

FILED FEB 24 1999

SENATE FILE 217
BY BOLKCOM

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring Iowa national pollutant discharge elimination
2 system permit holders to post signs at discharge points and
3 providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 217 NAT. RES. & ENVIRONMENT

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. NEW SECTION. 455B.189 DISCHARGE POINT SIGNS.

2 1. A person holding an Iowa national pollutant discharge
3 elimination system permit issued by the department shall post
4 or erect a conspicuous and legible sign of not less than
5 eighteen inches by twenty-four inches at all discharge points
6 to surface waters, except for any site where the discharge is
7 composed exclusively of storm water runoff. The sign shall
8 include all of the following information:

9 a. A statement containing the words "Iowa state permitted
10 discharge point permit no. (insert permit number). For
11 information on this discharge you can contact:".

12 b. The Iowa national pollutant discharge elimination
13 system permit number issued by the department.

14 c. The name and telephone number of the permit holder
15 which shall be the business office repository of the permit
16 holder.

17 2. A permit holder shall provide for public review at the
18 business office repository of the permit holder or at the off-
19 premises location of the permit holder's choice all discharge
20 monitoring records prepared by the permit holder to
21 demonstrate compliance with the Iowa national pollutant
22 discharge elimination system permit conditions. A copy of all
23 discharge monitoring records shall be placed on file at such
24 location at the same time the records are sent to the
25 department. This information shall be kept on file for the
26 period during which the permit is effective.

27 3. The department shall, as part of the terms and
28 conditions of a permit, establish the actual appearance and
29 location of the sign on the property of the permit holder
30 which shall be in as close proximity to the point of discharge
31 into the surface water as is reasonably possible while
32 ensuring the maximum visibility from the surface water and
33 shore.

34 4. The permit holder shall periodically and reasonably
35 maintain the sign to ensure that the sign is still legible,

1 visible, and factually correct. A good faith documented
2 effort by a permit holder to maintain the sign is an
3 affirmative defense in any action relating to the unauthorized
4 absence of a sign.

5 5. The department may waive all or part of the
6 requirements of this section if the department determines any
7 of the following circumstances exist:

- 8 a. The sign cannot be reasonably maintained.
- 9 b. The sign would be inconsistent with the provisions of
- 10 another statute.
- 11 c. The sign could not be located in a manner which serves
- 12 a public purpose.
- 13 d. The nature of the discharge is temporary and of a
- 14 relatively short duration.
- 15 e. The discharge is not a major, significant discharge.

16 6. A person violating a provision of this section is
17 subject to a civil penalty of not more than one hundred
18 dollars per day for each day such violation continues.

19 Sec. 2. Section 455B.191, subsection 1, Code 1999, is
20 amended to read as follows:

21 1. Any person who violates any provision of part 1 of
22 division III of this chapter or any permit, rule, standard, or
23 order issued under part 1 of division III of this chapter
24 shall be subject to a civil penalty not to exceed five
25 thousand dollars for each day of such violation. This section
26 shall not apply to violations of section 455B.189 or any
27 permit, rule, or standard issued under section 455B.189.

28 EXPLANATION

29 This bill creates a new Code section which requires a
30 person holding an Iowa national pollutant discharge
31 elimination system permit issued by the department of natural
32 resources to post a sign of not less than 18 inches by 24
33 inches at all discharge points to surface waters, except for
34 any site where the discharge is composed of exclusively storm
35 water runoff. The bill provides that the sign shall provide

1 information which would identify the permit holder and allow
2 the permit holder to be contacted. The bill requires a permit
3 holder to provide public review of all discharge monitoring
4 records prepared by the permit holder. The bill provides that
5 the department shall establish the actual appearance and
6 location of the sign and the permit holder shall be
7 responsible for periodically and reasonably maintaining the
8 sign to ensure the sign is still legible, visible, and
9 factually correct. The bill allows the department to waive
10 all or part of the signage requirements if certain
11 circumstances exist. The bill provides for a civil penalty of
12 not more than \$100 per day for each day a violation of the new
13 Code section continues. The penalty provided in the bill is
14 in place of the general penalty provisions provided in Code
15 section 455B.191.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35