

House Bill 549 (AS PASSED HOUSE AND SENATE)

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) Whenever any substance which would endanger the health or property of downstream
11 users of the waters of this state is discharged into such waters, it shall be the duty of any
12 person in charge of such substance to immediately notify the division of the location and
13 nature of the discharge and to immediately take all reasonable steps to prevent injury to the
14 health or property of such downstream users.

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

20 (c) If the division determines that there is a threat to the health or property of downstream
21 users of the waters of this state, the division shall as soon as possible, but not more than 24
22 hours after such determination, notify and consult with the Georgia Emergency
23 Management Agency, the appropriate local emergency management agency, the
24 appropriate local county health department, and other appropriate divisions within the
25 department as necessary to determine if it is necessary to prepare and distribute a public
26 notice concerning such threat. Upon notification by the division, the local emergency

27 management agency or the local county health department shall prepare and post such
28 public notice through electronic media and print. Such public notice shall be located at
29 places where the public regularly uses the waters of this state or seeks information about
30 such waters.

31 (d) The division shall ensure that immediate corrective action is initiated to the maximum
32 extent practicable and as otherwise authorized by this title in order to prevent further
33 danger to the health or property of downstream users.

34 (e) The division shall establish a protocol, to be reviewed every five years, for coordinated
35 responses to discharges that create emergency situations and shall coordinate with the
36 appropriate emergency response agencies to provide for continual emergency response so
37 as to most efficiently and effectively meet the needs of affected communities. The division
38 may provide training to state and local emergency response agencies to further the purposes
39 of this Code section.

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

42 (g) The department shall promulgate any rules and regulations necessary to implement and
43 administer this Code section on or before December 1, 2014."

44 **SECTION 2.**

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