



# County of Santa Cruz

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## HEALTH SERVICES AGENCY

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 950604073  
(631) 454-2022 FAX: (631) 4643126 TDD: (631) 46444123

ENVIRONMENTAL HEALTH

November 30, 2000

AGENDA: December 12, 2000

### BOARD OF SUPERVISORS

County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

### RE: Implementation of Environmental Cleanup Revolving Fund

Dear Board Members:

During June budget hearings, your Board approved establishment of an Environmental Cleanup Revolving Fund ("Fund") to correct environmental conditions not otherwise funded by existing programs in County departments, appropriated \$200,000 to the Fund, and directed the Health Services Agency, Planning Department, and County Administrative Office to report back on Fund guidelines and implementation. That report was subsequently deferred to December 12, 2000. The report presently submitted for your consideration discusses how the Fund will be implemented, including the types of situations for which the Fund could be used, accounting and financial aspects, use of the hearing officer and abatement processes, and interdepartmental coordination and oversight.

### Use of Fund

There are environmental conditions that have the potential to cause severe public health and/or environmental consequences if not addressed expeditiously. The great majority of such situations are corrected by the owner or responsible party through the routine enforcement efforts of the County. In a relatively small number of instances, the responsible party refuses to take corrective action or is not capable of doing so in an expeditious manner. There are also some situations where no responsible party can be found.

Funding exists to abate some types of situations, including the Neglected Properties, Abandoned Vehicles, and Hazardous Structures. State programs provide funds for cleanup of abandoned solid waste disposal sites, drug lab wastes, and emergency responses involving discharges of hazardous wastes. The Environmental Cleanup Revolving Fund can be used to fill some of the gaps for situations where there was previously no funding source for cleanup and abatement.

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Types of situations for potential expenditures from the Fund include:

- illegal grading affecting streams, and/or waterways, thereby causing potential public health impact to drinking water.
- discharge to the ground from onsite sewage disposal systems, private sewer lines, or other sewage discharges.
- severe garbage accumulations in side and back yards and on vacant properties.
- accumulations of fecal material/refuse on private property from illegal encampments.
- accumulations of refuse and fecal matter inside dwellings (dirty house syndrome).
- discharges or potential discharges of hazardous materials/wastes from improper storage and/or use.
- measures for prevention of access to hazardous premises, pending abatement of the hazard.

It is envisioned that the Fund would only be used for cleanup efforts in the unincorporated areas of the County.

**Accounting and Financial Aspects**

Expenditures from the Fund would occur through the application of authorities found in County Code (Chapters 1.12 and 1.14) for enforcement and abatement of violations of County ordinances. Where a responsible party fails to correct a condition as ordered by County personnel, the County could contract out the abatement work or have it performed by its own staff, with the costs imposed as a tax lien on the property or as a personal judgement against the responsible party as may be ordered by the Administrative Hearing Officer. The Fund would ultimately be reimbursed using this process.

Expenditures would also occur as a result of the County taking a summary abatement action (during an emergency or otherwise) where no responsible party can be determined. In such an instance, there will likely be no reimbursement to the Fund. Based on Planning Department experience, the Fund may periodically require replenishment from the General Fund to compensate for inability to gain reimbursement. Replenishment would be addressed when needed during the County budget preparation process. Every effort will be made to recapture all costs in accordance with the procedures discussed above so as to minimize the need to request Fund replenishment.

Planning Department fiscal staff will provide the accounting support to the Fund, including providing for and tracking the recovery of enforcement costs, any civil penalties, and any other costs of abatement as a special assessment against the property or as a personal obligation of the responsible party. Administrative costs association with this accounting support would be billed to the Fund. Reports on all financial transactions involving the Fund would be provided to the inter-departmental management oversight committee established to monitor the Fund.

**Hearing Officer and Abatement Processes**

As mentioned previously, expenditures from the Fund would primarily occur as a result of using the processes established in County Code Chapters 1.12 and 1.14, where a responsible party exists to whom enforcement orders have been issued for violations of applicable codes. This process is already well established within the Planning Department's Code Compliance Program. In preparation of cases for which it is the enforcing agency, Environmental Health will largely mirror Planning's process. An Environmental Health Program Manager will be assigned the responsibility for working with Environmental Health staff to ensure that all cases are properly prepared and documented prior to submission to County Counsel for presentation to the hearing officer.

Counsel is of the opinion that Chapters 1.12 and 1.14 are broad enough to present cases potentially involving the Environmental Cleanup Revolving Fund to the hearing officer. Counsel is reviewing the scope of duties in the independent contractor agreement with the hearing officer to see if any amendment of the duties is needed. Counsel is also reviewing the various county codes to determine if any amendments are needed to further implement the Fund and related enforcement/abatement processes.

**Inter-Departmental Coordination and Oversight**

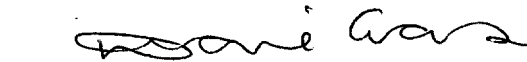
An inter-departmental management oversight committee will oversee the administration of the Fund and any proposed or actual expenditures. The committee will consist of the Environmental Health Director, Assistant Planning Director for building and administrative services, and County Counsel. The Committee will meet to discuss the appropriateness of use of the Fund in each potential instance.

It is RECOMMENDED that your Board accept this report on proposed implementation of the Environmental Cleanup Revolving Fund and direct the Environmental Health Service to implement the program as discussed in this report.

Very truly yours,



Alvin James  
Planning Director



for Rama Khalsa, PhD  
Health Services Agency Administrator

RECOMMENDED  


Susan A. Mauriello  
County Administrative Officer

- cc: CAO
- County Counsel
- Planning
- HSA Administration