

Senate File 100 - Introduced

SENATE FILE _____
BY BOLKCOM _____

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

A BILL FOR

1 An Act requiring certain Iowa national pollutant discharge
2 elimination system program permit holders to post signs at
3 discharge points and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2206SS 82
6 tm/gg/14

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1 1 Section 1. NEW SECTION. 455B.189 DISCHARGE POINT SIGNS.
1 2 1. A governmental subdivision holding an Iowa national
1 3 pollutant discharge elimination system program permit issued
1 4 by the department which has been found by the department to
1 5 have violated a term of the permit shall meet the requirements
1 6 of this section for a period of two years following the
1 7 finding of the violation.
1 8 2. The permit holder shall post or erect a conspicuous and
1 9 legible sign of not less than eighteen inches by twenty-four
1 10 inches at all discharge points to surface waters, except for
1 11 any site where the discharge is composed exclusively of storm
1 12 water runoff. The sign shall include all of the following
1 13 information:
1 14 a. A statement containing the words "Iowa state permitted
1 15 discharge point permit no. (insert permit number). For
1 16 information on this discharge you can contact:".
1 17 b. The Iowa national pollutant discharge elimination
1 18 system program permit number issued by the department.
1 19 c. The name and telephone number of the permit holder
1 20 which shall be the business office repository of the permit
1 21 holder.
1 22 3. The permit holder shall provide for public review at
1 23 the business office repository of the permit holder or at the
1 24 off-premises location of the permit holder's choice all
1 25 discharge monitoring records prepared by the permit holder to
1 26 demonstrate compliance with the Iowa national pollutant
1 27 discharge elimination system program permit conditions. A
1 28 copy of all discharge monitoring records shall be placed on
1 29 file at such location at the same time the records are sent to
1 30 the department. This information shall be kept on file for
1 31 the period during which the permit is effective.
1 32 4. The department shall, as part of the findings of a
1 33 permit violation, specify the actual appearance and location
1 34 of the sign on the property of the permit holder which shall
1 35 be in as close proximity to the point of discharge into the
2 1 surface water as is reasonably possible while ensuring the
2 2 maximum visibility from the surface water and shore.
2 3 5. The permit holder shall periodically and reasonably
2 4 maintain the sign to ensure that the sign is still legible,
2 5 visible, and factually correct. A good faith documented
2 6 effort by the permit holder to maintain the sign is an
2 7 affirmative defense in any action relating to the unauthorized
2 8 absence of a sign.
2 9 6. The department may waive all or part of the
2 10 requirements of this section if the department determines any
2 11 of the following circumstances exist:
2 12 a. The sign cannot be reasonably maintained.
2 13 b. The sign would be inconsistent with the provisions of
2 14 another statute.
2 15 c. The sign could not be located in a manner which serves
2 16 a public purpose.
2 17 d. The nature of the discharge is temporary and of a
2 18 relatively short duration.
2 19 e. The discharge is not a major, significant discharge.

2 20 7. A person violating a provision of this section is
2 21 subject to a civil penalty of not more than one hundred
2 22 dollars per day for each day such violation continues.
2 23 Sec. 2. Section 455B.191, subsection 1, Code 2007, is
2 24 amended to read as follows:
2 25 1. Any person who violates any provision of part 1 of
2 26 division III of this chapter or any permit, rule, standard, or
2 27 order issued under part 1 of division III of this chapter
2 28 shall be subject to a civil penalty not to exceed five
2 29 thousand dollars for each day of such violation. This section
2 30 shall not apply to violations of section 455B.189.

2 31 EXPLANATION

2 32 This bill requires a governmental subdivision holding an
2 33 Iowa national pollutant discharge elimination system program
2 34 permit issued by the department of natural resources that
2 35 violates a provision of the permit to post a sign of not less
3 1 than 18 inches by 24 inches at all discharge points to surface
3 2 waters, except for any site where the discharge is composed
3 3 exclusively of storm water runoff for a period of two years
3 4 following the finding of a violation. The bill provides that
3 5 the sign shall provide information which would identify the
3 6 permit holder and allow the permit holder to be contacted.
3 7 The bill requires a permit holder to provide public review of
3 8 all discharge monitoring records prepared by the permit
3 9 holder. The bill provides that the department shall specify
3 10 the actual appearance and location of the sign and the permit
3 11 holder shall be responsible for periodically and reasonably
3 12 maintaining the sign to ensure the sign is still legible,
3 13 visible, and factually correct. The bill allows the
3 14 department to waive all or part of the signage requirements if
3 15 certain circumstances exist. The bill provides for a civil
3 16 penalty of not more than \$100 per day for each day a violation
3 17 of the new Code section continues. The penalty provided in
3 18 the bill is in place of the general penalty provisions
3 19 provided in Code section 455B.191.
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