

## CHAPTER 13: HAZARDOUS MATERIALS\*

\***Cross reference(s)**--Director of hazardous waste division of department of public safety, § [2-227\(c\)](#); fire prevention code, § [6-113](#) et seq.; fire prevention and protection generally, [Ch. 10](#); health, [Ch. 14](#).

### Sec. 13-1. Purpose.

(a) It is the intent of this chapter to develop a database of information concerning the location and disposal of hazardous materials in the county. This database will be used to protect all emergency personnel from injury or death occurring from an explosion or fire because of unknown dangerous materials present.

(b) It is further intended to use this database to protect the natural environment through the monitoring of use and disposal of hazardous materials within the county.

(c) It is further intended to locate and identify those businesses that should report extremely hazardous substances under SARA Title III, in order to form site plans and assure compliance.

(Ord. 002-95HR, § I, 1-3-95)

### Sec. 13-2. Scope.

(a) This chapter shall apply to all materials which are highly flammable, or which may react to cause fires or explosions, or which by their presence create or augment a fire or explosion hazard, or which because of the toxicity, flammability, or liability of explosion render fire fighting, rescue or public safety operations abnormally dangerous or difficult, or create a threat to public health, safety or the environment.

This chapter shall also apply to flammable or combustible liquids which are chemically unstable and which may spontaneously form explosive compounds, or undergo evolution of heat to be a fire hazard. Hazardous materials shall include such materials as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive materials, poisonous gases, and hazardous materials known or suspected of chronic toxicity, as defined in this chapter. However, this chapter shall not include heating fuels, lubricating oils, hydraulic oils, lubricating greases or compressed gases for residential use.

(b) The storing, handling, and dispensing of materials covered by this chapter shall be conducted pursuant to the requirements of any and all applicable state and federal codes, and the most current edition of the various standard codes that have been adopted by the county council relating to building, fire prevention, gas, mechanical and plumbing.

(c) A current material safety data sheet for all hazardous materials inventory stored, handled, or used on a premises shall be made available to emergency personnel and a copy shall be located near the entrance to the premise and immediately available.

(d) This chapter recognizes that transporters of hazardous materials must comply with all United States Department of Transportation regulations, such hazardous materials regulations governing both interstate and intrastate activities.

(Ord. 002-95HR, § I, 1-3-95; Ord. 039-02HR, § I, 7-23-02)

**Sec. 13-3. Jurisdiction.**

The provisions of this chapter shall apply to all lands within the jurisdiction of the county and within the jurisdiction of those municipalities which, by written agreement executed, contract to have these provisions administered within their corporate limits.

(Ord. 002-95HR, § I, 1-3-95)

**Sec. 13-4. Definitions.**

(a) For the purposes of this chapter, the following definitions as identified by the United Nations' classification system shall apply:

Class 1 Explosives.

Division 1.1 Explosives with a mass explosion hazard.

Division 1.2 Explosives with a projection hazard.

Division 1.3 Explosives with predominantly a fire hazard.

Division 1.4 Explosives with no significant blast hazard.

Division 1.5 Very insensitive explosives.

Class 2 Gases.

Division 2.1 Flammable gases (can be ignited very easily).

Division 2.2 Nonflammable gases.

Division 2.3 Poison gases (Any gas of such nature that a small amount of the gas, when mixed with air, is dangerous to life).

Class 3 Flammable liquids.

Division 3.1 Flashpoint below minus 18oC (0oF).

Division 3.2 Flashpoint minus 18oC and above but less than 23oC (73oF).

Division 3.3 Flashpoint of 23oC and up 61oC (141oF).

Class 4 Flammable solids; spontaneously combustible materials; and, materials dangerous when wet.

Division 4.1 Flammable solids (A solid substance, other than one classified as an explosive, which is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from manufacturing or processing.).

Division 4.2 Spontaneously combustible materials.

Division 4.3 Materials that are dangerous when wet.

Class 5 Oxidizers and organic peroxides.

Division 5.1 Oxidizers (evolve oxygen either spontaneously or with mild heating).

Division 5.2 Organic peroxides.

Class 6 Poisonous and etiologic (infectious) materials.

Division 6.1 Poison A: A liquid so toxic that an extremely small amount of the vapor formed by the liquid is dangerous to life.

Poison B: Less toxic liquids and solids that are hazardous either by contact with the body (skin absorption) or by ingestion.

Poison C: Liquids or solids that evolve toxic or strongly irritating fumes when heated or when exposed to air.

Division 6.2 Etiological (infectious) materials.

Class 7 Radioactive materials.

Any material or combination of materials that spontaneously emits ionizing radiation.

Class 8 Corrosives.

Any acids, alkaline caustic liquids, and other corrosive liquids which when in contact with living tissue, will cause severe damage of such tissue by chemical action; in case of leakage will materially damage or destroy other containers of other hazardous

commodities by chemical action and cause the release of their contents; or are liable to cause fire when in contact with organic matter or with certain materials.

(b) Extremely hazardous substances are those substances designated as such by the Administrator of the United States Environmental Protection Agency.

(c) For the purpose of registration, the following Registration Categories are hereby established and defined:

Category A: Includes any facility which uses, produces or stores any amount of extremely hazardous substance(s) as defined by Section 304 of the Emergency Planning and Community Right-to-Know Act of 1986 (SARA TITLE III); and meets or exceeds the Reportable Quantities under the Extremely Hazardous Substances list, or under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 list.

Category B: Includes any facility which produces hazardous chemical(s) and/or stores hazardous chemical(s) for wholesale and/or any facility which uses hazardous chemicals as defined in Sec. 13-4(a) of this chapter and meets or exceeds quantities listed in Sec. 13-4(e) of this chapter.

Category C: Includes any facility which handles or stores any hazardous chemical(s) as defined in Sec. 13-4(a) of this chapter and meets or exceeds quantities listed in Sec. 13-4(e) of this chapter for retail sale to the general public.

(d) For the purpose of registration, the term "hazardous chemicals" does not include:

1. Any food, food additive, color additive, drug or cosmetic regulated by the Food and Drug Administration.
2. Any substance to the extent it is used for personal, family or household purposes.
3. This chapter shall not apply to farmers, provided, their storing, handling, and use of hazardous materials is for farming purposes only.
4. Any substance to the extent it is used by a food service facility in the preparation of such food for human consumption.
5. Any substance to the extent it is stored and used by the facility for janitorial and housekeeping purposes only.
6. Any substance to the extent it is used in a medical research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.

7. Any substance which meets the definition of Other Regulated Material-Domestic (ORM-D) due to its form, quantity, or packaging, while maintained in that form, quantity or packaging.

(e) A registration shall be required for the use, handling, production, and/or storage of any quantity of hazardous chemicals as defined under Sec. 13-4(a) of this chapter, which meets or exceeds the below-listed amounts.

NOTE: A registration shall also be required for these facilities which adhere to Sec. 13-4(a) of this chapter:

<u>Division</u>	<u>Amount</u>
Class 1	1.1 Any
	1.2 Any
	1.3 Any
	1.4 Any
	1.5 Any
Class 2	2.1 200 lbs
	2.2 None
	2.3 Any
Class 3	3.1 55 gals
	3.2 110 gals
	3.3 110 gals
Class 4	4.1 10 lbs
	4.2 10 lbs
	4.3 10 lbs
Class 5	5.1 200 lbs
	5.2 10 lbs
Class 6	6.1 Any

6.2 Any

Class 7 Any

Class 8 55 gals

(Ord. 002-95HR, § I, 1-3-95)

**Sec. 13-5. Registration and fees required.**

(a) A fee shall be paid for initial registration pursuant to this ordinance. An annual renewal fee shall be paid by January 1st of each year. Only one registration is required per facility per year. Fee schedule is as follows:

<u>Initial Registration</u>	<u>Renewal Registration</u>
Category A - \$300.00	\$250.00
Category B - \$200.00	\$150.00
Category C - \$100.00	\$ 75.00

(b) No registration shall be valid after the last day of the year in which it was issued.

(c) Government agencies are not exempted from the fees nor from compliance.

(d) Registrations are nontransferable.

(e) Facilities registering under Category A, as defined in Sec. 13-4(c) of this ordinance may report inventories under the requirements and provisions of the Emergency Planning and Community Right-to-Know Act (SARA TITLE III).

(f) Facilities registering Class 7, Radioactive Materials, as defined in Sec. 13-4 of this ordinance, may submit a copy of the most recent Department of Health and Environmental Control (DHEC), Bureau of Radiological Health inventory file.

(g) Any person, firm, or corporation applying for a permit to store, handle, and/or use hazardous chemicals as required by Sec. 13-4 shall make application to the Hazardous Materials Division of the Emergency Services Department of the County on such forms as the deputy director of hazardous materials shall supply. Each applicant shall be required to furnish information concerning his business, including but not limited to the following: A Hazardous Materials Inventory Statement and a Hazardous Materials Management Plan as defined in either Appendix C, Standard Fire Prevention Code/1991 and/or Tier II, Hazardous Chemical Inventory Facility information as required by the State of South Carolina.

(Ord. 002-95HR, § I, 1-3-95)

**Sec. 13-6. Official's right of entry.**

(a) The appropriate official designated by the county or a duly authorized fire official may at all reasonable times request access to any building whether completed or under construction, or to any property for the purpose of making an inspection or investigation to enforce any of the provisions of this ordinance, or to establish a pre-fire plan and, if denied, and a belief exists as to probable cause that hazardous materials are present, then such official shall obtain a search warrant to allow inspection of the premises.

(b) If an emergency appears to exist, the county may petition for a court order enjoining the owner or occupant of the premises from conducting business or storing product in question.

(c) No person, owner, or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the appropriate official designated by the county, or a duly authorized agent, for the purpose of inspections or pre-fire planning pursuant to this ordinance. Any person violating this section shall be guilty of a misdemeanor and, upon conviction, sentenced a two hundred dollar (\$200.00) fine and/or thirty (30) days in jail for each offense.

(Ord. 002-95HR, § I, 1-3-95)

**Sec. 13-7. Sampling permitted.**

The appropriate official may verify the contents or labeling of any chemical container by taking a sample for analysis if the holder or owner of a chemical container is unable to identify or substantiate the contents through the production of trade-accepted manifests and/or acceptable documentation.

(Ord. 002-95HR, § I, 1-3-95)

**Sec. 13-8. Vehicle inspection.**

No materials shall be transported in any vehicle which has physical, mechanical or electrical defects which could cause or contribute to fire, explosion, spillage or release or which is improperly placarded, as provided in the United States Department of Transportation Regulation. The appropriate official designated by the county or any county law enforcement officer shall have the authority to inspect a vehicle transporting materials for such defects or violations and shall prohibit a defective vehicle or improperly placarded vehicle from transporting materials on roads and highways within the county.

(Ord. 002-95HR, § I, 1-3-95)

**Sec. 13-9. Disposal.**

Disposal of materials shall be by methods meeting all requirements of local, state and federal law. Upon registration of hazardous materials, a list of materials for disposal, method of disposal, and location of disposal shall be supplied. Chemicals or chemical waste which are not produced within the county shall not be disposed of within the county.

(Ord. 002-95HR, § I, 1-3-95)

**Sec. 13-10. Reimbursement.**

In the event of a spill or release of any hazardous materials, as defined by this ordinance, which would require Richland County to commit its resources, the party or parties responsible for such spill or release shall pay all costs incurred by Richland County or supporting agencies including all legal fees, in its efforts to mitigate any risks to life, property and/or the environment caused by such a spill or release. The Richland County director of emergency services or his designee or an authorized fire official shall have the sole authority to commit Richland County's hazardous materials resources.

(Ord. 002-95HR, § I, 1-3-95)

**Sec. 13-11. Enforcement and administration.**

All fees collected shall be turned in to the county treasurer and credited to the county's general fund.

(Ord. 002-95HR, § I, 1-3-95)

**Sec. 13-12. Notices and orders.**

Whenever the Richland County fire marshal or a duly authorized agent or authorized fire official finds in any building or upon any premises dangerous or hazardous conditions or materials, there shall be issued such notice or orders to remove or remedy the conditions as may be necessary for the protection of life and property from fire and smoke or explosion.

(Ord. 002-95HR, § I, 1-3-95)

**Sec. 13-13. Violations and penalties.**

(a) Any person operating or maintaining any occupancy, premise or vehicle subject to this chapter, who violates any of the provisions of this chapter shall be guilty of a misdemeanor.

(b) Any person failing to register material(s) or pay registration/renewal fee covered by this ordinance is in violation of the ordinance and is subject to the penalties and fees as previously outlined in Section 13-13(a).

(c) Appointed hazardous materials investigators shall have the authority to enforce all the provisions of this ordinance and shall issue summons to violators of any provisions to appear in the magistrate's court of the county to answer to the charge of violation of the appropriate section of this ordinance.

(d) Appointed hazardous materials investigators may use Form S-438 when issuing citations.

(Ord. 002-95HR, § I, 1-3-95; Ord. 039-02HR, § II, 7-23-02)

**Sec. 13-14. Revisions.**

This ordinance intends to provide regulations consistent with nationally recognized practices for the reasonable protection of life and property from the hazards of fire and explosion due to storage, use or handling of hazardous materials, substances and devices, and to minimize hazards to life and property due to fire and panic. The director of emergency services will be responsible for providing council with recommendations for changes and/or revisions to this ordinance every three years or as recognized practices change.

(Ord. 002-95HR, § I, 1-3-95)

**Sec. 13-15. Fire risk analysis and planning.**

Facilities subject to the requirements of this ordinance shall assist local fire departments in preplanning objectives. Upon request, the owner or operator of the facility shall provide information to the local fire department for the development and implementation of emergency plans. The local fire chief may at reasonable and mutually acceptable times request access to any building, or to any property for the purpose of fire risk analysis and planning and, if denied, then shall make a written request the Richland County fire marshal.

(Ord. 002-95HR, § I, 1-3-95)