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**STATE OF GEORGIA
EFFINGHAM COUNTY**

**AMENDMENT TO PART II, CHAPTER 36, ARTICLE V – HAZAROUS MATERIAL OF
THE EFFINGHAM COUNTY CODE OF ORDINANCES**

AN ORDINANCE TO AMEND ARTICLE V OF THE EFFINGHAM COUNTY OFFICIAL CODE
AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled
and pursuant to lawful authority thereof:

Sec.36-59 - Requirement to Report the Spill or Release of Hazardous Substances

Title, Purpose, and Scope.

1. This section shall be the Report of Spill or Release of Hazardous Substance or Oil.
2. Purpose. This section is adopted into the Code of Effingham County pursuant to the powers granted Effingham County as a political subdivision of the State of Georgia, and as part of its strategy for emergency management plan pursuant to the Official Code Of Georgia Annotated (OCGA) §§ 38-3-27, 38-3-28 and 38-3-52 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 and used. The requirement pursuant to this Ordinance is to assist Effingham County in ensuring the health, safety and welfare of its citizens and derive the necessary knowledge and information needed of potentially hazardous substances in Effingham County and to develop an emergency management plan and response.
3. Scope. 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 or oil upon learning of an “incident” as defined herein, involving such hazardous substance or oil shall immediately report by telephone to Effingham County E-911.

Definitions.

The following words of terms as used herein, shall have the same meaning and definition as set forth in the referred to sections of OCGA and in the Code of Federal Regulations (CFR):

1. “Hazardous substance” – O.C.G.A. §12-14-1 (4)
2. “Oil” – O.C.G.A. §12-14-1 (5)
3. “Person” – O.C.G.A. §12-14-1 (6) and 12-14-3 (a)
4. “Reportable Quantity” – O.C.G.A. §12-14-1 (7)
5. “Spills or Release” – O.C.G.A. §12-14-1- (8)
6. “Facility” – 40 C.F.R. 302.3

Incident, Defined.

An “incident” is defined herein as a known or suspected spill or release of a reportable quantity of a “hazardous substance” and the known or suspected spill or release of oil which has left the boundaries of the facility where stored or used.

Notification Requirements.

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Upon the occurrence of an incident as defined herein, where such an incident is known or suspected, notification shall be by immediate telephone call Effingham County E-911. “Immediate” as defined herein shall be within fifteen minutes of a person learning of such an incident.

Spills.

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.

Penalties.

Violation of this Ordinance shall be subject to being fined upon conviction thereof by the Magistrate Court of Effingham 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.

Federal and State Law.

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.

Effective Date.

This Ordinance shall take effect and be in force on and after July 1, 2025.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ____ day of _____, 2025

BOARD OF COMMISSIONERS
EFFINGHAM COUNTY, GEORGIA

FIRST READING: _____

BY: _____

SECOND READING: _____

DAMON M. RAHN
CHAIRMAN

ATTEST:

STEPHANIE JOHNSON
COUNTY CLERK