

**CHATHAM COUNTY CODE, CHAPTER 21, ARTICLE X, 21-1000
PAYMENT OF REGISTRATION FEE BY FACILITIES WITH HAZARDOUS SUBSTANCES**

§21-1001 Intent of Ordinance. Payment of Registration Fee by Facilities with Hazardous Substances.

1. The intent of this Ordinance is to require the payment of a registration fee by facilities using over 10,000 pounds of hazardous substances for the reasonable cost of the HazMat Team for promoting the health, safety and welfare of the public, pursuant to O.C.G.A. §48-13-9.
2. An additional intent is to require registration, but no fee by facilities using hazardous substances under 10,000 pounds.

§21-1002 Definitions. The following words or terms as used herein shall have the same meaning and definition as set forth now, or as hereafter amended, in the referred to sections of the Official Code of Georgia Annotated (O.C.G.A.) and in federal law:

1. “Hazardous Substance” - O.C.G.A. §12-14-1 (4) and/or Title III, §302-312 of the Superfund Amendments and Reauthorization Act, (SARA III) known as the Emergency Planning and Community Right-To-Know Act.
2. “Facility” - 40 C.F.R. 302.3.
3. “Person” - O.C.G.A. §12-14-1(6) or 40 C.F.R. 302.3.
4. “HazMat Team” - Specifically qualified and designated members of the Savannah Fire Department, as well as the Chatham Emergency Management Agency Hazardous Materials Analyst.
5. “Critical Facility” - any structure or facility, public or private, which is vital to the County and imperative to protect prior to, during, or after an emergency. (Amended November 20, 1998)

§21-1003 Hazardous Substances Registration. Every person and every facility required to report annually to the Georgia Emergency Response Commission and the Chatham County Local Emergency Planning Committee in compliance with §312 Superfund Amendments and Reauthorization Act (SARA III) shall register with Chatham County through the Inspections Department no later than May 1st of each year. Such registration shall be done by the Chatham Emergency Management Agency Hazardous Materials Analyst, shall be valid for 12 months from the date of registration and shall be maintained permanently at the site of the facility.

§21-1004 Registration Fees. Registration fees shall be assessed on the basis of the combined average daily amounts of all hazardous substances as reported for the previous calendar years to the Georgia Emergency Response Commission and the Chatham County Local Emergency Planning Committee. Fee rates shall be based on the following scale:

The Combined Average Daily Amounts of all Hazardous Substances Reported under SARA Title III, Section 312	Chatham County Hazardous Materials Registration Fee
1 pound to 9,999 pounds	No Registration Fee Registration Still Required
10,000 pounds to 99,999 pounds	\$1,100.00
100,000 pounds to 999,999 pounds	\$2,200.00
1,000,000 pounds or greater	\$3,700.00

By April 1st of each year following the adoption of this Ordinance, fees may be adjusted to reflect actual costs of regulation.

The failure of any person to register or to pay the hazardous substance fee by not later than May 1st of each year shall result in the requirement of payment of the original fee due plus a 25% delinquency fee increase of the amount which would have been due if timely paid, said delinquency fee amount not to exceed \$1,000. Failure to pay timely the registration fee or delinquency fee shall be enforceable in the Recorder’s Court of Chatham County. (Amended July 01, 2011)

§21-1005 Inspections. The HazMat Team shall perform inspections in accordance with the rules and regulations under §312 Superfund Amendments and Reauthorization Act (SARA III), or upon the request of a registered facility.

§21-1006 Exemptions. The following are exempted from provisions and requirements of this Ordinance:

1. Persons and facilities whose only hazardous substances subject to the reporting requirements cited above in compliance with §312 Superfund Amendments and Reauthorization Act (SARA III) are petroleum products (e.g. gasoline, diesel or oil) held only for retail sale to the general public.
2. Units, divisions, agencies, authorities, commissions of local, state or federal governments.

3. A critical facility which stores petroleum products (e.g. gasoline, diesel or oil) for use during an emergency. Only the petroleum products used for emergency operations will be considered for exemption. (Amended November 20, 1998)
4. A business which is regulated by the Georgia Public Safety Commission. (Amended November 20, 1998)

§21-1007 Federal and State Law. Nothing contained herein shall be construed in any way to abrogate, modify or change any provision or requirement outlined in The Federal Emergency Planning and Community Right to Know Act, 42 U.S.C. §11001 et. seq., 40 C.F.R. §355.20, 40 C.F.R. §302, 40 C.F.R. §355.40, the Clean Water Act, 33 U.S.C. 1251 et seq., 40 C.F.R. 110.1, the provisions of O.C.G.A. §12-14-1 et seq. or any other general law in force or hereinafter enacted in the State of Georgia.

§21-1008 Effective Date. This Ordinance shall take effect and be in force on and after March 22, 1996.

NOTES: The “Payment of Registration Fee by Facilities with Hazardous Substances” ordinance was adopted on February 23, 1996, and amended on November 20, 1998 and again on July 01, 2011.

When it was added to the code book it was erroneously added as a continuation of Article VIII and numbered §21-809 through §21-816. On August 28, 2008, the ordinance was separated from Article VIII and Article X was created. The change is purely editorial.