

Olsen Brothers company and Paul Olsen ordered to pay for violations of storm water management laws.

Lafayette County Circuit Court Judge William D. Johnston has issued a decision finding the Berlin partnership, Olsen Brothers Enterprises LLP and its principal partner, Paul E. Olsen, jointly and severally liable for numerous construction site storm water and erosion control violations that occurred during the construction of grain storage facilities in Belmont and Boscobel, Wisconsin.

The Court found that Olsen and Olsen Brothers began construction at their grain storage sites without permits, even though they knew that permits were required. They failed to implement and maintain required Best Management Practices to prevent environmental harm associated with construction site erosion, and failed to conduct necessary inspections so they did not know the harm that they caused.

In its decision, the Court stated: "[Defendants'] history in these operations appears to be that they would make the business decision, go forward with the project, and accept the costs for violation of the permitting procedure as a cost of doing business. Defendants uniquely argue that in so doing they should not be charged with forfeitures and costs assessments for potential damage from this practice, but for actual harm that has occurred." The Court further characterized the Defendants' conduct as failing to document environmental harm at the construction sites, then claiming that they should not be penalized because no harm was documented. The Court noted it was apparent from the Defendants' evidentiary submissions that they felt "great disdain" for state regulations that applied to their projects and further noted that they continued their projects in violation of the law even after the an enforcement action was brought against them, and the State was compelled to obtain a restraining order to make construction cease at the Belmont site until a permit was obtained.

After finding Olsen Brothers and Olsen liable, the Court ordered them to pay a total of \$194,271.50, which includes \$109,000.00 in forfeitures, \$40,457.50 in statutory surcharges, \$11,304.80 for the Department of Natural Resources' investigatory costs, and \$33,509.20 for the Department of Justice's attorney's fees and costs.

"This case is about leveling the playing field for all of the other Wisconsin businesses who comply with the law," Attorney General J.B. Van Hollen said. "Judge Johnston made clear what we've been saying all along: It is not an acceptable business strategy to ignore environmental compliance at the front end of a project because it might be cheaper to pay for the violations at the conclusion."