

House Bill 717

By: Representatives Thomas of the 100th, Porter of the 143rd, Buckner of the 130th, Benfield of the 85th, Drenner of the 86th, and others

A BILL TO BE ENTITLED
AN ACT

To enact the "Fishermen's Right to Know Act"; to amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to control of water pollution and surface water use, so as to require the posting of signs at locations where toxic pollutants are discharged from point sources into waters of the state; to provide for enforcement and penalties; to provide a short title; to provide legislative findings and declarations; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Fishermen's Right to Know Act."

SECTION 2.

The General Assembly finds and declares the following:

(1) The waters of this state have provided many Georgians, from the subsistence fisherman to the wealthy recreationist, each according to his or her station, with many bountiful harvests and moments of relaxation, reverie, and enjoyment;

(2) Article I, Section I, Paragraph XXVIII of the Constitution of Georgia provides: "The tradition of hunting and fishing and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good.";

(3) In 2007, the Governor announced a "Go Fish Georgia Initiative" designed to make this state an angler's paradise by developing a quality fisheries resource state wide, including family friendly fishing and recreation access points that will increase fishing participation in this state;

(4) Unfortunately, the discharge of toxic pollutants from point sources into waters of the state poses threats to the healthy and enjoyable utilization of our valuable water resources for fishing and recreation, and some significant Georgia water resources have been contaminated to the extent that fish caught therefrom are dangerous to eat;

(5) Those who depend on Georgia waters for their livelihood or enjoyment should never have to fear the bounty therefrom or contaminants therein;

(6) Like residents of sister states such as South Carolina, which posts fishing advisory signs on its side of contaminated Lake Hartwell, each Georgian who engages in fishing or recreation in or on waters of the state should have the right to know how and where such waters are threatened and to have that information conveyed on site; and

(7) In order to protect the public interest, those persons who would discharge toxic pollutants from point sources into waters of the state for reasons of industrial or other necessity should provide Georgians at least a clear and concise on-site disclosure of all toxic pollutants so discharged into Georgia's precious waters.

SECTION 3.

Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to control of water pollution and surface water use, is amended by adding a new Code section to read as follows:

"12-5-30.4.

(a)(1) Each person who discharges any pollutant from a point source directly into waters of the state and is required to obtain a water pollution control National Pollutant Discharge Elimination System (NPDES) permit or operate under an individual or general point source discharge permit pursuant to Code Section 12-5-30 and which discharge contains any toxic pollutant identified pursuant to Section 307 (a)(1) of the federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1317(a)(1), shall erect or post and maintain a conspicuous and legible sign which shall disclose in clear and concise language the chemical names of all toxic pollutants so discharged. The sign shall contain, at a minimum, the following statement:

'PUBLIC NOTICE

(NAME OF DISCHARGER) DISCHARGES THE FOLLOWING TOXIC POLLUTANTS INTO THIS WATER: (CHEMICAL NAMES OF TOXIC POLLUTANTS)'

(2) The sign shall be placed on land owned, leased, or on which an easement has been obtained by the permittee within 50 feet of the point on land where the discharge pipe, conveyance, or ditch enters the receiving water. The sign shall be visible and legible to persons on or near the water and shall be of four-inch block type. The sign shall also list the name and telephone number of a person at the permittee's place of business that the members of the public can contact for further information.

(b) Injunctive relief to enforce subsection (a) of this Code section may be had in accordance with Code Section 12-5-48.

1 (c) Any person, other than a body politic and corporate, who violates this Code section
2 shall be guilty of a misdemeanor. Violations of subsection (a) of this Code section shall
3 not be subject to the civil penalties provided by Code Section 12-5-52 or the criminal
4 penalties provided by Code Section 12-5-53.

5 (d) Any person who defaces, destroys, or removes any sign required by subsection (a) of
6 this Code section without authorization from the person required to comply with
7 subsection (a) of this Code section shall be guilty of a misdemeanor."

8 **SECTION 4.**

9 All laws and parts of laws in conflict with this Act are repealed.