



## 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

