

**CHATHAM COUNTY CODE, CHAPTER 21, ARTICLE VIII, 21-800
REPORT OF SPILL OR RELEASE OF HAZARDOUS SUBSTANCE OR OIL**

§21-801 Title, Purpose, and Scope.

1. **Title:** This Ordinance shall be entitled the Report of Spill or Release of Hazardous Substance or Oil.
2. **Purpose:** This Ordinance is adopted into the Code of Chatham County pursuant to the powers granted Chatham 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 Chatham County in ensuring the health, safety and welfare of its citizens and derive the necessary knowledge and information needed of potentially hazardous substances in Chatham County and to develop an emergency management plan and response. (Amended July 01, 2011)
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 the Chatham County Police Department [now titled the Savannah Chatham Metropolitan Police Department], the City of Savannah Fire Department, and LEPC via CEMA as set forth herein.

§21-802 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” - OCGA §12-14-1 (4)
2. “Oil” - OCGA §12-14-1 (5)
3. “Person” - OCGA §12-14-1 (6) and 12-14-3 (a)
4. “Reportable Quantity” - OCGA §12-14-1 (7)
5. “Spills or Release” - OCGA §12-14-1- (8)
6. “Facility” - 40 CFR 302.3

§21-803 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.

§21-804 Notification Requirements. Upon the occurrence of an incident as defined herein, where such incident is known or suspected, notification shall be by immediate telephone calls to the Chatham County Police Department [now the Savannah Chatham Metropolitan Police Department], the City of Savannah Fire Department, and to the LEPC through CEMA “Immediate” as defined herein shall be within fifteen minutes of a person learning of such an incident. *[NOTE: In 2000, an Operational change was implemented where the reporting party only need to make ONE phone call within fifteen minutes versus three. That phone call should be made to 911. The Dispatch Center will then make notifications to law enforcement, fire and CEMA.]* 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 or discharge of a reportable quantity of a hazardous substance or oil 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.

§21-805 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.

§21-806 Penalties. 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.

§21-807 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.

§21-808 Effective Date. This Ordinance shall take effect and be in force on and after June 24, 1995.

NOTES: The “Report of Spill or Release of Hazardous Substance or Oil” ordinance was adopted on June 24, 1995, and amended on November 20, 1998 and again on July 01, 2011.

In section 21-804 Notification Requirements, an operational changes was implemented in 2000 where the reporting party need only to make ONE phone call to 911 within fifteen minutes instead of the three defined by the Ordinance. The Dispatch Center will make notifications to law enforcement, fire and CEMA.