

Purpose of the amendment:

The amendment proposes to narrow and simplify the scope of the bill by requiring signage on NPDES dischargers who discharge to waters where public water contact recreation occurs. The amendment describes specifications of the sign, the information required, responsibilities of the permit holder and DEQ and allows for exceptions.

SB 523 proposed amendment:

Delete lines 6-30 page 1 and insert the following:

Section 2. (1) Any person possessing a NPDES permit which allows the discharge of waste water into the surface waters of the state that are used for water contact recreation shall post a sign at all discharge points to those surface waters, except for those sites where the discharge is composed exclusively of storm water runoff.

(2) All NPDES permit holders for discharges to waters of the state designated in OAR 340-041-0101 to OAR 340-041-0340 (Tables 101A to 340A) as having the beneficial use of water contact recreation shall erect or post a conspicuous and legible sign not less than eighteen inches by twenty-four inches bearing the following statement:

"Oregon Permitted Discharge Point Permit No. ____ (insert permit number, DEQ telephone number and website link to permit information). For information on this discharge you can contact: ____." (insert name of permit holder and their telephone number) phone.

(3) It shall be the responsibility of the permit holder to periodically and reasonably maintain the sign to ensure that it is still legible, visible and factually correct. A good faith documented effort by permit holder to maintain such sign will be an affirmative defense for its absence.

Section 3. (1) The Department Of Environmental Quality shall post on their web site the NPDES permits and the Discharge Monitoring Reports prepared by the permit holder to demonstrate compliance with its NPDES permit for the effective dates of the permit.

(2) The department shall, pursuant to the terms and conditions of the permits issued, establish the actual appearance and location of the sign on the property of the permit holder in as close proximity to the point of discharge into the surface waters as is reasonably possible while ensuring the maximum visibility from the surface water and shore.

(3) The department may in its discretion waive all or part of the requirements of this section if it determines that: (a) such sign cannot be reasonably maintained; (b) such sign would be inconsistent with the provisions of another statute; (c) such sign could not be so located as to provide a public purpose; (d) the nature of the discharge is temporary and of a relatively short duration; (e) the permit has been issued under the terms and conditions of a general permit as authorized by this title; or (f) the discharge is not a major, significant discharge.

Submitted by Willamette Riverkeeper
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