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SENATE FILE 2302
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SF 2052)

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:

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SF 2302

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

2 1. A governmental subdivision holding an Iowa national
3 pollutant discharge elimination system program permit issued
4 by the department which has been found by the department to
5 have violated a term of the permit shall meet the requirements
6 of this section for a period of two years following the
7 finding of the violation.

8 2. The permit holder shall post or erect a conspicuous and
9 legible sign of not less than eighteen inches by twenty-four
10 inches at all discharge points to surface waters, except for
11 any site where the discharge is composed exclusively of storm
12 water runoff. The sign shall include all of the following
13 information:

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

17 b. The Iowa national pollutant discharge elimination
18 system program permit number issued by the department.

19 c. The name and telephone number of the permit holder
20 which shall be the business office repository of the permit
21 holder.

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

32 4. The department shall, as part of the findings of a
33 permit violation, specify the actual appearance and location
34 of the sign on the property of the permit holder which shall
35 be in as close proximity to the point of discharge into the

1 surface water as is reasonably possible while ensuring the
2 maximum visibility from the surface water and shore.

3 5. The permit holder shall periodically and reasonably
4 maintain the sign to ensure that the sign is still legible,
5 visible, and factually correct. A good faith documented
6 effort by the permit holder to maintain the sign is an
7 affirmative defense in any action relating to the unauthorized
8 absence of a sign.

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

12 a. The sign cannot be reasonably maintained.

13 b. The sign would be inconsistent with the provisions of
14 another statute.

15 c. The sign could not be located in a manner which serves
16 a public purpose.

17 d. The nature of the discharge is temporary and of a
18 relatively short duration.

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

20 7. A person violating a provision of this section is
21 subject to a civil penalty of not more than one hundred
22 dollars per day for each day such violation continues.

23 Sec. 2. Section 455B.191, subsection 1, Code 2005, is
24 amended to read as follows:

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

31 EXPLANATION

32 This bill requires a governmental subdivision holding an
33 Iowa national pollutant discharge elimination system program
34 permit issued by the department of natural resources that
35 violates a provision of the permit to post a sign of not less

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

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