

State of Misconsin 1997 - 1998 LEGISLATURE

1997 ASSEMBLY BILL 201

March 20, 1997 – Introduced by Representatives NOTESTEIN, HANSON, TURNER, BLACK, R. YOUNG, BOCK, HUTCHISON, BAUMGART, RYBA, CULLEN, BOYLE, LORGE, HUBER, WILLIAMS, ROBSON, LA FAVE and PLOUFF, cosponsored by Senators CLAUSING, WIRCH and PLACHE. Referred to Committee on Environment.

1 AN ACT to create 281.17 (9) and 281.98 (3) of the statutes; relating to: water

2 quality certifications and remedies for violations of laws related to water

3 quality.

Analysis by the Legislative Reference Bureau

Under the Federal Water Pollution Control Act, a person who applies for a federal license or permit for an activity that may result in a discharge into water is required to obtain a state certification that the discharge will comply with water quality standards. If the state issues the certification, it may include conditions necessary to ensure compliance with water quality standards. The department of natural resources (DNR) has promulgated rules for making water quality certification decisions.

This bill prohibits a person from conducting an activity for which DNR denies a water quality certification required under the Water Pollution Control Act. The bill also prohibits a person from violating a condition that DNR includes in a water quality certification required under the Water Pollution Control Act.

Current law provides civil monetary penalties (forfeitures) for violating certain laws related to water quality. Under this bill, in addition to imposing forfeitures, a court may require a person who violates these laws, including the prohibitions

ASSEMBLY BILL 201

created in the bill, to take any action necessary to eliminate or minimize any environmental damage caused by the person.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1	SECTION 1. 281.17 (9) of the statutes is created to read:
2	281.17 (9) (a) No person may conduct an activity for which the department
3	denies a water quality certification required under 33 USC 1341 (a).
4	(b) No person may violate a condition imposed by the department in a water
5	quality certification required under 33 USC 1341 (a).
6	SECTION 2. 281.98 (3) of the statutes is created to read:
7	281.98 (3) In addition to the penalties under sub. (1), the court may order the
8	defendant to abate any nuisance, restore a natural resource or take, or refrain from
9	taking, any other action as necessary to eliminate or minimize any environmental
10	damage caused by the defendant.
11	(END)