

1 **SECTION 7.** 281.344 of the statutes is created to read:

2 **281.344 Water conservation and reporting; Great Lakes basin water**
3 **resources regulation.** (1) **DEFINITIONS.** In this section:

4 (d) "Community within a straddling county" means any city, village, or town
5 that is not a straddling community and that is located outside the Great Lakes basin
6 but wholly within a county that, as of December 13, 2005, lies partly within the Great
7 Lakes basin.

8 (dm) "Compact" means the Great Lakes—St. Lawrence River Basin Water
9 Resources Compact under s. 281.343.

10 (dr) "Compact's effective date" means the effective date of the compact under
11 s. 281.343 (9) (d).

12 (e) "Consumptive use" means a use of water that results in the loss of or failure
13 to return some or all of the water to the basin from which the water is withdrawn due
14 to evaporation, incorporation into products, or other processes.

15 (ed) "Cost-effectiveness analysis" means a systematic comparison of
16 alternative means of providing a water supply in order to identify the alternative
17 that will minimize total resources costs over a planning period.

18 (g) "Cumulative impacts" means the impacts on the Great Lakes basin
19 ecosystem that result from incremental effects of all aspects of a withdrawal,
20 diversion, or consumptive use in addition to other past, present, and reasonably
21 foreseeable future withdrawals, diversions, and consumptive uses regardless of who
22 undertakes the other withdrawals, diversions, and consumptive uses, including
23 individually minor but collectively significant withdrawals, diversions, and
24 consumptive uses taking place over a period of time.

1 (h) "Diversion" means a transfer of water from the Great Lakes basin into a
 2 watershed outside the Great Lakes basin, or from the watershed of one of the Great
 3 Lakes into that of another, by any means of transfer, including a pipeline, canal,
 4 tunnel, aqueduct, channel, modification of the direction of a water course, tanker
 5 ship, tanker truck, or rail tanker, ^{or container of greater than 5.7 gallons,} except that "diversion" does not include any of the
 6 following:

7 1. The transfer of a product produced in the Great Lakes basin or in the
 8 watershed of one of the Great Lakes, using waters of the Great Lakes basin, out of
 9 the Great Lakes basin or out of that watershed.

10 2. The transmission of water within a line that extends outside the Great Lakes
 11 basin as it conveys water from one point to another within the Great Lakes basin if
 12 no water is used outside the Great Lakes basin.

13 (hm) "Divert" means to transfer water from the Great Lakes basin into a
 14 watershed outside the Great Lakes basin, or from the watershed of one of the Great
 15 Lakes into that of another, by any means of transfer, including a pipeline, canal,
 16 tunnel, aqueduct, channel, modification of the direction of a water course, tanker
 17 ship, tanker truck, rail tanker, or container of greater than 5.7[✓] gallons, except that
 18 "divert" does not include any of the following:

19 1. To transfer a product produced in the Great Lakes basin or in the watershed
 20 of one of the Great Lakes, using waters of the Great Lakes basin, out of the Great
 21 Lakes basin or out of that watershed.

22 2. To transmit water within a line that extends outside the Great Lakes basin
 23 as it conveys water from one point to another within the Great Lakes basin if no
 24 water is used outside the Great Lakes basin.

1 (i) “Environmentally sound and economically feasible water conservation
2 measures” mean those measures, methods, or technologies for efficient water use
3 and for reducing water loss and waste or for reducing the amount of a withdrawal,
4 consumptive use, or diversion that are, taking into account environmental impact,
5 the age and nature of equipment and facilities involved, the processes employed, the
6 energy impacts, and other appropriate factors, all of the following:

- 7 1. Environmentally sound.
- 8 2. Reflective of best practices applicable to the water use sector.
- 9 3. Technically feasible and available.
- 10 4. Economically feasible and cost-effective based on an analysis that considers
11 direct and avoided economic and environmental costs.

12 (je) “Great Lakes basin” means the watershed of the Great Lakes and the St.
13 Lawrence River upstream from Trois—Rivieres, Quebec, within the jurisdiction of
14 the parties.

15 (ji) “Great Lakes basin ecosystem” means the interacting components of air,
16 land, water, and living organisms, including humans, within the Great Lakes basin.

17 (jj) “Great Lakes council” means the Great Lakes—St. Lawrence River Basin
18 Water Resources Council, created under s. 281.343 (2) (a).

19 (jm) “Intrabasin transfer” means the transfer of water from the watershed of
20 one of the Great Lakes into the watershed of another of the Great Lakes.

21 (n) “Party” means a state that is a party to the compact.

22 (nm) Notwithstanding s. 281.01 (9), “person” means an individual or other
23 entity, including a government or a nongovernmental organization, including any
24 scientific, professional, business, nonprofit, or public interest organization or
25 association that is neither affiliated with nor under the direction of a government.

1 (o) "Product" means something produced by human or mechanical effort or
2 through agricultural processes and used in manufacturing, commercial, or other
3 processes or intended for intermediate or ultimate consumers, subject to all of the
4 following:

5 1. Water used as part of the packaging of a product is part of the product.

6 2. Other than water used as part of the packaging of a product, water that is
7 used primarily to transport materials in or out of the Great Lakes basin is not a
8 product or part of a product.

9 3. Except as provided in subd. 1., water that is transferred as part of a public
10 or private supply is not a product or part of a product.

11 4. Water in its natural state, such as in lakes, rivers, reservoirs, aquifers, or
12 water basins, is not a product.

13 5. Bottled water in a container of 5.7 gallons or less is a product.

14 (pm) "Public water supply" means water distributed to the public through a
15 physically connected system of treatment, storage, and distribution facilities that
16 serve a group of largely residential customers and that may also serve industrial,
17 commercial, and other institutional customers.

18 (q) "Regional body" means the body consisting of the governors of the parties
19 and the premiers of Ontario and Quebec, Canada, or their designees as established
20 by the Great Lakes—St. Lawrence River Basin Sustainable Water Resources
21 Agreement.

22 (qd) "Regional declaration of finding" means a declaration of finding issued by
23 the regional body under s. 281.343 (4h) (e).

24 (qm) "Regional review" means review by the regional body as described in s.
25 281.343 (4h).

1 (r) "Source watershed" means the watershed from which a withdrawal
2 originates. If water is withdrawn directly from a Great Lake or from the St.
3 Lawrence River, then the source watershed is the watershed of that Great Lake or
4 the watershed of the St. Lawrence River, respectively. If water is withdrawn from
5 the watershed of a stream that is a direct tributary to a Great Lake or a direct
6 tributary to the St. Lawrence River, then the source watershed is the watershed of
7 that Great Lake or the watershed of the St. Lawrence River, respectively.

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51-7
8 (t) "Straddling community" means any city, village, or town that, based on its
9 boundary existing on December 13, 2005, is partly within the Great Lakes basin or
10 partly within the watersheds of 2 of the Great Lakes and that is wholly within any
11 county that, as of December 13, 2005, lies partly or completely within the Great
12 Lakes basin.

13 (u) "Technical review" means a thorough analysis and evaluation conducted to
14 determine whether a proposal that is subject to regional review under this section
15 meets the criteria for approval under sub. (4), (5), or (6).

16 (ud) "Total resources costs" includes monetary costs and environmental as well
17 as other nonmonetary costs.

18 (um) "Upper Mississippi River basin" means the watershed of the Mississippi
19 River upstream from Cairo, Illinois.

20 (w) "Water dependent natural resources" means the interacting components of
21 land, water, and living organisms affected by the waters of the Great Lakes basin.

22 (wm) "Water loss" means the amount of water that is withheld from or not
23 returned to the basin from which it is withdrawn due to a diversion or consumptive
24 use.

1 (wr) "Water utility" means a public utility, as defined in s. 196.01 (5), that
2 furnishes water.

3 (x) "Waters of the Great Lakes basin" means the Great Lakes and all streams,
4 rivers, lakes, connecting channels, and other bodies of water, including tributary
5 groundwater, within the Great Lakes basin.

6 (y) "Withdraw" means to take water from surface water or groundwater.

7 (z) "Withdrawal" means the taking of water from surface water or groundwater.

8 (2) DETERMINATIONS CONCERNING APPLICABILITY OF REQUIREMENTS. (a) *Use of*
9 *surface water divide*. For the purposes of this section, the surface water divide is used
10 to determine whether a withdrawal or transfer of surface water or groundwater is
11 from the Great Lakes basin.

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52-11

12 (b) *Diversions and withdrawals from more than one source*. For the purposes
13 of this section, the diversion or withdrawal of water from more than one source
14 within the Great Lakes basin to supply a common distribution system is considered
15 one diversion or withdrawal.

16 (c) *Aggregation of increases*. In determining the applicability of a requirement
17 in this section to a proposed increase in a diversion or withdrawal, the amount of the
18 increase consists of the amount of the proposed increase and of all increases made
19 after the latest of the following:

- 20 1. The compact's effective date.
- 21 2. The date that is 10 years before the date on which the proposed increase is
22 planned to begin.

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52-22

23 (d) *Baseline*. 1. The department shall specify the baseline volume of a
24 withdrawal from the waters of the Great Lakes basin or a diversion for all of the
25 following:

1 a. Any of these withdrawals and diversions reported under sub. (3) (e) on the
2 compact's effective date.

3 b. Any of these withdrawals and diversions that exist on the compact's effective
4 date and become subject to the reporting requirements under sub. (3) (e) after the
5 compact's effective date.

6 3. a. The department shall estimate the baseline volume for a withdrawal
7 based on the maximum hydraulic capacity of the most restrictive component in the
8 water supply system supplied by the withdrawal as of the compact's effective date
9 using information available to the department.

For a withdrawal ✓

Insert 53-17

10 c. The department shall provide the estimates under subd. 3. a. to the person
11 making the withdrawal and provide an opportunity for the person to provide other
12 information relevant to the determinations under this paragraph. Information is
13 relevant if it relates to the state of the components in the water supply system,
14 including information on seasonal variations in the amount of water supplied by the
15 water supply system.

16 d. The department shall specify the baseline volumes of the withdrawal based
17 on the estimates under subd. 3. a. and any information provided under subd. 3. c.

Insert 53-17

18 4. The department shall determine the baseline volume for a diversion based
19 on the amount of the diversion authorized in any permit or approval issued by the
20 department as of the compact's effective date.

~~****NOTE: This will only work for diversions if all diversions currently have approvals and these approvals authorize a specific amount to be diverted.~~

that Not so this provision will need to be modified ✓

Insert 53-20

21 5. The department shall use the baseline volumes to determine the amount of a
22 proposed increase in a withdrawal or diversion that exists on the compact's effective
23 date for which the department has not issued an approval under this section.

1 6. The department shall provide a list of the amount of baseline volumes ✓
2 determined under this paragraph to the Great Lakes council and the regional body
3 no later than 12 months after the compact's effective date.

4 (e) *Change of ownership.* Regional review ^{or Great Lakes council approval} is not required when there is a ✓
5 change of ownership of a water supply system that withdraws, diverts, or
6 consumptively uses waters of the Great Lakes basin unless the new owner proposes
7 a change that is otherwise subject to regional review. ^{or Great Lakes council approval} ✓

8 (f) *Hydrologic units.* The Lake Michigan and Lake Huron watershed shall be
9 considered to be a single hydrologic unit and watershed.

10 (g) *Effect.* Nothing in this section implementing s. 281.343 may be interpreted
11 to make the public trust doctrine under article IX, section 1, of the Wisconsin
12 Constitution applicable to groundwater in this state.

13 (3) STATEWIDE REGISTRATION AND REPORTING. (a) 1. Subject to par. (d), any person
14 who, on the effective date of this subdivision [revisor inserts date], has a water
15 supply system with the capacity to make a withdrawal from the waters of the state
16 averaging 100,000 gallons per day or more in any 30-day period or is making any
17 diversion shall register the withdrawal or diversion with the department.

***NOTE: This should say when they must register by.

18 2. Any person who, after the effective date of this subdivision [revisor inserts
19 date], proposes to begin a withdrawal from the waters of the state using a water
20 supply system that will have the capacity to average 100,000 gallons per day or more
21 in any 30-day period, to increase the capacity of a water supply system that existed
22 on the effective date of this subdivision [revisor inserts date], so that it will have
23 the capacity to withdraw an average of 100,000 gallons per day or more in any 30-day

1 period, or to begin a diversion shall register the withdrawal or diversion with the
2 department.

3 (b) A person to whom par. (a) applies shall register on a form prescribed by the
4 department and provide all of the following information:

5 1. The name and address of the registrant and the date of registration.

6 2. The locations and sources of the withdrawal or diversion.

7 3. The daily capacity of the withdrawal or diversion and the daily capacity to
8 withdraw or divert from each source.

9 4. An estimate of the volume of the withdrawal or diversion in terms of gallons
10 per day average in any 30-day period.

11 5. The uses made of the water.

12 6. The places at which the water is used.

13 7. The places at which any of the water is discharged.

14 8. Whether the water use is continuous or intermittent.

15 9. Whether the person holds a permit under s. 283.31.

16 10. Other information required by the department by rule.

17 (c) The department shall maintain a registry containing the information
18 provided under par. (b).

19 (cm) The department may consider domestic security concerns when
20 determining whether information regarding locations of withdrawals and diversions
21 contained in the registry under par. (c) may be released to the public.

22 (d) Paragraph (a) 1. does not apply to a person who registered a withdrawal
23 under s. 281.35 (3) or who obtained an approval under s. 30.18, 281.34, or 281.41 or
24 s. 281.17, 2001 stats., before the effective date of this subdivision [revisor inserts
25 date], until the first day of the 36th month beginning after the effective date of this

1 subdivision [revisor inserts date], or the first day of the 12th month beginning,
2 after the compact's effective date, whichever is sooner.

****NOTE: I modified this from the WLC draft because the compact requires
baselines to be set within a year after the compact's effective date.

3 (e) 1. Each person who withdraws from the waters of the state 100,000 gallons
4 per day or more in any 30-day period or diverts any amount and who has registered
5 the withdrawal or diversion under par. (a) shall annually report to the department
6 the monthly volumes of withdrawal and, if applicable, the volumes of diversion and,
7 subject to par. (em), water loss from consumptive use.

8 2. In addition to the information required under subd. 1., the department may,
9 by rule, create different reporting frequencies or require additional information from
10 a person who registers a withdrawal, or diversion under par. (a) based upon the type
11 or category of water use.

12 (em) If a person to whom par. (e) 1. applies sells any of the water that the person
13 withdraws to a public water supply system, the person who operates the public water
14 supply system, rather than the person who withdraws the water, shall annually
15 report to the department the volume of water loss from the consumptive use of the
16 water sold to the public water supply system.

17 (f) The department may require additional information under par. (b) 10. or (e)
18 2. only if the information is related to the purposes of the compact.

19 (4) DIVERSIONS. (a) *Prohibition*. Beginning on the first day of the first month
20 beginning after the compact's effective date, no person may begin a diversion,
21 increase the amount of a diversion for which the person does not have an approval
22 under this subsection, or increase the amount of a diversion over the amount

1 specified in an approval under this subsection, except as authorized under par. (c),
2 (d), or (e).

3 (b) *Application.* 1. A person who proposes to begin a diversion or to increase
4 the amount of a diversion under par. (c), (d), or (e) shall apply to the department for
5 approval.

6 2. A person may apply under subd. 1. for approval of a new or increased
7 diversion under par. (c) or (e) only if the person owns or operates a public water
8 supply system that receives or would receive water from the new or increased
9 diversion.

10 3. Owners or operators of 2 or more public water supply systems may submit
11 a joint application under subd. 1. for a new or increased diversion under par. (c) or
12 (e).

13 4. A person who applies under subd. 1. shall provide information about the
14 potential impacts of the diversion on the waters of the Great Lakes basin and water
15 dependent natural resources and any other information required by the department
16 by rule.

17 4m. If a person who applies under subd. 1. will not directly withdraw the water
18 proposed to be diverted, the person shall identify the entity that will withdraw the
19 water and provide evidence of any agreement necessary to obtain water from that
20 entity.

21 5. If the proposal for which a person applies under subd. 1. is subject to the
22 exception standard under par. (f), the person shall provide an assessment of the
23 individual impacts of the proposal for the purposes of par. (f) 5. The person may also
24 include a cumulative impact assessment.

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1 (bd) *Notification.* When the department receives an application under par. (b)
2 1. for a proposal to which par. (f) 4m. applies, the department shall notify each city,
3 village, and town described in par. (f) 4m. of the application and of the provisions of
4 par. (f) 4m.

5 (bg) *Determinations.* 1. The department shall determine whether a proposal
6 under par. (b) is subject to par. (c) or (e) as follows:

7 a. Subject to subd. 1. c., if the proposal is to provide a public water supply within
8 a single city, village, or town, the proposal is subject to par. (c) or (e) based on the
9 boundaries of that city, village, or town.

10 b. Subject to subd. 1. c., if the proposal is to provide a public water supply within
11 more than one city, village, or town, any portion of the proposal that provides a public
12 water supply within a straddling community is subject to par. (c) and any portion of
13 the proposal that provides a public water supply within a community within a
14 straddling county is subject to par. (e).

15 c. Any portion of a proposal that provides a public water supply to an area that
16 is within a straddling community but outside of the Great Lakes basin and that was
17 not within the straddling community on December 13, 2005, is subject to par. (e).

18 2. For the purposes of applying the requirements in pars. (c), (e), and (f) to a
19 proposal under par. (b), the department shall use, as appropriate, the current or
20 planned service area of the public water supply system or systems receiving water
21 under the proposal. The planned service area is the service area of the system or
22 systems at the end of any planning period authorized by the department in a facility
23 plan approved under s. 281.41 or a water supply plan approved under sub. (10).

24 (c) *Straddling communities.* The department may approve a proposal to begin
25 a diversion, or to increase the amount of a diversion, to an area within a straddling

1 community but outside the Great Lakes basin or outside the source watershed if the
2 water diverted will be used solely for public water supply purposes in the straddling
3 community and all of the following apply:

4 1. An amount of water equal to the amount of water withdrawn from the Great
5 Lakes basin, less an allowance for consumptive use, will be returned to the source
6 watershed.

7 2. No surface water or groundwater from outside the source watershed will be
8 returned to the source watershed unless all of the following apply:

9 a. The returned water will be from a water supply or wastewater treatment
10 system that combines water from inside and outside the Great Lakes basin.

11 b. The returned water will be treated to meet applicable permit requirements
12 under s. 283.31 and to prevent the introduction of invasive species into the Great
13 Lakes basin.

14 c. The proposal maximizes the amount of water withdrawn from the Great
15 Lakes basin that will be returned to the source watershed and minimizes the amount
16 of water from outside the Great Lakes basin that will be returned to the source
17 watershed.

18 2m. The proposal is consistent with a water supply plan under sub. (10) that
19 was initially prepared or was updated within 5 years before the application for the
20 proposal is submitted to the department.

***NOTE: Does language like this need to be added to the provisions related to
intrabasin transfers?

21 3. If the proposal would result from a new withdrawal or an increase in a
22 withdrawal that would average 100,000 gallons or more per day in any 90-day
23 period, the proposal meets the exception standard under par. (f).

from
consumptive
use

1 4. If the proposal would result in a new water loss or an increase in a water loss
2 that would average 5,000,000 gallons or more per day in any 90-day period, all of the
3 following apply:

- 4 a. The department conducts a technical review.
- 5 b. The department notifies the regional body as required in s. 281.343 (4h) (b). ✓
- 6 c. The proposal undergoes regional review.
- 7 d. The department considers the regional declaration of finding in determining
8 whether to approve the proposal.

9 (d) *Intrabasin transfer*. 1. The department may approve a proposal for a new
10 intrabasin transfer, or for an increase in an intrabasin transfer, to which par. (c) does
11 not apply that would average less than 100,000 gallons per day in every 90-day
12 period, if the proposal meets the applicable requirements in s. 30.18, 281.34, or
13 281.41. *Insert 60-13 ✓*

****NOTE: Need to determine whether those sections cover all transfers that might
be proposed. ~~If not, this doesn't really work.~~ *I don't think that*
If that is correct, this need to be modified. ✓

14 2. The department may approve a proposal for a new intrabasin transfer or an
15 increase in an intrabasin transfer to which par. (c) does not apply that would average
16 more than 100,000 gallons per day in any 90-day period with a new water loss or an
17 increase in water loss that would average less than 5,000,000 gallons per day in every
18 90-day period, if all of the following apply:

19 a. The proposal meets the exception standard under par. (f), except that the
20 water may be returned to a watershed within the Great Lakes basin other than the
21 source watershed. *and par. (f) 3m. ✓ does not apply*

22 b. The applicant demonstrates that there is no feasible, cost-effective, and
23 environmentally sound water supply alternative within the watershed to which the

1 water will be transferred, including conservation of existing water supplies under
2 par. (g).

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3. The department provides notice of the proposal to the other parties.

5 3. The department may approve a proposal for a new intrabasin transfer or an
6 increase in an intrabasin transfer to which par. (c) does not apply with a new water
7 loss or an increase in water loss that would average 5,000,000 gallons per day or more
8 in any 90-day period, if all of the following apply:

8 a. The proposal meets the exception standard under par. (f).

9 b. The applicant demonstrates that there is no feasible, cost-effective, and
10 environmentally sound water supply alternative within the watershed to which the
11 water will be transferred, including conservation of existing water supplies under

12 par. (g).

13 c. The department conducts a technical review.

14 d. The department notifies the regional body as required in s. 281.343 (4h) (b) ✓

15 e. The proposal undergoes regional review.

16 f. The department considers the regional declaration of finding in determining
17 whether to approve the proposal.

18 g. The proposal is approved by the Great Lakes council.

19 (e) *Straddling counties*. 1. The department may approve a proposal for a new
20 diversion or an increase in a diversion if the water diverted will be used solely for
21 public water supply purposes in a community within a straddling county and all of
22 the following apply:

23 a. The community does not have a water supply that is economically and
24 environmentally sustainable in the long term to meet reasonable demands for a

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1 water supply, based on considerations of public health, economic feasibility, and
2 direct and avoided environmental impacts.

3 b. The proposal meets the exception standard under par. (f).

4 c. The proposal maximizes the amount of the amount of water withdrawn from ✓
5 the Great Lakes basin that will be returned to the source watershed and minimizes
6 the amount of water from outside the Great Lakes basin that will be returned to the
7 source watershed.

8 d. There is no reasonable water supply alternative within the basin watershed
9 in which the community is located, including conservation of existing water supplies
10 under par. (g).

11 e. The proposal will not endanger the integrity of the Great Lakes basin
12 ecosystems based upon a determination that the proposal will have no significant
13 adverse impact on the Great Lakes basin ecosystem.

14 em. The proposal is consistent with a water supply plan under sub. (10) that
15 was initially prepared or was updated within 5 years before the application for the
16 proposal is submitted to the department.

17 f. The department conducts a technical review.

18 g. The department notifies the regional body as required in s. 281.343 (4h) (b). ✓ 1

19 h. The proposal undergoes regional review.

20 i. The department considers the regional declaration of finding in determining
21 whether to approve the proposal.

22 j. The proposal is approved by the Great Lakes council.

23 2. In determining whether to approve a proposal under this paragraph, the
24 department shall give substantive consideration to whether or not the applicant
25 provides sufficient scientifically based evidence that the existing water supply is

1 derived from groundwater that is hydrologically interconnected to waters of the
2 Great Lakes basin.

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3 (f) *Exception standard.* A proposal meets the exception standard if all of the
4 following apply:

5 1. The need for the proposed diversion cannot reasonably be avoided through
6 the efficient use and conservation of existing water supplies under par. (g).

7 2. The diversion is limited to quantities that are reasonable for the purposes
8 for which the diversion is proposed.

9 3. An amount of water equal to the amount of water withdrawn from the Great
10 Lakes basin will be returned to the source watershed, less an allowance for
11 consumptive use.

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63-11 →
12 4. No water from outside the Great Lakes basin will be returned to the source
13 watershed unless all of the following apply:

14 a. The returned water is from a water supply or wastewater treatment system
15 that combines water from inside and outside the Great Lakes basin.

16 b. The returned water will be treated to meet applicable permit requirements
17 under s. 283.31 and to prevent the introduction of invasive species into the Great
18 Lakes basin.

19 4m. If water will be returned to the source watershed through a stream that
20 is tributary to one of the Great Lakes, the governing body of each city, village, and
21 town through which the stream flows or that is adjacent to the stream and that is
22 downstream from the point at which the water would enter the stream approves the
23 return of the water through the stream.

24 5. The diversion will result in no significant adverse individual impacts or
25 cumulative impacts to the quantity or quality of the waters of the Great Lakes basin

1 or to water dependent natural resources, including cumulative impacts that might
2 result due to any precedent-setting aspects of the proposed diversion, based upon a
3 determination that the proposed diversion will not have any significant ^{✓adverse} impacts on
4 the sustainable management of the waters of the Great Lakes basin.

****NOTE: I have made the requested change in this language, although it would seem to be more consistent to have "adverse" follow "significant" in both places. See proposed sub. (4) (e) 1. e.

5 6. The applicant commits to implementing the water conservation measures
6 under sub. (8) (d) 3. that are environmentally sound and economically feasible for the
7 applicant [✓] to minimize the amount of water withdrawn and the water loss.

8 7. The diversion will be in compliance with all applicable local, state, and
9 federal laws and interstate and international agreements, including the Boundary
10 Waters Treaty of 1909.

11 (g) *Conservation and efficient use of existing water supplies.* An applicant for
12 a new or increased diversion subject to par. (f) shall demonstrate the efficient use and
13 conservation of existing water supplies for the purposes of pars. (d) 2. b. and 3. b., (e)
14 1. d., and (f) 1. by doing all of the following before submitting the application:

15 1. Engaging in water conservation planning that includes all of the following:

16 a. Evaluation of the applicant's present and future water uses.

17 b. Making a representative estimate of the amount of the applicant's water use
18 before implementing the measures under subd. 2.

19 c. Determining which of the water conservation and efficiency measures in sub.
20 (8) (d) 2. and 3. b. and c. are environmentally sound and economically feasible for the
21 applicant.

22 2. Implementing the environmentally sound and economically feasible water
23 conservation measures identified under subd. 1. c.

1 (5) WITHDRAWALS. (a) *Approval required.* 1. Beginning on the first day of the
2 first month beginning after the compact's effective date, no person may begin a
3 withdrawal, including a withdrawal for the purpose of bottling water in containers
4 of 5.7 gallons or less, from the Great Lakes basin that will average more than 500,000
5 gallons per day in any 90-day period without an approval from the department
6 under this subsection.

7 2. Beginning on the first day of the first month beginning after the compact's
8 effective date, no person may increase a withdrawal from the Great Lakes basin for
9 which the person does not have an approval under this subsection by an average of
10 more than 500,000 gallons per day in any 90-day period without an approval from
11 the department under this subsection.

****NOTE: Is the intent that this requirement apply to increases of more than
500,000 gallons per day (note that the look back provision in sub. (2) (c) would require
adding all increases back 10 years or to the effective date of the compact) or to any
increase after which the withdrawal averages more than 500,000 gallons per day?
Another approach might be to use the first alternative for a withdrawal that began before
the effective date and the second for a withdrawal that begins after the effective date.

12 3. No person who has an approval under this subsection may increase the
13 withdrawal over the amount specified in the approval without obtaining a new
14 approval under this subsection.

15 (b) *Application.* A person who proposes a withdrawal or an increase in a
16 withdrawal for which approval is required under par. (a) shall apply to the
17 department for approval. The person shall provide information about the potential
18 impacts of the withdrawal on the waters of the Great Lakes basin and water
19 dependent natural resources. The person shall provide an assessment of the
20 individual impacts of the proposal for the purposes of sub. (6) (b). The person may
21 also include a cumulative impact assessment. The department may by rule require

1 additional information from a person who is required to submit an application under
2 this paragraph.

3 (c) *Standard for approval.* The department may not grant an approval under
4 this subsection unless all of the following apply:

5 1. The proposal complies with the decision-making standard under sub. (6).

6 2. For a proposal to withdraw water from a surface water body tributary to one
7 of the Great Lakes that would result in a water loss of more than 95 percent of the
8 amount of water withdrawn, the department is able to include and includes in the
9 approval conditions that ensure that the withdrawal does not cause significant
10 ^{adverse} environmental impact. ✓

11 3. If the applicant is a person operating a public water supply system, the
12 proposal is consistent with a water supply plan under sub. (10) that was initially
13 prepared or was updated within 5 years before the person submits the application
14 for the proposal to the department.

15 (d) *Prior notice.* Beginning no later than 60 months after the compact's effective
16 date, if a proposal for which approval is required under this subsection will result in
17 a new water loss or an increase in a water loss that will average more than 5,000,000
18 gallons per day in any 90-day period, the department shall provide the other parties
19 and the provinces of Ontario and Quebec, Canada, with detailed notice of the
20 proposal and an opportunity to comment on the proposal. The department shall
21 provide a response to any comment received under this paragraph. The department
22 may not grant an approval under this subsection until at least 90 days after the day
23 on which it provided notice under this paragraph.

***NOTE: The first sentence gives DNR great discretion in when to implement this requirement.

1 (e) *Regional review.* If a majority of the members of the regional body request
2 regional review of a proposal described in s. 281.343 (4h) (a) 6. for which approval is
3 required under this subsection, the department shall conduct a technical review of
4 the proposal and submit the proposal for regional review. The department may not
5 act on the proposal until the proposal has undergone regional review and the
6 department has considered the regional declaration of finding in determining
7 whether to approve the proposal.

8 (6) DECISION-MAKING STANDARD. A proposal meets the decision-making
9 standard if all of the following apply:

10 (a) All of the water withdrawn from the Great Lakes basin will be returned to
11 the source watershed, less an allowance for consumptive use.

12 (b) The withdrawal will result in no significant adverse individual impacts or
13 cumulative impacts to the quantity or quality of the waters of the Great Lakes basin,
14 to water dependent natural resources, or to the source watershed.

15 (c) The withdrawal will be implemented in a way that incorporates
16 environmentally sound and economically feasible water conservation measures to

17 minimize the amount of water withdrawn and the water loss.

18 (d) The withdrawal will be in compliance with all applicable local, state, and
19 federal laws and interstate and international agreements, including the Boundary
20 Waters Treaty of 1909.

21 (e) The proposed use of the water is reasonable, based on a consideration of all
22 of the following:

23 1. Whether the proposed withdrawal is planned in a way that provides for
24 efficient use of the water and will avoid or minimize the waste of water.

2. If the proposal would result in an increased water loss, whether efficient use is made of existing water supplies.

3. The balance ^{of} between the effects of the proposed withdrawal and use on economic development, social development, and environmental protection, and ~~the~~ effects of other existing or planned withdrawals and water uses from the water source.

is
****NOTE: I find this language, and the language in the compact (see s. 281.343 (4r) (e) 3.), to be unclear as to what is supposed to be balanced against what. I wonder whether the compact language is intended to get at is that the overall effects of withdrawals on economic and social development and the environment should be balanced, so that what DNR should consider is the balance of the effects of the proposed use and other uses on economic and social development and environmental protection. Please let me know if you would like this language modified.

I have tried to more closely reflect what the compact is intended to mean.

4. The supply potential of the water source, considering quantity, quality, reliability, and safe yield of hydrologically interconnected water sources.

5. The probable degree and duration of any adverse impacts caused or expected to be caused by the proposed withdrawal and use, under foreseeable conditions, to other lawful consumptive uses or nonconsumptive uses of water or to the quantity or quality of the waters of the Great Lakes basin and water dependent natural resources, and the proposed plans and arrangements for avoidance or mitigation of those impacts.

6. Any provisions for restoration of hydrologic conditions and functions of the source watershed.

(7) EXEMPTIONS. Subsections (3) to (6) do not apply to withdrawals from the Great Lakes basin or diversions for any of the following purposes:

(a) To supply vehicles, including vessels and aircraft, for the needs of the persons or animals being transported or for ballast or other needs related to the operation of the vehicles.

1 (b) To use in a noncommercial project that lasts no more than 3 months for fire
2 fighting, humanitarian, or emergency response purposes.

3 (8) STATEWIDE WATER CONSERVATION AND EFFICIENCY. (a) *Goals and objective.* The
4 department shall specify water conservation and efficiency goals and objectives for
5 the waters of the state and for the waters of the Great Lakes basin. The department
6 shall specify goals and objectives for the waters of the Great Lakes basin that are
7 consistent with the goals under s. 281.343 (4b) (a) and the objectives identified by the
8 Great Lakes council under s. 281.343 (4b) (a) and (c). In specifying these goals and
9 objectives, the department shall consult with the department of commerce and the
10 public service commission and consider the water conservation and efficiency goals
11 and objectives developed in any pilot program conducted by the department in
12 cooperation with the regional body.

13 (b) *Statewide program.* In cooperation with the department of commerce and
14 the public service commission, the department shall develop and implement a
15 statewide water conservation and efficiency program that includes all of the
16 following:

17 1. Promotion of environmentally sound and economically feasible water
18 conservation measures.

19 2. Water conservation and efficiency measures that the public service
20 commission requires or authorizes a water utility to implement under ch. 196.

21 3. Water conservation and efficiency measures that the department of
22 commerce requires or authorizes to be implemented under chs. 101 and 145.

23 (c) *Great Lakes basin program.* No later than the 24th month beginning after
24 the compact's effective date, the department shall implement a Great Lakes basin
25 water conservation and efficiency program as part of the statewide program under

1 par. (b), for all users of the waters of the Great Lakes basin, that is designed to
2 achieve the goals and objectives for the waters of the Great Lakes basin that are
3 specified under par. (a). The department shall include in the Great Lakes basin
4 program the activities in par. (b) 1. to 3. applicable in the Great Lakes basin and
5 application of the water conservation and efficiency tiers specified in par. (d) under
6 subs. (4) (f) 6. and (g) and (6) (c).

7 (d) *Water conservation and efficiency tiers.* 1. Tier 1 water conservation and
8 efficiency measures consist of all of the following, subject to amendment under subd.
9 4.:

10 a. Metering or comparable measuring of water use and related testing,
11 calibration, maintenance, and replacement of water meters.

12 b. For water utilities only, determining the cost and setting the price of water,
13 including related accounting and cost analysis.

14 c. Accounting and assessment of water flows and losses in a water supply
15 system.

16 d. Information and education on water consumption and conservation, and, as
17 appropriate, water utility bills.

18 e. Any other water conservation and efficiency measure specified by the
19 department under subd. 4.

20 2. Tier 2 water conservation and efficiency measures consist of all of the
21 following, subject to amendment under subd. 4.:

22 a. All tier 1 measures.

23 b. Audits of water use by large-volume and other classes of users.

24 c. Retrofitting existing fixtures, appliances, and equipment to increase the
25 efficiency of their water use.

1 d. Management of the pressure in a water supply distribution system.

2 e. Efficient use of water for landscaping, irrigation, and other outdoor water
3 uses.

4 f. Any other water conservation and efficiency measure specified by the
5 department under subd. 4.

6 3. Tier 3 water conservation and efficiency measures consist of all of the
7 following, subject to amendment under subd. 4.:

8 a. All tier 1 and 2 measures.

9 b. Replacement of inefficient fixtures, appliances, and equipment and
10 promotion of new water conserving fixtures, appliances, and equipment.

11 c. Reuse and recycling of wastewater.

12 d. Regulations and standards to manage water use during droughts or other
13 water-supply emergencies and at new developments.

14 e. Water conservation and efficiency measures planned and implemented
15 jointly with the conservation or efficient use of other resources, considering the
16 interrelationships between the water and other resources. ✓

17 f. Any other water conservation and efficiency measure specified by the
18 department under subd. 4.

19 4. The department may, by rule, amend any of the water conservation and
20 efficiency measures in subds. 1. a. to d., 2. a. to e., and 3. a. to e. and may add one or
21 more water conservation and efficiency measures to the water conservation and
22 efficiency tiers in subds. 1. to 3. based on the recommendations of the water
23 conservation council or the results of any pilot water conservation program
24 conducted by the department in cooperation with the regional body.

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1 (9) TRIBAL CONSULTATION; PUBLIC PARTICIPATION; TIME LIMITS. (a) *Tribal*
 2 *consultation*. The department shall consult with ^{of a} each federally recognized American
 3 Indian tribe or band in this state concerning ^{part} each proposal ^{that may affect the tribe or band} that is subject to regional
 4 review or Great Lakes council approval under sub. (4) or (5). ^{and}

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72-45

5 (b) *Public Notice*. 1. The department shall, by rule, create procedures for
 6 circulating to interested and potentially interested members of the public notices of
 7 each complete application that the department receives under sub. (4) or (5). The
 8 department shall include, in the rule, at least the following procedures:

9 a. Publication of the notice as a class 1 notice under ch. 985.

10 b. Mailing of the notice to any person, group, local governmental unit, or state
 11 agency upon request.

12 2. The department shall establish the form and content of a public notice by
 13 rule. The department shall include in every public notice at least the following
 14 information:

15 a. The name and address of each applicant.

16 b. A brief description of the proposal for which the application is made under
 17 sub. (4) or (5), including the amount of the proposed withdrawal or diversion.

18 c. A brief description of the procedures for the formulation of final
 19 determinations on applications, including the 30-day comment period required
 20 under par. (c).

21 (c) *Public comment*. The department shall receive public comments on a
 22 proposal for which it receives an application under sub. (4) or (5) for a 30-day period
 23 beginning when the department gives notice under par. (b) 1. The department shall
 24 retain all written comments submitted during the comment period and shall
 25 consider the comments in making its decisions on the application.

1 (d) *Public hearing.* 1. The department shall provide an opportunity for any
2 interested person or group of persons, any affected local governmental unit, or any
3 state agency to request a public hearing with respect to a proposal for which the
4 department receives an application under sub. (4) or (5). A request for a public
5 hearing shall be filed with the department within 30 days after the department gives
6 notice under par. (b). The party filing a request for a public hearing shall indicate
7 the interest of the party and the reasons why a hearing is warranted. The
8 department shall hold a public hearing on a proposal for which the department
9 receives an application under sub. (4) or (5) if the department determines that there
10 is a significant public interest in holding a hearing.

11 2. The department shall promulgate, by rule, procedures for the conduct of
12 public hearings held under this paragraph. A hearing held under this paragraph is
13 not a contested case hearing under ch. 227.

14 3. ^{The department shall circulate} Public notice of any hearing held under this paragraph shall be circulated
15 in the manner provided under par. (b) 1. ✓

16 (e) *Public access to information.* Any record or other information provided to
17 or obtained by the department regarding a proposal for which an application under
18 sub. (4) or (5) is received is a public record as provided in subch. II of ch. 19. The
19 department shall make available to and provide facilities for the public to inspect and
20 copy any records or other information provided to or obtained by the department
21 regarding a proposal for which an application for a new or increased diversion or
22 withdrawal under sub. (4) or (5) is received, except that any record or other
23 information provided to the department may be treated as confidential upon a
24 showing to the secretary that the record or information is entitled to protection as
25 a trade secret, as defined in s. 134.90 (1) (c), or upon a determination by the

1 department that domestic security concerns warrant confidential treatment.
2 Nothing in this subsection prevents the use of any confidential records or
3 information obtained by the department in the administration of this section in
4 compiling or publishing general analyses or summaries, if the analyses or
5 summaries do not identify a specific owner or operator.

6 (f) *Time limits.* 1. Within 60 days after receipt of an application for a new or
7 increased diversion or withdrawal under sub. (4) or (5), the department shall either
8 determine that the application is complete or shall notify the applicant in writing
9 that the application is not complete and shall specify the information that is required
10 to make the application complete.

11 2. Except as provided in par. (g), within 90 days after receipt of a complete
12 application, the department shall notify the applicant in writing of the approval,
13 conditional approval, or denial of the application. If the application is denied, the
14 department shall include the reason for denial in the notification.

15 (g) *Suspension of time limits.* The department may suspend the 90-day period
16 specified in par. (f) 2. for any of the following periods:

17 1. From the day that the department provides notice under sub. (4) (bd) to the
18 day that the last city, village, or town described in sub. (4) (f) 4m. provides its
19 approval.

20 1m. From the day that the department provides notice under sub. (4) (c) 4. b.,
21 (d) 3. ^e~~d~~, or (e) 1. ^g~~f~~ that an application is subject to regional review to the day that
22 the department receives either the regional declaration of finding on the application
23 or, if applicable, notice of the action taken by the Great Lakes council on the
24 application, whichever is later.

1 2. From the day that the department provides notice under sub. (5) (d) to the
2 last day of the 90-day comment period under sub. (5) (d).

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75-2 ✓

3 (h) *Expediting review*. The department shall take appropriate measures to
4 expedite, to the extent feasible, applicable reviews by the regional body, Great Lakes
5 council, parties, and the provinces of Ontario and Quebec of applications submitted
6 under sub. (4) (b) or (5) (b).

***NOTE: I am not certain that the time limits are practical, especially if DNR must
conduct a technical review, which must be completed before DNR notifies the regional
body.

7 (10) WATER SUPPLY PLANNING. (a) The department shall establish and
8 administer a continuing water supply planning process, that is consistent with
9 applicable state requirements and the compact, for the preparation of water supply
10 plans for persons owning or operating public water supply systems. A person
11 operating a public water supply system who applies for approval of a diversion under
12 sub. (4) or a withdrawal under sub. (5) shall participate in the planning process
13 under this subsection.

14 (b) The department shall include in the process under par. (a) procedures and
15 requirements for all of the following:

Insert
75-15 ✓

- 16 1. Approval of a plan. Insert 75-16 ✓
- 17 2. Updating a plan at least every 5 years.
- 18 3. Intergovernmental cooperation.

19 (c) A person preparing a plan under par. (a) shall include all of the following
20 in the plan:

- 21 1. Delineation of the area for which the plan is being prepared.
- 22 2. An inventory of the sources and quantities of the current water supplies in
23 the area.

1 3. A forecast of the demand for water in the area over the period covered by the
2 plan.

3 4. Identification of the most cost-effective options for supplying water in the
4 area for the period covered by the plan based upon a cost-effectiveness analysis of
5 regional and individual water supply and water conservation alternatives.

6 5. An assessment of the environmental, social, and economic impacts of
7 carrying out specific significant recommendations of the plan, including an
8 assessment of relevant factors and requirements in subs. (4), (6), and (8).

9 6. A demonstration that the plan will effectively maximize the use of existing
10 water supply and wastewater infrastructure.

11 7. Identification of the procedures for implementing and enforcing the plan and
12 a commitment to using those procedures.

13 8. An analysis of how the plan supports and is consistent with any applicable
14 comprehensive plans, as defined in s. 66.1001 (1) (a), and ^{applicable} approved areawide waste
15 treatment management plans under 33 USC 1288.

****NOTE: The DNR rules on wastewater planning are difficult to sort through. I think that areawide water quality management plans are the same as areawide waste treatment management plans. See NR 121.03 (1), Wis. Adm. Code. I used the second term because that is the term used in 33 USC 1288. ~~I do not think that there is a separate sewer service area plan or nonindustrial wastewater treatment and collection system plan.~~ NR 121.05 (1) (intro.) and (g) (title) indicate that a nonindustrial wastewater treatment and collection plan is part of an areawide water quality management plan. A sewer service area is delineated in nonindustrial wastewater treatment and collection plan, which is part of the areawide water quality management plan. NR 121.05 (1) (intro.) and (g) 2. It is also true, though, that NR 113.03 (48) indicates that a sewer service area can be designated in an approved facility plan under ch. NR 110 if there is no approved areawide plan under ch. 121. Note that NR 121.01 indicates that specified sections of ch. 281 plus s. 283.83 provide the authority for ch. NR 121.

see

not and 2.

16 9. Other information specified by the department.

17 (d) The department may not approve a plan under this subsection unless all
18 of the following apply:

1 1. The plan provides for the most cost-effective water supply system based on
2 a cost-effectiveness analysis of regional and individual water supply and water
3 conservation alternatives.

4 2. The plan will effectively maximize the use of existing water supply and
5 wastewater infrastructure.

6 3. The plan is consistent with any applicable comprehensive plans, as defined
7 in s. 66.1001 (1) (a).

8 4. The plan is consistent with ^{any} ~~the~~ applicable approved areawide waste
9 treatment management plans under 33 USC 1288 and those plans were updated
10 within 5 years before the proposed plan is submitted to the department.

11 5. The area of new residential development that would be served by the water
12 supply system under the plan has a density of at least 10 housing units per acre.

****NOTE: Need to think about whether it should it always say "public" water supply
system in this subsection. Also, par. (d) 5. is not as clear as it could be. Is the intent that
the density requirement be applied by considering all of the area of new residential
development and determining the average density of the entire area? If not, it may be
difficult to describe how to apply the test. Also, would the density necessarily be
determined at the time the plan would be made? *How would this be enforced?*

set by
Insert 77-12

13 **(11) INFORMATION, REPORTS, AND ASSESSMENTS.** (a) *Statewide inventory.* 1. The
14 department shall develop and maintain a water resources inventory consisting of
15 information about the waters of the state including information about the location,
16 type, quantity, and uses of water resources and the location, ^{STC} type, and quantity of
17 diversions, ^{and} withdrawals, ^{and} and consumptive uses, including quantities of ^{with draws and} water losses.
18 The department shall develop the inventory in cooperation with federal and local
19 governmental entities, agencies of this state and of the other parties, tribal agencies,
20 and private entities. The department shall use information in the registry under
21 sub. (3) (c) in creating the inventory.

1 2. The department shall create the water resources inventory under subd. 1.
2 no later than the first day of the 36th month beginning after the effective date of this
3 subdivision [revisor inserts date].

4 (b) *Annual report on water resources.* Beginning within 60 months after the
5 compact's effective date, the department shall annually report to the Great Lakes
6 council the information from par. (a) regarding withdrawals that average 100,000
7 gallons per day or more over a 30-day period, including consumptive uses, in the
8 basin and any diversions, as well as the amounts of the withdrawals, water losses
9 from consumptive uses, and diversions in the basin reported under sub. (3) (e).

****NOTE: This gives DNR broad discretion on when to begin reporting.

10 (c) *Program report.* No later than 12 months after the compact's effective date,
11 and every 5 years thereafter, the department shall submit a report to the Great Lakes
12 council and the regional body describing the implementation of the program under
13 this section, including the manner in which withdrawals from the Great Lakes basin
14 are managed, how the criteria for approval under subs. (4), (5), and (6) are applied,
15 and how conservation and efficiency measures are implemented.

16 (d) *Assessment of water conservation and efficiency program.* The department
17 shall annually assess the effectiveness of the water conservation and efficiency
18 program under sub. (8) (c) in meeting the Great Lakes basin water conservation and
19 efficiency goals under sub. (8) (a). In each assessment, the department shall consider
20 whether there is a need to adjust the Great Lakes basin water conservation and
21 efficiency program in response to new demands for water from the basin and the
22 potential impacts of the cumulative effects of diversions, withdrawals, and
23 consumptive uses and of climate. The department shall provide the assessment to
24 the Great Lakes council and the regional body and make it available to the public.

1 (e) *Assessment of cumulative impacts.* The department shall participate in the
2 periodic assessment of the impacts of withdrawals, diversions, and consumptive uses
3 under s. 281.343 (4z) (a).

4 (f) *Report on threshold.* No later than the 60th month beginning after the
5 compact's effective date, the department shall submit to the legislature under s.
6 13.172 (2) a report analyzing the impact of the threshold under sub. (5) (a) 1. and 2.
7 and providing any recommendations to change the threshold.

8 (12) FEES. The department shall promulgate rules specifying graduated fees
9 for the administration of this section and a schedule for collecting the fees.

10 (13) WATER CONSERVATION COUNCIL. (a) In this subsection, "council" means the
11 water conservation council.

12 (b) The council shall advise the department on all of the following:

13 1. The development of the initial water conservation and efficiency goals and
14 objectives for the waters of the state and the waters of the Great Lakes basin under
15 sub. (8) (a).

16 2. The initial development and implementation of the statewide water
17 conservation and efficiency program under sub. (8) (b).

18 3. The initial development and implementation of the Great Lakes basin water
19 conservation and efficiency program under sub. (8) (c).

20 4. Whether any of the water conservation and efficiency measures in sub. (8)
21 (d) should be modified or additional water conservation and efficiency measures
22 should be added to any of the water conservation and efficiency tiers in sub. (8) (d).

23 (c) The council shall consider relevant recommendations of the groundwater
24 advisory committee created under 2003 Wisconsin Act 310 in providing advice under
25 par. (b).

1 (d) The department shall provide staff and funding for the council.

2 (e) This subsection does not apply after the end of the 36th month beginning
3 after the compact's effective date.

4 (14) PENALTIES. (a) Any person who violates this section or any rule
5 promulgated or approval issued under this section shall forfeit not less than \$10 nor
6 more than \$10,000 for each violation. Each day of continued violation is a separate
7 offense.

8 (b) In addition to the penalties provided under par. (a), the court may award
9 the department of justice the reasonable and necessary expenses of the investigation
10 and prosecution of a violation of this section, including attorney fees. The
11 department of justice shall deposit in the state treasury for deposit into the general
12 fund all moneys that the court awards to the department or the state under this
13 paragraph. The moneys received for the costs of investigation and the expenses of
14 prosecution, including attorney fees, shall be credited to the appropriation account
15 under s. 20.455 (1) (gh).

16 (c) In addition to the penalties under par. (a), the court may order the defendant
17 to abate any nuisance, restore a natural resource, or take, or refrain from taking, any
18 other action as necessary to eliminate or minimize any environmental damage
19 caused by the defendant.

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20 SECTION 8. 281.98 (1) of the statutes is amended to read:

21 281.98 (1) Except as provided in ss. 281.344 (14) (a), 281.47 (1) (d), 281.75 (19),
22 and 281.99 (2), any person who violates this chapter or any rule promulgated or any
23 plan approval, license, special order, or water quality certification issued under this
24 chapter shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each

1 day of continued violation is a separate offense. While an order is suspended, stayed,
2 or enjoined, this penalty does not accrue.

3 **SECTION 9. Nonstatutory provisions.**

4 (1) INITIAL MEMBERSHIP ON WATER CONSERVATION COUNCIL:

5 (a) The appointing authorities under section 15.347 (14) (a) 1. to 5. of the
6 statutes, as created by this act, shall appoint the initial members of the water
7 conservation council no later than the first day of the 4th month beginning after the
8 effective date of this paragraph.

9 (b) Notwithstanding the length of terms specified in section 15.347 (14) (d) of
10 the statutes, as created by this act, the initial members of the water conservation
11 council shall be appointed as follows:

12 1. Three of the members appointed under section 15.347 (14) (a) 1. of the
13 statutes, 2 of the members appointed under section 15.347 (14) (a) 2. of the statutes,
14 2 of the members appointed under section 15.347 (14) (a) 3. of the statutes, and the
15 members appointed under section 15.347 (14) (a) 4. and 5. of the statutes for terms
16 ending on July 1, 2010.

17 2. Two of the members appointed under section 15.347 (14) (a) 1. of the statutes,
18 2 of the members appointed under section 15.347 (14) (a) 2. of the statutes, and 2 of
19 the members appointed under section 15.347 (14) (a) 3. of the statutes for terms
20 ending on July 1, 2011.

21 (2) POSITION AUTHORIZATION. The authorized FTE positions for the department
22 of natural resources are increased by 5.0 PR positions to be funded from the
23 appropriation under section 20.370 (4) (ai) of the statutes, as created by this act, to
24 administer water conservation, reporting, and management provisions of this act.

25 (END)

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