



2021 ASSEMBLY BILL 504

August 24, 2021 - Introduced by Representatives SPIROS, MURPHY, ROZAR, TUSLER and VANDERMEER, cosponsored by Senators COWLES and DARLING. Referred to Committee on Energy and Utilities.

1 **AN ACT** *to repeal* 281.348 (3) (b) 4. and 281.348 (3) (d) 4.; *to amend* 281.348 (3)
2 (a) 2., 281.348 (3) (b) 1., 281.348 (3) (b) 2., 281.348 (3) (b) 2m., 281.348 (3) (c) 1.,
3 281.348 (3) (c) 4., 281.348 (3) (c) 7., 281.348 (3) (c) 8., 281.348 (3) (cm), 281.348
4 (3) (cr), 281.348 (3) (d) (intro.), 281.348 (3) (d) 3., 281.348 (3) (e), 281.348 (4)
5 (intro.) and 281.41 (1) (c); and *to create* 281.348 (3) (a) 3., 281.348 (3) (a) 4.,
6 281.348 (3) (b) 2e. and 281.348 (5) of the statutes; **relating to:** water supply
7 service area plans for public water systems.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes to requirements for water supply service area plans for public water supply systems.

Under current law, a person operating a public water supply system that serves a population of 10,000 or more must have a plan, approved by the Department of Natural Resources, that shows the proposed water supply service areas. The plan must include other specified information, including identification of options for supplying water that are cost-effective based upon a cost-effectiveness analysis of regional and individual water supply and water conservation alternatives. Under the bill, the approval of plans by DNR and the cost-effectiveness analysis are required only for plans that involve withdrawals or diversions of water from the Great Lakes basin that must be approved by DNR.

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Current law requires a plan to include identification of procedures for implementing and enforcing the plan and a commitment to using those procedures. The bill eliminates this requirement and requires a plan to identify procedures for implementing and updating the plan.

Under current law, if the area covered by a plan is within an area for which an areawide water quality planning agency has been designated, the agency is responsible for designating the proposed water supply service areas in the plan. The bill eliminates this responsibility but retains current law authority for the agency to provide regional water needs assessments and other regional water supply planning information.

Under current law, DNR may not approve a plan unless the plan meets several criteria, one of which is that the plan is consistent with any applicable approved areawide water quality management plans. The bill eliminates this criterion.

Finally, the bill provides that a plan does not create, establish, or evidence an obligation for any water utility to provide service to the service area delineated or covered in the plan. The bill also prohibits the Public Service Commission from requiring a water utility to extend or provide service to an area on the basis of the provisions of a plan.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 281.348 (3) (a) 2. A person operating a public water supply system that serves
3 a population of 10,000 or more and that withdraws water from the waters of the state
4 shall have an approved prepare a plan under this section no later than December 31,
5 2025.

6 **SECTION 2.** 281.348 (3) (a) 3. of the statutes is created to read:

7 281.348 (3) (a) 3. A person operating a public water supply system shall obtain
8 department approval of a water supply service area plan that provides for a new or
9 increased diversion that requires approval under s. 281.346 (4) or a new or increased
10 withdrawal that requires approval under s. 281.346 (4s) or (5).

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

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1 281.348 (3) (a) 4. Except as provided in subd. 3., a person operating a public
2 water supply system is not required to obtain department approval of a water supply
3 service area plan.

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

5 281.348 (3) (b) 1. Public review and comment on a proposed plan. For a plan
6 submitted prepared after the compact's effective date covering a public water supply
7 system that withdraws water from the Great Lakes basin, the procedures and
8 requirements under this subdivision shall be consistent with s. 281.343 (6) (b).

9 **SECTION 5.** 281.348 (3) (b) 2. of the statutes is amended to read:

10 281.348 (3) (b) 2. Approval Submission of a the plan by to the governing body
11 of each city, village, and town whose public water supply is addressed by the plan
12 before the plan is submitted to the department.

13 **SECTION 6.** 281.348 (3) (b) 2e. of the statutes is created to read:

14 281.348 (3) (b) 2e. Submission of the plan to the department if department
15 approval is required under par. (a) 3.

16 **SECTION 7.** 281.348 (3) (b) 2m. of the statutes is amended to read:

17 281.348 (3) (b) 2m. Approval of a the plan by the department if department
18 approval is required under par. (a) 3.

19 **SECTION 8.** 281.348 (3) (b) 4. of the statutes is repealed.

20 **SECTION 9.** 281.348 (3) (c) 1. of the statutes is amended to read:

21 281.348 (3) (c) 1. Delineation of the area for which the plan is being prepared
22 and,

23 1m. If department approval is required, delineation of proposed water supply
24 service areas for each public water supply system making a withdrawal covered by
25 the plan, except as provided in par. (em) or (cr).

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1 **SECTION 10.** 281.348 (3) (c) 4. of the statutes is amended to read:

2 281.348 (3) (c) 4. Identification of the options for supplying water in the area
3 for the period covered by the plan that are approvable under other applicable
4 statutes and rules and ~~that are cost-effective based upon a~~

5 4m. A cost-effectiveness analysis of regional and individual water supply and
6 water conservation alternatives if the plan provides for a new or increased diversion
7 requiring approval under s. 281.346 (4) or a new or increased withdrawal requiring
8 approval under s. 281.346 (4s) or (5).

9 **SECTION 11.** 281.348 (3) (c) 7. of the statutes is amended to read:

10 281.348 (3) (c) 7. Identification of the procedures for implementing and
11 enforeing updating the plan and ~~a commitment to using those procedures.~~

12 **SECTION 12.** 281.348 (3) (c) 8. of the statutes is amended to read:

13 281.348 (3) (c) 8. An analysis of how the plan supports and is consistent with
14 any applicable comprehensive plans, as defined in s. 66.1001 (1) (a), and applicable
15 approved areawide water quality management plans under s. 283.83.

16 **SECTION 13.** 281.348 (3) (cm) of the statutes is amended to read:

17 281.348 (3) (cm) For the purposes of plans under par. (a), ~~and except as~~
18 ~~provided in par. (er),~~ an areawide water quality planning agency designated by the
19 governor under ch. NR 121, Wis. Adm. Code, shall ~~delineate the proposed water~~
20 ~~supply service areas for all of the public water supply systems in the planning area~~
21 ~~for which the agency is designated. An areawide water quality planning agency shall~~
22 ~~delineate proposed water supply service areas that are consistent with the approved~~
23 ~~areawide water quality management plan under s. 283.83 for the planning area and~~
24 ~~that permit the development of plans that are approvable under par. (d). An~~
25 ~~areawide water quality planning agency may also provide regional water needs~~

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1 assessments and other regional water supply planning information. ~~The process for~~
2 ~~conducting regional activities under this subsection may be the same as the process~~
3 ~~for regional water supply planning for a groundwater management area designated~~
4 ~~under s. 281.34 (9).~~

5 **SECTION 14.** 281.348 (3) (cr) of the statutes is amended to read:

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

12 **SECTION 15.** 281.348 (3) (d) (intro.) of the statutes is amended to read:

13 281.348 (3) (d) (intro.) ~~The~~ If department approval of a plan is required, the
14 department may not approve a plan ~~under this subsection~~ unless all of the following
15 apply:

16 **SECTION 16.** 281.348 (3) (d) 3. of the statutes is amended to read:

17 281.348 (3) (d) 3. The plan is consistent with any applicable comprehensive
18 plans, as defined in s. 66.1001 (1) (a).

19 **SECTION 17.** 281.348 (3) (d) 4. of the statutes is repealed.

20 **SECTION 18.** 281.348 (3) (e) of the statutes is amended to read:

21 281.348 (3) (e) The department shall specify in its approval of a plan under this
22 section a water supply service area for each public water supply system making a
23 withdrawal covered by the plan. The department may not limit water supply service
24 areas based on jurisdictional boundaries, except as necessary to prevent waters of
25 the Great Lakes basin from being transferred from a county that lies completely or

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1 partly within the Great Lakes basin into a county that lies entirely outside the Great
2 Lakes basin, or except where the water supply service area is delineated by a
3 diversion area approved by the Great Lakes council under par. (cr).

4 **SECTION 19.** 281.348 (4) (intro.) of the statutes is amended to read:

5 281.348 (4) WITHDRAWAL AMOUNT IN CERTAIN PLANS. (intro.) ~~In~~ If a plan under
6 this section that covers a public water supply system making a withdrawal from the
7 Great Lakes basin requires department approval, the department shall specify a
8 withdrawal amount for the public water supply system equal to the greatest of the
9 following:

10 **SECTION 20.** 281.348 (5) of the statutes is created to read:

11 281.348 (5) WATER SUPPLY SERVICE AREA. A water supply service area plan
12 prepared under this section does not create, establish, or evidence an obligation for
13 any water utility to provide service to the service area delineated or covered in the
14 plan. The public service commission may not require a water utility to extend or
15 provide service to an area on the basis of the provisions of a plan.

16 **SECTION 21.** 281.41 (1) (c) of the statutes is amended to read:

17 281.41 (1) (c) Construction or material change shall be according to approved
18 plans only. The department may disapprove plans that are not in conformance with
19 any existing approved areawide waste treatment management plan prepared
20 pursuant to the federal water pollution control act, P.L. 92-500, as amended, and
21 shall disapprove plans that do not meet the grounds for approval specified under s.
22 281.35 (5) (d), if applicable. ~~The department shall disapprove plans that are not in~~
23 ~~conformance with any applicable approved water supply service area plan under s.~~
24 281.348.

25 (END)