

RESOLUTION NO. 2019-115

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA
AMENDING AND ADOPTING NEW SERVICE FEES FOR
INSPECTIONS MANDATED BY THE STATE WATER RESOURCES
CONTROL BOARD FOR THE NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT AND STATE WATER
RESOURCES CONTROL BOARD ORDER 2006-0003**

WHEREAS, the City's National Pollutant Discharge Elimination System (NPDES) permit issued by the State Water Resources Control Board ("Water Board") requires the City to conduct compliance inspections of commercial and industrial facilities, as well as certain construction sites;

WHEREAS, Chapter 2, Article VI, Division 5 and Chapter 18, Article X of the Pomona City Code (PCC), each authorize the City Council to adopt a service fee to recover the cost of conducting inspections and related services for NPDES compliance;

WHEREAS, pursuant to Chapter 18, Article X of the PCC, the City may collect service fees from any class of user that disproportionately affects NPDES compliance costs, and may charge service fees in a manner proportionate to the benefits received;

WHEREAS, Water Board Order 2006-0003 requires sanitary sewer collection system operators to conduct annual inspections of grease producing facilities (FOG);

WHEREAS, Chapter 62, Article V, Division 3, 62-479 of the PCC provides for an annual inspection fee for grease producing facilities (FOG);

WHEREAS, City Council Resolution 2017-23 established the findings for implementing NPDES inspections, set service fees to partially recover the cost of NPDES-mandated inspection and acknowledged that amendment to the fees would be required;

WHEREAS, this Resolution amends the previously adopted service fees for commercial/industrial businesses' NPDES inspections and certain types of construction sites to fully recover the City's cost of carrying out the State mandated NPDES inspection program;

WHEREAS, this Resolution also establishes services fees for annual inspections of grease producing facilities, which shall not exceed the City's actual cost of carrying out the program and inspection services;

WHEREAS, for each fee proposed, the City completed a cost analysis, which were made available for review in the City Clerk's Office at least ten (10) days prior to the August 5, 2019 public hearing on consideration of the fees;

WHEREAS, in accordance with PCC Section 2-925 and Government Code Sections 6062a and 66016, notice of the public hearing was published in the Inland Daily Bulletin on July 26, 2019, and July 31, 2019; and

WHEREAS, on August 5, 2019, the City conducted a Public Hearing on the proposed fees set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. That adoption of this Resolution falls within a statutory exemption from environmental review pursuant to sections 15273, 15060(c)(2) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), which pertain to the establishment, modification, structuring, restructuring, or approval of rates and charges by public agencies which the public agency finds are for the purpose of meeting operating expenses, and pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under CEQA Regulations.

SECTION 2. That, after conducting a duly noticed public hearing and, based on the cost analyses conducted and provided as Attachment 3 to the report on the proposed fees, and incorporated herein by this reference, it has been determined that the cost recovery service fees for NPDES and Water Board required inspections of commercial, industrial and grease producing facilities (FOG) are justified.

SECTION 3. That the NPDES fees set by Resolution No. 2017-23 are hereby amended and the new fees for NPDES inspection and FOG inspection services are hereby approved as set forth below:

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| 1. Annual Payment for Commercial/Industrial NPDES inspection
(\$107.30 x 5 yrs. = \$535.5 ÷ 2 insp. = \$268.25 per inspection) | \$107.30 |
| 2. Annual grease producing facility inspection | \$ 63.75 |
| 3. Annual combined payment for Commercial/Industrial NPDES
and grease producing facility inspection
(Includes annual grease facility inspection for 5 yrs. and
2 NPDES inspections within 5 yrs.) | \$144.53 |
| 4. Each Commercial/Industrial NPDES/FOG re-inspection required | \$ 47.02 |
| 5. Construction site NPDES inspection administrative cost* | \$ 95.50 |
| 6. Construction site NPDES re-inspection administrative cost* | \$ 17.68 |
| 7. Construction site NPDES inspections and re-inspections
fee shall be charged per hour or fraction thereof rounded to
the nearest .10 of an hour, plus the applicable administrative
cost set forth in No. 5* and 6* herein. | \$ 80.00 per hr. |

SECTION 4. That the fees adopted herein shall be effective ten (10) days after the Mayor signs an Executive Order (below) stipulating that the City has complied with Chapter 2, Division 5, of the Pomona City Code, and no written appeal has been filed.

SECTION 5. That the collection of NPDES and FOG inspection fees for new business license applicants, subject to inspection, shall commence October 9, 2019. Collection of NPDES and FOG inspection fees for business license renewal applications shall commence with business license renewals for the licensing quarter beginning January 1, 2020 and continuing through the licensing quarter beginning October 1, 2020.

SECTION 6. The City Clerk shall attest and certify to the passage and adoption of this Resolution.

APPROVED AND ADOPTED THIS 5th DAY OF August 2019.

ATTEST:

CITY OF POMONA:

Rosalia A. Butler, MMC, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF POMONA)

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 5th day of August 2019 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Rosalia A. Butler, MMC, City Clerk

EXECUTIVE ORDER

The fees set by Resolution No. 2019-115 have been set in compliance with Division 5 of Chapter 2 of the Pomona City Code pertaining to the fixing of regulatory fees and service charges. Pursuant to Section 2-924(d) of the Pomona City Code, the fees set by Resolution No. 2019-18 shall take effect ten (10) days after the signing of an Executive Order if no written appeal has been filed.

Mayor Tim Sandoval

Date: _____