§ 17-0815-a. Discharge point signs.

1. Any person possessing a SPDES permit which allows the discharge of waste water into the surface waters of the state shall post a sign as provided for in subdivision two of this section at all discharge points to surface waters, except for those sites where the discharge is composed exclusively of storm water runoff.

2. (a) All SPDES permit holders for discharges to surface waters shall erect or post a conspicuous and legible sign of not less than eighteen inches by twenty-four inches bearing the following statement:

"N.Y.S. Permitted Discharge Point Permit No. (here insert permit number). For information on this discharge you can contact:"

The sign shall also contain the following information: The SPDES permit number as issued by the department; the name and telephone number of the permit holder which shall be the business office repository of the permit holder as required by this title; and the name, address and telephone number of the regional department office in which the discharging facility is located.

(b) The permit holder shall provide for public review at the business office repository of the permit holder or at the off-premises location of its choice (such location shall be the village, town, city or county clerk's office, local library or such other location as the department and permit holder shall agree upon) all the Discharge Monitoring Reports (DMR) prepared by the permit holder to demonstrate compliance with the SPDES permit conditions. A copy of each DMR shall be placed on file at such location at the same time it is sent to the department. This information shall be kept on file for the period of the effective dates of the SPDES permit.

(c) The permit holder shall be in compliance with this title by providing, at its option, on or off premises inspection of documents pursuant to paragraphs (a) and (b) of this subdivision and providing the address or location where the required information is available for public review upon an inquiry.

3. The department shall, pursuant to the terms and conditions of the

permits issued pursuant to this title, 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.

4. 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.

5. 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.