

# Vote Record

## Assembly Committee on Environment

Date: \_\_\_\_\_  
 Moved by: Duff Seconded by: Bock  
 AB: 201 Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_ SB: \_\_\_\_\_ Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_ SJR: \_\_\_\_\_ Other: \_\_\_\_\_  
 A: \_\_\_\_\_ SR: \_\_\_\_\_

A/S Amdt: 0505  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

Be recommended for:

- |  |  |
|--|--|
| <input type="checkbox"/> Passage             | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction        | <input type="checkbox"/> Tabling                 |
| <input checked="" type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence             |
| <input type="checkbox"/> Rejection           | <input type="checkbox"/> Nonconcurrence          |
|  | <input type="checkbox"/> Confirmation            |

### Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Marc Duff, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Peter Bock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John La Fave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: \_\_\_\_\_

① Unan. Consent -  
 Intro AA0505  
 Duff - Kedzie

Motion Carried

Motion Failed

# Vote Record

## Assembly Committee on Environment

Date: \_\_\_\_\_  
 Moved by: Bock Seconded by: Duff  
 AB: 201 Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_ SB: \_\_\_\_\_ Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_ SJR: \_\_\_\_\_ Other: \_\_\_\_\_  
 A: \_\_\_\_\_ SR: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
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 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

Be recommended for:

- Passage *as amended*
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Marc Duff, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. DuWayne Johnsrud	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Peter Bock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John La Fave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 8 1 \_\_\_\_\_

Motion Carried

Motion Failed

## Memorandum

April 29, 1997

TO: Members of the Assembly Committee on the Environment

FR: Keith Reopelle, Wisconsin's Environmental Decade  
Caryl Terrell, John Muir Chapter of the Sierra Club  
Karen Etter Hale, Madison Audubon

RE: Support for Assembly Bill 201

We urge you to recommend passage of Assembly Bill 201 which would essentially allow the Department of Natural Resources to enforce its own water quality certification program, to some limited extent. This is a very simple bill which amounts to closing a loophole which has allowed unscrupulous dischargers to state waters to ignore their impact on water quality in the state. This bill could, and should, be amended to further strengthen enforcement of state water quality certification by giving the Department the authority to give citations for violations.

Without the ability to enforce its own water quality certifications, the DNR must currently refer violations to the EPA where, due to a lack of resources, the vast majority are never pursued. Last year, EPA took action on only 13 out of 101, or 13 percent of the violations referred from the Wisconsin DNR.

The DNR's water quality certification is the basic tool the state has for ensuring that pollution discharges to the state's lakes, rivers and groundwater don't exceed water quality standards established to make our surface waters "swimmable and fishable" and keep our groundwater drinkable. The state's inability to enforce its water quality certification has created a certain comfort level for violators.

This bill not only helps to protect water quality in the state, but also helps to level the playing field for discharge permit holders. The majority of dischargers--companies and individuals who comply with their certifications--are placed at an economic disadvantage by companies who ignore certification denial, certification conditions or otherwise utilize such loopholes to avoid complying with regulations.

Although we support the bill as drafted, it leaves lots of room for improving enforcement further. That's because the Department will still have to refer violations to the Justice Department where resources are also very limited. If the Department of Justice does get around to pursuing violators, penalties and abatement orders under ss. 281.98 are still subject to lengthy court proceedings. We support amending this bill to give rulemaking authority to issue citations for violations of this chapter. Broader citation bills introduced in past legislative sessions were criticized mainly for their application to individuals and nonpoint discharges. Here the application is clearly to point sources required to have certification.

Thank you for this opportunity to express our support for this important initiative.

# WISCONSIN WETLANDS ASSOCIATION

222 South Hamilton Street Suite #1 · Madison, Wisconsin 53705 · (608) 250-9971

28 April 1997

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State Rep. Barbara Notestein  
P.O. Box 8953  
State Capitol  
Madison WI 53708

Dear Barbara,

I'm writing to share some comments regarding enforcement of state water quality certifications and to take this opportunity to introduce you to the Wisconsin Wetlands Association.

Our association concurs with you that there needs to be enforcement mechanisms so that our state wetland regulations have "teeth" in them. The lack of an efficient and effective system to enforce NR 103 and other wetland regulations translates into higher levels of non-compliance or the total flaunting of regulations.

At present, only the Army Corps of Engineers and the EPA have the ability to take remedial action against those who violate or refuse to comply with wetland regulations under the Clean Water Act. Unfortunately, enforcement action by both of these agencies is rare and often less than tenacious, whether due to staff limitations or lack of commitment.

Although AB201 just came to our attention this past Friday and we do not have the time to study it or share it with our membership, I can say that we are generally supportive of efforts to provide enforcement mechanisms for water quality certification regulations. The Wisconsin Wetlands Association (WWA) has been working hard this past year to preserve and strengthen the NR103 water quality regulations, which are the primary tool the state has to preserve wetlands. We have been advocating for enforcement capabilities as one means of strengthening our wetland regulations.

Marsha,

Attached is the simple amendment to AB 201. It was worked out between the drafting attorney, Becky Tradewell and the DNR. The amendment clarifies that we are talking about both DNR rules and federal codes related to water quality certifications.

The DNR and drafting attorney agree that both administrative rule and federal code should be referenced in the bill.

Thanks,

Andy