

1987 Assembly Bill 416

Date of enactment: March 17, 1988
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1987 Wisconsin Act 157

AN ACT to amend 147.21 (2), (3) and (4) of the statutes, relating to revising penalties related to the Wisconsin pollution discharge elimination system.

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

SECTION 1. 147.21 (2), (3) and (4) of the statutes are amended to read:

147.21 (2) Any person who violates this chapter, or any rule promulgated ~~thereunder~~, under this chapter or any term or condition of a permit issued under this chapter, shall ~~be subject to a forfeiture of not~~ forfeit not less than \$10 nor more than \$10,000 for each day of violation, except that the minimum forfeiture does not apply if the point source at which the violation occurred is an animal feeding operation.

(3) Any person who wilfully or negligently violates this chapter, any rule promulgated ~~thereunder~~, under this chapter or any term or condition of a permit issued ~~thereunder~~ under this chapter shall be ~~punished after conviction by a fine of~~ fined not less than \$10 nor more than \$25,000 per day of violation, or by imprisonment ~~imprisoned~~ for not more than 6 months or both. If the conviction is for a violation committed after a first conviction of such person under this sub-

~~section, punishment shall be by fine of the person shall be fined not less than \$10 nor more than \$50,000 per day of violation, or by imprisonment imprisoned for not more than one year in the county jail or both. The minimum forfeiture does not apply if the point source at which the violation occurred is an animal feeding operation.~~ In determining the amount of the fine under this subsection, the court shall assess an amount which represents an actual and substantial economic deterrent to the action which was the basis of the conviction.

(4) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter, shall ~~upon conviction be punished by a fine of~~ fined not less than \$10 nor more than \$10,000 or by imprisonment ~~imprisoned~~ for not more than 6 months or both.