

ORDINANCE REQUIRING THE REPORT OF SPILL OR RELEASE OF HAZARDOUS SUBSTANCE

This Ordinance shall be entitled the Report of Spill or Release of Hazardous Substance. This Ordinance is adopted into the Code of Chatham County, Georgia to require prompt reporting of a reportable quantity of a spill or release of any hazardous substance or oil which is known to have or suspected to have left the boundaries of the facility where stored or used.

In the interest of the general health of the public, any "person" as that term is defined in OCGA {12-14-1(6) owning or having control over any hazardous substance upon learning of an "incident" as defined herein, involving such hazardous substance shall immediately report by telephone to the City of Savannah Fire Department.

The following words of terms as used herein, shall have the same meaning and definition as set forth in the referred to sections of the Official Code Of Georgia Annotated (OCGA) and in federal law:

1. "Hazardous substance" - OCGA 12-14-1 (4)
2. "Person" - OCGA 12-14-1 (6) and 12-14-3 (a)
3. "Reportable Quantity" - OCGA 12-14-1 (7)
4. "Spills or Release" - OCGA 12-14-1- (8)
5. "Facility" - 40 CFR 302.3

An "incident" is defined herein as a known or potential spill or release of a reportable quantity of a "hazardous substance" which has left the boundaries of the facility where stored or used.

Upon learning of an incident as defined herein, notification shall be by immediate telephone calls to the City of Savannah Fire Department as describe above. "Immediate" as defined herein shall be as soon as practical, but no later than within fifteen minutes of a person learning of such an incident. No later than the close of business on the second regular business day, other than a Saturday or Sunday, such telephone calls shall be followed-up by a written communication or by facsimile transmission being filed with the LEPC through CEMA setting forth all known details that are available from the facility where such incident has occurred.

Said written communication or facsimile transmission when filed shall contain the names of all persons who required medical attention of emergency medical services or a medical doctor allegedly as a result of such spill or release, and to

the extent known, the injury or injuries complained of or suffered by such person(s).

Any obligation on the part of an owner or operator of any facility to report a spill or release of a reportable quantity of a hazardous substance shall not include continuous releases as defined in 40 CFR 355.40, nor to any release covered by a state or federal permit, nor to any spills or releases that do not meet the definition of being of a reportable quantity.

Any airborne spill or release or any spill or release into any stream or ditch in which water is capable of moving from the facility upon which spill or releases occurs to another property, when such spill or release or discharge meets the definition of a reportable quantity shall be considered to have left the boundaries of the facility of the owner or operator, and shall require reporting hereunder.

Violation of this Ordinance shall be subject to being fined upon conviction thereof by the Recorder's Court of Chatham County in an amount not to exceed \$1,000 for each violation. Each failure to report a release or discharge of reportable quantity shall be considered a separate violation.

Nothing contained herein shall be construed in any way to abrogate, modify or change any provision or requirement outlined in The Federal Emergency Planning and Community Rights to Know Act, 42 USC 11001 et. seq., 40 CFR 355.20, 40 CFR 302, 40 CFR 355.40, the Clean Water Act, 33 USC 1251 et seq., 40 CFR 110.1, the provisions of OCGA 12-14-1 et seq. or any other general law in force or hereinafter enacted in the State of Georgia.

This Ordinance was originally adopted on July 27, 1994 and subsequently amended on March 10, 1995.