

House Bill 223 (COMMITTEE SUBSTITUTE)

By: Representatives Dickey of the 140th, McCall of the 33rd, England of the 116th, Dubnik of the 29th, and Smith of the 70th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 12 of the Official Code of Georgia Annotated, relating to oil
2 or hazardous material spills or releases, so as to provide for definitions; to provide for an
3 exception to notification of spills or releases; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 14 of Title 12 of the Official Code of Georgia Annotated, relating to oil or hazardous
8 material spills or releases, is amended by revising Code Section 12-14-1, relating to
9 definitions, as follows:

10 "12-14-1.

11 As used in this chapter, the term:

12 (1) 'Animal waste' means feces, urine, or other excrement, digestive emission, urea, or
13 similar substances emitted by animals, including any form of livestock, poultry, or fish.
14 This term includes animal waste that is mixed or commingled with bedding, compost,
15 feed, soil, or any other material typically mixed or commingled with animal waste on a
16 farm.

17 ~~(1)~~(2) 'Board' means the Board of Natural Resources of the State of Georgia.

18 ~~(2)~~(3) 'Director' means the director of the Environmental Protection Division of the
19 Department of Natural Resources.

20 ~~(3)~~(4) 'Division' means the Environmental Protection Division of the Department of
21 Natural Resources.

22 (5) 'Farm' means a site or area, including associated structures, that is used for:

23 (A) The production of one or more crops; or

24 (B) The raising or selling of animals, including livestock, poultry, or fish.

25 ~~(4)~~(6) 'Hazardous substance' means any substance designated pursuant to
26 Section 311(b)(2)(A) of the federal Clean Water Act, 33 U.S.C. Section 1321(b)(2)(A);

27 any element, compound, mixture, solution, or substance designated pursuant to
28 Section 102 of 42 U.S.C. Section 9602; any hazardous waste having the characteristics
29 identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act, 42
30 U.S.C. Section 6921, but not including any waste the regulation of which under the Solid
31 Waste Disposal Act has been suspended by act of Congress; any toxic pollutant listed
32 under Section 307(a) of the federal Clean Water Act, 33 U.S.C. Section 1317(a); any
33 hazardous air pollutant listed under Section 112 of the federal Clean Air Act, 42 U.S.C.
34 Section 7412; and any imminently hazardous chemical substance or mixture with respect
35 to which the administrator of the United States Environmental Protection Agency has
36 taken action pursuant to Section 7 of the Toxic Substance Control Act, 15 U.S.C.
37 Section 2606. The term does not include petroleum, including crude oil or any fraction
38 thereof, which is not otherwise specifically listed or designated as a hazardous substance
39 in the first sentence of this paragraph, and the term does not include natural gas, natural
40 gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of natural gas
41 and such synthetic gas.

42 ~~(5)~~(7) 'Oil' includes but is not limited to gasoline, crude oil, fuel oil, diesel oil,
43 lubricating oil, sludge, oil refuse, oil mixed with wastes, and any other petroleum related
44 product.

45 ~~(6)~~(8) 'Person' includes an individual, trust, firm, joint-stock company, corporation,
46 partnership, association, county, municipal corporation, political subdivision, interstate
47 body, the state and any agency or authority thereof, and the federal government and any
48 agency thereof.

49 ~~(7)~~(9) 'Reportable quantity' means the amount of a hazardous substance which, if
50 released into the environment in such quantity within any 24 hour period, must be
51 reported to the division in the event of a spill or release. The reportable quantity for
52 mixtures is the amount of the hazardous substance components of a mixture. Reportable
53 quantities are those listed in 40 C.F.R. Part 302 - Designation, Reportable Quantities and
54 Notification.

55 ~~(8)~~(10) 'Spill or release' means the discharge, deposit, injection, dumping, spilling,
56 emitting, releasing, leaking, or placing of any hazardous substance into the air or into or
57 on any land or water of the state, except from an underground storage tank and all
58 plumbing and piping relating thereto or except high-level or low-level radioactive waste
59 from a federally licensed nuclear facility or as authorized by state or federal law or a
60 permit from the division. This term shall also mean the discharge of oil into waters of this
61 state which will cause a significant film or sheen upon or discoloration of the surface of
62 such waters or adjoining shorelines or cause a sludge or emulsion to be deposited beneath
63 the surface of such waters or upon adjoining shorelines. Accidental discharges of oil

64 made by an individual during maintenance of that individual's personal vehicle or farm
65 machinery shall be exempt."

66 **SECTION 2.**

67 Said chapter is further amended in Code Section 12-14-3, relating to notification of
68 Environmental Protection Division of spill or release and development of procedures to
69 notify other governmental agencies, by revising subsection (b) and adding a new subsection
70 to read as follows:

71 "(b) This Code section shall not apply to:

72 (1) The application of a pesticide product registered under the Federal Insecticide,
73 Fungicide, and Rodenticide Act, 7 U.S.C. Section 136, et seq., or the Georgia Pesticide
74 Control Act, Code Section 2-7-50, et seq., or both, when the application of such pesticide
75 is made in a manner consistent with its label or labeling; or

76 (2) Air emissions from animal waste, including decomposing animal waste, at a farm.

77 (c) The division shall develop procedures to provide notice to other state, federal, or local
78 governmental agencies."

79 **SECTION 3.**

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