

AN ORDINANCE 72267

ESTABLISHING AN APPLICATION/PERMIT FEE FOR FACILITIES THAT USE HAZARDOUS MATERIALS AND A RESPONSE FEE BASED ON MATERIALS AND MAN-HOURS REQUIRED AT THE SCENE OF AN ACCIDENT.

WHEREAS, the Superfund Amendments and Reauthorization Act (SARA), passed in 1986, requires each state to establish an emergency response commission, emergency planning districts, and local emergency planning committees; and Title III of this act requires all entities that use, store, transport, manufacture, generate, dispose of or sell hazardous materials to file a list of such materials with both the state Department of Health, the recently created local Emergency Planning Committee; and the San Antonio Fire Department (SAFD) has agreed to be the Alamo Area Council of Governments' regional repository of such records; and

WHEREAS, the Texas Hazard Communication Act, effective September 1, 1989, was passed to assure accessibility to information regarding hazardous chemicals by employee, emergency service organizations, and the general public, and requires each employer to provide a copy of the workplace chemical list to the fire chief; and

WHEREAS, twenty seven (27) SAFD personnel, as first responders to hazardous materials (HAZMAT) incidents, are required to take at least eight (8) hours of training per year, with command personnel taking 24 hours and HAZMAT technicians taking 40 hours of training per year; and

WHEREAS, the San Antonio Fire Department (SAFD) serves as the information repository of the SARA Title III Emergency Planning and Community Right-to-know Act, and must develop a hazardous materials response team and maintain records of such materials located in the city; and

WHEREAS, this SARA required activity will have to be near self-sufficient, and a fee structure is necessary to defray the costs of training the twenty five member SAFD emergency responses team to respond to chemical spills and other hazardous materials accidents; and

WHEREAS, an ordinance is needed to require these entities to apply for city permits and pay city permit fees needed to train the SAFD based Hazardous Materials Response Team, and to create a hazardous materials response fee to recoup the cost of such services from the entity which caused the hazard; and

WHEREAS, the projected HAZMAT expenditures for fiscal year

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

9-13-90

ORD.#:
72267

SECTION 1. An annual permit fee for calendar year 1991 and every subsequent calendar year is hereby imposed on every person or corporation that owns, operates, or acts as the agent for any business location where one or more hazardous materials are used, stored, transported, manufactured, generated, disposed or sold within the City of San Antonio, in the amounts and for the types of businesses or activities and for the quantities of chemical listed in the attached "Table I".

SECTION 2. Where more than one location is used by the same person, corporation or entity, a separate service fee shall be paid for each location within the City of San Antonio.

SECTION 3. The annual permit fees listed in "Table I" shall be applied based upon the maximum quantity of a hazardous material present at any one time during the preceding year.

SECTION 4. The annual permit is required for each location used by the permittee, and a change of ownership of the location where the chemicals are stored, manufactured, generated, disposed of or sold shall not be cause for a new permit, nor shall the change of ownership of the business or entity handling the chemicals be cause for a new permit if notice of such change of ownership is provided to the San Antonio Fire Chief with ninety (90) days.

SECTION 5. A "hazardous materials response fee" shall be paid to the SAFD by the person, corporation, or entity which created the hazard or which owned the materials or chemicals, and said fee shall be determined by the time required at the scene of the hazardous incident at the rate of \$400.00 for any time up to four hours duration, and an additional \$25.00 per hour for any time over four hours, except that each service station engaged in retail sales of fuel shall pay a flat fee of one-hundred fifty dollars (\$150.00) per location. The hourly rate over four hours shall be counted in 15 minute increments at the beginning of each increment.

SECTION 6. The annual permit fees shall be due and payable on January 1 of each year, beginning January 1, 1991, and shall become delinquent on March 1 of the same year. Payment shall be by cash, money order, or check made payable to the City of San Antonio, and payable at the City of San Antonio, Treasury Division, at 506 Dolorosa Street or by addressing the payment to the City at P.O. Box 839966, San Antonio, Texas 78283-3966.

SECTION 7. A 1% late penalty shall attach on the first day of March following the January 1st due date, and on the first day of each month thereafter; and shall be collected and process in the same manner as if they were part of the service fee said

9-13-90 Page 3 of 4 Pages
ORD# 72267

penalty may be partially or wholly waived by the City Treasurer only if the delinquent payment is documented as not due to the error, oversight, or intent of the permittee.

SECTION 8. Annual hazardous materials permits shall be issued for each location operated or maintained by the permittee, and the permittee shall post said permit in a conspicuous place at each such location.

SECTION 9. Natural persons who use, store, transport, generate or dispose of hazardous materials in household consumer quantities for personal, non-commercial purposes are specifically excluded from compliance with the provisions of this Ordinance.

PASSED AND APPROVED this 13th day of September 1990.

Lila Cockell
M A Y O R

ATTEST: *Anna J. Rodriguez*
City Clerk

APPROVED AS TO FORM: *[Signature]*
City Attorney

90-40

ORD# 72267

HAZ-MAT Revenue Projections

TABLE I
Reporting Ranges

Weight Range In Pounds

CODE	FROM	TO	FEE
00	0	under 100	\$ 0
01	101	999	\$ 25
02	1000	9999	\$ 100
03	10,000	99,999	\$ 250
04	100,000	999,999	\$ 500
05	1,000,000	9,999,999	\$ 1,000
06	10,000,000	49,999,999	\$ 1,500
07	50,000,000	99,999,999	\$ 2,000
08	100,000,000	499,999,999	\$ 2,500