

House Bill 708

By: Representatives Fleming of the 121st, Rhodes of the 120th, and McCall of the 33rd

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 permit the state and any
3 political subdivision thereof to seek immediate injunctive relief and damages for pollution
4 of state waters causing damage to any public water supply or any water or waste-water
5 treatment plant; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to
10 control of water pollution and surface-water use, is amended in Code Section 12-5-52,
11 relating to civil penalty, by adding a new subsection to read as follows:

12 "(c) Notwithstanding any other remedy available administratively or at law or equity, the
13 state or any political subdivision thereof may seek immediate injunctive relief and damages
14 against any person violating this Code section in such a way as to cause damage to or
15 impede the operation of any public water supply or any water or waste-water treatment
16 plant. Such relief may include, but is not limited to, the cessation of any operations or
17 business resulting in such violation, the declaration of any operations or business resulting
18 in a violation to be a nuisance, and damages in an amount not to exceed three times the
19 costs, expenses, and injuries occasioned by such violation."

20 **SECTION 2.**

21 All laws and parts of laws in conflict with this Act are repealed.