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SENATE FILE  
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 program permit holders to post signs at discharge  
3 points and providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 9  
NAT. RES. & ENVIRONMENT

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

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

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

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

33 4. The permit holder shall periodically and reasonably  
34 maintain the sign to ensure that the sign is still legible,  
35 visible, and factually correct. A good faith documented

1 effort by a permit holder to maintain the sign is an  
2 affirmative defense in any action relating to the failure to  
3 maintain a sign as required by this section.

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

7 a. The sign cannot be reasonably maintained.  
8 b. The sign would be inconsistent with the provisions of  
9 another statute.

10 c. The sign could not be located in a manner which serves  
11 a public purpose.

12 d. The nature of the discharge is temporary and of a  
13 relatively short duration.

14 e. The discharge is not a major, significant discharge.

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

18 Sec. 2. Section 455B.191, subsection 1, Code 2003, is  
19 amended to read as follows:

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

26 EXPLANATION

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

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

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