

# Staff Report on the Determination and Apportionment of Certain Environmental Health Division Fees

## Contra Costa County Environmental Health Division



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In this document, the Environmental Health Division's fee structure for year 2014 is described. The first part of this document is an overview of the state and County statutes which are the basis of Environmental Health's authority to conduct the activities for the fees. The second part is a summary of an analysis of the time accounting data of the inspectors and field staff, which is the basis of the fee structure. The third part merges the costs of the program as determined with the time accounting information and the overhead and distributed costs, with the required expenditures of the department, to obtain the proposed fees.

## INTRODUCTION

The Contra Costa Environmental Health Division (EH) of the Health Services Department comprises a wide variety of programs to protect and promote the health of the people of Contra Costa County, through programs for safe food, safe water for drinking and recreation, and the sanitary management of wastes, and development of land in a manner protective of the environment. Legal authority for environmental health programs is obtained from the California Health and Safety Code, Government Code, Public Resource Code, Water Code and California Code of Regulations Titles 15, 17, 22, and 24, and local ordinances and regulations.

EH is considered a Comprehensive Environmental Agency. A "Comprehensive Environmental Agency" means an agency responsible to the Board of Supervisors which has been assigned the total function of providing environmental health and sanitation services and programs and other related environmental management functions which the board of supervisors may choose to delegate to the agency.<sup>1</sup>

Further, "Environmental Health and Sanitation Services and Programs" means those agency provided services and programs which are required by the Director of the State Department of Health to meet local environmental health and sanitation needs. The term shall include additional environmentally related services and programs for which responsibility has been delegated to the agency by the County Board of Supervisors or Health District Board.<sup>2</sup>

The California Health and Safety Code, Section 452 states:

"The County Health Officer shall enforce and observe in the unincorporated territory of his county, all of the following:

Orders and ordinances of the Board of Supervisors, pertaining to the public health and sanitary matters.

Orders, quarantine and other regulations, and rules prescribed by the State Department of Health Services.

Statutes relating to Public Health."<sup>3</sup>

Authority for the County Health Officer to provide health services within the incorporated areas of the County is found in Section 476 of the California Health and Safety Code.

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<sup>1</sup> [California Code of Regulations \("Cal. Code Regs."\), Title \("tit."\) 17, § 1351.](#)

<sup>2</sup> [Id.](#)

<sup>3</sup> [California Health & Safety Code \("Health & Saf. Code"\), § 101030](#)

"When the governing body of a city in the county consents by resolution or ordinance, the County Health Officer shall enforce and observe in the city all of the following:

Orders, quarantine regulations, and rules prescribed by the state department and other rules and regulations issued under the provisions of this code.

Statutes relating to the public health."<sup>4</sup>

Eighteen cities and towns in Contra Costa County have affirmed by resolution to have the County health officer enforce these actions in their city.

Explicit specificity for the services to be offered by environmental health is stated in the regulations:

"Basic Services. The health department shall offer at least the following basic services to the health jurisdiction which it serves ... (e) Environmental health and sanitation services and programs in accordance with an annual plan and program outline as required in Title 17, Section 1328 and approved by the State Department of Health Services and the applicable services and program standards as specified in the State Department of Health 'Services in a Local Environmental Health and Sanitation Program': September 1976. The required services and programs shall be as follows:

- Food.
- Housing and Institutions.
- Radiological health in local jurisdictions contracting with the State Department of Health to enforce the Radiation Control Law pursuant to Section 25600-25654 and Sections 25800-25876, Health and Safety Code.
- Milk and dairy products in local jurisdictions maintaining an approved milk inspection service pursuant to Section 32503, Food and Agriculture Code.
- Water oriented recreation.
- Safety.
- Vector Control.
- Waste Management.
- Water Supply.
- Air Sanitation.
- Additional environmentally related services and programs as required by the County Board of Supervisors, City Council, or Health District Board.
- and may include land development and use.<sup>5</sup>

Some of these elements are broad categories that encompass several different programs. For instance, the land development and use element that includes responsibility in land development regulation, small water system supply, well protection, and sewage disposal in areas not served by sewage systems.

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<sup>4</sup> [Health & Saf. Code, § 101375](#)

<sup>5</sup> [Cal. Code Regs., tit. 17, § 1276., subd. \(e\).](#)

Food includes fixed food facilities like restaurants and grocery stores, mobile food trucks and carts, vending machines, and farmers markets, which have different code requirements.

Some of these elements are not carried out by the Environmental Health Division. For instance, there are no commercial dairies in the County thus is no milk and dairy program. As allowed by state law, all nineteen cities have opted to oversee the housing code in their jurisdictions. In the un-incorporated area of the County, most housing oversight is carried out by the Department of Conservation and Development (DCD).<sup>6</sup> Per state law, a separate vector control district was established by the County to carryout vector control.<sup>7</sup> Air sanitation is controlled by the Bay Area Air Quality Management District. Contra Costa has chosen to let the state health department retain responsibility for radiation programs cited above.

In addition to carrying out elements assigned to the health officer, EH has been designated the Local Enforcement Agency (LEA) by the California Department of Resource Recycling Recovery (CalRecycle) for oversight of solid waste in the County.<sup>8</sup> EH staff working in the LEA program also work on related programs including waste tires, stormwater at restaurants and horse boarding in the unincorporated area, and body art. The waste tire program is CalRecycle-funded, and the stormwater program is funded via a memorandum of understanding with the Contra Costa County Public Works Department.

EH has also chosen to have authority for medical waste oversight as administered by the California Department of Public Health (CDPH). Medical waste fees are addressed in this document. EH is in the process of developing an Organized Camp program to meet the responsibilities assigned to the health officer.

Starting July 2012, the health officer was charged with protecting the health of those individuals who choose to receive a tattoo, piercing, branding, or other permanent cosmetic. Starting in January 2013, the health officer was charged with registering and permitting cottage food operations. When the program was implemented, the hourly rate of the inspector and time spent was used to determine the appropriate charges for those two programs. The development of fees for these activities are described in this document.

Originally, environmental health programs have their infancy in public health and the health officer had the responsibility for carrying out the broader public health mandate which included environmental health. The individual state code for EH programs often use the term “health officer and or their designee” or “health officer or other officers,” etc. Later, the State law was amended to more explicitly set out the requirements for a full-time environmental health director with certain qualifications, adequate staff of Registered Sanitarians (now termed Registered Environmental Health Specialists) and other support personnel necessary to implement agency services and programs, sufficient, properly

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<sup>6</sup> [Health & Saf. Code, § 113700.](#)

<sup>7</sup> [Health & Saf. Code, § 101285.](#)

<sup>8</sup> [Correspondence from Myron H. “Skip” Amerine, REHS, Permitting, California Integrated Waste Management Board to Charles Nicholson, Contra Costa County. Dated July 27, 1992. Subject: Issuance of Certification\(s\) to and Approval of the Designation for the Contra Costa County Health Services Department, Division of Environmental Health as the Local Enforcement Agency for the Jurisdiction of Contra Costa County.](#)

supervised clerical staff to meet agency needs, and publicly accessible office facilities which shall be in operation full time during the normal county government work week.<sup>10</sup>

Per the health and safety code, fees for environmental health services are allowed:

“Whenever the governing body of any city or county determines that the expenses of the local health officer or other officers or employees in the enforcement of any statute, order, quarantine, or regulation prescribed by a state officer or department relating to public health, requires or authorizes its health officer or other officers or employees to perform specified acts that are not met by fees prescribed by the state, the governing body may adopt an ordinance or resolution prescribing fees to pay the reasonable expenses of the health officer or other officers or employees incurred in the enforcement, and may authorize a direct assessment against the real property in cases where the real property is owned by the operator of a business and the property is the subject of the enforcement. The schedule of fees prescribed by ordinance shall be applicable in the area in which the local health officer or other officers or employees enforce any statute, order, quarantine, or regulation prescribed by a state officer or department relating to public health.”<sup>11</sup>

In addition, some of the specific codes and regulations that pertain to specific programs also address the issue of fees.

The Contra Costa County Ordinance specifies that environmental health fees shall “pay the health officer’s reasonable expenses incurred” in the enforcement of the division’s programs.<sup>12</sup>

EH staff carryout the following activities across all programs:

- Review plans for required submittals prior to construction.
- Inspect facility or project as required to ensure it follows the submitted plans and/or operations meet state law/regulation and/or county ordinance.
- Pursue corrective and enforcement action when out of compliance activities are observed or confirmed.
- Develop departmental policies and guidelines and update existing policy memorandums as necessary.
- Analyze proposed legislation and regulations as part of coordinated local jurisdiction effort.
- Investigate all complaints, identify appropriate action or refer to appropriate agency, follow-up with complainant describing steps taken.
- Respond to inquiries from clients, Board of Supervisors and their staff, other agencies and stakeholders in a timely manner, usually within one day.
- Conduct outreach and education activities to decrease need for enforcement and promote environmental health responsibilities.

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<sup>10</sup> [Cal. Code Regs., tit. 17, § 1355-1357.](#)

<sup>11</sup> [Health & Saf. Code, § 101325.](#)

<sup>12</sup> [CCC Ord. Code, § 413-3.204.](#)

- Prepare for and respond to emergency incidents and provide for public and environmental protection and public safety.

In the following sections, activities that are unique to a particular program, and a more descriptive explanation of the basic activities, including any specific requirements for carrying out activities (ie., one inspection annually) are described. For each program, the authority to carry-out the program, and the issue of fees, if named in the particular legislation, is also described.

## **ENVIRONMENTAL HEALTH MANDATES AND FEE DEVELOPMENT**

### **A. THE FOOD PROGRAM**

The Food Program consists of four elements:

- i. Food Facility Inspection
- ii. Food Facility Plan Check and Construction
- iii. Water Vending Machines, Retail Water Facilities, and Water Haulers
- iv. Cottage Food Operations

#### **i. FOOD FACILITY INSPECTION**

With certain limited exceptions, all food facility operations in Contra Costa County are required to obtain a permit to operate from EH and pay fees for inspection and other related costs associated with the permit and alternative means of compliance.<sup>13</sup> Per County ordinance, "An environmental health permit is required for... food establishments, vending machine businesses, taverns, cocktail lounges, bars, snack bars, commissaries, cart commissaries, food catering, special events food booths, school cafeterias, itinerant food facilities, retail food markets, roadside food stands, food salvagers, retail food vehicles, mobile food preparation units, bakeries, incidental retail food markets, certified farmers' markets..."<sup>14</sup> EH permitted over 4200 facilities in 2012.

In state law there are 13 named exceptions to food facilities including the following: an intermediate care facility for the developmentally disabled with a capacity of six beds or fewer, several institutions under the Department of Social Services oversight, and cottage food operations.<sup>15</sup>

In addition to the general EH activities undertaken by the retail food program, EH has the authority to:

- Impound food, equipment, or utensils that are found to be, or suspected of being, unsanitary or in such disrepair that food, equipment, or utensils may become contaminated or adulterated, and inspect, impound, or inspect and impound any utensil that is suspected of releasing lead or cadmium in violation of Section 108860.<sup>16</sup>

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<sup>13</sup> [Health & Saf. Code, § 114381.](#)

<sup>14</sup> [Contra Costa County \("CCC"\) § 413-3.604.](#)

<sup>15</sup> [Health & Saf. Code, § 113789, subd. \(c\).](#)

<sup>16</sup> [Health & Saf. Code, § 114393.](#)

- Investigate and take corrective action on citizen's reports of foodborne illness outbreaks, unsanitary conditions in food facilities.<sup>17</sup> Foodborne illness outbreaks are conducted in concert with Public Health Nursing, communicable disease staff, and public health laboratorians.
- Assist federal and state agencies and industry where food recalls, adulteration, improper labeling, misleading advertising, and/or unwholesome food products are discovered.<sup>18</sup>

## ii. **FOOD FACILITY PLAN CHECK AND CONSTRUCTION**

Under state law, food facilities that are built or remodeled are not to be placed into operation without first receiving a permit to operate, which is issued by Environmental Health upon the satisfactory completion of construction.<sup>19</sup> State law also establishes the legal mandate for construction requirements, plan submittal, and plan review for any facility which sells food at the retail level. The law requires the local health agency to review the plans of new and remodeled food facilities within twenty (20) working days of submission.<sup>20</sup> In Contra Costa, we strive to have plans reviewed in 15 working days.

In addition to the general activities described, the Plan Check unit evaluates cooking equipment that has been submitted for evaluation related to the need for and type of mechanical ventilation<sup>21</sup> and evaluate the acceptability of new types of food equipment for use in restricted food facilities.<sup>22</sup>

## iii. **WATER VENDING MACHINES, RETAIL WATER FACILITIES, AND WATER HAULERS**

Under state law, Environmental Health could choose to become authorized to regulate bottled, vended, hauled and processed water to make sure it is potable for human use.<sup>23</sup> Environmental Health has not asked the state health department for such authorization. Under County ordinance, the health officer or subordinates are to enforce the transporting of water for domestic use.<sup>24</sup> The ordinance establishes standards for equipment and treatment and record keeping, and calls for inspecting and permitting of a number of types of vehicles to transport water. Given newer state laws governing bottled water, this ordinance is not enforced by EH.

## iv. **COTTAGE FOOD OPERATIONS**

State law regarding cottage food operations became effective January 1, 2013. Cottage food operations are enterprises that involve the preparation or packaging of specified foods in private residences and have gross annual sales that do not exceed statutory maximums. A Class A cottage food operation may engage only in direct sales to consumers, while Class B operations may engage in either direct sales to

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<sup>17</sup> [Health & Saf. Code, § 120175.](#)

<sup>18</sup> [Health & Saf. Code § 110806, subd. \(c\) \(1\).](#)

<sup>19</sup> [Health & Saf. Code, § 114380.](#)

<sup>20</sup> [/d. \(e\).](#)

<sup>21</sup> [Health & Saf. Code, § 114149.1, subd. \(c\).](#)

<sup>22</sup> [Health & Saf. Code, § 114130, subd. \(c\).](#)

<sup>23</sup> [Health & Saf. Code, § 111105.](#)

<sup>24</sup> [CCC Ord. Code, § 414-6.](#)



consumers or indirect sales through third party retailers.<sup>25</sup> All cottage food facilities must comply with requirements pertaining to sanitation and food labeling and workers must receive regular food processing training.<sup>26</sup>

A Class A cottage food operation must be registered with the local enforcement agency, but is not subject to initial or routine inspections.<sup>27</sup> Inspections may be made only if a consumer complaint has been made.<sup>28</sup> If an inspection is made and a Class A cottage food operation is found to be in violation, the local enforcement agency has authority to seek recovery from the operation of an amount that does not exceed the agency's reasonable inspection costs.<sup>29</sup>

A Class B cottage food operation must obtain a permit from the local enforcement agency and is subject to an initial inspection.<sup>30</sup>

EH is proposing fees for the permitting and inspections of Class B cottage food operations and for registration of Class A cottage facilities. Proposed fees are based on the cost of carrying out the program as of October 1, 2013.

## **B. THE RECREATIONAL HEALTH PROGRAM**

The Recreational Health Program consists of Three Elements:

- i. LAKES AND BEACHES
- ii. PUBLIC SWIMMING POOLS/SPAS
- iii. PUBLIC POOL PLAN CHECK AND CONSTRUCTION

### **v. LAKES AND BEACHES**

The purpose of this program is to assure that all public recreational waters are free of potentially hazardous bacterial and chemical contamination and safety hazards which may adversely affect their beneficial use such as swimming or fishing. If contamination of the water or fish does occur, EH takes steps to reduce or eliminate human exposure. Contra Costa efforts are focused on those state designated public beaches for recreational use and assisting with public outreach efforts aimed at fisherman in the bay.

Contra Costa County has significant shoreline; however as defined by California Health and Safety Code it has only one public shoreline beach which needs to be monitored, Keller Beach along the Miller-Knox Shoreline in Richmond. There is also one public, fresh-water public beach which needs to be monitored, Lake Anza, located in Tilden Park. Both of these properties are located within the East Bay Regional Park District. Per state law these are "public beaches" requiring monitoring because more than 50,000 people

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<sup>25</sup> [Health & Saf. Code, § 113758.](#)

<sup>26</sup> [Health & Saf. Code, § 114365.2.](#)

<sup>27</sup> Health & Saf. Code, § 114365, subdivs. (a)(1)(A), (a)(1)(C)(i).

<sup>28</sup> Health & Saf. Code, § 114365, subdivs. (a)(1)(C)(iii).

<sup>29</sup> Health & Saf. Code, § 114365, subdivs. (a)(1)(C)(iv).

<sup>30</sup> Health & Saf. Code, § 114365, subdivs. (a)(2)(B)(i)-(ii).

visit them annually, and the beaches are located in an area adjacent to a storm drain that flows in the summer.<sup>32</sup>

The health officer is charged with carrying out activities to protect state defined public beaches.<sup>33</sup> To do so, EH conducts the general EH activities, and EH staff reviews the required bacteriological sampling results conducted at Keller Beach and Lake Anza.<sup>34</sup> East Bay Regional Parks conducts weekly sampling at three locations at the 2 public beaches, Keller Beach and Lake Anza, from April to October.

EH staff work with DCD's Land Use Program and/or the EH On-Duty Officer or Contra Costa County's Hazardous Materials Program staff to respond on a 24-hour basis to all emergency contamination incidents affecting public beaches in order to protect the public and wildlife from exposure to sewage or toxic chemicals.<sup>35,36,37</sup> The health officer has the authority to close the beach and waters if untreated sewage has reached recreational waters.<sup>38</sup>

EH reviews renovations or alterations to sanitation facilities at the two public swim beaches.<sup>39</sup>

The responsible agencies provide for sanitation at any public water-contact sports area, where sanitation is defined as "the maintenance of a safe and healthful environmental by means of removal of refuse; provision of sanitary toilet and handwashing facilities; disposal of sewage and liquid wastes; protection of bathing water quality; provision of pure, wholesome and potable drinking water; and control of harmful insects, rodents and animals."<sup>40</sup>

Per state law, local agencies may recover the costs associated with performance of these duties.<sup>41</sup>

#### vi. **PUBLIC SWIMMING POOLS/SPAS**

The California Legislature has found the public health interest requires that there be uniform statewide health and safety standards for public swimming pools to prevent physical entrapment and serious injury to children and adults.<sup>42</sup> Consistent with the Legislature's intent, persons operating or maintaining a public swimming pool must do so in a sanitary, healthful and safe manner.<sup>43</sup>

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<sup>32</sup> [Health & Saf. Code, § 115880, subdiv. \(c\) \(3\).](#)

<sup>33</sup> [Health & Saf. Code, § 115885.](#)

<sup>34</sup> [Health & Saf. Code, § 115881, subd. \(d\).](#)

<sup>35</sup> [Id., 27., subd. \(a\) \(6\) & \(7\).](#)

<sup>36</sup> [Health & Saf. Code, § 115915.](#)

<sup>37</sup> [Id., 27., subd. \(a\)\(1\).](#)

<sup>38</sup> [Id., 27., subd. \(b\).](#)

<sup>39</sup> [Cal. Code Regs., tit. 17, § 7980.](#)

<sup>40</sup> [Cal. Code Regs., tit. 17, § 7975.](#)

<sup>41</sup> [Health & Saf. Code, § 115885 subd. \(c\) & § 115915 subd. \(c\).](#)

<sup>42</sup> [Health & Saf. Code, § 116064.1.](#)

<sup>43</sup> [Health & Saf. Code, § 116040.](#)

Public swimming pools are defined by state law as “an outdoor or indoor structure, whether in-ground or above-ground, intended for swimming or recreational bathing, including a swimming pool, hot tub, spa, or nonportable wading pool”<sup>44</sup> in apartment houses, schools, clubs and private associations, and public parks. A pool that is only accessible to a single residence is not considered a public pool. EH permits approximately 2,200 public swimming pools.

Pools, “including swimming pool structure, appurtenances, operation, source of water supply, amount and quality of water recirculated and in the pool, method of water purification, lifesaving apparatus, measures to insure safety of bathers, and measures to insure personal cleanliness of bathers shall be such that the public swimming pool is at all times sanitary, healthful and safe.”<sup>45</sup> “Any health officer, or any inspector of the department, may at all reasonable times enter all parts of the premises of a public swimming pool to make examination and investigation to determine the sanitary condition and whether this article, building standards published in the State Building Standards Code relating to swimming pools, or the other regulations adopted by the department pursuant to this article are being violated.”<sup>46</sup> The health officer may abate or order action to be taken if a public pool is a public nuisance, dangerous to health.<sup>47</sup> Per County ordinance, “an environmental health permit is required for... public swimming pools and/or spas.”<sup>48</sup>

While state code requires pools must be operated in a safe manner, there is no explicit role in permitting pools or in charging fees for such an activity.

#### vii. **PUBLIC POOL PLAN CHECK AND CONSTRUCTION**

Under state law, new public pools are not to be placed into operation without first receiving a permit to operate, which is issued by Environmental Health upon the satisfactory completion of construction. The pool plan check program is to assure safe and healthful conditions at public pool and spa facilities. California Code of Regulations Titles 22 & 24 establish the legal mandates for proper design and construction of pool facilities.<sup>49</sup> The code specifically calls for the plans to be submitted and approved by the enforcing agency prior to construction, reconstructed, or altered, for three inspections to be scheduled and conducted by the enforcing agency at three phases of construction, and obtaining a permit to open.<sup>50,51,52, 53</sup>

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<sup>44</sup> [Health & Saf. Code, § 116064.2, subd. \(4\).](#)

<sup>45</sup> [Health & Saf. Code, § 116043.](#)

<sup>46</sup> [Health & Saf. Code, § 116055.](#)

<sup>47</sup> [Health & Saf. Code, § 116063.](#)

<sup>48</sup> [Id. 12.](#)

<sup>49</sup> [Code Regs., tit. 22, § 65509.](#)

<sup>50</sup> [Code Regs., tit. 22, § 65511.](#)

<sup>51</sup> [Code Regs., tit. 24, § 3103, subd. \(B\) \(1\).](#)

<sup>52</sup> [Code Regs., tit. 24, § 3104, subd. \(B\).](#)

<sup>53</sup> [Code Regs., tit. 24, § 3105, subd \(B\).](#)

In addition to these activities, the pool/spa plan check evaluates the acceptability of new types of pool equipment and innovative concepts for pool facilities.

## **C. HOUSING AND INSTITUTIONS PROGRAM**

A local jurisdiction Housing and Institution Program may be composed of four elements, residential multi-unit housing, i.e. not unit single housing, and includes motels and hotels, labor camps, organized camps, and jails and detention facilities. EH carries out programs in organized camps and jails/detentions. There are no labor camps in the County. Cities within Contra Costa have chosen to adopt responsibility for multi-unit housing as allowed under state housing code. Under a County ordinance that covers the unincorporated area of Contra Costa County, the DCD has responsibility for multi-unit housing inspections.

### **viii. JAILS/DETENTION FACILITIES**

State law requires that the County Health Officer inspect every jail or detention facility in the County on an annual basis.<sup>54</sup> Housing standards for sanitation, overcrowding and maintenance and food facilities are evaluated at each detention facility.<sup>55</sup> All deficiencies are reported to the responsible city/county officials and to the State Board of Corrections. EH staff inspect the ten city detention, four Superior Court Temporary Holding, three County adult detention, and two County youth detention facilities. EH conducts a State law based inspection of the jail's food facilities, and also conducts an inspection of the rest of the facility sufficient to fulfill the needs of the state's environmental health evaluation.

In the past, EH has not charged the facilities for these inspections.

## **D. PROGRAMS RELATED TO MEDICAL PROCEDURES**

### **ix. BODY ART**

Recognizing the health hazards involved in tattooing and various body piercings, the State Legislature recently passed a state law requiring establishments and temporary events where body art is conducted to be permitted and body artists to register with the local enforcement agency.<sup>60,61,62,63</sup> This new enforcement responsibility for the local health agency became effective July 1, 2012.

EH is charged with registering body art practitioners and permitting body art facilities including mobile facilities and temporary events. Under the state law, EH may conduct inspections, impound unsafe equipment, check the establishments Infection Prevention and Control Plan to see if it meets state law and is being followed, issue citations, and secure samples, photographs, or other evidence from a body

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<sup>54</sup> [Health & Saf. Code, § 101045.](#)

<sup>55</sup> [Cal Code Regs., tit. 15, § 1313, subs. \(c\).](#)

<sup>60</sup> [Health & Saf. Code, § 119300 & § 119301, subd. \(l\) and \(o\).](#)

<sup>61</sup> [Health & Saf. Code, § 119306.](#)

<sup>62</sup> [Health & Saf. Code, § 119312, subd. \(c\).](#)

<sup>63</sup> [Health & Saf. Code, § 119317.](#)

art facility, or any facility suspected of being a body art facility.<sup>64</sup> EH has responsibility to conduct plan review of body art fixed and mobile facilities.

Under state law, a local enforcement agency may establish reasonable regulatory fees for registering of body art practitioners,<sup>65</sup> and permitting of body art fixed facilities and mobile facilities<sup>66</sup>, and temporary events,<sup>67</sup> in an amount not to exceed, but sufficient to cover, the costs of enforcement. EH has used the hourly rate to develop fees for the body art program. Proposed fees will be based on the cost of carrying out the program as of October 1, 2013.

#### **X. MEDICAL WASTE**

The Medical Waste Management Program is a state program that can be delegated to a local agency that has elected to adopt a local ordinance or resolution<sup>68</sup>. The Contra Costa County Board of Supervisors have adopted a resolution to implement a medical waste management program.<sup>69</sup> The purpose of this program is to protect the health of the public, health care facility personnel, and landfill personnel from exposure to medical wastes containing potentially communicable pathogenic organisms.

Medical waste generators are defined based on the amount of medical waste they generate per month and whether they treat the waste on site or not. Large quantity generators (>300 lbs per month in any 12-month period) and small quantity generators that treat on-site (<200 lbs per month) need to register with EH<sup>70,71</sup> and file a Medical Waste Management Plan.<sup>72,73</sup> EH processes and reviews the Medical Waste Management Plan. Per state law, EH inspects the approximately 50 large quantity generators every year.<sup>74</sup> Per state law, EH biennially inspects the approximately 12 small quantity generators that treat the medical waste on-site.<sup>75</sup> EH has recently instituted a triennial inspection program of the approximately 1,350 registered, small quantity generators that do not treat on-site, including those who fall within the category of "limited quantity hauling exemption."<sup>76</sup> The registration for a large quantity

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<sup>64</sup> [Health & Saf. Code, § 119319.](#)

<sup>65</sup> [/d. 56, subd. \(b\) \(7\).](#)

<sup>66</sup> [/d. 57, subd. \(b\) \(2\).](#)

<sup>67</sup> [Health & Saf. Code, § 119317.5 & § 119318, subd. \(a\).](#)

<sup>68</sup> [Health & Saf. Code, § 117800.](#)

<sup>69</sup> [Contra Costa County resolution 91/27, April 16, 1991.](#)

<sup>70</sup> [Health & Saf. Code, § 117890 & § 117895.](#)

<sup>71</sup> [Health & Saf. Code, § 117955.](#)

<sup>72</sup> [Health & Saf. Code, § 117935.](#)

<sup>73</sup> [Health & Saf. Code, § 117960.](#)

<sup>74</sup> [Health & Saf. Code, § 117965.](#)

<sup>75</sup> [Health & Saf. Code, § 117938.](#)

<sup>76</sup> [Health & Saf. Code, § 118030, subd. \(a\).](#)

generator and exemption are valid for one year.<sup>77,78</sup> Small quantity generator registration is valid for two years.<sup>79</sup> Common storage facilities that are repositories for small quantity generator waste are required to obtain a permit from EH.<sup>80</sup> EH is allowed to “prescribe, by resolution or ordinance, the registration and permit fees necessary to pay its reasonable expenses to administer the program”.<sup>81</sup> Per County ordinance, “an environmental health permit is required for... medical waste generators”<sup>82</sup>.

## **E. THE LAND USE PROGRAM**

The Land Use Program consists of four elements:

- i. LAND DEVELOPMENT PROJECT REVIEW
- ii. SMALL WATER SYSTEM PROGRAM
- iii. WELL CONSTRUCTION/ABANDONMENT
- iv. LIQUID WASTE

Only two of these elements are included in this report, Small Water System Program and Liquid Waste.

### **xi. SMALL WATER SYSTEM PROGRAM**

The purpose of the Small Water System program is to protect public health and prevent disease by assuring that domestic water served by water systems that serve more than two parcels and less than 200 parcels are at all times safe, potable and available in adequate quantity and protected against contaminating backflow. In addition to the general EH activities, the small water system receives and reviews the required bacteriological and chemical water tests.<sup>86</sup>

Based on different authorities, there are four types of Small Water Systems that EH oversees.

- A. Small Water Systems** are defined by the federal Safe Drinking Water Act as entity that provides "water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year, but less than 200 connections."<sup>87</sup> Greater than 200 connections are called municipal water systems and are regulated by CDPH. EH has been designated the Local Primacy Agency (LPA) by the CDPH to oversee the Small Public Water Supply Program.<sup>88</sup> A Small Public Water System must

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<sup>77</sup> [Id. Subd. \(b\).](#)

<sup>78</sup> [Health & Saf. Code, § 117965, subd. \(b\).](#)

<sup>79</sup> [Health & Saf. Code § 117940, subd. \(b\).](#)

<sup>80</sup> [Health & Saf. Code, § 117933.](#)

<sup>81</sup> [Health & Saf. Code, § 117825.](#)

<sup>82</sup> [Id. 12.](#)

<sup>86</sup> [Cal. Code Regs., tit. 22, § 64211-64217.](#)

<sup>87</sup> [Safe Drinking Water Act. 42 U.S.C. § 300f et seq. 1974-12-16](#)

<sup>88</sup> [Health & Saf. Code, § 116275.](#)

obtain a permit from CDPH.<sup>89</sup> EH regulates 97 small water systems in the following 3 classifications:

- a. **Community Water System** - Serves drinking water to at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents. Examples are a Mobile Home Park or residential subdivision. In 2012, EH permitted 33 community water systems.
- b. **Non-transient Non-community** - Serves drinking water to 25 or more of the same people (non-residential) over 6 months per year. Examples are a school or business. In 2012, EH permitted 14 non-transient non-community systems.
- c. **Transient Non-community** - Serves drinking water to 25 or more individuals at least 60 days out of the year, but does not meet the requirements of a community or non-transient non-community water system. An example is a restaurant, campground, or church. In 2012, EH permitted 51 transient non-community small water systems, three of which used surface water as the source.

State law describes an annual drinking water operating fee to be paid to the local primacy agency for small water systems under the LPA's jurisdiction "for conducting those activities mandated by this chapter relating to inspections, monitoring, surveillance and water quality evaluation."<sup>90</sup> Further, state law does not prevent "a local health officer from imposing additional fees pursuant to Section 101325."<sup>91</sup> Fees are described as not to exceed the actual costs to the LPA.<sup>92</sup> Additionally, the LPA may seek reimbursement for enforcement costs and costs of processing an exemption, variance, or waiver when it is sought by a public water system.<sup>93</sup> In lieu of the fee schedule established by the CDPH, the LPA may adopt its own fee schedule for the processing of small water system permits, the fee shall not exceed the total costs to the local primacy agency of processing the permit application.<sup>94</sup>

**B. State Small Water System** – As defined by state law, these systems serve drinking water to between 5 and 14 service connections. An example is a subdivision of 8 homes. Under state law, the health officer or designee has responsibility for regulatory oversight of state small water systems.<sup>95</sup> State law allows "The reasonable costs of the local health officer in carrying out the requirements of this section may be recovered through the imposition of fees on state small water systems by the local governing body in accordance with Section 101325."

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<sup>89</sup> [Health & Saf. Code, § 116525.](#)

<sup>90</sup> [Health & Saf. Code, § 116565, subd. \(c\) & \(e\) & 116570, subd. \(c\) & 116595.](#)

<sup>91</sup> [Health & Saf. Code, § 116565\(e\).](#)

<sup>92</sup> [Health & Saf. Code, § 116590\(e\).](#)

<sup>93</sup> [Health & Saf. Code, § 116595, subd. \(a\) & \(c\).](#)

<sup>94</sup> [Health & Saf. Code, § 116595, subd. \(b\).](#)

<sup>95</sup> [Health & Saf. Code, § 116340.](#)

- C. County Small Water System** - Serves drinking water to between 2 and 4 service connections. County ordinance defines a small water system as a “utility system which furnishes water for domestic purposes from two or more connections not on the same parcel.”<sup>96</sup> An example is two neighbors on separate parcels sharing a well.

Under County ordinance, a “small water system” is inclusive of all three types of systems described above.<sup>97</sup> The ordinance requires persons planning to obtain a permit to install, construct or operate a well to submit an application which must address a number of items named in the ordinance including backflow prevention, design and construction standards, approved sources, protection of distribution reservoirs, description of the distribution system, an operation and maintenance plan, and water quality and quantity. The health officer, his/her environmental health inspectors or his/her other duly authorized representatives may conduct any necessary investigation and/or site evaluation of the proposed or existing system. Upon approval of the completed installation of the water system, the health officer issues a water supply permit and a public health license to operate the system. A permit issued by the health officer is required to operate a small water system<sup>98</sup> and fees for the application, issuance, and renewal of environmental health permits are applicable when approved by the Board of Supervisors.<sup>99</sup>

xii. **LIQUID WASTE**

The purpose of the Liquid Waste Program is to protect the health of the public and environment from the improper disposal of sewage from on-site sewage systems and greywater systems. Under California law, this is accomplished through the evaluation and permitting of on-site sewage systems,<sup>110</sup> greywater systems,<sup>111</sup> and septage haulers.<sup>112</sup> The program is linked to the water program for the siting of wells. Improper disposal of septage can result in significant groundwater and health problems (vectors, odors, exposure to pathogen organisms).

In addition to the general environmental health activities, the following are activities specific to the Liquid Waste Program:

Maintain records of septage haulers and chemical toilet service companies.

Evaluate and permit greywater disposal systems.

Work with the Regional Water Quality Control Board to ensure the local on-site sewage program satisfies the Basin Plan.

Evaluate new methods of on-site sewage systems.

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<sup>96</sup> [CCC Ord. Code, § 414-4.221.](#)

<sup>97</sup> [CCC Ord. Code, § 414-4.](#)

<sup>98</sup> [CCC Ord. Code, § 413-3.604.](#)

<sup>99</sup> [CCC Ord. Code, § 413-3.1212.](#)

<sup>110</sup> [California Water Code, § 13282 & 13291 subd. \(a\) \(4\).](#)

<sup>111</sup> [California Administration Code, Title 24, Part 5, Graywater Systems for single family residences](#)

<sup>112</sup> [Health & Saf. Code, § 117400- 117450.](#)



Per County ordinance, a permit is required to repair, relocate, install or construct an individual system<sup>113</sup> and fees are due “at time of filing for or requesting an investigation, test, inspection, or permit” for a well as overseen by this program.<sup>114</sup> Per County ordinance, “an environmental health permit is required for... septic tank-chemical toilet cleaners.”<sup>115</sup>

## **METHODOLOGY USED TO DEVELOP EH FEES**

### **A. FIELD INSPECTOR TIME ANALYSIS**

At the base of salary expense is the time spent by field staff conducting those activities in each program area. EH field staff account for their time using commercially available software developed for managing administrative, financial, and technical information of environmental health programs. For each day of paid time, the field inspector enters data to account for the type of work (termed service code (SC)) conducted for each facility/permit or for a general category not tied to a facility/permit. Data entered by the inspector are tied to a program element (PE) and a service code (SC), and a facility/permit.

Fees are primarily set at the PE level. EH work is broken down into PEs based on the type of unit of work or facility type. EH work can be broadly described as falling into two types: unit work for which there is a beginning and an end and work that is conducted annually, usually year after year. All plan review work and most land use work is described as unit work for which there is a beginning and an end. Most food facility, pool, body art, medical waste, permit work is conducted in yearly increments. PEs are further broken down in certain program areas based on the type of facility. For instance, inspection and plan check for retail food facilities have a program element for many different types of fixed food facilities, e.g, small restaurant, large grocery store, bakery. Similarly, land use has different PEs based on the type of work being proposed, e.g., drilling of soil boring, well destruction, soil profile evaluation for a proposed on-site wastewater treatment system (OWTS). There are PEs for staff time used in general program development, training, division and team meetings, and time off for each program area.

Within each PE, the field staff further delineate their time using SCs. For instance, when conducting a routine inspection of a food facility, pool, body art, medical waste generator, solid waste facility, the SC “002” is used and the time is linked to a particular facility/permit. An SC “011”, is used when a site evaluation is conducted by an inspector of a particular food or pool facility that is undergoing new ownership or for an initial inspection of a potential site for a well or OWTS.

Some of the SCs are used when an inspector is not working on a particular facility/complaint. Inspectors attribute time to certain division-wide activities such as training-trainee (SC 085), office maintenance (SC 576), emergency operations (SC 103), training-public (SC 086), official meeting (SC 082), training-in service (SC 084), and staff meeting (SC 081). In addition, each work day, the inspector’s are expected to spend the first two hours of the day (typically, 7AM to 9AM) in the office to be available for office visits, returning phone calls, and to conduct paperwork including recording the previous day’s activities in the software system. This activity is captured as office activity (SC 077). Field staff time attributed to a program area general PE (e.g., 2600 General Land Use, 4300 Well General) is distributed amongst the PEs within that EH program area based on the total time that particular PE requires compared to the

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<sup>113</sup> [CCC Ord. Code, § 420-6.501.](#)

<sup>114</sup> [CCC Ord. Code, § 420-6.701.](#)

<sup>115</sup> [Id. 12.](#)

other PEs for that EH team. Field staff time attributed to 4800 General Environmental Health is distributed across all program area groupings based on size of that program grouping compared to all programs.

The data used to develop the fee for a particular PE is based on the time recorded for certain SCs that are linked to a particular facility. In the subsequent sections, we will describe how the SCs are grouped by a particular program area and provide the base time for each PE in each program area.

Under current County ordinance, exemptions from paying environmental health permit fees exist for someone who is legally blind<sup>120</sup> or is a veteran that was honorably discharged<sup>121</sup> or to a religious or charitable organization.<sup>122</sup> A more narrow exemption for honorably discharged veterans is described in federal law for those individuals desiring to peddle, sell, and vend.<sup>123</sup> There have been no exemptions filed by anyone who is blind. Temporary food events, food banks, and commissaries are often permitted by religious or charitable groups. There are very few fixed food facility permits, mainly commissaries, issued to anyone claiming the veteran exemption.<sup>124</sup>

### xiii. **FOOD, RECREATIONAL HEALTH, AND HOUSING PROGRAMS**

The inspectors that conduct the food, recreational health, and housing programs are housed within three EH teams.<sup>125</sup> The facility specific activity time involved with the food, recreational health, and housing that serve as the base of the fees for each of these programs differs slightly and are explained separately in the following sections. There is also time associated with facility-specific and general program development activities that differ within each of these programs, and is thus distributed within a specific program and not distributed across all the programs. General Environmental Health Time was distributed using a time weighted approach across the programs.

#### FOOD PROGRAMS

EH has established fees for certain food facility-specific activities: annual permit, change of ownership and site evaluation. In this section, the basis for the permitting of fixed facilities, mobile food facilities and other types of retail food facilities will be discussed. **EH is proposing no changes for the change of ownership and site evaluation fees at this time.**

Certain facility-specific activities are charged to the applicant based on the hourly rate and the number of hours required to investigate and resolve the issue, these activities were not used to develop the fees. Examples of this are follow up inspection chargeable (service code 333), complaint inspection

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<sup>120</sup> [CCC Ord. Code, § 4143-3.1002](#)

<sup>121</sup> [CCC Ord. Code, § 413-3.1006](#)

<sup>122</sup> [CCC Ord. Code, § 413-3.1005](#)

<sup>123</sup> [Federal law re: veteran benefits](#)

<sup>124</sup> [Id. 2 and 4](#)

<sup>125</sup> One inspector that conducts both food and recreational health is housed within the Land Use team as that inspector covers the food facilities and pools/spas in the unincorporated area. Approximately 20% of this inspector's overall time will be attributed to these programs.

chargeable (service code 444), consultation/ chargeable (service code 666), and billable service (service code 777).

#### FIXED FOOD FACILITY AND LICENSED HEALTH CARE FACILITY

EH is in the process of adopting the U.S. Food and Drug Administration's Voluntary National Retail Food Regulatory Program Standards.<sup>126</sup> There are nine standards that are aimed at improving retail food safety by focusing on the reduction of risk factors known to contribute to foodborne illness and to promotion of active managerial control of these risk factors. One of the standards delineates the fixed food facility inspection frequency based on the types of food preparation that occurs at the facility. For those facilities with only prepackaged food (Risk category 1), inspection frequency is one per year. For those facilities where the food is heated/cooked (Risk category 2), inspection frequency is two times per year. For those facilities where the food is cooked, cooled, and then reheated, and/or food served raw, such as sushi restaurants (Risk category 3), the inspection frequency is three times per year. These inspection frequencies are different from the past when the goal of EH was to inspect each fixed food facility twice annually.

Inspection time includes preparation time reviewing the previous inspection reports and other information in the facility file, travel time to that facility (typically averaged over all the facilities being inspected that day by the inspector), on-site inspection time, and any report writing that occurs after the inspection.

Sometimes the inspector must conduct a re-inspection because the routine inspection found one or more violations that requires the operator to fix, which cannot be accomplished while the inspection is taking place. During the time period, July 1, 2010 to June 30, 2012, re-inspections were conducted 32% of the time when compared to routine inspections.

The size of and the type of operation that occurs at a facility often dictates the length of time it takes to conduct some of the inspection activities, and thus the current fee schedule has a number of different categories. The fee categories include commercial establishments that make and sell food, school food programs, retail bakeries, retail food facilities, commissaries, production kitchens, and licensed health care facilities. In the fee schedule, several of the PE categories have been broken up to better represent the differences in time it takes to oversee these facilities. An example is separating Production Kitchens from Commissaries, as production kitchens are defined as having food preparation activities, whereas Commissaries are essentially wholesale support for mobile food facilities. Facility specific data was used to develop the basis for the routine inspections when it was possible to do so.

The time consumed conducting one routine inspection and one re-inspection is the base hours for a food facility fee category risk level one. The time consumed conducting two routine inspections and one re-inspection is the base hours for a food facility fee category risk level two. The time consumed conducting three routine inspections and one re-inspection is the base hours for a food facility fee category risk level one.

Inspector time for facility-specific non-chargeable activities within the 1600 series (e.g. non-validated complaint, consultation/no charge (service code 006), operating without a permit (service code 717), out of business (service code 023)) were added with the inspector time spent on non-facility specific activities such as program coordination and development (PE 1600) and then distributed across each of those food facility fee categories based on the inspection time workload (total minutes) of that fee

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<sup>126</sup> Federal Model Retail Food Standards

category compared to the total inspection time workload for all these food facility fee categories. Then this distributed time for each PE category was divided by the number of routine inspections conducted in that PE to arrive at the distributed time per facility within that PE.

Similarly, inspector time for facility-specific non-chargeable activities for the 1500 series licensed health care facilities was added with the inspector time spent on non-facility specific activities such as program coordination and development (PE 1500) and distributed across each licensed health care facility fee category based on the inspection time workload (total minutes) of that PE category compared to the total inspection time workload for all the licensed health care facility fee categories. Then this distributed time for each PE category was divided by the number of routine inspections conducted in that PE to arrive at the distributed time per facility within that PE.

#### MOBILE FOOD FACILITIES

EH permits a number of mobile food facilities: trucks which range from the traditional pre-packaged food with coffee truck to gourmet food trucks where food preparation occurs on the trucks, pushcarts which typically sell ice-cream or prepackaged food and, in some instances, serve hot food. EH issues permits that take into account that some of the mobile food facilities operate seasonally, e.g. ice cream pushcarts, others may work farmers markets during fair weather, and still others are year round, by offering certain permits on a quarterly basis.

All mobile food facilities must be associated with a commercial kitchen or commissary and return there at the end of every work day.

In recognition of the changing world of mobile food, in this fee proposal certain mobile food facilities and commercial kitchens/commissary PEs have been renamed, others have been split into two or more PEs. For example, “Mobile Food Prep Unit” was renamed “Mobile Food Facility (Full Prep Vehicles)”. As another example, previously we did not have a separate PE for a permitted restaurant that also serves as a commissary for a mobile food facility, so we created the “Mobile Food Facility (MFF) Commissary & Restaurant”. This separate PE is needed as additional items are inspected due to the facility serving a commissary, and an additional inspection report has to be filled out.

The fees were developed for each of these new fee categories by reassigning current food facilities into the appropriate, new PE and then analyzing the inspector time as previously described for already existing food facility PEs.

Similarly to fixed food facilities, EH has had a goal of inspecting each mobile food facility twice per permitted year. However, as mobile food facilities are in fact by law, mobile, it is often hard to get the second inspection, and unlike the fixed food facilities, the first inspection that definitely occurs is not a surprise inspection. The permit year for mobile food facilities is the same as the calendar year. In the fall when operators want to obtain a new permit, a scheduled inspection of the mobile food facility takes place at a designated County facility.

The number of inspections of the mobile food facilities and their associated restaurant/commissary is based on the risk-based approach previously described for the fixed facilities. One re-inspection is also included in the development of the fees. The distribution of mobile food facility non-inspection time and general program development time was previously described in the fixed facility section.

#### OTHER RETAIL FOOD PROGRAM FEES

EH fees for vending machines, and temporary events are developed separately from the fixed facilities. For each of these programs, EH tracks program development and implementation and non-chargeable time separately from fixed facility and mobile food facility time.

## VENDING MACHINES

Under state law, EH regulates vending machines. EH does not permit most vending machines, only those that contain only prepackaged, non-potentially hazardous food. Under the permitting system, EH inspects these vending machines once a year.

The basis of the vending machine fee is the time needed to conduct the yearly inspection. Non-inspection time attributed to PE 1644 is distributed across the number of vending machine permits.

## TEMPORARY FOOD FACILITY

EH, under state law, regulates temporary food facilities at events open to the public. These food facilities may operate solely or be part of a larger collection of temporary food facilities such as at a festival or civic celebration or a farmer's market. Typically the permit is issued for the duration of some community event, one night, over the weekend, etc. In the case of temporary food facilities adjacent to a farmers market, the permit is issued for three months. Thus, over the period of a year, a temporary food facility adjacent to a farmer's market obtains four permits, one for each quarter.

The basis of the temporary food permit is the time needed to conduct one inspection (SC 718 Temp Event Fee Per Food Booth 1687) of the temporary food facility(ies). In reviewing the time needed to conduct the inspections, as travel time is included, there was a decrease in the time needed per booth as the number of booths per event increased. Thus, as with the way fees for push carts, agricultural vendors at Farmers Markets, and non-agricultural vendors at Farmers Markets have been established in the past, we are proposing that the fees for temporary food booths that are for-profit, be established based on the number of booths per event.

In addition, time spent on non-inspection, facility-specific activities (all other SCs used in Temp Event Fee Per Food Booth 1687) and program administration and development of the temporary food facility (SC 070 under General Retail Food 1600 and SC 720 under General Retail Food 1600) is distributed across the temporary food permit.

A unique temporary event is the County Fair, which has been designated its own PE- 1690, due to the considerably larger amount of time needed to conduct the inspections. Time spent conducting the routine inspections of that temporary food event are the base of the permit. This PE is also included in the distributed costs described in the previous paragraph.

### COTTAGE FOOD OPERATIONS (CFO)

EH initiated its cottage food operation program on January 1, 2013, when the state law became effective. The limited time accounting data was used to develop proposed fees. The base time for reviewing and approving the Class A registration (PE 1665) is based on the time needed to review the initial submission of the proposed food operation including labels that meet FDA standards for each product to be produced (SC 009). The base time for reviewing and approving the Class B permit fee (PE 1665) is based on the sum of time needed to review submission of the proposed food operation including labels that meet FDA standards for each product to be produced (SC 009), the time needed to conduct one yearly inspection (SC 002), and the report writing after the inspection (SC 009). The fees first proposed for the initial review of a new Class A or Class B CFO were too low based on the time analysis, and thus the fees being proposed are higher to reflect the amount of time needed to adequately review a new proposal. Each of the new fees is based on the average number of hours and, when more time is needed, usually because a package is incomplete and even resubmittals are not adequate, then the additional will be charged at the hourly rate.

For those CFOs that are reapplying for a registration or permit and are proposing no or minimal changes in their products, EH is retaining the fees first proposed for the registration and permit, as these are appropriate given the lesser amount of time needed to review and approve the resubmittal.

#### xiv. **RECREATIONAL HEALTH**

### POOLS AND SPAS

EH enforces state law that requires public pools and spas to operate in a healthy and safe manner. A public pool/spa is defined as serving more than one private residence.

EH's goal is to inspect each public pool/spa twice a year whether it is a year-round or seasonal pool/spa. The time to conduct two routine inspections (SC 002) and the report writing associated with that inspection (SC 009) is the base of the permit fee.

Facility-specific non-inspection time and program administration and development of the pool/spa program (SC 070 under General Recreational Health 3600 and some under General Environmental Health 4800) is distributed across the pool and spa facilities.

Unique pool/spa facilities are the large recreational parks which contain multiple swim areas, and these are designated their own PE- 3608, due to the considerably larger amount of time needed to conduct the inspections. Time spent conducting the routine inspections of that temporary food event are the base of the permit fee. This PE is also included in the distributed costs described in the previous paragraph.

### BEACHES

EH enforces state law that requires inspection of "public beaches". Contra Costa County has two such beaches, both operated by East Bay Regional Parks.

EH's goal is to inspect each public beach twice a year. The time to conduct two routine inspections (SC 002) and the report writing associated with that inspection (SC 009) is the base of the permit fee. Facility-specific non-inspection time and program administration and development of the mobile food facility (SC 070 under General Recreational Health 3600 and some under General Environmental Health 4800) is distributed across the pool and spa facilities.

xv. **HOUSING**

**JAILS**

EH conducts housing and food safety inspections at jails and detention facilities in the County per state law. State law requires inspection once a year. Specific inspection forms are provided by the state, and are the basis of the inspection.

The time to conduct one routine inspection (SC 002) and the report review and writing associated with that inspection (SC 009) is the base of the permit fee.

Facility-specific non-inspection time and program administration and development of the pool/spa program (SC 070 under General Retail Food 3600 and some under General Environmental Health 4800) is distributed across the jails/detention facilities.

xvi. **MEDICAL RELATED PROGRAMS**

The inspectors that conduct the medical related programs are housed within the solid waste team.<sup>127</sup> Two inspectors conduct the majority of the medical waste activities, each spending approximately 27% of their time on medical waste. The body art inspections are conducted by one inspector who spends approximately 25% of his time to this program.

Inspectors attribute time to certain division-wide activities such as training-trainee (SC 085), office maintenance (SC 576), emergency operations (SC 103), training-public (SC 086), official meeting (SC 082), training in-service (SC 084), and staff meeting (SC 081). In addition, each work day, the inspectors are expected to spend the first two hours of the day (typically, 7 AM to 9AM) in the office to be available for office visits, returning phone calls, and to conduct paperwork including recording the previous day's activities in the software system. This activity is captured as office activity (SC 077). For the three inspectors involved in either medical waste or body art programs, the inspector time for the division wide activities and office activity was distributed to medical waste and body art based on the percentages given above.

**MEDICAL WASTE**

EH regulates a number of different facilities where medical waste is either generated. EH conducts Inspections at medical waste generators in the County. State law prescribes that the frequency for large quantity generators (>200 lbs per year) be inspected annually. State law proscribes that the frequency for small generators (<200 lbs per year) with treatment on-site be inspected bi-annually. EH strives to inspect the small quantity generators (<200 lbs per month, no treatment on-site) once every three years. The time to conduct one routine inspection (SC 002) and the report review and writing associated with that inspection (SC 009) is the base of the permit fee. For small quantity generators with treatment onsite for which EH is only required to inspect bi-annually, the time it takes to conduct one inspection (SC 002 and 090) is divided by two and is the base time for development of the fee. For small quantity generators without treatment on-site which EH strives to inspect once every three years, the time it takes to conduct one inspection (SC 002 and 090) is divided by three and is the base time for development of the fee.

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<sup>127</sup> One inspector that conducts both food and recreational health is housed within the Land Use team as that inspector covers the food facilities and pools/spas in the unincorporated area. Approximately 20% of this inspector's overall time will be attributed to these programs.



Facility-specific time other than SC 002 and 090 and time needed for program administration and development of the medical waste program (SC 070 under General Medical Waste PE 4500 and some under General Environmental Health PE 4800) is distributed across the medical waste PEs proportional to the amount of time the inspection and report review/writing take-up of the total time needed for the inspections/report review/writing.

#### **BODY ART**

EH initiated its body art program on July 1, 2012, when the state law became effective. This limited time accounting data was used to develop the proposed fees. The base time for the body artist registration fee is derived from the time needed to review the application including Hepatitis A vaccination documentation or declaration and proof of completion of the Safe Body Arts training. The base time for the body arts facility permit fee is based on the sum of time needed to review application and the facility's operating procedures (SC 009), the time needed to conduct one yearly inspection (SC 002), and the report writing after the inspection (SC 009). The base time for the temporary event body arts facility permit fee is based on the sum of time needed to review application and the facility's operating procedures (SC 009), the time needed to conduct one yearly inspection (SC 002), and the report writing after the inspection (SC 009). The base time for a new body arts facility's plan review fee permit is based on the sum of time needed to review application and the facility's blueprints (SC 009), the time needed to conduct one inspection after construction is complete (SC 002), and the finalizing of the permit after the inspection (SC 009).

Facility-specific non-inspection time and program administration and development of the body art program (SC 070 under General Recreational Health 3600 and some under General Environmental Health 4800) is distributed proportionally across the body artist registrations and body art facility permits.

#### **xvii. SMALL WATER SYSTEMS**

Though a consumer protection program, the small water system is housed within the Land Use group, one inspector oversees the program which takes approximately 45% of his time. That inspector also conducts food facility and pool inspections in the unincorporated areas of the County, and land use activities including wells and septic systems. For this inspector, time for the division wide activities and office activity was distributed to each of the programs based on the percentages given in the above.

The EH small water system inspector conducts a number of activities on a yearly basis as part of the annual permit for each of the small water systems, this includes reviewing the permit (SC 465), recording a chemical sample (SC 309), recording a bacteriological sample (SC 308), providing technical assistance/consultation (SC 468), reviewing the water system (SC 464), report writing/review (SC 009), and conducting an annual inspection (SC 460) and sometimes a re-inspection/follow-up (SC 463). Depending upon the type of system, the state mandates the conduct of a sanitary survey of a small water system either annually, on a 3-year interval or a 5-year interval. Because the time needed to conduct these surveys is extensive, the basis of the fee is derived from looking at the time needed on an annual basis, over a three or five year period and then determining the average time needed annually to carry-out the permit oversight responsibilities.

The small water system inspector conducts a number of activities to run the program (PE 4600) including meetings with the state health department (SC 077), reviewing the voluminous chemical (SC 309) and bacteriological (SC 308) data that is submitted, completing the paperwork, responding to emails and telephone calls (SC 071), reviewing the files and responding to inquiries from other agencies and the public (SC 464). This time was distributed proportionally across the small water systems.



Periodically, EH receives a request from a small water system to do an activity not typically covered within the annual permit. There are requests for small water systems to change their owner. There are requests from small waster systems to change part of the water system, ie modify or add new equipment. For these activities, EH has separate fees that apply only to that activity. The fees were developed using data from the recent past when these activities had been requested.

## **B. EXPENSE PROJECTION PROCESS AND DEVELOPMENT OF HOURLY RATE**

As previously mentioned above, all field staff account for their time spent on facility inspections by using commercial software developed for the Environmental Health programs. Three years of inspection activity data was used in developing the proposed fees for the EH programs.

Projected operating expenses include staff salaries and benefits, services and supplies, and overhead costs. Assumptions were made to allow for additional staffing, and step increases for the established employees were factored in. Indirect costs including trainings, emergency operations, office meetings, returning phone calls, and completing paperwork were also included.

It was determined that each field staff works an average of 1629 productive hours per year. Based on the projected program expenses and total billable staff time, it was determined that an hourly rate of \$174 was necessary to sustain the Environmental Health programs.

PE Description		Current Number of Units in the system	Average Hours per Unit	Fee @ \$174/hr	Revenue @ \$174/hr
SNF 0-50 BEDS		9	6.59	1,147	10,323
SNF 51-100 BEDS		12	8.24	1,434	17,208
SNF 101-200 BEDS		10	9.89	1,720	17,200
GAC 0-100 BEDS		1	13.19	2,295	2,295
GAC 101-200 BEDS		1	14.83	2,581	2,581
GAC 201+ BEDS		1	16.48	2,868	2,868
GAC 0-100 BEDS 0-50 SEATS		1	18.13	3,155	3,155
GAC 101-200 BEDS 0-50 SEATS		1	23.07	4,015	4,015
GAC 101-200 BEDS 150+ SEATS		1	26.37	4,588	4,588
GAC 201+ BEDS 0-50 SEATS		1	28.02	4,875	4,875
GAC 201+ BEDS 150+ SEATS		2	31.31	5,448	10,896
1-20 FOOD STATIONS		9	2.53	440	3,962
<b>LICENSED HEALTH CARE FACILITIES (Retail Food)</b>		<b>53</b>	<b>0.00</b>		<b>\$83,966</b>
Wiping Rags		1	1.81	315	315
Farm Stand		4	2.50	435	1,740
Incidental Retail Markets		134	2.50	435	58,290
Retail Markets <2000 Sq Ft	Risk Category 1	515	3.98	693	356,648
Retail Markets 2001-4000 Sq Ft	Risk Category 1	240	4.48	780	187,085
Retail Markets 4001-6000 Sq Ft	Risk Category 1	30	4.89	851	25,535
Retail Markets >6000 Sq Ft	Risk Category 1	144	5.52	961	138,390
Tavern / Cocktail Lounge Bar		78	4.44	773	60,260
Restaurant 0-25 Seats	Risk Category 1	51	4.01	698	35,585
	Risk Category 2	542	5.97	1,039	563,019
	Risk Category 3	69	8.47	1,474	101,691
Restaurant 26-49 Seats	Risk Category 1	2	4.24	738	1,476
	Risk Category 2	451	6.66	1,100	496,100
	Risk Category 3	114	8.88	1,545	176,144
Restaurant 50-149 Seats	Risk Category 1	6	6.00	1,044	6,264
	Risk Category 2	184	6.61	1,150	211,626
	Risk Category 3	463	9.47	1,648	762,922
Restaurant 150+ Seats	Risk Category 2	13	6.24	1,086	14,115
	Risk Category 3	175	10.42	1,813	317,289
Snack Bar	Risk Category 1	74	3.68	640	47,360
Snack Bar	Risk Category 2	1	3.68	849	849
Catering	Risk Category 2	44	5.29	920	40,500
	Risk Category 3	13	5.70	992	12,893
School Cafeteria		228	4.50	783	178,524
Pushcarts 1- 4		7	0.92	160	1,120
Pushcarts 5 - 10		5	0.75	131	655
Pushcarts > 10		48	0.69	120	5,760
Retail Food Vehicles		111	2.59	454	50,394
Mobile Food Vehicles		101	3.66	637	64,321
Seasonal Ice Cream Vehicle		48	2.61	454	21,799
Vending Machines		9	1.25	218	1,962
Non Ag Vendor-Farmers Mkt (1-5 Booths)		13	2.40	418	5,429
Non Ag Vendor-Farmers Mrkt (6-10 Booths)		4	3.02	525	2,102
Non Ag Vendor-Farmers Mrkt (11+ Booths)		11	4.22	734	8,077
Bakery <2000 Sq Ft	Risk Category 1	118	5.50	569	67,142
Bakery <2000 Sq Ft	Risk Category 2	3	5.50	957	2,871
Bakery 2001-4000 Sq Ft	Risk Category 1	12	6.00	655	7,860
Bakery 2001-4000 Sq Ft	Risk Category 2	2	6.00	1,044	2,088

PE Description	Current Number of Units in the system	Average Hours per Unit	Fee @ \$174/hr	Revenue @ \$174/hr
Food Demonstrator	2	2.13	371	741
Commissary - supports at least one mobile vehicle	15	4.01	698	10,470
Contra Costa Fair	1	13.43	2,337	2,337
Certified Farmers Mkt 1-25 Booths Risk Category 2	29	3.00	522	15,138
Certified Farmers Mkt 26-45 Booths Risk Category 2	4	4.00	696	2,784
Certified Farmers Mkt >46 Booths Risk Category 2	5	5.00	870	4,350
<b>RETAIL FOOD FACILITIES</b>	<b>4235</b>	<b>0.00</b>		<b>\$4,072,018</b>
Jails	11	3.57	621	6,833
Court Holding	4	3.03	527	2,109
Detention Facilities	5	8.06	1,402	7,012
<b>JAILS / DETENTION FACILITIES (Retail Food)</b>	<b>20</b>	<b>0.00</b>		<b>\$15,954</b>
SWIMMING POOL	1047	4.20	730	764,310
SPA ONLY	17	3.63	631	10,727
ADDITIONAL SPA/POOL	462	1.50	261	120,582
PUBLIC SCHOOL/MUNICIPAL POOL	19	3.46	730	13,870
ADDITIONAL PUBLIC SCHOOL/MUNICIPAL POOL	7	2.68	261	1,827
SPLASH/SPRAY PARK	26	3.51	730	18,980
ADDT SPLASH/SPRAY	19	2.71	261	4,959
RECREATIONAL WATER PARK -ONE SYSTEM	1	7.26	1,263	1,263
ADDITIONAL WATER PARK POOL/SPA-(ONE SYSTEM)	3	3.63	631	1,893
<b>SWIMMING POOLS/SPAS- Recreational Health</b>	<b>1606</b>	<b>0.00</b>		<b>\$938,411</b>
CONV. SEPTIC SYSTEM CONSTRUCTION PERMIT	7	5.07	883	6,181
CONVENTIONAL REPLACEMENT	4	5.07	883	3,532
ALTERNATIVE SEPTIC SYSTEM CONSTRUCTION	6	7.24	1,260	7,560
SEPTIC SYSTEM REPAIR PERMIT	20	1.64	285	5,700
ALTERNATIVE REPLACEMENT	1	7.24	1,260	1,260
SEPTIC TANK ABANDONMENT PERMIT	76	2.28	396	30,096
SITE EVALUATION	7	2.87	499	3,493
SOIL PROFILE EVALUATION	26	2.87	499	12,974
PERCOLATION TEST - CONTRACTOR W/ STAFF REVIEW	12	2.87	499	5,988
INITIAL PLAN REVIEW APPLICATION	93	2.22	386	35,898
SEPTIC SYSTEM PUMPER VEHICLE	27	1.26	220	5,940
SEWAGE/LIQUID WASTE PUMPER COMPANY	23	3.88	675	15,525
PORTABLE TOILET PUMPER VEHICLE	43	1.26	220	9,460
<b>SEPTIC TANKS/ ALTERNATIVE SYSTEMS- LandUse</b>		<b>0.00</b>	<b>\$0</b>	<b>\$143,607</b>
SOIL BORING PERMIT (PER PARCEL)	422	3.09	537	226,614
INCLINOMETER PERMIT (PER PARCEL)	2	3.09	537	1,074
CPT PERMIT (PER PARCEL)	12	3.09	537	6,444
MONITORING WELL PERMIT	321	3.36	584	187,464
PIEZOMETER W/ CASING PERMIT	31	3.36	584	18,104
WELL DESTRUCTION PERMIT	469	2.07	360	168,840
DOMESTIC WELL CONSTRUCTION PERMIT	103	3.36	584	60,152
WELL VARIANCE	79	1.22	213	16,827
<b>WELLS- LandUse</b>		<b>0.00</b>		<b>\$685,519</b>
HEALTH CARE SERVICE PLAN	5	10.17	1,770	8,848
MED/DENT/VET CLINIC >200LBS/MO	14	5.30	922	12,911
MED/DENT/VET CLINIC < 200LBS/MO	1040	0.58	101	104,957
MED/DENT/VET CLINIC < 200LBS/MO W/ ON-SITE	2	1.41	245	491
MED/DENT/VET CLINIC >200LBS/MO W/ON-SITE	2	2.96	515	1,030
ACUTE CARE HOSP. 251+ BEDS	2	16.95	2,949	5,899
ACUTE CARE HOSP. 200-250 BEDS	2	13.98	2,433	4,865

PE Description	Current Number of Units in the system	Average Hours per Unit	Fee @ \$174/hr	Revenue @ \$174/hr
ACUTE CARE HOSP. 100-199 BEDS	4	11.09	1,930	7,719
ACUTE CARE HOSP. 1-99 BEDS	1	9.08	1,580	1,580
SKILLED NURSING FAC. >200 LBS/MO	4	5.09	886	3,543
SKILLED NURSING FAC. <200LBS/MO	29	1.23	214	6,207
CLINICAL LAB >200 LBS/MO	2	6.99	1,216	2,433
BIOMED PRODUCER W/ON-SITE >200 LBS/MO	1	7.92	1,378	1,378
SPECIALTY CLINICS	11	4.68	814	8,958
BIOMED PRODUCER >200 LBS/MONTH	2	6.73	1,171	2,342
BIOMED PROCUCER <200 LBS/MONTH	1	1.75	305	305
COMMON STORAGE FAC. 11-49 GENS.	1	1.92	334	334
COMMON STORAGE FAC. 2-10 GENS	1	1.83	318	318
LIMITED QUANTITY HAULER EXEMPT.	178	0.68	118	21,061
<b>MEDICAL WASTE- Solid Waste</b>	<b>1302</b>	<b>0.00</b>		<b>\$195,176</b>
NON COMMUNITY SURFACE WATER	3	8.00	1,392	4,176
NON COMMUNITY NON-TRANSIENT GROUND WATER	6	7.00	1,215	7,290
NON COMMUNITY NON TRANSIENT GRND WTR W/TRT	4	8.00	1,392	5,568
COMMUNITY WATER, GRND WTR. 15-24 CONNS.	9	8.00	1,392	12,528
COMMUNITY WATER, GRND WTR, W/TRT 15-24 CONNS	1	8.00	1,392	1,392
COMMUNITY WATER, GRND WTR, 25-99 CONNS.	16	8.00	1,392	22,272
COMMUNITY WATER, GRND WTR W/TRT 25-99 CONNS.	1	8.00	1,392	1,392
COMMUNITY WATER, GRND WTR, 100-199 CONNS.	4	10.00	1,740	6,960
LOCAL SMALL WATER SYSTEM	21	2.00	348	7,308
STATE SMALL WATER SYSTEM	13	3.00	522	6,786
NON COMMUNITY TRANSIENT GRND WATER	45	2.93	510	22,950
NON COMMUNITY TRANSIENT GRND WTR W/TRT SYS.	7	5.00	870	6,090
<b>SMALL WATER SYSTEM- Recreational Health</b>	<b>130</b>	<b>0.00</b>		<b>\$104,712</b>
FACILITY - TATTOO / BODY PIERCING	24	3.00	522	12,528
BODY ARTS PRACTITIONER REGISTRATION/PERMIT	39	0.75	131	5,090
BODY ARTS PLAN REVIEW (4 HOURS)	6	4.00	696	4,176
BLOODBORNE PATHOGEN TRAINER	1	1.11	193	193
<b>BODY ART/ TATTOO- Solid Waste</b>	<b>70</b>			<b>\$21,987</b>
<b>Totals:</b>				<b>\$6,261,350</b>

Monthly salary of a Health Inspector	7,488
Taxes/ benefits	<u>4,521</u>
Monthly S&B of a Health Inspector	12,009
Annual S&B of a Health Inspector	144,111
Total Annual S&B for 33 inspectors	4,755,660

Each inspector's productive hours	1629	
Each inspector's adjusted hourly rate	88.47	<b>Compared to total Inspectors' S&amp;B</b>
Sups/ clerical S&B	2,650,000	49.30
Service & Supplies	1,200,000	22.32
Indirect Cost	675,000	12.56
County Overhead	75,000	1.40
Hourly Rate	<u>\$174</u>	

### EH Projected Expenses for Fiscal Year

EH

Description	Solid Waste 5880	Medical Waste 5880	Waste Tire 5881	LandUse 5884	Recreational Health 5885	Retail Food 5886	Plan Review 5887	Total Programs
Salaries and Benefits	1,146,075	153,582	153,582	986,992	638,124	3,491,625	835,680	7,405,660
Services and Supplies	185,708	24,886	24,886	159,930	103,400	565,777	135,413	1,200,000
Indirect Administration	104,461	13,998	13,998	89,961	58,163	318,249	76,170	675,000
County Overhead	11,607	1,555	1,555	9,996	6,463	35,361	8,463	75,000
<b>Total</b>	<b>1,447,851</b>	<b>194,021</b>	<b>194,021</b>	<b>1,246,879</b>	<b>806,150</b>	<b>4,411,012</b>	<b>1,055,726</b>	<b>9,355,660</b>

### EH Projected Revenue for Fiscal Year

EH

Description	Solid Waste 5880	Medical Waste 5880	Waste Tire 5881	LandUse 5884	Recreational Health 5885	Retail Food 5886	Plan Review 5887	Total Programs
Fines & Penalties -9300	0		0	80,500	20,000	175,000		275,500
Intergovernmental Revenue-9500	25,000		194,021	0	0	0		219,021
Health Inspection Fees- 9600	1,051,987	195,176	0	829,126	1,043,123	4,171,938	750,000	8,041,349
<b>Total</b>	<b>1,076,987</b>	<b>195,176</b>	<b>194,021</b>	<b>909,626</b>	<b>1,063,123</b>	<b>4,346,938</b>	<b>750,000</b>	<b>8,535,870</b>

Over / under	(370,864)	1,155	0	(337,253)	256,973	(64,074)	(305,726)	(819,790)
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	Solid Waste 5880	Medical Waste 5880	Waste Tire 5881	LandUse 5884	Recreational Health 5885	Retail Food 5886	Plan Review 5887	Total Programs
Permit Billing	\$21,987	195,176		829,126	\$1,043,123	\$4,171,938		\$6,261,350
Non Permit Billing	1,055,000	0	194,021	80,500	20,000	175,000	750,000	2,274,521
<b>Total Revenue</b>	<b>1,076,987</b>	<b>195,176</b>	<b>194,021</b>	<b>909,626</b>	<b>1,063,123</b>	<b>4,346,938</b>	<b>750,000</b>	<b>8,535,871</b>

<b>Org. # Program</b>	<b>Permit Fees billed after the fees adjustment</b>
5880 -Solid Waste (Med Waste)	\$195,176
5880 -Solid Waste (Newly added programs)	\$21,987
<b>5885</b> -Pulic Pools/Spa	\$898,775
<b>5885</b> -Pulic Pools/Spa- newly added programs	\$39,636
<b>5885</b> -Small Water	\$104,712
5886 -Retail Food	\$3,977,460
5886 -Retail Food- newly added programs	\$194,478
<b>Annual Permit billings</b>	<b>\$5,432,224</b>
<b>Other permit billings (Non Annual)</b>	<b>\$829,126</b>
<b>Total Permit billings</b>	<b>\$6,261,350</b>