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SENATE FILE 53
BY BOLKCOM, FINK, and
LUNDBY

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 53
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 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 program permit conditions. A
23 copy of all discharge monitoring records shall be placed on
24 file at such location at the same time the records are sent to
25 the department. This information shall be kept on file for
26 the 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 2001, 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.

27 EXPLANATION

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

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

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