



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2847/1
MCP:amn

2017 SENATE BILL 180

April 13, 2017 - Introduced by Senator KAPENGA, cosponsored by Representatives ALLEN and NEYLON. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **AN ACT to amend** 281.348 (3) (c) 1., 281.348 (3) (cm), 281.348 (3) (d) 4. and
2 281.348 (3) (e); and **to create** 281.348 (1) (cm) and 281.348 (3) (cr) of the
3 statutes; **relating to:** designation of a water supply service area by the Great
4 Lakes Council.

Analysis by the Legislative Reference Bureau

Under current law, a person operating a public water supply system must prepare a water supply plan, approved by the Department of Natural Resources, that shows the proposed water supply service area and an assessment of the environmental and economic impacts of carrying out the water supply plan, along with other information. Current law also provides that, if a public water supply system within a county that lies only partly within the Great Lakes Basin proposes to divert water from the Great Lakes Basin, the public water supply system's proposal for diverting the water must be approved by the Great Lakes - St. Lawrence River Basin Water Resources Council. This bill provides that if the council approves a diversion area for such a public water supply system, that diversion area serves as the water supply service area in the water supply plan that the public water supply system submits to DNR. Under the bill, diversion areas designated by the council

SENATE BILL 180

do not need to be consistent with an approved areawide water quality management plan for the planning area.

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

1 **SECTION 1.** 281.348 (1) (cm) of the statutes is created to read:

2 281.348 (1) (cm) “Great Lakes council” means the Great Lakes - St. Lawrence
3 River Basin Water Resources Council, created under s. 281.343 (2) (a).

4 **SECTION 2.** 281.348 (3) (c) 1. of the statutes is amended to read:

5 281.348 (3) (c) 1. Delineation of the area for which the plan is being prepared
6 and proposed water supply service areas for each public water supply system making
7 a withdrawal covered by the plan, except as provided in par. (cm) or (cr).

8 **SECTION 3.** 281.348 (3) (cm) of the statutes is amended to read:

9 281.348 (3) (cm) For the purposes of plans under par. (a), and except as
10 provided in par. (cr), an areawide water quality planning agency designated by the
11 governor under ch. NR 121, Wis. Adm. Code, shall delineate the proposed water
12 supply service areas for all of the public water supply systems in the planning area
13 for which the agency is designated. An areawide water quality planning agency shall
14 delineate proposed water supply service areas that are consistent with the approved
15 areawide water quality management plan under s. 283.83 for the planning area and
16 that permit the development of plans that are approvable under par. (d). An
17 areawide water quality planning agency may also provide regional water needs
18 assessments and other regional water supply planning information. The process for
19 conducting regional activities under this subsection may be the same as the process
20 for regional water supply planning for a groundwater management area designated
21 under s. 281.34 (9).

SENATE BILL 180

1 **SECTION 4.** 281.348 (3) (cr) of the statutes is created to read:

2 281.348 (3) (cr) For the purposes of plans under par. (a), if the Great Lakes
3 council approves a diversion area for a public water supply system proposing to make
4 a diversion from the Great Lakes basin under s. 281.346 (4) (e), that diversion area
5 shall be the water supply service area for purposes of this section and does not need
6 to be consistent with the approved areawide water quality management plan under
7 s. 283.83 for the planning area.

8 **SECTION 5.** 281.348 (3) (d) 4. of the statutes is amended to read:

9 281.348 (3) (d) 4. The Except as provided in par. (cr), the plan is consistent with
10 any applicable approved areawide water quality management plans under s. 283.83.

11 **SECTION 6.** 281.348 (3) (e) of the statutes is amended to read:

12 281.348 (3) (e) The department shall specify in a plan under this section a water
13 supply service area for each public water supply system making a withdrawal
14 covered by the plan. The department may not limit water supply service areas based
15 on jurisdictional boundaries, except as necessary to prevent waters of the Great
16 Lakes basin from being transferred from a county that lies completely or partly
17 within the Great Lakes basin into a county that lies entirely outside the Great Lakes
18 basin, or except where the water supply service area is delineated by a diversion area
19 approved by the Great Lakes council under par. (cr).

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(END)