



June 23, 2005

Yvonne Sanchez, CUPA Manager
Department of Toxic Substances Control
Imperial County Environmental Health Department
939 West Main Street, Suite B7
El Centro, California 92243

RE: Imperial County CUPA

Dear Ms. Sanchez:

COLAB Imperial County is an organization comprised of close to two hundred local businesses dedicated to improving the business environment of our surrounding area through the united efforts of local leaders in the industries of labor, agriculture and business. We are concerned with the proposed fee structure presented by Department of Toxic Substance Control staff, Roger Vintze and Kalim Butt at a June 21, 2005 meeting with the agricultural community.

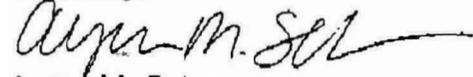
One of our concerns is that the proposed, initial fee structure and therefore the initial expense of opening the enforcement office burdens the very people who have been complying for the past years of somewhat lax enforcement. For example, the Cal/Arp program element fee of \$3,258 is based on only ten existing permittees, when it is readily apparent that there are many more entities in need of the permit. If the expense was split by the true number of permittees that fee could be greatly decreased, instead of asking the small group that has followed the rules to carry the rest of the group until they get permitted. When this was stated at the meeting DTSC staff attitude was that that was life, instead of trying to find a solution to the issue. Further, they were very unclear as to how they were going to permit the entities that were not currently permitted, which would bring about an extremely inequitable system.

We also feel that the proposed permit fees when compared to other areas are *extremely* high. In the chart presented to us by DTSC staff the Cal/Arp program element fee was *seven times* that of San Diego or Riverside. That puts us at an unfair disadvantage when we deal with highly competitive industries. DTSC staff stated that the chart did not take into account all of the fees that were "added on" in those other areas, however they could not provide that information, leaving us without enough information to completely cover this point.

Finally, the proposed flat fee is unfair for the same reasons as stated above, but also because permittees in programs in need of minimal oversight and therefore less fees, are being charged the same amount as those that are in need of more oversight. We feel that the flat fee, if there has to be one at all, should be charged proportionally to the program that the permittee falls under and parallel the required resources.

Please take our concerns into account when evaluating the proposed CUPA fee structure for the Imperial County. We would be glad to provide assistance in any capacity that you may need to see the CUPA be a success for both the department and the community. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ayrton M. Schoneman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ayrton M. Schoneman
Executive Director