

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the matter of:

Blue Hills Disposal Facility
N.E., 1.4 Sec 3, T19S, R15E M.D.B.&M
9 miles NE of COALINGA, CA 93210
FRESNO COUNTY
EPA I.D. # CAT080010606

Name of Applicant:

Fresno County
2220 Tulare Street, 6th Floor
Fresno, CA 93721

Project Code:
100195-78

AGREEMENT FOR PROCESSING
APPLICATION FOR A HAZARDOUS
WASTE FACILITY POST CLOSURE
PERMIT

Health and Safety Code
Section 25205.7

The California Department of Toxic Substances Control (DTSC) and Fresno County (Applicant) enter into this Agreement for Processing Application for a Hazardous Waste Facility Post Closure Permit (Agreement) and agree as follows:

1. Jurisdiction and Purpose. This Agreement governs the application for a Hazardous Waste Facility Post Closure Permit submitted by Applicant to DTSC on March 10, 2017 (Application). Health and Safety Code section 25205.7 requires Applicant to (a) reimburse DTSC for its costs incurred in processing the Application; (b) make an advance payment to DTSC of at least 25% of DTSC's total estimated costs of processing the Application; and (c) reimburse DTSC for its costs incurred for the purposes of complying with the California Environmental Quality Act (CEQA). The Application is for the existing hazardous waste facility located at N.E., 1/4 Sec 3, T19S, R15E M.D.B.&M, 9 miles northeast of Coalinga, Fresno County, California (Facility). The Facility is owned by Fresno County and operated by Fresno County.

2. Billing and Payment.

2.1. Applicant agrees to pay DTSC for its costs incurred in processing the Application and its costs incurred for the purposes of complying with CEQA, including costs of preparing analysis and documentation required by CEQA. DTSC will provide Applicant with a billing statement at least quarterly. Applicant agrees to make payment within 30 days of receipt of DTSC's billing. Costs incurred include interest on unpaid amounts that are billed and outstanding more than 60 days from the date of the invoice as provided in Health and Safety Code section 25360.1.

2.2. DTSC's cost estimate for processing the Application is attached as Exhibit A and incorporated herein as part of the Agreement. Applicant understands that the amount in Exhibit A is only a cost estimate for the activities shown on Exhibit A and it may differ from the actual costs incurred by DTSC in processing the Application. DTSC may provide revised cost estimates to Applicant as the work progresses under this Agreement. Any revision to the Application after it is initially submitted to DTSC may require a new or revised cost estimate. The cost estimate in Exhibit A does not include costs that DTSC may incur in overseeing any required corrective action at the Facility.

2.3. No later than thirty days after the effective date of this Agreement, Applicant shall make an advance payment to DTSC in the amount of \$75,105 which represents 25% of DTSC's total estimated costs of processing the Application. The advance payment will be retained by DTSC and will be applied only to the final invoice for DTSC's costs of processing the Application. The final invoice will be issued to Applicant after DTSC makes its final decision on the Application. DTSC's final decision on the Application does not include any of DTSC's activities related to any permit appeal. DTSC shall refund the balance of the advance payment to Applicant within 30 days after DTSC applies the advance payment to the final invoice for DTSC's costs of processing the Application. It is expressly understood and agreed that DTSC will not begin or continue to process the Application until after DTSC receives the advance payment in the amount of \$75,105.

2.4. DTSC's billing statements shall be sent to Curtis Larkin, 2220 Tulare Street 6th Floor, Fresno, CA 93721. When a payment is made by check or money order, the check or money order shall be payable to the "Department of Toxic Substances Control"; reference DTSC's Project Code as shown on the first page of this Agreement and the name of the Facility; and be sent to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st Floor
P.O. Box 806
Sacramento, California 95812-0806

Payments can also be made with a credit card or Electronic Funds Transfer.

2.5. DTSC shall retain all cost records associated with the work performed under this Agreement as may be required by state law. DTSC will make all documents that support DTSC's cost determination available for inspection upon request in accordance with the Public Records Act, Government Code section 6250 et seq.

2.6. Any dispute concerning DTSC's costs incurred in processing the Application is subject to the dispute resolution procedure as established pursuant to Health and Safety Code section 25206.2(b)(2)(H) and (I). DTSC has provided a copy of the Permitting Cost Reimbursement Policy and Procedure to Applicant. DTSC reserves its right to recover unpaid costs under applicable state and federal laws.

3. Project Managers. The Project Managers for DTSC and Applicant during the term of this Agreement are:

Department of Toxic Substances Control:

Parampreet Bhatti
Hazardous Substances Engineer
Permitting Division
8800 Cal Center Drive
Sacramento, CA, 95826
Phone: (916) 255-6413
Email: Parampreet.Bhatti@dtsc.ca.gov

Fresno County:

John Thompson
Deputy Director
2220 Tulare St., 6th Floor
Fresno, CA, 93721
Phone: (559) 600-4259
Fax: (559) 600-4552
Email: JoThompson@co.fresno.ca.us

Each party may change its Project Manager with at least seven days prior written notice to the other party.

4. Reservation of Rights. DTSC reserves all of its authorities, rights, defenses and remedies under applicable law and regulations, including the authority and right to recover its costs incurred therefor; to discontinue processing the Application if Applicant fails to make any payment due under this Agreement; and to make permitting decisions according to applicable law and regulations. Applicant reserves all of its rights, defenses and remedies available to Applicant under applicable law and regulations.

5. Effective Date. The effective date of this Agreement is the date of signature by DTSC's authorized representative after this Agreement is first signed by Applicant's authorized representative. Except as otherwise specified, "days" means calendar days.

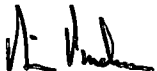
6. Parties Bound. This Agreement applies to and is binding, jointly and severally, upon Applicant and its agents, receivers, trustees, successors and assignees, and upon DTSC and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Agreement.

7. Representative Authority. Each undersigned representative of the party to this Agreement certifies that she or he is fully authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the party to this Agreement.

8. Counterparts. This Agreement may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

Agreed to by:

Fresno County


Signature

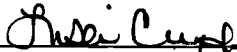
Date: September 26, 2017

Name: Brian Pacheco

Title: Chairman, Board of Supervisors

ATTEST:

BERNICE E. SEIDEL, Clerk
Board of Supervisors

By 
Deputy

Department of Toxic Substances Control

Signature

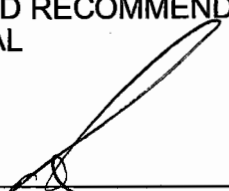
Date: _____

Name: _____

Title: _____

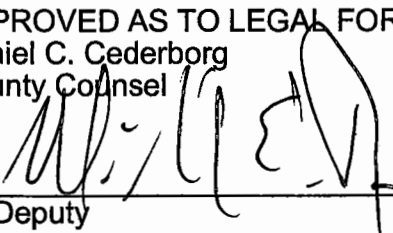
1
2 REVIEWED AND RECOMMENDED
3 FOR APPROVAL

ATTEST:
Bernice E. Seidel, Clerk
Board of Supervisors

4 By: 
5 Steven E. White, Director
6 Department of Public Works and
7 Planning

By See Attestation on page 4
Deputy

8 APPROVED AS TO LEGAL FORM
9 Daniel C. Cederborg
10 County Counsel

11 By: 
Deputy

12
13 APPROVED AS TO ACCOUNTING
14 FORM
15 Oscar J. Garcia C.P.A
Auditor-Controller/ Treasurer-Tax
Collector

16 By: 
17 Deputy

18 FOR ACCOUNTING USE ONLY
19 Fund: 0001
20 Subclass: 10000
21 Org. No: 43601250
22 Account: 7295
23
24
25
26
27
28

SITE: 100195 FACILITY: BIG BLUE HILLS PESTICIDE CONT. DISPOSAL PERMIT: POST-CLOSURE RENEWAL PERMIT, CLOSED WASTE IN PLACE PROJECT MANAGER: PARAMPREET BHATTI DATE: 05/24/2017																			
EXHIBIT A Department of Toxic Substances Control PERMITTING APPLICATION PROCESSING COST ESTIMATE ¹																			
	Project Manager	Cost Estimating Engineer	Supervisor	Branch Chief	Engineering Special Projects Unit	Enforcement	Corrective Action Specialist	Geologic Services Unit	Human and Ecological Risk Office	Industrial Hygienist	Public Participation	Office of Legal Counsel	Office of Planning and Environmenati Assessment	Financial Assurance Unit	Clerical	Travel	Contracts/ Other Expenses	Total Hours	Cost
Estimation Rates	\$214	\$251	\$264	\$278	\$214	\$167	\$214	\$215	\$197	\$167	\$131	\$235	\$165	\$131	\$80				
TASK 1: INITIAL COMPLETENESS REVIEW (ADMINISTRATIVE COMPLETENESS)																			
HOURS	15.5		2								12				6			35.5	\$ 6,171
SUBTOTAL ESTIMATED COST	\$3,317		\$528								\$1,572				\$480		\$274		
TASK 2: TECHNICAL REVIEW OF PERMIT APPLICATION																			
2A: TECHNICAL REVIEW THRU ISSUANCE OF 1ST NOD																			
HOURS	302		20		65	48		70		2		10			4			521	\$ 110,304
SUBTOTAL ESTIMATED COST	\$64,628		\$5,280		\$13,910	\$8,016		\$15,050		\$334		\$2,350			\$320	\$416			
2B: REVIEW OF 1ST NOD RESPONSE AND ISSUANCE OF 2ND NOD OR TECHNICAL COMPLETE DETERMINATION																			
HOURS	72	25	2		23	50		16						8	2			198	\$ 40,131
SUBTOTAL ESTIMATED COST	\$15,408	\$6,275	\$528		\$4,922	\$8,350		\$3,440						\$1,048	\$160				
2C: REVIEW OF RESPONSE TO 2ND NOD AND ISSUANCE OF 3RD NOD OR TECHNICAL COMPLETE DETERMINATION																			
HOURS																			
SUBTOTAL ESTIMATED COST																			\$ -
2D: REVIEW OF RESPONSE TO 3RD NOD AND ISSUANCE OF TECH COMPLETE DETERMINATION																			
HOURS																			
SUBTOTAL ESTIMATED COST																			\$ -
TASK 3: DRAFT PERMIT DECISION																			
SUBTOTAL HOURS	52		22	4	5	16		5	5		10	30			4			153	\$ 32,530
SUBTOTAL ESTIMATED COST	\$11,128		\$5,808	\$1,112	\$1,070	\$2,672		\$1,075	\$985		\$1,310	\$7,050			\$320				
TASK 4: CEQA COMPLIANCE																			
SUBTOTAL HOURS	13		2					2	3		9	4	14		3			50	\$ 9,000
SUBTOTAL ESTIMATED COST	\$2,782		\$528					\$430	\$591		\$1,179	\$940	\$2,310		\$240				
TASK 5: PUBLIC PARTICIPATION																			
SUBTOTAL HOURS	60		35	12	1	12		33	1		97	11	1		66			329	\$ 60,625
SUBTOTAL ESTIMATED COST	\$12,840		\$9,240	\$3,336	\$214	\$2,004		\$7,095	\$197		\$12,707	\$2,585	\$165		\$5,280	\$510	\$4,452		
TASK 6: FINAL PERMIT																			
SUBTOTAL HOURS	21		4	6	2	1		2			20	5			18			79	\$ 14,348
SUBTOTAL ESTIMATED COST	\$4,494		\$1,056	\$1,668	\$428	\$167		\$430			\$2,620	\$1,175			\$1,440		\$870		
TASK 7: PROJECT MANAGEMENT																			
HOURS	128																	128	\$ 27,311
ESTIMATED COST	\$27,311																		
TOTAL ESTIMATED PERMIT PROCESSING COST																			\$ 300,419
1. See attached Task Descripton and Cost Assumptions for a description of the type of work included for each task and assumptions used to generate the costs.																			
2. Additional costs may be incurred depending upon the quality of the application received and the facility responsiveness to NODs.																			

EXHIBIT A Department of Toxic Substances Control TASK DESCRIPTION AND COST ASSUMPTIONS			
TASK		TASK DESCRIPTION	COST ASSUMPTIONS
TASK 1: INITIAL COMPLETENESS REVIEW (ADMINISTRATIVE COMPLETENESS)		Review Permit Application for Administrative Completeness. Assess whether the submitted application contains the elements required to be considered Administratively Complete. Includes all activities performed during this phase, including preparation of correspondence, processing of the Disclosure Statement, etc.	Application is administratively incomplete when submitted to DTSC for review. Additional time/cost included for 2nd administrative review.
TASK 2: TECHNICAL REVIEW OF PERMIT APPLICATION	2A: TECHNICAL REVIEW THRU ISSUANCE OF 1ST NOD	Assess whether the application meets statutory and regulatory requirements, and prepare written comments in the form of Notice(s) of Deficiency, if needed. This task may include, but is not limited to: review of application, coordination with other government agencies, document management, meetings , preparation of documentation, meetings/ coordination, closure cost estimate review, financial assurance mechanism review, Compliance History Report, tank certification review, environmental monitoring program review, assessment of need for corrective action, meeting to discuss comments/ Notices of Deficiency, and other activities.	Application follows regulatory and statutory requirements, is well written, provides clear understanding of all processes/operations through the facility, and conforms to DTSC guidance.
	2B: REVIEW OF 1ST NOD RESPONSE AND ISSUANCE OF 2ND NOD OR TECHNICAL COMPLETE DETERMINATION	Meet with facility discuss 1st NOD. Review submittal provided in response to 1st NOD, prepare written comments, if needed. Prepare 2nd NOD.	Response to 1st NOD adequately addresses all deficiencies identified. No additional NODs required.
	2C: REVIEW OF RESPONSE TO 2ND NOD AND ISSUANCE OF 3RD NOD OR TECHNICAL COMPLETE DETERMINATION	Conference call or meeting at DTSC office to discuss 2nd NOD. Review submittal provided in response to 2nd NOD and prepare written comments, if needed.	No second NOD anticipated.
	2D: REVIEW OF RESPONSE TO 3RD NOD AND ISSUANCE OF TECH COMPLETE DETERMINATION	Conference call or meeting at DTSC office to discuss 3rd NOD. Review submittal provided in response to 2nd NOD and prepare Technical Completeness Determination or Notification of Permit Denial, as appropriate.	No third NOD or subsequent NOD anticipated
TASK 3: DRAFT PERMIT DECISION		Prepare draft permit, internal reviews, prepare associated documents required for public notice (e.g., statement of basis, fact sheet, etc.).	Changes to the draft permit will not require an additional round of public notice and comment.
TASK 4: CEQA COMPLIANCE		Prepare and/or review necessary CEQA documents. Respond to public comments regarding the CEQA documents.	No significant impact expected. Preliminary review suggests Notice of Exemption on the basis of no changes and the facility remains in remediation condition. Should the remedy selection change, additional review may be required.
TASK 5: PUBLIC PARTICIPATION		Conduct Public Participation activities throughout the project, including, not limited to community survey(s), information repository setup and maintenance, public notices, community updates, public meetings and/or hearings, translation services, documentation of activities, and responding to public comments.	One public hearing. No significant community interest is anticipated and minimal comments are expected. No lodging will be required.
TASK 6: FINAL PERMIT		Activities necessary after the public comment period concludes, including preparation and issuance of the permit, Notice of Decision, response to comments, Statement of Basis, and associated correspondence.	Minimal to no comments and no appeal of the final permit decision.
TASK 7: PROJECT MANAGEMENT		Project Management activities include planning, scheduling, budgeting, monitoring of charges, coordinating project activities, maintaining project files, verifying invoices, other activities necessary to process the permit application not covered by tasks above.	10% of total hours.