

House Bill 717

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

A BILL TO BE ENTITLED  
AN ACT

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

10 **SECTION 2.**

11 The General Assembly finds and declares the following:

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

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

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

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

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

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

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

### 11 SECTION 3.

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

15 "12-5-30.4.

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

#### 25 'PUBLIC NOTICE

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

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

35 (b) Injunctive relief to enforce subsection (a) of this Code section may be had in  
36 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.