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The Financial Impact of a Cost Recovery Ordinance for
Hazardous Materials Incidents

Kevin M. Wells

Forsyth County Fire Department, Cumming, Georgia

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CERTIFICATION STATEMENT

I hereby certify that this paper constitutes my own product, that where language of other is set forth, quotation marks so indicate, and that appropriate credit is given where I have used the language, ideas, expressions or writings of another.

Signed: _____

Abstract

The Forsyth County Fire Department's funding of the hazardous materials team has not met the financial obligations of a federally granted Type II Hazardous Materials Response Team. Over the years this lack of funding has caused the hazardous materials team to be \$212,000 out of compliance with its federal and state grant obligations. The purpose of this research is to identify the financial impact of a cost recovery ordinance for the Forsyth County Fire Department's Hazardous Materials Response Team. The descriptive research will answer any legality questions of Forsyth County's ability to charge for hazardous materials response, the financial impact on other departments that currently bill, and the estimated revenue for Forsyth County Fire Department, in addition the research will determine whether the monies collected would be allowed to be reallocated to the hazardous materials team's budget.

The research for this project included performing a literature review, conducting personal interviews and analyzing data from Forsyth County Fire Department's incident software of hazardous materials calls. The results indicated the need for a cost recovery ordinance for the Forsyth County Fire Department's hazardous Materials Response Team.

Recommendations were made to the Forsyth County Board of Commissioners and the Forsyth County Fire Department to pass and implement a cost recovery ordinance for hazardous materials responses.

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Cost Recovery Ordinance

For Hazardous Materials Incidents

The service of responding to and mitigating Hazard Materials (HM) incidents gratuitously for the responsible party has not only been a tradition in the fire service but also in Forsyth County. With the recent decline in the economy, charging for this service is now necessary. According to International Association of Firefighters (2009), the economic crisis in the United States has affected fire department budgets. This has resulted in the fire service looking for ways to reduce cost and generate alternative funding to continue the same level of service that their constituents currently expect. The problem for the Forsyth County Fire Department (FCFD) is that the funding of the Hazardous Materials Response Team (HMRT) is inadequate to meet the financial obligations of a federally granted Type II HMRT.

The purpose of the research is to identify the financial impact of a Forsyth County Cost Recovery Ordinance for HMRT response to incidents. Descriptive research was conducted to answer the following questions: (a) What are the legal implications of a cost recovery ordinance for HMRT response? (b) What has been the financial impact on fire departments that have a cost recovery ordinance for HMRT response? (c) What would be

the estimated revenue from a hazardous materials team cost recovery ordinance? (d) Would the revenue generated be permitted to be reallocated back to the HMRT?

Background and Significance

Forsyth County is a northeastern suburb of metro Atlanta. The county is 240 square miles with 168,060 residents (United States Census Bureau, 2008). Forsyth County was ranked number six in the nation as one of the fastest growing counties in the United States with a one year increase of 6.3% in population (Tharpe and Pickel, 2009). Forsyth County's current population is expected to grow from 168,060 to over 200,000 during the next 5 years.

FCFD has 152 employees and operates out of 12 stations and a department headquarters (Forsyth County Fire Department, 2008). The FCFD provides fire protection, fire prevention, rescue, and advanced and basic life support. In addition, FCFD operates a Special Operations Division that provides the following services: dive team, technical rescue, wild land, swift water rescue, honor guard and a HMRT (Forsyth County Fire Department). All of these services are provided free of charge.

One of the major issues with a record increase in population growth has been the increased call volume for FDFC. According to FCFD (2008), the department responded to 9816 calls in the

year 2006, 10,513 in 2007 and 11,075 in 2008 (Appendix A). This was a 9.4% increase in responses for 2008. While FCFD has seen a continuing increase in call volume, the department has been required to reduce the operating budget. The FCFD budget was reduced by 12% from \$16,231,385 in 2008 to \$14,840,467 in 2009 (Forsyth County Fire Department, 2009). Those reductions coupled with the increased call volume have caused a negative impact on the FCFD in all areas. The special operations division was heavily impacted by these reductions.

The HMRT, which is the most costly of the special operations division, has lost significant county funding, including a HMRT new response vehicle (Forsyth County Fire Department, 2009). The HMRT continued to respond to incidents with out of service equipment, not enough technicians and according to Bob Kaley (personal communication August 10, 2009), lead driver of the HMRT, a response vehicle that is most likely unable to pass a Department of Transportation inspection.

The outcome of FDFC not having a cost recovery ordinance program implemented would include restriction in the ability of FCFD to charge responsible parties for reimbursement for the cost of incident responses. The absence of a cost recovery ordinance and the reduction in budget places FCFD in a dangerous

and liable position of being under-equipped, under-staffed and under-trained in specialized techniques.

Budget issues have placed the FCFD out of compliance with the federal government and the Georgia Emergency Management Agency. According to Georgia Emergency Management Agency (2003), recipients must maintain and replace equipment as damage, theft, etc. occurs for the life expectancy of the item. A large portion of FCFD's HM equipment had been purchased with these grants.

The FCFD continues to respond to HM incidents as a Type II HMRT (Appendix B) as more of its equipment goes out of service without replacement or repair. The situation, if not rectified could cause FCFD to lose its Type II HMRT designation. This would mean a loss of future grants, having to return equipment received from grants and replacing or reimbursing for grant equipment that is not in operation (L. Morris, personal communication, September 17, 2009). The HMRT has had to start relying on mutual aid from Alpharetta Fire Department and their HMRT. This is due to lack of working equipment and enough properly trained technicians to meet Type II HMRT requirements. FCFD had run five HM calls in the 2009 as of May 31 and called for mutual aid on 40% of those calls (Forsyth County Fire Department, 2009).

The FCFD proposed budget of 2010 included \$212,000 to comply with the grant obligations. As of August 1, 2009, this was cut to \$30,000 in the latest budget scenario (Forsyth County Fire Department, 2009) with a potential of the final budget favoring additional reductions. The cost recovery ordinance will work towards solving additional financial shortfalls that the HMRT needs to address. This would include funds for specialized training, new equipment and a new response vehicle that would decrease response times and increase HMRT effectiveness.

The FCFD 2009 budget cut included the loss of a new HMRT response vehicle (Forsyth County Fire Department, 2009). This vehicle would have replaced a donated 1987 International truck, which lacks numerous current safety requirements, such as shoulder belts, and runs at a top speed of 35 mile per hour (B. Kaley, personal communication, August 10, 2009). This has directly impacted the FCFD's ability to meet the United States Fire Administration's (USFA) operational objective, "to appropriately respond in a timely manner to emergent issues" (National Fire Academy, 2008).

This descriptive research will examine and challenge the county position of not charging for any incident responses. This research will provide the Forsyth County Board of

Commissioners the needed data to approve a cost recovery ordinance for the FCFD to collect for HM responses. The Homeland Security Grant Program (HSGP) states, grantees should be using these funds to implement the 2006 State Strategic Plan for Terrorism and All-Hazards Preparedness, including goals and objectives, and any respective Urban Area Security Strategies (Georgia Emergency Management Agency, 2007). The ordinance is a need for FCFD to continue to receive these grants and meet the goals and objectives set forth in the requirements of the grants.

This project relates to the National Fire Academy's Executive Fire Officer Program's course *Executive Development* through its approach to leading and managing change (Federal Emergency Management Agency, 2006).

Literature Review

Historically, fire departments have generated their revenue from tax collections. However, with the recent decline in the economy, tax collections have been reduced and more fire departments are in financial hardship. This literature review examined the feasibility for cost recovery efforts to recoup cost associated with services rendered by the HMRT of Forsyth County. This was achieved and large amounts of information about cost recovery, alternative funding and user fees were

obtained by this review. The findings of others research on the subject of cost recovery influenced the need for this project.

The tax base is not enough alone to fund fire departments today (Coleman, 1991). This has been compounded by the recent economic downturn. The under-funding of the fire service has not only affected the general public who depends on fire department services, but also administrators and fire firefighters. According to International Association of Fire Fighters (2009), "Fire fighters have had to give up pay raises, pay more for health care and other benefits while they have had to still face station closures."

One of the many problems with taxation is the perception of those people who feel they are paying more than their fair share of taxes. Some members of the general public that have never called 911 feel they are unfairly paying for a service they do not use. Taxation is an attempt to equally distribute cost to the people (Bradner, 2006). Taxation does not differentiate between users or non-users of a service. The misconceptions that tax revenue is sufficient to pay for all of a jurisdiction's services must be overcome (O'Neil, 1990). People do not like to pay more in taxes to fund a service they have never used. This mind set has fueled an exodus to parts of the south, like Forsyth County, GA. They move to areas with lower

taxation rates, but they are typically unaware that they are receiving fewer services. According to Forsyth County (2008), the property tax millage rate was 5.60. This is the lowest in all of metro Atlanta (Appendix C). The per capita cost of total fire department expenditures in the United States for 2006 was \$167.11 in jurisdictions of 100,000 to 249,000 people (International City/County Management Association, 2007). The average pre capita cost for all population sizes was \$149.01 in 2006 that was an increase from \$131.45 in 2005 (International City/County Management Association). The cost for fire service in Forsyth County, GA is currently \$88.30 per capita, or \$78.81 below jurisdictions with the same population. This lack of spending has caused FCFD to be out of compliance with numerous national standards.

An example of a standard that FCFD does not meet is The National Fire Protection Association's (NFPA) Standard 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by a Career Fire Department*. Most of the major requirements come from the staffing and response section. According to NFPA (2001) the response time requirements for fire incidents are no more than one minute for turnout time, which is from the time the fire company receives the alarm until the

apparatus leaves the station. The standard requires no more than four minute response time for the first arriving company and an eight-minute response for the full alarm assignment to arrive on scene. Response times are calculated from the time the apparatus leaves the fire station to the time it arrives on scene. The standard also requires a minimum of four people on each engine, ladder and quint company.

After the United States was attacked by terrorist on September 11, 2001, the public has come to realize that the fire service is the first line of defense against a terrorist attack (Austin, 2002). The HMRT is one of the main components of this defense. The HMRTs are the ones who carry the equipment to detect and contain most chemical or biological attacks that might be carried out by a terrorist. The FCFD HMRT is obligated to assist the other Atlanta area response efforts. In the new post September 11th era the fire department should have budget increases instead of budget cuts. The funding cuts for the nation's fire service have come just as we need more, not less money (Austin). The impacts of budget pressures have been especially complex for the fire service. Budget pressure comes at a time when there are increasing concerns for firefighter safety and an increasing array of other services provided by

departments such as HMRTs and Technical Rescues Teams (Federal Emergency Management Agency, 1999).

The increased demand on departments across the country has forced some to consider passing fees on to the user when tax revenue is not adequate (Coleman, 1991). The best method for shifting cost of some services away from tax revenue is cost recovery (Dahms, 1992). One of the cost recovery methods Dahms identified was to charge for HM incident responses. Cost recovery is defined as the reimbursement of the cost associated with an incident response. The public perception does exist that charging a fee to the user of a service does promote equality within a community (Bradner, 2006). One example of this method is the waivers of school property taxes for the elderly. According to Anderson (2000) "user fees are typically politically acceptable. It makes sense that those that who use the service should pay for it. Conversely, those who don't use the service support the user fee because this, in theory, reduces the general taxes or frees up resources for other programs."

HM responses have been expensive and most departments don't have enough budgeted to properly fund their HMRTs. Departments could expend well over \$100,000 for a large HM spill or release. Not recovering these costs could cripple a department and its

HMRT. The State of Minnesota has found ways for their jurisdictions to recover the cost of HM incidents. This includes charging the responsible party for the incident. When the responsible party cannot be identified or is unable to reimburse the jurisdiction, the U.S. Environmental Protection Agency, The Minnesota Pollution Control Agency or the Minnesota Department of Agriculture can reimburse the jurisdiction to recover the cost (Lee, Haberman, and Read, 1991).

Fire departments abide by a federal law that gives them the ability to collect for hazardous material responses. If collection is unobtainable, the department can seek reimbursement from the federal government. The Environmental Protection Agency established legal means for departments to charge for hazardous materials responses when in 1980 the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA) was enacted. Section 9607. Liability, of the United States Code states:

Covered persons; scope; recoverable costs and damages; interest rate; 'comparable maturity' date notwithstanding any other provision or rule of law, and section:

1. the owner and operator of a vessel or a facility,

2. any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,
3. any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility or incineration vessel owned or operated by another party or entity and containing such hazardous substances, and
4. any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities, incineration vessels or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for -
 - (a) all costs of removal or remedial action incurred by the United States Government or a State or an Indian tribe not inconsistent with the national contingency plan;

- (b) any other necessary costs of response incurred by any other person consistent with the national contingency plan;
- (c) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release; and
- (d) the costs of any health assessment or health effects study carried out under section 9604(i) of this title (CERCLA - Sec. 9604. Response Authorities) of this title.

The amounts recoverable in an action under this section shall include interest on the amounts recoverable under subparagraphs (United States Code, 2007).

According to Mitrano (2003) many fire departments across the county have cost recovery ordinances for HM incidents. The lack of having the ability to charge the responsible party affects the department's eligibility for federal reimbursement. A department must have tried to collect from the responsible party before seeking reimbursement for equipment and materials used on an incident response.

This literature helps us gain an understanding of why the FDFC's HRMT continues to be under-funded. The funding of the

entire FCFD is below the national average. The legal grounds for the recovery ordinance were sustained. Past literature gave a good base for further research on the cost recovery ordinance for FCFD's HMRT incident response.

Procedures

Research for this project was conducted at numerous locations. The research began with a literature review at the National Fire Academy's (NFA) Learning Resource Center (LRC) in April 2009. The review was conducted using keyword searches of: Cost Recovery, User Fees, Hazardous Materials, Alternative Funding, Cost Recovery Laws and Regulations, Per Capita Fire Department Cost, Fire Department Standards and Population Estimates. This search resulted with articles, countless Executive Fire Officer research papers, trade journals, and books that were relevant to the project. Further literary review was conducted at the City of Huntsville, AL and the University of Alabama at Huntsville libraries.

The literature review was continued via the Internet utilizing multiple search engines with the same search keywords as at the NFA. These searches were productive in gaining more information on the topic. The searches included locating federal and state laws pertaining to HM cost recovery. The

Clayton County ordinance was also discovered via the Internet search.

The second part of the research involved personal interviews with multiple fire service officers and cost recovery subject matter experts. These interviews produced information that answered the following questions:

- Does your department charge for HMRT responses?
- How many calls has your HMRT responded to in 2006, 2007, 2008 and 2009 through May 31?
- How much has your department billed for each of these years?
- How much has your department actually collected for these responses?

Chief Tim Whitham of Johnson Creek, Wisconsin was the interviewed on July 19, 2009. He was asked these questions about HM cost recovery in his jurisdiction. He stated that the HMRT is a joint county HMRT. He was not involved in the billing or collections but was able to answer most of questions.

Clayton County's headquarters was contacted in the beginning of August 2009. Captain Slip was designated as a point of contact for the HMRT cost recovery information. Captain Slip was interviewed by phone on August 5, 2009 and was able to

answer all the above questions. However, Clayton County only had their ordinance in effect as of May, 2007.

The local office of Fire Recovery USA, Inc. was contacted and a meeting was scheduled to take place on May 11, 2009 at FCFD Station 14. The meeting included Tami Nolting and Ron Nolting of Fire Recovery USA, Inc. Lieutenant Gary, the FCFD HMRT Coordinator was also in attendance at the meeting. The meeting was not able to produce exact call data. Mrs. Nolting was able to produce a national average of monies collected and rate of collection.

Phone calls and emails were also made to Assistant Chief McCabe with Winter Park, FL, EMS Chief Huff of Miramar FL, Fire Chief Summerville of Kernersville, NC, Captain Schaffer of Gwinnett County GA, EMA Director Putnam of Whitfield County, GA, EMA Director Payne of Bartow County, GA, and EMA Director Cooper of Gordon County, GA. The interviewees did not collect for HM, did not have a collection policy or did not have access to collection data.

Multiple interviews were conducted with Lieutenant Gary, the FCFD HMRT Coordinator. Information on the status of the HMRT, budget shortfalls of the HMRT, and compliance with grant issues for FCFD was produced. A copy of a proposed FCFD cost recovery ordinance was introduced for research (Appendix G).

Lieutenant Gary provided the estimated amounts of equipment and materials used for the HMRT calls from January 1, 2006 through May 31. Lieutenant Gary also provided information on private HMRT cost versus FCFD HMRT cost.

An interview in July 2009 was conducted with Forsyth County Emergency Management Coordinator at the Forsyth County Emergency Operations Center. The purpose for the interview was to verify federal grant responsibilities and Forsyth County's adherence to those requirements. Copies of grants from 2003 and 2007 were produced along with requirements for the different Types of HMRTs (Appendix B). Mrs. Morris also provided contacts for other departments in the area that might have cost recovery for HM responses.

Multiple interviews were contacted with FCFD Fire Chief Bowman. The first interview was conducted upon the researcher's return to Forsyth County from the NFA in May 2009. This interview was to explain the project that was about to be conducted and receive permission to contact other members of Forsyth County government. Permission was also granted for contact of other departments in Georgia. Following interviews were conducted to discuss information that was gathered and other information the fire chief thought would be necessary to

gain approval from the Forsyth County Board of Commissioners for the HM ordinance.

FIREHOUSE Software 7.3 was used to retrieve all calls that had a HM release reported in the National Fire Incident Reporting System (NFIRS). The search included calls from January 1, 2006 to May 31, 2009. These calls were printed out and organized by year. The apparatus on scene times were separated by type of vehicle, and a cost for each vehicle was assigned in accordance with the Clayton County Ordinance for HM Cost Recovery (Appendix D). A cost for Tankers had to be added due to Clayton County not having a charge for that type of vehicle.

FCCFD's NFIRS reports did not record equipment and materials used on incident responses. Due to this Lieutenant Gary was used as a subject matter expert to assist with the estimated cost of equipment and materials for each incident from January 1, 2006 through May 31, 2009. The estimation process was based on the incident narratives from the incident reports.

The research was limited by FCCFD's recording of apparatus times in to the NFIRS. Apparatus arrival and departure times proved to be inaccurately reported in NIFRS. Each apparatus actual on scene times were not recorded in the reports. All

responding apparatus times were documented as if they were the first arriving apparatus.

The research was also limited by the lack of precise data from some departments that collect for HM response. General information was gathered on the subject but specific information, like number of HMRT calls in a year and amount collected, was not accessible. This was also true with the recovery company's information. They were not able to break out HMRT responses for individual departments. The recovery company was only able to provide an average amount collected and an average rate of recovery.

This same problem was common in the interviews of officers from departments that collect for a number of services. These departments that had billed for HMRT response also collect for other services, like motor vehicle accidents and EMS calls. These departments either did not have a break down by type of responses they were billing for or they hired private companies to do the collections for the services.

Definition of Terms

CERCLA	Comprehensive Emergency Response, Compensation and Liability Act
Exposure	A non-protected object or person

FCFD	Forsyth County Fire Department
HM	Hazardous Materials
HMRT	Hazardous Materials Response Team
HSGP	Homeland Security Grant Program
LRC	Learning Resource Center
Millage	Type of Property Tax
Mitigate	To make less severe
NFA	National Fire Academy
NFIRS	National Fire Incident Response System
NFPA	National Fire Protection Association
Quint	A fire truck that is a combination of an engine and a ladder truck
TYPE II	A designation for HMRTs
USFA	United States Fire Administration

Results

Through the culmination of in-depth descriptive research this researcher was able to answer all research questions. The legality of a cost recovery ordinance for HM incident response has been proven legal under state and federal regulations and laws. Federal Code, CERCLA Section 9607, not only makes charging the responsible party legal but also provides for jurisdictions the ability for reimbursement from the federal government for cost of equipment and materials used on a response if

reimbursement was uncollectible (United States Code, 2007). Georgia laws providing legal bases for jurisdictions to charge were found in state codes O.C.G.A. § 12-5-500 Cost of Oil Spill Response and O.C.G.A. § 12-8-140 Mitigating Effect of Hazardous Materials Discharge. Jurisdictions have used these statutes in Georgia as legal ground for their cost recovery ordinances. Clayton County Ordinance NO. 2207-77 (Appendix D), the HM cost recovery ordinance, references these two statutes as legal bases for charging for these incident responses (Clayton County, 2007).

According to Captain Slip, of Clayton County Fire Department, (personal communications August 5, 2009) Clayton County, GA has billed for ten calls since December, 2007 for a total of \$56,960.02. As of July 31, 2009 they have collected \$23,524.98. Three of these calls were written off due to Clayton County being the responsible party or the fire chief's discretion due to a private resident's inability to pay (C. Slip, personal communication, August 5, 2009). Captain Slip (2009) stated, "We hope to collect on three calls that are in the final stage of collection in the near future".

Chief Whitham (personal communication July 8, 2009) Fire Chief of Johnson Creek, Wisconsin Fire Department explained that his department was part of a joint HMRT for Jefferson County, Wisconsin. Chief Whitham stated that the county did charge for

HMRT response. The Johnson County HMRT averages a collection of \$25,000 a year with a collection rate of 100% on those charges.

According to Tami Nolting, Fire Recovery USA, Inc., (personal communication, May 11, 2009) the financial impact on departments nationwide that they have done collections have had an average billing of \$30,000 per calendar year with a 90% success rate in collections for HMRT response. This is the highest collection rate of all response types that they collect (Nolting).

The data collected from these interviews were used to estimate the amount of money Forsyth County could expect to recoup if a cost recovery ordinance were in effect. The average of 90% for collection was used for apparatus time billed however 100% used for the collection rate of equipment and materials due to the reimbursement from the federal government per CERCLA Section 9607.

Forsyth County's estimated revenue collected for years 2006, 2007, 2008 through May 31, 2009 would have been \$153,472.28. Forsyth County would have billed for an estimated total of \$164,249.20 in these years. Charges of apparatus times on scenes by vehicle types using the Clayton County HM Cost Ordinance (Appendix D) were calculated and estimated to total \$107,769.20. This charge was reduced by 10% using the national average collection rate of HM incidents when the total revenue

was estimated. The equipment and materials usage charges were estimated to total \$56,480. A 100% collection rate for equipment and materials was used due to the ability to be reimbursed by the federal government under CERCLA Section 9607 for all equipment and materials not collectable. These results are listed in Table 1.

Table 1

Estimated Billed & Total Amounts Collected

<u>Year</u>	<u>Calls</u>	<u>Apparatus Billed</u>	<u>Equipment Billed</u>	<u>Uncollectable Amount</u>	<u>Total</u>
2006	15	\$ 20,628.20	\$ 7,700.00	\$ 2,062.80	\$ 9,762.80
2007	18	\$ 39,064.50	\$ 20,430.00	\$ 3,906.45	\$ 24,336.45
2008	14	\$ 31,151.50	\$ 6,200.00	\$ 3,115.15	\$ 9,315.15
2009	5	\$ 16,925.00	\$ 22,150.00	\$ 1,692.50	\$ 23,842.50
<u>Total</u>	<u>52</u>	<u>\$ 107,769.20</u>	<u>\$ 56,480.00</u>	<u>\$ 10,776.90</u>	<u>\$ 153,472.30</u>

The collection in Forsyth County is feasible; however there is a movement in the United States by insurance companies and groups like AccidentResponseFees.Com to pass state laws to end the practice of fire departments charging fees for incident responses. These groups have had much success in passing these laws, including in the state of Georgia. However, collection for HM response has not been a target of these laws. Georgia law

SB 348 (Appendix E) signed on May 16, 2008 by Governor Sonny Perdue (Accident Response Fees .com, n.d.) does not illegalize the collection of fees for HMRT response. These laws are intended to end the practice of charging for motor vehicle collisions.

According to Chief Bowman, Chief of Forsyth County Fire Department (personal communication August 24, 2009) the source of funds for the FCFD budget is different than most fire departments. FCFD is a millage (Appendix F) based fire department versus a general fund. FCFD's budget is based on a set 1.765 millage rate tax assessment (Forsyth County Fire Department, 2009). The Forsyth County Board of Commissioners does not allocate FCFD's budget from the general fund. The chief of the department, however, does have to maintain a balance budget based on an estimated amount of monies from tax collection. This style of a millage-based budget does affect how funds can be distributed back to the FDFC and its divisions (D. Bowman, personal communication, August 24, 2009). With tax collections being the funding mechanism of the FCFD, the fire department administration is required to consistently balance revenue versus expenditures. Special budget line item adjustments have to be made to make the revenue and expenditures equal out at the end of each budget cycle. The collection of

monies from a cost recovery ordinance would affect the amount of funds spent compared to collected from tax.

The precedent was set by the collection of funds by a division within the FCFD. The FCFD Fire Marshall's Office has charged for reviewing plans of future construction in the county. The funds collected from this service were included in the Fire Marshall's budget. The line item in the budget for the Fire Marshall's inspection division does not have a dollar amount allocated from tax collection (D. Bowman, personal communication, August 24, 2009). It is an open box in the line item of the budget that is filled as funds are collected. With the passage of a cost recovery ordinance, a line item with an open box would be included in future budgets for the HMRT.

Discussion

A review of the literature and research supported the need for Forsyth County to implement a cost recovery ordinance for HMRT response. The topic of alternative funding for the fire service is not a new topic. This was evident in the LRC subject search of "Alternative Funding". This research revealed many Executive Fire Officer Program papers and articles on the subject; however, the specific subject of HM cost recovery had not been extensively researched as a stand-alone subject. The research on HM response cost recovery has revealed that

departments across the United States are already collecting for HM response and have been very successful (T. Nolting, personal communication May 11, 2009). The research done by this project made it apparent that a cost recovery ordinance for HMRT response is viable for the FCFD.

This research has concluded that the FCFD operates on less revenue than the average fire department across the United States. The data provided by International City/County Management Association (2007) provided an average per capita cost for fire services at \$167.11 for communities of similar size as Forsyth County, GA. The FCFD is 53% below the national average with a per capita cost of \$88.30. The Forsyth County Board of Commissioners has resisted the need to raise taxes (Reddy, 2009), and Forsyth County (2008) had the lowest taxes in metro Atlanta (Appendix C). This makes it a must for FCFD to look for other sources of funding to help fund the HMRT and the department in general.

The revenue generated by charging the responsible party for the response will have a positive impact on the county, department, HMRT, homeowners and industry. Forsyth County would continue to benefit from having the expertise of a Type II HMRT ready to respond to any HM incident that could threaten lives and property of Forsyth County residents and businesses. FCFD

would be able to reallocate funds that currently go to trying to become compliant with grant obligations to other under-funded areas of the department. Homeowners will no longer have the burden of funding an expensive service that is used mostly by the industry of the county. The reallocation of money from the HMRT could go to fund services that would benefit the citizens of Forsyth County.

Industry will continue to benefit from having a Type II HMRT in the county ready to respond to mitigate HM incidents and lessen the impact on surrounding exposures. This would save industry money on the clean up cost and fines for the impact on the environment. The loss of a Type II HMRT in the county would raise the cost industry would incur from an incident.

All members of Forsyth County cannot afford to lose the benefit of having a Type II HMRT in the county ready to respond in a moment's notice. The cost on the environment and the possible loss of life if a HM incident were not controlled in a short period of time could be horrific and the cost the responsible party could incur from this type of tragedy would be staggering.

The HMRT cannot continue to run out of compliance and under budgeted. If GEMA were to audit FCFD, the HMRT could be reduced to a Type III or Type IV HMRT (Appendix B). This would cause

FCCFD to have to return equipment received in grants and replace all grant equipment and materials that are missing or out of service (L. Morris, personal communication, September 11, 2009). This would negatively impact FCCFD with the return of the equipment and \$212,000 they would have to produce for replacement of grant items that are out of service. High hazard type industry might reconsider locating to Forsyth County or expanding their current operations in the county without the support of an appropriate HRMT. Additionally, the costs associated with a private HMRT response are more expensive than that of FDFC. A HMRT incident on April 13, 2009 for a HM release in the south end of the county would have cost the responsible party \$30,137.50 if the cost recovery ordinance was in place at the time of the incident. The same incident without a Type II HMRT in the county would have cost the responsible party in excess of \$150,000 not including the damage to the building, surrounding businesses, the environment, and general public (B. Gary personal communication, August 11, 2009). A charge of \$30,137.50 to replace equipment and materials used and time on scene is reasonable compared to the alternative monetary cost and negative public relations of contaminating the surrounding environment.

The federal grants have benefited the HMRT immensely in operations and capabilities. The grants that have provided this equipment also have been a burden for FCFD with its current funding mechanisms. The FCFD budget has not kept the HMRT in compliance with the requirements of the grants. Without the new cost recovery ordinance, the HMRT will only become further out of compliance.

A review of all state and federal laws allow for the charging of HM responses. A local ordinance is the only barrier to allowing the FCFD to begin charging for HM responses. The FCFD would have a great benefit from the collection of fees for HM response. If the collections began immediately, it would not bring the department back in to compliance but would help with the deficit and would reduce or eliminate the continued loss of money each year from responses. The monies that would go toward HMRT compliance could then be reallocated toward appropriate services in the FCFD budget. This ordinance would also provide the ability to request reimbursement from the federal government under CERCLA Section 9607 for equipment and materials used when collections are uncollectible.

Recommendations

Based on the literature reviewed, original research and data analysis, the results could solve a budgetary problem of funding a Type II HMRT. Metro Atlanta, Georgia and other United States fire departments are already charging for HM response. These departments are also receiving reimbursement from the federal government when collections are unobtainable.

The following recommendations are made to the Forsyth County Board of Commissioners and Fire Department:

- Have the Public Education Division and HMRT develop a program to meet with local business associations and industry to explain the benefit of the ordinance and its impact upon them. The team should also demonstrate the capability of the team and show some of the technology at its disposal. Inform these groups how the loss of a Type II HMRT team would affect not only their safety but also the increased cost associated with any HM incident they might have.
- Meet with local homeowner's associations to explain the current situation of the HMRT and explain the cost associated to have an HMRT. Also, the need to shift the burden of the team on to the responsible parties of incidents it responds would be addressed.

- Adoption by the Forsyth County Board of Commissioners of the proposed Hazardous Material Cost Recovery Ordinance (Appendix J) establishing the ability for FCFD to charge for HMRT responses. The research has proven it is legal and is needed to maintain a competent Type II HMRT.
- Upon approval, the department should develop a training program on proper documentation and information needed for reimbursement. This would make collection easier and defensible in court, if needed.

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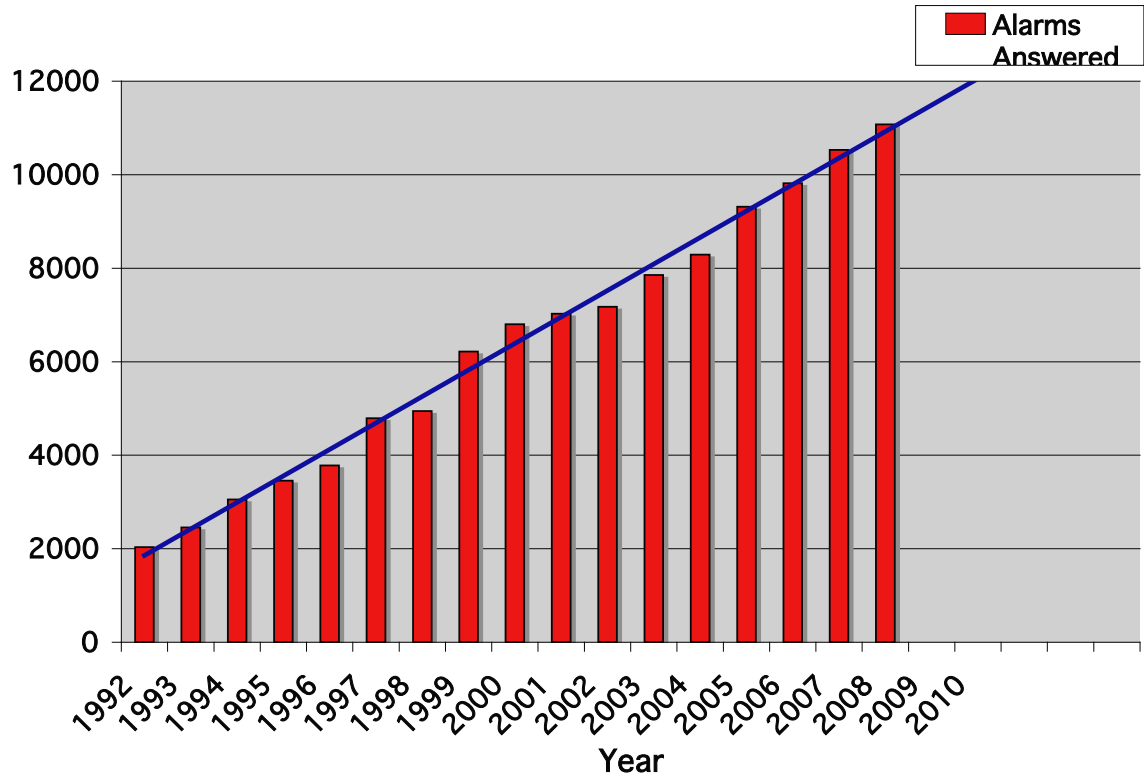
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Appendix A



Appendix B

Hazardous Materials Response Team Types

GEMA recommends the following five Hazardous Materials Response Team (HMRT) types as described: (All numbers of personnel listed are minimums)

TYPE I HMRT

- 24-hour/7-day response capability
- Intra-team communications
- 40-hour initial training to OSHA Technician-Level competencies
- Assemble and deploy out to 45 miles within 90 minutes
- Ability to sustain a 24-hour operation (4 people in Level A Hot Zone for 24 hours)
- Capable of providing offensive Technician-Level hazmat response
- Inventory meets or exceeds the Haz-Mat inventory list (see List Type 1)
- Minimum two exercises per year (field); all team members will attend one field exercise or deployment per year
- 40-hour refresher training per year meeting OSHA standards
- Total manpower – 20 on duty PER shift
- Number of Haz-Mat Technicians - 15
- Positions are:
 - Hazard Group Supervisor - 1 (Technician)
 - Safety Officer - 1 (Technician)
 - Planning and Documentation - 2 (2 Technicians)
 - Team Coordinator - 1 (Technician)
 - Resource - 1
 - Entry Team - 3 (3 Technicians)
 - Back-up Team - 3 (3 Technicians)
 - Decon Team - 6 (4 Technicians)
 - Medical Support – 2

TYPE II HMRT

- 24-hour/7-day response capability
- Intra-team communications
- 40-hour initial training to OSHA Technician-Level competencies
- Assemble and deploy out to 45 miles within 90 minutes
- Ability to sustain a 12-hour operation
- Capable of providing limited offensive Technician-Level hazmat response
- Inventory meets or exceeds the Haz-Mat inventory list (see List Type II), but capable of supporting Level A operations
- Minimum two exercises per year (field); all team members will attend one field exercise or deployment per year
- 40-hour refresher training per year meeting OSHA standards
- Total manpower – 15 on duty PER Shift
- Number of Haz-mat Technicians - 10
- Positions are:
 - Hazard Group Supervisor - 1 (Technician)
 - Safety Officer - 1 (Technician)
 - Planning and Documentation - 1 (Technician)
 - Team Coordinator - 1 (Technician)
 - Resource - 1
 - Entry Team - 2 (2 Technicians)
 - Back-up Team - 2 (2 Technicians)
 - Decon Team - 5 (2 Technicians)
 - Medical Support - 1

TYPE III HMRT

- 24-hour/7-day response capability
- Limited intra-team communications
- 40-hour initial training to OSHA Technician-Level competencies
- Assemble and deploy out to 45 miles within three hours
- Ability to sustain up to an 8-hour operation
- Capable of providing offensive Technician-Level Haz-Mat response limited to a single Level A entry
- Inventory supports single Level A operation (see List Type III)
- Minimum one exercise per year (field)
- 40-hour refresher training per year meeting OSHA standards
- Total manpower – 11 on duty PER shift
- Number of Hazmat Technicians - 8
- Positions are:
 - Hazard Group Supervisor - 1 (Technician)
 - Safety Officer - 1 (Technician)
 - Planning, Documentation, and Logistics - 1 (Technician)
 - Team Coordinator - 1
 - Entry Team - 2 (2 Technicians)
 - Back-up Team - 2 (2 Technicians)
 - Decon Team - 2 (1 Technician)
 - Medical Support – 1

TYPE IV HMRT

- Organized response teams not described above
 - Defensive Operations Only

TYPE V HMRT

- No Haz-Mat capabilities

Type rating.word.112601

Appendix C

**Millage Rate Comparison
(County & Fire)**

COUNTY	2008 MILLAGE RATE
Rockdale	14.53
Henry	10.97
DeKalb	10.53
Fulton	10.28
Gwinnett	9.72
Coweta	9.47
Cobb	9.38
Clayton	8.96
Hall	8.96
Paulding	8.50
Douglas	7.83
Fayette	7.39
Cherokee	7.12
Forsyth	5.60

Appendix D

Web. Co. Clayton. Ga. vs. Boc. Resolution 2007-77.pdf

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2007- 77

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, SPECIFICALLY CHAPTER 42, "FIRE PREVENTION AND PROTECTION", ARTICLE I, "GENERAL", SECTION 42-3, "UNAUTHORIZED PERSONS AT FIRE SCENES"; TO ADD ARTICLE VI, "SPECIAL OPERATIONS AND RESPONSE"; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Fire Department is responsible for providing protection to the citizens of Clayton County while responding to hazardous conditions which may include medical emergencies, natural gas leaks, vehicle fires, building fires, and woods/grass fires; and

WHEREAS, the Clayton County Fire Department seeks to ensure the safety of all persons in during any Fire Department Operation; and

WHEREAS, the Clayton County Fire Department must occasionally respond to unusual special operations incidents such as the containment and/or clean up of hazardous spills; and

WHEREAS, the Board of Commissioners deems it in the best interest of the County to amend the Ordinance as hereinafter set forth.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS

OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED

The words, terms and phrases adopted by this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Section 1. The Board of Commissioners hereby amends the Code of Clayton County, Georgia, as amended, specifically Chapter 42, Fire Prevention and Protection, Article I, General, Section 42-3 Unauthorized Persons at Fire Scenes, as follows:

By deleting Section 42-3 in its entirety and by substituting the following:

“Sec. 42-3. Unauthorized persons at fire scenes.

No person, except firefighters, members of the board of commissioners, members of the police department, the owners of the property, their agents and the agents of insurance companies shall be allowed within the immediate vicinity of any Fire Department Operation without being ordered there by the fire chief or the officer of the fire department in charge at the time. Any person refusing to obey the orders and directions of the fire chief or other person in the fire department in charge at a Fire Department Operation shall be subject to arrest.”

By adding a new Article VI “Special Operations and Response” and Sections 42-103-109 as follows:

“ARTICLE VI. SPECIAL OPERATIONS AND RESPONSE

Sec. 42-103 Preamble

For the purposes of providing protection for the citizens of Clayton County and the citizens of Metro Atlanta from the dangers associated with the release or threatened release of a Hazardous Material; to provide Special Operations Response to incidents involving High Angle, Low Angle, Confined Space, Trench and Urban Search and Rescue; and in recognition by the Board of Commissioners of the high level of specialized training and the extensive costs associated with providing these services; the Board of Commissioners of Clayton County do hereby ordain and enact into law the following article and sections of the Clayton County Fire Prevention Code.

Sec. 42-104 Scope

The provisions of this article shall provide for the recovery of all associated costs incurred by the county fire department to incidents deemed as “Special Operations” by the Chief of the county fire department. These provisions shall apply to incidents within un-incorporated Clayton County and those outside that result from a request for mutual aid.

Sec. 42-105 Definitions

The words, terms and phrases adopted by this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- a) **Costs;** means the costs to prevent, mitigate, or minimize the effects of a discharge or incident and/or the costs associated with repair, maintenance or the total replacement of emergency equipment and/or emergency vehicles as well as law enforcement vehicles damaged during an associated incident whether actual or threatened.
- b) **Damages;** means damages of any kind for which liability may exist under the laws of the State of Georgia resulting from, arising out of, or related to the discharge or threatened discharge of a Hazardous Material.
- c) **Discharge;** means any emission, other than natural seepage, whether intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping.
- d) **Hazardous Material;** means any material which because of its quantity, concentration or physical, chemical, or infectious characteristics may:
- 1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness; or
 - 2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- e) **Person;** means an individual, partnership, association, corporation, state, municipality, commission, political subdivision of a state or any interstate body.

Sec. 42-106 Hazardous Materials Response

The county may recover costs associated with the response to any discharge or threat of discharge which results from the manufacturing, transport, storage, holding, detention, and/or delivery for transport or the acceptance for transport of any Hazardous Material. The county may recover from any shipper, carrier, bailer, bailee or any other person responsible for such manufacturing, transport, storage, holding, detention, delivery or acceptance, all costs outlined by section 42-108, Fees, to include replacement costs for items listed in Appendix A of this Article. This shall include, but not be limited to, all direct or indirect costs incurred by the county in the prevention, abatement, or mitigation of any such discharge or threatened discharge of a hazardous material as deemed by the Chief of the county fire department. The county may also recover direct or indirect costs associated with the use of law enforcement personnel and/or vehicles in the prevention or mitigation of such an incident as deemed by the Chief of the county Police Department.

Sec. 42-107 Technical Rescue Response

The county may recover costs associated with the response to a Technical Rescue Incident for the purpose of effecting a rescue or to provide support on a stand-by status. These shall include, but not be limited to: High Angle Rescue, Low Angle Rescue, Trench Rescue Operations, Search and Rescue Operations and Confined Space Rescue Operations. The county may recover from any person responsible for the initiation of the incident all costs outlined by section 42-108, Fees, to include replacement costs for items listed in Appendix A of this Article. This shall include, but not be limited to, all direct or indirect costs incurred by the county in the prevention or mitigation of such an incident as deemed by the Chief of the county Fire Department. The county may also recover direct or indirect costs associated with the use of law enforcement personnel and/or vehicles in

the prevention or mitigation of such an incident as deemed by the Chief of the county Police Department.

Sec. 42-108 Fees

The cost for services outlined in sections 42-106 through 42-107 of this article shall be as defined herein based on the response as approved by the Chief of the county fire department. These fees include, but not limited to, replacement cost for all industry standard equipment listed in Appendix "A" of this article. The following are these fees:

- 1. Supervisor/Command Vehicle per hour.. \$ 150.00
- 2. BLS Engine Company per hour..... \$ 250.00
- 3. ALS Engine Company per hour..... \$ 300.00
- 4. Aerial Company per hour \$ 300.00
- 5. Special Response Apparatus per hour.... \$ 450.00
- 6. Air/Light Unit per hour..... \$ 150.00
- 7. ALS Medical Transport Unit per hour.... \$ 350.00

Sec. 42-109 Appendices

Appendix A of this article shall be adopted and considered part of section 42-108, Fees. Appendix A is not attached herein, but is available for review in the Office of the Fire Chief of the county fire department and in the Office of the Clerk for the Board of Commissioners. Authority is hereby conferred upon the Chief of the county fire department to amend section 42-108, fees, to include Appendix A, in order to maintain equipment with industry standards. All equipment in Appendix A shall be listed by a nationally recognized testing laboratory as deemed acceptable by the Chief of the county fire department. All rules adopted by the Chief of the county fire department shall be promulgated at least one month prior to application and enforcement.

State Law References:

- O.C.G.A. § 12-5-500 Cost of Oil Spill Response
- O.C.G.A. § 12-8-140 Mitigating Effect of Hazardous Materials Discharge"

Section 2. In the event any section, paragraph, subpart, sentence, clause, phrase, or word of the Ordinance shall be declared or adjudged unconstitutional or invalid by any Court, such declaration or adjudication shall not affect the remaining portions of this

Shelby D. Haywood
SHELBY HAYWOOD, CLERK

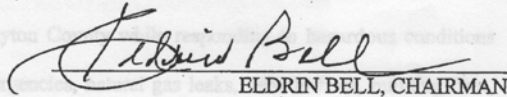
Ordinance which shall remain in full force and effect as if the portions declared invalid or unconstitutional had never been enacted into law.

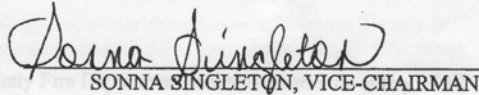
Section 3. All laws, ordinances or resolutions, or parts thereof, in conflict with provisions of this ordinance are hereby repealed.

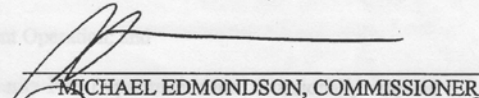
Section 4. This Ordinance shall become effective following its approval by the Board of Commissioners after the second reading of the Ordinance, provided the same receives an affirmative vote of three or more members, provided further that a copy of the Ordinance has been published in the official organ of Clayton County and filed with the Secretary of State of Georgia as required by law, and after the required ninety (90) day notice period to the Georgia Department of Community Affairs.

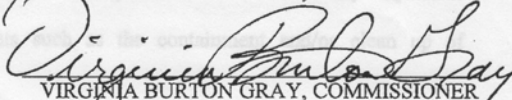
SO RESOLVED, this 15th day of May, 2007.

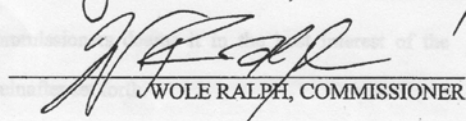
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

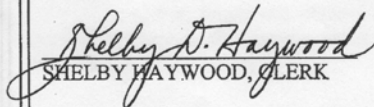

SONNA SINGLETON, VICE-CHAIRMAN


MICHAEL EDMONDSON, COMMISSIONER


VIRGINIA BURTON GRAY, COMMISSIONER


WOLE RALPH, COMMISSIONER

ATTEST:


SHELBY HAYWOOD, CLERK

Appendix E

08 SB348/AP

S. B. 348

- 1 -

Senate Bill 348

By: Senators Hudgens of the 47th and Rogers of the 21st

AS PASSED

AN ACT

To amend Chapter 8 of Title 33 of the Official Code of Georgia Annotated, relating to fees

and taxes regarding insurance, so as to provide that the imposition of any fees or taxes for services provided by counties or municipal corporations upon insurance companies is in contravention of public policy; to provide for exceptions; to provide for related matters; to

provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 33 of the Official Code of Georgia Annotated, relating to fees and taxes

regarding insurance, is amended by revising Code Section 33-8-8.2, relating to county and

municipal corporation taxes on other than life insurance companies, by adding a new subsection (e) to read as follows:

(e) It shall be in contravention of public policy for a county or a municipal corporation that levies taxes for county or municipal purposes on foreign, alien, and domestic insurance

companies doing business in this state, as provided in subsection (a) of this Code section, to impose additional taxes or any other fees of any kind for services provided by such county or municipal corporation to such insurance companies for accidents involving motor

vehicles except for the following:

- (1) Where the coverage for such services is expressly provided by an insurance company to the insured and the services are lawfully billed to the insured;
- (2) Where emergency medical services are provided to the insured by the county or municipal corporation, whenever the insured's medical insurance covers the services provided and the insured assigns the right to collect to the service provider; or
- (3) Where other services are provided to the insured by the county or municipal corporation which are expressly authorized by state or federal law to be billed directly to an insurance company.

Appendix F

The **millage rate** is nothing more than the answer to a simple division problem; a number which, when applied to the value of every taxable property, equally and fairly distributes a portion of the cost of government to every real and personal property owner.

The calculation is supposed to be completely predestined and mechanical-- just divide one number by another number-- the resulting number is the millage rate.

To establish the millage rate, only two numbers are needed:

1. a dollar figure representing the portion of the annual budget that must be funded by property tax dollars¹;
2. a dollar figure representing the jurisdiction's net tax digest, which is the total value of all taxable property within the jurisdiction.

The taxing authority decides how much revenue it needs to provide necessary services. This is known as "setting the budget." As part of this process, the jurisdiction computes how much revenue will be generated by licenses, fees, fines and penalties, user fees and service charges, as well as interest on reserves and investments. The remainder of the budget must be funded by property taxes, borrowing or the sale of bonds.

At the same time, the county tax assessor's office is assessing the fair market value of all taxable property within the county and, for city tax purposes, within the corporate limits of any municipalities. The total value of all taxable property is called the "gross tax digest." The value of exemptions and exempted properties are deducted to produce the net tax digest. In Georgia, ad valorem tax is levied on 40% of the net tax digest amount.

Once you have those two numbers, the process is very simple.

To determine the millage rate, you divide the "A" - the portion of the budget to be funded by tax dollars - by the second number, "B"-- which is 40% of the net tax digest. The product of this equation is "C," the millage rate².

One "mill" represents one dollar of tax on every thousand dollars of taxable property value.

Appendix G

CHAPTER 8.25. HAZARDOUS RESOURCE MATERIALS RECOVERY
 TABLE INSET:

8.25.010.	Definitions for hazardous materials emergency response team.
8.25.020.	Hazardous material resource recovery fees.
8.25.030.	Review of hazardous material resource recovery fees.
8.25.040.	Collection of fees.

8.25.010. Definitions for hazardous materials emergency response team.

For the purpose of this chapter, the words and phrases defined in this section shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context. Where terms are not defined herein, ordinarily accepted meanings within the proper context shall apply.

1. *Fire Chief*: "Fire Chief" means the Fire Chief of Forsyth County Fire Department, Forsyth County, Georgia.
2. *Disposal*: "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous substances or hazardous waste into or on any land or water so that such substances or waste may enter the environment or be emitted into the air or discharged into any water, including ground water.
3. *Hazardous substance*: "Hazardous substance" means a substance which satisfies any one of the following requirements;
 - a. A substance which, because of the toxic or hazardous properties it exhibits, is determined by the Fire Chief to represent a significant risk to the public health and safety as a result of foreseeable use, handling, accidental spill, exposure, or contamination.
 - b. A substance which is known by the employer to present a significant risk of personal injury or illness in the workplace as a result of foreseeable use, handling, accidental spill, exposure, or contamination. This section shall not be construed as requiring any employer to compile or generate new data.
 - c. A substance or material that has been determined to pose an unreasonable risk to health, safety, and property.
 - d. A substance defined under Section 9601(14) of the Comprehensive Environmental Response, Compensation, and Liability Act. (CERCLA).
 - e. Any biological agent and other disease causing agent which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any person, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such persons or their offspring.
 - f. Any substance listed by the U. S. Department of Transportation as a hazardous material under 49 CFR 172.

(Res. of 9-25-02(2), § 2)

4. *Hazardous waste*: "Hazardous waste" means any solid waste which has been defined as hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the Federal Act which is in force and effective February 1, 1986, codified as 40 CFR Part 261 and those substances defined as hazardous waste in 49 CFR 171.
5. *Hazardous waste generation*: "Hazardous waste generation" means the act or process of producing hazardous waste.
6. *Person*: "Person" means and includes any individual, corporation, partnership, association, state, municipality, political subdivision of a state, and any agency or instrumentality of the United States government or any other entity and includes any officer, agency, or employee of any of the above.
7. *Substance*: "Substance" means any element, entity, ingredient, compound, combination, or any mixture thereof, whether organic or inorganic.
8. *Automatic aid*: "Automatic aid" means a written agreement between two or more public safety agencies that permits dispatchers to send the nearest available unit automatically, regardless of jurisdictional boundaries.
9. *Mutual aid*: "Mutual aid" means a written agreement between two or more public safety agencies to respond to request for assistance under specified conditions or a formal verbal request from a public safety agency requesting a response for assistance.
10. *Duly-authorized agency*: "Duly-authorized agency" means any private company or public agency deemed necessary, by the Fire Chief or his designee, to assist in the mitigation of a possible or actual discharge of a hazardous substance and/or hazardous waste.
(Res. of 9-26-02(2), § 2)

8.25.020. Hazardous materials resource recovery fees.

A. There shall be a base rate of \$750.00 per hour, with a one-hour minimum charge. There shall also be an hourly rate based on the following:

Fire engine	\$250.00	A	covered vehicle 150.00
Hazmat unit	\$500.00		

B. When additional Hall County Fire and Emergency Services resources are needed, charges will be assessed, in addition to the hourly base rate as follows:

Personnel/technicians, per person, per hour	\$37.50
Fire engine, per unit, per hour	\$250.00
Rescue unit, per unit, per hour	\$500.00
Ladder/platform, per unit, per hour	\$500.00
Mobile decon unit, per hour	\$300.00

C. Charges for contaminated equipment, equipment that is no longer serviceable, and special equipment, including but not limited to, personal protective equipment, backhoes, bulldozers, and aircraft will be assessed on the actual cost incurred, including, but not limited to, salaries, benefits and depreciation. (Res. of 9-26-02(2), § 2)

8.25.030. Review of hazardous material resource recovery fees.

With concurrence of the County Manager, the Fire Chief will periodically review and revise the fees stated above, based on established practices, to reflect the prevailing cost of equipment and personnel.

(Res. of 9-26-02(2), § 2)