

House Bill 549

By: Representatives Burns of the 159th, Tankersley of the 160th, Hitchens of the 161st, Parrish of the 158th, Stephens of the 164th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,
2 relating to control of water pollution and surface-water use, so as to establish water
3 emergency response procedures; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to
7 control of water pollution and surface-water use, is amended by adding a new Code section
8 to read as follows:

9 "12-5-30.4.

10 (a) Any person who intentionally, negligently, or accidentally causes or permits any
11 discharge or spill of a pollutant in amounts, concentrations, or combinations which are
12 reasonably expected to be harmful to public health, safety, or welfare, public or private
13 drinking water supplies, or animals, birds, or aquatic life must inform the division in person
14 or by phone as soon as he or she becomes aware of the discharge or spill by contacting the
15 State Operations Center.

16 (b) The division shall immediately conduct an initial investigation upon receiving any
17 notification made pursuant to this Code section or subsection (a) of Code Section 12-14-3
18 or by a member of the public who observes an emergency situation or spill endangering the
19 waters of this state to determine if such notification satisfies the criteria described in
20 subsection (a) of this Code section.

21 (c) If the division determines that there is a threat to public health, safety, or welfare,
22 public or private drinking water supplies, or animals, birds, or aquatic life, the division
23 shall as soon as possible, but not more than 24 hours after such determination, notify and
24 consult with the Georgia Emergency Management Agency, the appropriate local
25 emergency management agency, the appropriate local county health department, and other
26 appropriate divisions within the department as necessary to determine if it is necessary to

27 prepare and distribute a public notice concerning such threat. Upon notification by the
28 division, the local emergency management agency or the local county health department
29 shall prepare and post such public notice through electronic media and print. Such public
30 notice shall be located at places where the public regularly uses the waters of this state or
31 seeks information about such waters.

32 (d) The division shall ensure that immediate corrective action is initiated to the maximum
33 extent practicable and as otherwise authorized by this title in order to prevent further
34 danger to public health, safety, or welfare, public or private drinking water supplies, or
35 animals, birds, or aquatic life.

36 (e) Nothing in this Code section shall prevent any local governmental entity from taking
37 any actions within its authority to protect public health.

38 (f) The department shall promulgate any rules and regulations necessary to implement and
39 administer this Code section on or before December 1, 2013."

40

SECTION 2.

41 All laws and parts of laws in conflict with this Act are repealed.