

Senate Bill 426

By: Senators Strickland of the 17th, Tillery of the 19th, Kirkpatrick of the 32nd, Rhett of the 33rd, James of the 35th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 1 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated,
2 relating to air quality, so as to provide for the reporting of any spill or release of ethylene
3 oxide to the Environmental Protection Division of the Department of Natural Resources; to
4 provide for mandatory reporting of any spill or release of ethylene oxide on the division's
5 website; to revise a definition; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Article 1 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to air
10 quality, is amended by revising subsection (a) of Code Section 12-9-7, relating to permit
11 required, application, issuance, revocation, suspension, or amendment, as follows:

12 "(a)(1) As used in this subsection, the term 'spill or release' shall have the same meaning
13 as set forth in paragraph (10) of Code Section 12-14-1.

14 (2) No person shall, and it shall be unlawful and a violation of this article to, construct,
15 install, modify, own, or operate any facility or stationary source or any equipment,
16 device, article, or process capable of causing or contributing to the emission of air
17 contaminants from such source or facility or designed to prevent air pollution from such
18 facility or source unless permitted by and in compliance with a permit from the director.
19 A permit shall be issued to an applicant on evidence satisfactory to the director of
20 compliance with this article and any standards, limitations, requirements, or rules and
21 regulations pursuant to this article. Notwithstanding any other provision of this article,
22 the director shall not issue a Title V permit to a facility or source if the administrator
23 objects in writing and in a timely manner to the issuance of such permit.

24 (3) As a condition of a permit for operations that include the emission of ethylene oxide,
25 any spill or release of ethylene oxide, regardless of the amount, shall be reported to the
26 division in writing within 24 hours of discovering such spill or release. Any person who

27 violates such reporting requirement shall be subject to penalties under Article 1 of this
28 chapter."

29 **SECTION 2.**

30 Code Section 12-9-6, relating to powers and duties of director as to air quality generally, is
31 amended by revising paragraph (8) of subsection (b) as follows:

32 "(8) To collect and disseminate information and to provide for public notification in
33 matters relating to air quality. The director shall make publicly available on the division's
34 website information regarding any spill or release of ethylene oxide reported to the
35 division pursuant to paragraph (3) of subsection (a) of Code Section 12-9-7;"

36 **SECTION 3.**

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