall adjust fees when necessary in either case.

3

4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: _____
7 Cecilia T. Mangoba
8 Deputy City Attorney

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25