

1 **SECTION 4.** 281.344 of the statutes is created to read:

2 **281.344 Water conservation, reporting, and withdrawals; when**
3 **compact is not in effect. (1) DEFINITIONS.** In this section:

4 (dm) “Compact” means the Great Lakes—St. Lawrence River Basin Water
5 Resources Compact under s. 281.343.

6 (dr) “Compact’s effective date” means the effective date of the compact under
7 s. 281.343 (9) (d).

8 (e) “Consumptive use” means a use of water that results in the loss of or failure
9 to return some or all of the water to the basin from which the water is withdrawn due
10 to evaporation, incorporation into products, or other processes.

11 (i) “Environmentally sound and economically feasible water conservation
12 measures” means those measures, methods, or technologies for efficient water use
13 and for reducing water loss and waste or for reducing the amount of a withdrawal,
14 consumptive use, or interbasin transfer that are, taking into account environmental
15 impact, the age and nature of equipment and facilities involved, the processes
16 employed, the energy impacts, and other appropriate factors, all of the following:

- 17 1. Environmentally sound.
- 18 2. Reflective of best practices applicable to the water use sector.
- 19 3. Technically feasible and available.
- 20 4. Economically feasible and cost-effective based on an analysis that considers
21 direct and avoided economic and environmental costs.

22 (je) “Great Lakes basin” means the watershed of the Great Lakes and the St.
23 Lawrence River upstream from Trois—Rivieres, Quebec.

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^k
(jm) ✓

"Interbasin transfer" means a transfer of water from the Great Lakes basin into a watershed outside of the Great Lakes basin or from the watershed of one of the Great Lakes into that of another.

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(wm) "Water loss" means the amount of water that is withheld from or not returned to the basin from which it is withdrawn as a result of an interbasin transfer or consumptive use or both.

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

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

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

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

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

(b) *Transfers and withdrawals from more than one source.* For the purposes of this section, the interbasin transfer or withdrawal of water from more than one source within the Great Lakes basin to supply a common distribution system is considered one interbasin transfer or withdrawal.

Insert ✓
46-21

(3) STATEWIDE REGISTRATION AND REPORTING. (a) 1. Any person who, on the first day of the 36th month beginning after the effective date of this subdivision [revisor inserts date], or, for a withdrawal from the Great Lakes basin, on the compact's effective date if that is sooner, has a water supply system with the capacity

1 to make a withdrawal from the waters of the state averaging 100,000 gallons per day
2 or more in any 30-day period or is making any interbasin transfer shall register the
3 withdrawal or interbasin transfer with the department by the deadline specified by
4 the department by rule.

5 2. Any person who, after the first day of the 36th month beginning after the
6 effective date of this subdivision [revisor inserts date], or, if the withdrawal is from
7 the Great Lakes basin, on the compact's effective date if that is sooner, proposes to
8 begin a withdrawal from the waters of the state using a water supply system that will
9 have the capacity to withdraw an average of 100,000 gallons per day or more in any
10 30-day period, to increase the capacity of a water supply system that existed on the
11 first day of the 36th month beginning after the effective date of this subdivision
12 [revisor inserts date], or, if the withdrawal is from the Great Lakes basin, on the
13 compact's effective date if that is sooner, so that it will have the capacity to withdraw
14 an average of 100,000 gallons per day or more in any 30-day period, or to begin an
15 interbasin transfer shall register the withdrawal or interbasin transfer with the
16 department.

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

- 19 1. The name and address of the registrant and the date of registration.
- 20 2. The locations and sources of the withdrawal or interbasin transfer.
- 21 3. The daily capacity of the withdrawal or interbasin transfer and the daily
22 capacity to withdraw or transfer from each source.
- 23 4. An estimate of the volume of the withdrawal or interbasin transfer in terms
24 of gallons per day average in any 30-day period.
- 25 5. The uses made of the water.

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

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

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

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

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

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

8 (cm) The department may consider domestic security concerns when
9 determining whether information regarding locations of withdrawals and interbasin
10 transfers contained in the registry under par. (c) may be released to the public.

11 (e) 1. [✓] Each person who ^{makes a withdrawal} withdraws from the waters of the state ^{that} an average of
12 100,000 gallons per day or more in any 30-day period or transfers from the Great
13 Lakes basin any amount and who has registered the withdrawal or interbasin
14 transfer under par. (a) shall annually report to the department the monthly volumes
15 of withdrawal, whether the person ever withdraws at least 1,000,000 gallons per day
16 for 30 consecutive days, and, if applicable, the volumes of interbasin transfer and,
17 subject to par. (em), water loss from consumptive use.

18 2. In addition to the information required under subd. 1., the department may,
19 by rule, create different reporting frequencies or require additional information from
20 a person who registers a withdrawal, or interbasin transfer under par. (a) based upon
21 the type or category of water use.

22 (em) 1. Except as provided in subd. 2., if a person to whom par. (e) 1. applies
23 provides any of the water that the person withdraws to a public water supply system,
24 the person who operates the public water supply system, rather than the person who
25 withdraws the water, shall annually report to the department the volume of water

1 loss from the consumptive use of the water provided to the public water supply
2 system.

3 2. A person who operates a wastewater treatment system, rather than the
4 person who withdraws the water or who operates a public water supply system, shall
5 annually report to the department the volume of water loss from a consumptive use
6 of water that occurs after the treatment of the wastewater by the person who
7 operates the wastewater treatment system.

8 (f) The department may require additional information under par. (b) 10. or (e)
9 2. only if the information is necessary to effectuate this section.

10 (4) INTERBASIN TRANSFERS. *will be added here. regulation of and*

★ *✓* ~~****NOTE: Provisions relating to the determination of baselines for interbasin
transfers and perhaps those that implement the provision at page 17, lines 3 to 6 of the
12/19/2007 concept paper will be added here. Guidance is needed as to any other
provisions related to interbasin transfers that should be included in the precompact part
of the draft.~~

11 (4e) DETERMINING INITIAL WITHDRAWAL AMOUNTS FOR WITHDRAWALS FROM THE
12 GREAT LAKES BASIN. (a) Before issuing automatic notice of coverage under a general
13 permit under sub. (4s) or an automatic individual permit under sub. (5) (c) for a
14 withdrawal from the Great Lakes basin for which the department is required to issue
15 automatic notice of coverage under a general permit or an automatic individual
16 permit, the department shall determine the initial withdrawal amount for the
17 withdrawal under this subsection.

18 (b) 1. Except as provided in subd. 2. and par. (f), the department shall estimate
19 the initial withdrawal amount for a withdrawal based on the maximum hydraulic
20 capacity of the most restrictive component in the water supply system used for the
21 withdrawal as of the date that the department makes the estimate, based on
22 information available to the department.

SECTION 4

2001 stats, that is required ✓

of 30.12, 30.18, 281.34, or 281.41 or 5.281.17

an approval

- 1 2. If the department has issued ~~a permit~~ ^{an approval} under s. 22 for a withdrawal and the
- 2 ~~permit~~ ^{approval} contains a limit on the amount of water that may be withdrawn, the
- 3 department shall provide an estimate of the initial withdrawal amount equal to the
- 4 limit in the ~~permit~~ ^{approval}.

****NOTE: Under what statutes does DNR issue permits with withdrawal limits and, of those, which should be listed here?

5 (c) The department shall provide the estimate under par. (b) for a withdrawal
6 to the person making the withdrawal.

7 (d) After receiving an estimate under par. (c), a person making a withdrawal
8 may provide the department with information relating to any of the following:

- 9 1. The components of the water supply system used for the withdrawal.
- 10 2. Seasonal variations in the amount of water supplied by the water supply
- 11 system.
- 12 3. Plans for expanding the capacity of the water supply system submitted to
- 13 the department no later than 2 years after the effective date of this subdivision
- 14 [revisor inserts date].

of withdrawn during ✓

15 4. ~~Withdrawal~~ amounts from the 5 years before the year in which the person
16 submits the information. ✓

17 5. Successful water conservation efforts by persons using the water that is
18 withdrawn.

19 6. Water loss from consumptive uses of similar types of users compared to the
20 water loss from consumptive use of persons using the water that is withdrawn.

21 7. Other information that the department considers to be relevant.

22 (e) Except as provided in par. (f), the department shall determine the initial
23 withdrawal amount for a withdrawal based on the estimate under par. (b) and any

The department's evaluation of

1 information provided under par. (d). The department may not consider information
2 provided by any other person.

***NOTE: The proposal does not say what the standard for setting the initial withdrawal amount ultimately is. It does not provide guidance to DNR about how DNR should consider information about seasonal variations in withdrawals or any of the other matters in subds. 1. to 6. or what DNR may consider to be relevant under subd. 7. If a withdrawer wanted to challenge DNR's determination, on what grounds could the withdrawer base the challenge? Someone might also argue that this is an invalid delegation of legislative authority because of the lack of standards and, therefore, is unconstitutional.

3 (f) For a public water supply system that, on the effective date of this paragraph
4 ... [revisor inserts date], has approval under s. 281.41 to provide water from the
5 Great Lakes basin for municipal water service outside of the Great Lakes basin and
6 approval under s. 283.31 to return the associated wastewater to the Great Lakes
7 basin, the department shall determine the initial withdrawal amount to be the
8 amount of water necessary to provide municipal water service in the service territory
9 specified in the sewer service area provisions of the areawide water quality
10 management plan under s. 283.83 approved by the department before December 31,
11 2007, based on the population and related service projections in those provisions.

12 (g) The department's determination of an initial withdrawal amount under par.
13 (e) or (f) is not subject to administrative review under ch. 227 except at the request
14 of the person making the withdrawal.

15 (h) If 2 or more public water supply systems merge after the department
16 determines their initial withdrawal amounts under par. (e) and before the
17 department issues the initial individual permits under sub. (5) (c) for the systems,
18 the initial withdrawal amount for the new system is the sum of the amounts
19 determined under par. (e) for the individual systems.

20 **(4m) WATER USE PERMITS REQUIRED IN THE GREAT LAKES BASIN.** Beginning on the
21 earliest of the following dates, a person may not make a withdrawal from the Great

1 Lakes basin that averages 100,000 gallons per day or more in any 30-day period
2 unless the withdrawal is covered under a general permit under sub. (4s) or an
3 individual permit under sub. (5):

4 (a) The first day of the 84th month beginning after the effective date of this
5 paragraph [revisor inserts date].

6 (b) The compact's effective date.

7 **(4s)** GENERAL WATER USE PERMITS FOR GREAT LAKES BASIN. (a) *Department to*
8 *issue.* The department shall issue one or more general permits to cover withdrawals
9 from the Great Lakes basin that average 100,000 gallons per day or more in any
10 30-day period but that do not equal at least 1,000,000 gallons per day for any 30
11 consecutive days. The department shall include all of the following in a general
12 permit:

13 1. Reference to the database of withdrawal amounts under par. (i).

14 2. Requirements for reporting, metering, and surveillance, as provided in rules
15 promulgated by the department.

16 3. Requirements for water conservation, as provided in rules promulgated by
17 the department under sub. (8) (d).

18 4. Other conditions, limitations, or restrictions, as provided in rules
19 promulgated by the department, that the department determines are necessary to
20 protect the environment or public health and safety or to ensure the conservation and
21 proper management of the waters of the Great Lakes basin.

22 (am) *Term of general permit.* The term of a general permit issued under par.
23 (a) is 10 years.

24 (b) *General requirement.* Beginning on the earlier of the dates under sub. (4m)
25 (a) and (b), a person who does not hold an individual permit under sub. (5) may not

1 make a withdrawal that averages 100,000 gallons per day or more in any 30-day
2 period, but that does not equal at least 1,000,000 gallons per day for any 30
3 consecutive days, unless the withdrawal is covered under a general permit. A person
4 to whom the department has issued a notice of coverage under a general permit shall
5 comply with the general permit.

****NOTE: This is drafted to allow the possibility that a withdrawal of a size that would ordinarily qualify for coverage under a general permit might be required (or the withdrawer might choose) to get an individual permit. If that is not a possibility, this paragraph can be simplified a little.

6 (c) *Automatic notice of coverage for existing withdrawals.* The department shall
7 automatically issue a notice of coverage under a general permit to a person who
8 makes a withdrawal from the Great Lakes basin and who reports under sub. (3) (e)
9 before the earlier of the dates under sub. (4m) (a) or (b), if the withdrawal averages
10 100,000 gallons per day or more in any 30-day period but does not equal at least
11 1,000,000 gallons per day for any 30 consecutive days. If necessary, the department
12 may request additional information before issuing a notice under this paragraph.
13 The department shall issue a notice under this paragraph no later than the earlier
14 of the dates under sub. (4m) (a) or (b). The department may promulgate a rule under
15 which the department issues automatic notices of coverage under a general permit
16 on a staggered schedule before the earlier of the dates under sub. (4m) (a) or (b). In
17 the notice provided under this paragraph for a withdrawal, the department shall
18 specify a withdrawal amount equal to the initial withdrawal amount determined
19 under sub. (4e) for the withdrawal.

20 (d) *Coverage under general permit for new or increased withdrawals.* 1. A
21 person who proposes to begin a withdrawal from the Great Lakes basin that will
22 average 100,000 gallons per day or more in any 30-day period, or to increase an
23 existing withdrawal so that it will average 100,000 gallons per day or more in any

1 30-day period, after the first day of the 36th month beginning after the effective date
2 of this subdivision [revisor inserts date], and to whom the department is not
3 required to issue automatic notice of coverage under a general permit under par. (c),
4 but who does not propose to withdraw at least 1,000,000 gallons per day for any 30
5 consecutive days, shall apply to the department for coverage under a general permit.
6 In the application, the person shall provide the information required by the
7 department by rule.

****NOTE: I have tried to draft this so that it will pick up all of the withdrawers who do not get an automatic notice of coverage.

8 2. After receiving an application under subd. 1., the department shall, within
9 the time limit established by the department by rule, determine whether the
10 withdrawal qualifies for coverage under a general permit or notify the applicant of
11 any additional information needed to determine whether the withdrawal qualifies
12 for coverage under a general permit.

13 3. If the department determines that a withdrawal qualifies for coverage under
14 a general permit and the department has issued any approvals under s. 30.12, 30.18,
15 281.34, or 281.41 or s. 281.17, 2001 stats., that are required for the withdrawal, the
16 department shall issue a notice of coverage. In the notice, the department shall
17 specify a withdrawal amount that is equal to the ^{smallest of the following amounts: # a. The ✓} maximum hydraulic capacity of the
18 most restrictive component of the water supply system used for the withdrawal for
19 which the person has approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17,
20 2001 stats., or, if an approval under one of those provisions is not required for the
21 most restrictive component of the water supply system, a withdrawal amount that
22 is equal to the maximum hydraulic capacity of the most restrictive component that
23 the person proposes to use in the water supply system.

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1 4. If the department determines that a withdrawal does not qualify for coverage
2 under a general permit, the department shall notify the applicant in writing of the
3 reason for that determination.

4 (e) *Increase in withdrawal amount.* Before the effective date of the compact,
5 if a person making a withdrawal that is covered under a general permit proposes to
6 increase the amount of the withdrawal over the withdrawal amount specified in the
7 database under par. (i) for the withdrawal, but does not propose to withdraw at least
8 1,000,000 gallons per day for any 30 consecutive days, the person shall apply to the
9 department for a modification of the withdrawal amount. If the department has
10 issued any approvals under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats.,
11 that are required for modifying the withdrawal, the department shall modify the
12 withdrawal amount to an amount equal to the ^{smallest of the following amounts: #1. The} maximum hydraulic capacity of the
13 most restrictive component of the water supply system used for the withdrawal for
14 which the person has approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17,
15 2001 stats., or, if an approval under one of those provisions is not required for the
16 most restrictive component of the water supply system, a withdrawal amount that
17 is equal to the maximum hydraulic capacity of the most restrictive component that
18 the person proposes to use in the water supply system.

19 (f) *Term of coverage.* Coverage under a general permit ends on the date that
20 the term of the general permit under par. (am) ends.

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***NOTE: Under this provision, the length of a withdrawal's coverage under a general permit is not necessarily 10 years, but varies depending on how far into the general permit's 10 year term the withdrawal becomes covered. This is based on DNR's proposal in the email from Todd Ambs dated January 18. Is this OK? It would mean that some withdrawers would have to apply for redetermination of coverage soon after they become covered for the first time. There might, however, be an advantage under the postcompact statute to beginning to withdraw near the end of the term of a general permit, depending on how increases in withdrawals will be counted in determining when a decision-making standard applies.

1 (g) *Redetermination.* A person to whom the department has issued a notice of
 2 coverage under a general permit shall apply to the department for redetermination
 3 of coverage under a new general permit at least 180 days before the end of the term
 4 of the ^{current} general permit if the person intends to continue to withdraw from the Great
 5 Lakes basin an average of 100,000 gallons per day or more in any 30-day period but
 6 does not intend to withdraw at least 1,000,000 gallons per day for any 30 consecutive
 7 days. If the person is in compliance with the ^{current} general permit and the withdrawal
 8 qualifies for coverage under the new general permit, the department shall issue a
 9 new notice of coverage under the new general permit.

10 (i) *Database.* The department shall maintain a database of the withdrawal
 11 amount for all withdrawals that are covered under general permits under this
 12 subsection.

13 (5) INDIVIDUAL WATER USE PERMITS FOR GREAT LAKES BASIN. (a) *Requirement.*
 14 Beginning on the earlier of the dates under sub. (4m) (a) or (b), a person may not
 15 make a withdrawal from the Great Lakes basin that equals at least 1,000,000 gallons
 16 per day for any 30 consecutive days unless the withdrawal is covered by an individual
 17 permit. A person to whom the department has issued an individual permit shall
 18 comply with the individual permit.

19 (b) *Content of individual permits.* The department shall include all of the
 20 following in an individual permit:

- 21 1. A withdrawal amount as determined under par. (d) 3. or (e) or sub. (4e).
- 22 2. An allowable water loss in gallons per day, if applicable.

****NOTE: This ~~will need to tie in with regulation of consumptive uses~~ ^{may be eliminated or it will be modified}

23 3. Requirements for reporting, metering, and surveillance, as provided in rules
 24 promulgated by the department.

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1 4. Requirements for water conservation, as provided in rules promulgated by
2 the department under sub. (8) (d).

3 5. Limits on the location and dates or seasons of the withdrawal and on the
4 allowable uses of the water, as provided in rules promulgated by the department.

5 6. Conditions on any interbasin transfer under sub. (4) made by the person
6 making the withdrawal.

7 7. Other conditions, limitations, or restrictions, as provided in rules
8 promulgated by the department, that the department determines are necessary to
9 protect the environment or public health and safety or to ensure the conservation and
10 proper management of the waters of the Great Lakes basin.

11 (c) *Automatic issuance of individual permits for existing withdrawals.* The
12 department shall automatically issue an individual permit to a person who makes
13 a withdrawal from the Great Lakes basin and who reports under sub. (3) (e) before
14 the earlier of the dates under sub. (4m) (a) or (b), if the withdrawal equals at least
15 1,000,000 gallons per day for any 30 consecutive days. If necessary, the department
16 may request additional information before issuing a permit under this paragraph.
17 The department shall issue a permit under this paragraph no later than the earlier
18 of the dates under sub. (4m) (a) or (b). In the permit, the department shall specify
19 a withdrawal amount equal to the initial withdrawal amount determined under sub.
20 (4e) for the withdrawal. The department may promulgate a rule under which the
21 department issues automatic individual permits on a staggered schedule before the
22 earlier of the dates under sub. (4m) (a) or (b).

23 (d) *Individual permit for new or increased unpermitted withdrawals.* 1. A
24 person who proposes to begin a withdrawal from the Great Lakes basin that will
25 equal at least 1,000,000 gallons per day for any 30 consecutive days or to modify an

1 existing withdrawal so that it will equal at least 1,000,000 gallons per day for any
2 30 consecutive days, after the first day of the 36th month beginning after the effective
3 date of this subdivision [revisor inserts date], and to whom the department is not
4 required to issue an automatic individual permit under par. (c), shall apply to the
5 department for an individual permit. In the application, the person shall provide the
6 information required by the department by rule.

****NOTE: I have tried to draft this so that it will pick up all of the withdrawers who do not get an automatic permit.

7 2. After receiving an application under subd. 1., the department shall, within
8 the time limit established by the department by rule, determine whether to approve
9 the application or notify the applicant of any additional information needed to
10 determine whether to approve the application.

11 3. If the department approves an application under subd. 1. and the
12 department has issued any approvals under s. 30.12, 30.18, 281.34, or 281.41 or s.
13 281.17, 2001 stats., that are required for the withdrawal, the department shall issue
14 an individual permit. In the permit, the department shall specify a withdrawal

15 *smallest of the following amounts: a. The* amount that is equal to the maximum hydraulic capacity of the most restrictive
16 component of the water supply system used for the withdrawal for which the person
17 has approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if
18 an approval under one of those provisions is not required for the most restrictive
19 component of the water supply system, a withdrawal amount that is equal to the
20 maximum hydraulic capacity of the most restrictive component that the person
21 proposes to use in the water supply system.

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22 4. If the department disapproves an application under subd. 1., the department
23 shall notify the applicant in writing of the reason for the disapproval.

1 (e) *Increase in withdrawal amount.* Before the effective date of the compact,
 2 if a person making a withdrawal that is covered under an individual permit proposes
 3 to increase the amount of the withdrawal over the withdrawal amount specified in
 4 the permit, the person shall apply to the department for a modification of the permit
 5 to increase the withdrawal amount. If the department has issued any approvals
 6 under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., that are required for
 7 modifying the withdrawal, the department shall modify the withdrawal amount to
 8 smallest of the following amounts: 1. The
 9 an amount equal to the maximum hydraulic capacity of the most restrictive
 10 component of the water supply system used for the withdrawal for which the person
 11 has approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if
 12 an approval under one of those provisions is not required for the most restrictive
 13 component of the water supply system, ~~a withdrawal amount that is equal to the~~
 14 maximum hydraulic capacity of the most restrictive component that the person
 15 proposes to use in the water supply system.

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(f) *Term of coverage.* The term of an individual permit is 10 years.

16 (g) *Reissuance.* A person to whom the department has issued an individual
 17 permit under this subsection shall apply to the department for reissuance of the
 18 individual permit at least 180 days before the end of the term of the permit if the
 19 person intends to continue to withdraw from the Great Lakes basin at least 1,000,000
 20 gallons per day for any 30 consecutive days. If the department determines that the
 21 person is in compliance with the individual permit and that the withdrawal
 22 continues to qualify for an individual permit, the department shall reissue the
 23 permit.

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59-23

(i) *Permits not transferable.* An individual water use permit is not transferable.

****NOTE: What happens when ownership of the water supply system is transferred during the term of a permit? Does the new owner have to apply for a permit? If so, what are the requirements for issuing it? Is there an effect on the withdrawal amount? Does a new 10-year term start?

1 (7) EXEMPTIONS. Subsections (3) to (5) do not apply to withdrawals or interbasin
 2 transfers for any of the following purposes:

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

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

8 (8) STATEWIDE WATER CONSERVATION AND EFFICIENCY. (a) *Goals and objectives.*

9 The department shall specify water conservation and efficiency goals and objectives
 10 for the waters of the state. In specifying these goals and objectives, the department
 11 shall consult with the department of commerce and the public service commission.

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60-10

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

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

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

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

22 (d) *Water conservation and efficiency measures.* The department shall
 23 promulgate rules specifying water conservation and efficiency measures for the

1 purposes of this section. In the rules, the department may not require retrofitting
2 of existing fixtures, appliances, or equipment. ^{Insert 61-2 ✓}

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

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

move

~~****NOTE: What if anything should be added to the precompact section concerning
the process for issuing permits and public participation? What else should be added?
Inventory? I think that the planning provisions will probably be moved from s. 281.346
to another new section of the statutes so that they will apply without respect to when or
whether the compact takes effect.~~

anything
anything else

11 (15) SUNSET. This section does not apply after the compact's effective date.

12 SECTION 5. 281.346 of the statutes is created to read:

13 **281.346 Water conservation and reporting; Great Lakes basin water**
14 **resources regulation.** (1) DEFINITIONS. In this section:

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

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

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

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

4 (ed) "Cost-effectiveness analysis" means a systematic comparison of
5 alternative means of providing a water supply in order to identify the alternative
6 that will minimize total resources costs and maximize environmental benefits over
7 a planning period.

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

15 (h) "Diversion" means a transfer of water from the Great Lakes basin into a
16 watershed outside the Great Lakes basin, or from the watershed of one of the Great
17 Lakes into that of another, by any means of transfer, including a pipeline, canal,
18 tunnel, aqueduct, channel, modification of the direction of a water course, tanker
19 ship, tanker truck, or rail tanker except that "diversion" does not include any of the
20 following:

21 1. The transfer of a product produced in the Great Lakes basin or in the
22 watershed of one of the Great Lakes, using waters of the Great Lakes basin, out of
23 the Great Lakes basin or out of that watershed.

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

4 3. The transfer of bottled water from the Great Lakes basin in containers of
5 5.7 gallons or less.

6 (hm) "Divert" means to transfer water from the Great Lakes basin into a
7 watershed outside the Great Lakes basin, or from the watershed of one of the Great
8 Lakes into that of another, by any means of transfer, including a pipeline, canal,
9 tunnel, aqueduct, channel, modification of the direction of a water course, tanker
10 ship, tanker truck, or rail tanker except that "divert" does not include any of the
11 following:

12 1. To transfer a product produced in the Great Lakes basin or in the watershed
13 of one of the Great Lakes, using waters of the Great Lakes basin, out of the Great
14 Lakes basin or out of that watershed.

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

18 3. To transfer bottled water from the Great Lakes basin in containers of 5.7
19 gallons or less.

20 (i) "Environmentally sound and economically feasible water conservation
21 measures" means those measures, methods, or technologies for efficient water use
22 and for reducing water loss and waste or for reducing the amount of a withdrawal,
23 consumptive use, or diversion that are, taking into account environmental impact,
24 the age and nature of equipment and facilities involved, the processes employed, the
25 energy impacts, and other appropriate factors, all of the following:

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

6 (je) "Great Lakes basin" means the watershed of the Great Lakes and the St.
7 Lawrence River upstream from Trois—Rivieres, Quebec, within the jurisdiction of
8 the parties.

9 (ji) "Great Lakes basin ecosystem" means the interacting components of air,
10 land, water, and living organisms, including humans, within the Great Lakes basin.

11 (jj) "Great Lakes council" means the Great Lakes—St. Lawrence River Basin
12 Water Resources Council, created under s. 281.343 (2) (a).

13 (jm) "Intrabasin transfer" means the transfer of water from the watershed of
14 one of the Great Lakes into the watershed of another of the Great Lakes.

15 (n) "Party" means a state that is a party to the compact.

16 (nm) Notwithstanding s. 281.01 (9), "person" means an individual or other
17 entity, including a government or a nongovernmental organization, including any
18 scientific, professional, business, nonprofit, or public interest organization or
19 association that is neither affiliated with nor under the direction of a government.

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

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

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

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

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

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

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

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

18 (qm) "Regional review" means review by the regional body as described in s.
19 281.343 (4h).

20 (r) "Source watershed" means the watershed from which a withdrawal
21 originates. If water is withdrawn directly from a Great Lake or from the St.
22 Lawrence River, then the source watershed is the watershed of that Great Lake or
23 the watershed of the St. Lawrence River, respectively. If water is withdrawn from
24 the watershed of a stream that is a direct tributary to a Great Lake or a direct

1 tributary to the St. Lawrence River, then the source watershed is the watershed of
2 that Great Lake or the watershed of the St. Lawrence River, respectively.

3 (t) "Straddling community" means any city, village, or town that, based on its
4 boundary existing as of the compact's effective date, is partly within the Great Lakes
5 basin or partly within the watersheds of 2 of the Great Lakes and that is wholly
6 within any county that, as of December 13, 2005, lies partly or completely within the
7 Great Lakes basin.

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

11 (ud) "Total resources costs" includes monetary costs and direct and indirect
12 environmental as well as other nonmonetary costs.

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

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

17 (wm) "Water loss" means the amount of water that is withheld from or not
18 returned to the basin from which it is withdrawn as a result of a diversion or
19 consumptive use or both.

***NOTE: Should "withheld from" be deleted? ✓

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

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

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

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

3 (1m) APPLICABILITY. This section does not apply before the compact's effective
4 date.

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

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

✓
Insert
67-12

13 (d) ^e Baseline. 1. The baseline for a withdrawal that is covered by a general
14 permit under s. 281.344 (4s) on the compact's effective date is the withdrawal amount
15 specified for the withdrawal in the database under s. 281.344 (4s) (i) on the compact's
16 effective date. The baseline for a withdrawal for which the department has issued
17 an individual permit under s. 281.344 (5) before the compact's effective date is the
18 withdrawal amount specified in the permit on the compact's effective date. There is
19 no baseline for any other withdrawal.

LPS-STET
Please leave
20 unchanged from LPS

20 2. The baseline water loss for a consumptive use for which the department has
21 specified an authorized base level of water loss under s. 281.35 (6) (a) 2. is the amount
22 of that authorized base level on the compact's effective date. There is no baseline
23 water loss for any other consumptive use.

Handwritten annotations:
- A large bracket underlines the text from line 20 to 23.
- "I am not certain how consumptive use baselines will be handled" is written across the bottom of the bracketed area.
- "amount" is written above line 21.
- "stet" is written above line 21.
- "stet" is written above line 22.
- "stet" is written above line 23.
- "281.344(?)" is written above line 21.
- "stet" is written above line 21.
- "stet" is written above line 22.
- "stet" is written above line 23.
- "amount" is written above line 21.
- "stet" is written above line 21.
- "stet" is written above line 22.
- "stet" is written above line 23.

***NOTE I am not sure this works. Would there still be such a permit on the effective date or would it have been replaced by a new permit under this draft? Might

use
baselines
will
be handled

there be increases approved before the compact takes effect? Does this need to be handled like the withdrawals, that is, mainly in a different part of the draft?

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68-2 ✓

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

***NOTE: This provision still must be modified.

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

7 (e) *Change of ownership.* Regional review or Great Lakes council approval is
8 not required when there is a change of ownership of a water supply system that
9 withdraws, diverts, or consumptively uses waters of the Great Lakes basin unless
10 the new owner proposes a change that is otherwise subject to regional review or
11 Great Lakes council approval.

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

14 (3) STATEWIDE REGISTRATION AND REPORTING. (a) Any person who proposes to
15 begin a withdrawal from the waters of the state using a water supply system that will
16 have the capacity to withdraw an average of 100,000 gallons per day or more in any
17 30-day period, to increase the capacity of a water supply system so that it will have
18 the capacity to withdraw an average of 100,000 gallons per day or more in any 30-day
19 period, or to begin a diversion shall register the withdrawal or diversion with the
20 department.

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

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

- 1 2. The locations and sources of the withdrawal or diversion.
- 2 3. The daily capacity of the withdrawal or diversion and the daily capacity to
- 3 withdraw or divert from each source.
- 4 4. An estimate of the volume of the withdrawal or diversion in terms of gallons
- 5 per day average in any 30-day period.
- 6 5. The uses made of the water.
- 7 6. The places at which the water is used.
- 8 7. The places at which any of the water is discharged.
- 9 8. Whether the water use is continuous or intermittent.
- 10 9. Whether the person holds a permit under s. 283.31.
- 11 10. Other information required by the department by rule.

12 (c) The department shall maintain a registry containing the information
13 provided under par. (b) and s. 281.344 (3) (b).

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

17 (e) 1. Each person who ^{makes a withdrawal} withdraws from the waters of the state ^{that} an average ^{of} of
18 100,000 gallons per day or more in any 30-day period or diverts any amount and who
19 has registered the withdrawal or diversion under par. (a) or s. 287.344 (3) (a) shall
20 annually report to the department the monthly volumes of withdrawal, whether the
21 person withdraws at least 1,000,000 gallons per day for 30 consecutive days, and, if
22 applicable, the volumes of diversion and, subject to par. (em), water loss from
23 consumptive use.

24 2. In addition to the information required under subd. 1., the department may,
25 by rule, create different reporting frequencies or require additional information from

1 a person who registers a withdrawal, or diversion under par. (a) or s. 281.344 (3) (a)
2 based upon the type or category of water use.

3 (em) 1. Except as provided in subd. 2., if a person to whom par. (e) 1. applies
4 provides any of the water that the person withdraws to a public water supply system,
5 the person who operates the public water supply system, rather than the person who
6 withdraws the water, shall annually report to the department the volume of water
7 loss from the consumptive use of the water provided to the public water supply
8 system.

9 2. A person who operates a wastewater treatment system, rather than the
10 person who withdraws the water or who operates a public water supply system, shall
11 annually report to the department the volume of water loss from a consumptive use
12 of water that occurs after the treatment of the wastewater by the person who
13 operates the wastewater treatment system.

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

16 (4) DIVERSIONS. (a) *Prohibition.* Beginning on the first day of the first month
17 beginning after the compact's effective date, no person may begin a diversion,
18 increase the amount of a diversion for which the person does not have an approval
19 under this subsection, or increase the amount of a diversion over the amount
20 specified in an approval under this subsection, except as authorized under par. (c),
21 (d), or (e).

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

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

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

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

12 4m. If a person who applies under subd. 1. will not directly withdraw the water
13 proposed to be diverted, the person shall identify the entity that will withdraw the
14 water and provide evidence of any agreement necessary to obtain water from that
15 entity.

16 4p. If the person who applies under subd. 1. will not directly return the water
17 to the Great Lakes basin, the person shall identify the entity that will return the
18 water and provide evidence of any agreement necessary to have that entity return
19 the water.

****NOTE: This corresponds to instruction number 3 of the January 10 instructions.

20 4s. If the proposal for which a person applies under subd. 1. is subject to the
21 exception standard under par. (f), the person shall provide documentation of how the
22 physical, chemical, and biological integrity of the receiving water under par. (f) 3. will
23 be protected and sustained, considering the state of the receiving water before the
24 proposal is implemented. If the receiving water is a surface water body that is

1 tributary to one of the Great Lakes, the person shall include a description of the flow
 2 of the receiving water before the proposal is implemented, considering both low flow
 3 conditions and the heaviest flow that would be caused by a precipitation event that
 4 statistically has a 1-percent chance of occurring in any year

and high ✓
e

Insert
72-4 ✓

***NOTE: Instruction 4 from the January 10 instructions indicated that this provision should be retained rather than deleted, as the December 27 instructions provided.

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

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

11 a. If the proposal is to provide a public water supply within a single city, village,
 12 or town, the proposal is subject to par. (c) or (e) based on the boundaries of that city,
 13 village, or town.

14 b. If the proposal is to provide a public water supply within more than one city,
 15 village, or town, any portion of the proposal that provides a public water supply
 16 within a straddling community is subject to par. (c) and any portion of the proposal
 17 that provides a public water supply within a community within a straddling county
 18 is subject to par. (e).

19 2. For the purposes of applying the requirements in pars. (c), (e), and (f) to a
 20 proposal under par. (b), the department shall use, as appropriate, the current or
 21 planned service area of the public water supply system or systems receiving water
 22 under the proposal. If there is a water supply plan approved under sub. (10) that
 23 applies to the public water supply system or systems, the planned service area is the

1 service area of the system or systems at the end of any planning period authorized
2 by the department in that water supply plan.

3 (c) *Straddling communities.* The department may approve a proposal to begin
4 a diversion, or to increase the amount of a diversion, to an area within a straddling
5 community but outside the Great Lakes basin or outside the source watershed if the
6 water diverted will be used solely for public water supply purposes in the straddling
7 community and all of the following apply:

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

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

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

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

18 c. The proposal maximizes the amount of water withdrawn from the Great
19 Lakes basin that will be returned to the source watershed and minimizes the amount
20 of water from outside the Great Lakes basin that will be returned to the source
21 watershed.

22 2m. If there is a water supply plan approved under sub. (10) that applies to the
23 straddling community, the proposal is consistent with that water supply plan.

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

4 4. If the proposal would result in a new water loss or an increase in a water loss
5 from consumptive use that would average 5,000,000 gallons or more per day in any
6 90-day period, all of the following apply:

7 a. The department conducts a technical review.

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

9 1.

10 c. The proposal undergoes regional review.

11 d. The department considers the regional declaration of finding in determining
12 whether to approve the proposal.

13 (d) *Intrabasin transfer*. 1. The department may approve a proposal for a new
14 intrabasin transfer, or for an increase in an intrabasin transfer, to which par. (c) does
15 not apply that would average less than 100,000 gallons per day in every 90-day
16 period, if the proposal meets the applicable requirements in s. 30.18, 281.34, or
17 281.41 or, if those sections do not apply, any requirements specified by the
18 department by rule and, if the water will be used for public water supply purposes,
19 the proposal is consistent with any water supply plan approved under sub. (10) that
20 applies to the area in which the water will be used.

21 2. The department may approve a proposal for a new intrabasin transfer or an
22 increase in an intrabasin transfer to which par. (c) does not apply that would average
23 more than 100,000 gallons per day in any 90-day period with a new water loss or an
24 increase in water loss that would average less than 5,000,000 gallons per day in every
25 90-day period, if all of the following apply:

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

4 b. The applicant demonstrates that there is no feasible, cost-effective, and
5 environmentally sound water supply alternative within the watershed to which the
6 water will be transferred, including conservation of existing water supplies as
7 determined under par. (g).

8 c. If the water will be used for public water supply purposes, the proposal is
9 consistent with a water supply plan approved under sub. (10).

10 d. The department provides notice of the proposal to the other parties.

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

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

16 b. The applicant demonstrates that there is no feasible, cost-effective, and
17 environmentally sound water supply alternative within the watershed to which the
18 water will be transferred, including conservation of existing water supplies as
19 determined under par. (g).

20 c. If the water will be used for public water supply purposes, the proposal is
21 consistent with a water supply plan approved under sub. (10).

22 d. The department conducts a technical review.

23 e. The department notifies the regional body as required in s. 281.343 (4h) (b)

24 1.

25 f. The proposal undergoes regional review.

1 g. The department considers the regional declaration of finding in determining
2 whether to approve the proposal.

3 h. The proposal is approved by the Great Lakes council.

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

8 a. The community does not have a water supply that is economically and
9 environmentally sustainable in the long term to meet reasonable demands for a
10 water supply, based on considerations of public health, economic feasibility, and
11 direct and avoided environmental impacts.

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

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

17 d. There is no reasonable water supply alternative within the basin watershed ✓
18 in which the community is located, including conservation of existing water supplies
19 as determined under par. (g).

20 e. The proposal will not endanger the integrity of the Great Lakes basin
21 ✓ ecosystems based upon a determination that the proposal will have no significant
22 adverse impact on the Great Lakes basin ecosystem.

23 em. The proposal is consistent with a water supply plan approved under sub.
24 (10).

25 f. The department conducts a technical review.

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

2 1.

3 h. The proposal undergoes regional review.

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

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

7 2. In determining whether to approve a proposal under this paragraph, the
8 department shall give substantive consideration to whether the applicant provides
9 sufficient scientifically based evidence that the existing water supply is derived from
10 groundwater that is hydrologically interconnected to waters of the Great Lakes
11 basin.

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

14 1. The need for the proposed diversion cannot reasonably be avoided through
15 the efficient use and conservation of existing water supplies as determined under
16 par. (g).

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

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

22 3m. The place at which the water is returned to the source watershed is as close
23 as practicable to the place at which the water is withdrawn, unless the applicant
24 demonstrates that returning the water at that place is one of the following:

25 a. Not economically feasible.

1 b. Not environmentally sound.

2 c. Not in the interest of public health.

3 4. No water from outside the Great Lakes basin will be returned to the source
4 watershed unless all of the following apply:

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

7 b. The returned water will be treated to meet applicable permit requirements
8 under s. 283.31 and to prevent the introduction of invasive species into the Great
9 Lakes basin and the department has approved the permit under s. 283.31.

10 c. The structure used to return the water is designed and will be operated to
11 meet the applicable permit requirements under s. 30.12 and department has
12 approved the permit under s. 30.12.

Insert
13 ✓
78-12

13 5. The diversion will result in no significant adverse individual impacts or
14 cumulative impacts to the quantity or quality of the waters of the Great Lakes basin
15 or to water dependent natural resources, including cumulative impacts that might
16 result due to any precedent-setting aspects of the proposed diversion, based upon a
17 determination that the proposed diversion will not have any significant adverse
18 impacts on the sustainable management of the waters of the Great Lakes basin.

19 6. The applicant commits to implementing the applicable water conservation
20 measures under sub. (8) (d) that are environmentally sound and economically
21 feasible for the applicant.

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

1 (g) *Conservation and efficient use of existing water supplies.* The department
2 shall promulgate rules specifying the requirements for an applicant for a new or
3 increased diversion subject to par. (f) to demonstrate the efficient use and
4 conservation of existing water supplies for the purposes of pars. (d) 2. b. and 3. b., (e)
5 1. d., and (f) 1., including requiring the applicant to quantify the amount of water
6 conserved through efficiency and conservation measures.

****NOTE: The language beginning with "including" was added in response to instruction 8 in the January 10 instructions.

7 (h) *Review procedures.* The department shall promulgate rules specifying
8 procedures for reviewing applications under par. (b) to determine compliance with
9 the requirements in this subsection.

10 ~~(4m) WATER USE PERMITS REQUIRED IN THE GREAT LAKES BASIN~~

****NOTE: This is a place holder.

11 ~~(4s) GENERAL WATER USE PERMITS FOR GREAT LAKES BASIN.~~

****NOTE: This is a place holder. Language similar to proposed s. 281.344 (4s) will be added here. Subsection (5) has not yet been changed to reflect the permitting scheme under DNR's concept paper. It will be modified to relate only to individual water use permits. (I think.)

Insert ✓
79-11

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

18 ~~2. Beginning on the first day of the first month beginning after the compact's~~
19 ~~effective date, no person may increase a withdrawal, including a withdrawal for the~~
20 ~~purpose of bottling water in containers of 5.7 gallons or less, from the Great Lakes~~
21 ~~basin for which the person does not have an approval under this subsection by an~~

1 average of more than 500,000 gallons per day in any 90-day period without an
2 approval from the department under this subsection.

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

6 (b) *Application.* A person who proposes a withdrawal or an increase in a
7 withdrawal for which approval is required under par. (a) shall apply to the
8 department for approval. The person shall provide information about the potential
9 impacts of the withdrawal on the waters of the Great Lakes basin and water
10 dependent natural resources. The person shall provide an assessment of the
11 individual impacts of the proposal for the purposes of sub. (6) (b). The person may
12 also include a cumulative impact assessment. The department may by rule require
13 additional information from a person who is required to submit an application under
14 this paragraph.

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

- 17 1. The proposal complies with the decision-making standard under sub. (6).
- 18 2. For a proposal to withdraw water from a surface water body tributary to one
19 of the Great Lakes that would result in a water loss of more than 95 percent of the
20 amount of water withdrawn, the department includes in the approval conditions
21 that ensure that the withdrawal does not cause significant adverse environmental
22 impact.
- 23 3. If the applicant is a person operating a public water supply system, the
24 proposal is consistent with a water supply plan approved under sub. (10).

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

10 (e) *Regional review*.[✓] If a majority of the members of the regional body request
 11 regional review of a proposal described in s. 281.343 (4h) (a) 6. for which approval is
 12 required under this subsection, the department shall conduct a technical review of
 13 the proposal and submit the proposal for regional review. The department may not
 14 act on the proposal until the proposal has undergone regional review and the
 15 department has considered the regional declaration of finding in determining
 16 whether to approve the proposal.

✓
 Inset
 81-16

17 (f) *Review procedures*. The department shall promulgate rules specifying
 18 procedures for reviewing applications under par. (b) to determine compliance with
 19 the requirements in this subsection.

***NOTE: This may need to cross-reference other subsections.

20 (5m) STATE DECISION-MAKING STANDARD. A proposal meets the state
 21 decision-making standard if all of the following apply:

22 (a) The amount of the withdrawal or increase in the withdrawal is needed to
 23 meet the projected needs of the [✓] person ^{who will use the water} applying for the permit ^{or plain period}.

***NOTE: ~~The water could be for someone other than the withdrawer.~~ And note that after this standard is applied, the withdrawer will be able to increase the withdrawal

by anything less than 1,000,000 gpd for 30 consecutive days (during each permit term) without the decision-making standard applying again. So they might be allowed to withdraw more than they are projected to need.

For an increase in a withdrawal,
1 (b) ~~Cost-effective~~ conservation practices have been implemented for any
2 existing uses of the water. *as required under rules promulgated by the Department* ✓

****NOTE: Should it be clarified that this only applies to increases to existing withdrawals? This needs to be more specific about whose uses and what water this is meant to refer to.

3 (c) The applicant has assessed other potential water sources for
4 cost-effectiveness and environmental effects.

****NOTE: I am not yet sure how to clarify the rest of the language in the concept paper for this item. It appears to relate to the differing treatment, which still has to be added to the draft, for municipal water system with water supply plans.

5 (d) Cost-effective conservation practices will be implemented to ensure
6 efficient use of the water, for a new withdrawal, or of the increased amount of an
7 existing withdrawal.

****NOTE: Should it say "environmentally sound and economically feasible water conservation measures"? If not, there may be questions about how this requirement differs from the one under the compact decision-making standard.

(e) One of the following applies:

A Insert from 9 P. 83 Q 2. 1.
10 1. If the withdrawal is from a surface water body, the applicant demonstrates
11 that the withdrawal will not result in the violation of water quality standards under
12 s. 281.15 or impair fish populations.

Q 3. 2.
13 2. The department has issued a permit under s. 30.18 for the new or increased
14 withdrawal or has issued a permit under s. 30.12 for a structure that will be used for
15 the new or increased withdrawal.

Q 4. 3.
16 3. The department has issued an approval under s. 281.34, or s. 281.17, 2001
stats., for the new or increased withdrawal.

****NOTE: ~~Are not subs. 2. and 3. redundant of other requirements that apply to many withdrawers, who would need water use permits? Thus rendering the whole paragraph meaningless for many withdrawers? Plus, an approval under s. 281.34 does not necessarily involve a determination that the withdrawal won't harm the~~

no adverse environmental impacts to the waters of the state will result from the new or increased

Do not move

INSERT
A
(move to
p. 82)

~~environment, does it? My understanding is that an approval under s. 281.17, 2001 stats., does not involve such a determination.~~

environment, does it? My understanding is that an approval under s. 281.17, 2001 stats., does not involve such a determination. Ordinarily to ensure no adverse environmental impacts, it does not do that.

~~①~~ No significant adverse environmental impacts to the waters of the state will result from the new or increased withdrawal.

3 (f) The proposal satisfies any other standard that the department determines
4 is necessary and promulgates by rule.

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

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

9 (b) The withdrawal will result in no significant adverse individual impacts or
10 cumulative impacts to the quantity or quality of the waters of the Great Lakes basin,
11 to water dependent natural resources, to the source watershed, or, if the withdrawal
12 is from a stream tributary to one of the Great Lakes, to the watershed of that stream.

13 (c) The withdrawal will be implemented in a way that incorporates
14 environmentally sound and economically feasible water conservation measures.

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

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

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

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

1 3. The balance of the effects of the proposed withdrawal and use, and other
2 existing or planned withdrawals and water uses from the water source, on economic
3 development, social development, and environmental protection.

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

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

12 6. Any provisions for restoration of hydrologic conditions and functions of the
13 source watershed or, if the withdrawal is from the stream tributary to one of the
14 Great Lakes, of the watershed of that stream.

Insert
84-14

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

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

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

22 (8) STATEWIDE WATER CONSERVATION AND EFFICIENCY. (a) *Goals and objectives.*
23 The department shall specify water conservation and efficiency goals and objectives
24 for the waters of the state and for the waters of the Great Lakes basin. The
25 department shall specify goals and objectives for the waters of the Great Lakes basin

1 that are consistent with the goals under s. 281.343 (4b) (a) and the objectives
2 identified by the Great Lakes council under s. 281.343 (4b) (a) and (c). In specifying
3 these goals and objectives, the department shall consult with the department of
4 commerce and the public service commission and consider the water conservation
5 and efficiency goals and objectives developed in any pilot program conducted by the
6 department in cooperation with the regional body.

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

11 1. Promotion of environmentally sound and economically feasible water
12 conservation measures.

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

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

17 (c) *Great Lakes basin program.* No later than the 24th month beginning after
18 the compact's effective date, the department shall implement a Great Lakes basin
19 water conservation and efficiency program as part of the statewide program under
20 par. (b), for all users of the waters of the Great Lakes basin, that is designed to
21 achieve the goals and objectives for the waters of the Great Lakes basin that are
22 specified under par. (a). The department shall include in the Great Lakes basin
23 program the activities in par. (b) 1. to 3. applicable in the Great Lakes basin and
24 application of the water conservation and efficiency measures specified under par.
25 (d) in subs. (4) (f) 6. and (g) and (6) (c).

1 (d) *Water conservation and efficiency measures.* The department shall
2 promulgate rules specifying water conservation and efficiency measures for the
3 purposes of this section. In the rules, the department may not require retrofitting
4 of existing fixtures, appliances, or equipment. The department shall specify
5 measures based on all of the following:

6 1. The amount and type of diversion, withdrawal, or consumptive use and
7 whether the diversion, withdrawal, or consumptive use exists on the first day of the
8 84th month beginning after the effective date of this subdivision [revisor inserts
9 date], or the compact's effective date, whichever is earlier, is expanded, or is new.

10 2. The results of any pilot water conservation program conducted by the
11 department in cooperation with the regional body.

12 3. The results of any assessments under sub. (11) (d).

13 (9) TRIBAL CONSULTATION; PUBLIC PARTICIPATION; TIME LIMITS. (a) *Tribal*
14 *consultation.* The department shall consult with a federally recognized American
15 Indian tribe or band in this state concerning a proposal that may affect the tribe or
16 band and that is subject to regional review or Great Lakes council approval under
17 sub. (4) or (5). ✓

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

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

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

and of each general permit that the department proposes
to issue under sub. (4s) (a) ✓

1 2. The department shall establish the form and content of a public notice by
2 rule. The department shall include in every public notice ^{concerning an application under} at least the following ^{sub.(4)}
3 information: ^{or (5) ✓}

4 a. The name and address of each applicant.

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

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

10 (c) *Public comment.* The department shall receive public comments on a
11 proposal for which it receives an application [✓] under sub. (4) or (5) ^{or on a proposed general permit} for a 30-day period ^{under}
12 beginning when the department gives notice under par. (b) 1. The department shall ^{sub.(4)}
13 retain all written comments submitted during the comment period and shall ^{(a) ✓}
14 consider the comments in making its decisions on the application.

15 (d) *Public hearing.* 1. The department shall provide an opportunity for any
16 interested person or group of persons, any affected local governmental unit, or any
17 state agency to request a public hearing with respect to a proposal for which the
18 department receives an application [✓] under sub. (4) or (5) ^{or on a proposed general permit}. A request for a public ^{under}
19 hearing shall be filed with the department within 30 days after the department gives ^{sub.(4)}
20 notice under par. (b). The party filing a request for a public hearing shall indicate ^{(a) ✓}
21 the interest of the party and the reasons why a hearing is warranted. The
22 department shall hold a public hearing on a proposal for which the department
23 receives an application under sub. (4) or (5) if the department determines that there
24 is a significant public interest in holding a hearing.

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

4 3. The department shall circulate public notice of any hearing held under this
5 paragraph in the manner provided under par. (b) 1.

6 (e) *Public access to information.* Any record or other information provided to
7 or obtained by the department regarding a proposal for which an application under
8 sub. (4) or (5) is received is a public record as provided in subch. II of ch. 19. The
9 department shall make available to and provide facilities for the public to inspect and
10 copy any records or other information provided to or obtained by the department
11 regarding a proposal for which an application for a new or increased diversion or
12 withdrawal under sub. (4) or (5) is received, except that any record or other
13 information provided to the department may be treated as confidential upon a
14 showing to the secretary that the record or information is entitled to protection as
15 a trade secret, as defined in s. 134.90 (1) (c), or upon a determination by the
16 department that domestic security concerns warrant confidential treatment.
17 Nothing in this subsection prevents the use of any confidential records or
18 information obtained by the department in the administration of this section in
19 compiling or publishing general analyses or summaries, if the analyses or
20 summaries do not identify a specific owner or operator.

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

1 2. Except as provided in par. (g), within 120 days after receipt of a complete
2 application, the department shall notify the applicant in writing of the approval,
3 conditional approval, or denial of the application. If the application is denied, the
4 department shall include the reason for denial in the notification.

5 (g) *Suspension of time limits.* The department may suspend the 120-day period
6 specified in par. (f) 2. for any of the following periods:

7 1. From the day that the department provides notice under sub. (4) (c) 4. b., (d)
8 3. e., or (e) 1. g. that an application is subject to regional review to the day that the
9 department receives either the regional declaration of finding on the application or,
10 if applicable, notice of the action taken by the Great Lakes council on the application,
11 whichever is later.

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

14 3. From the day that the department receives a request under sub. (5) (e) to the
15 day that the department receives the regional declaration of finding.

16 (gm) *Extensions of time limits.* Upon agreement between the department and
17 an applicant, the department may extend any time limit applicable to the
18 department under this subsection.

19 (h) *Expediting review.* The department shall take appropriate measures to
20 expedite, to the extent feasible, applicable reviews by the regional body, Great Lakes
21 council, parties, and the provinces of Ontario and Quebec of applications submitted
22 under sub. (4) (b) or (5) (b). *this section that are subject to regional review* ✓

23 (10) REGIONAL WATER SUPPLY SERVICE AREA PLANS FOR PUBLIC WATER SUPPLY
24 SYSTEMS STATEWIDE. (a) The department shall establish and administer a continuing
25 water supply planning process, that is consistent with applicable state requirements

1 and the compact, for the preparation of water supply plans for persons owning or
2 operating public water supply systems. The period covered by a plan under this
3 subsection may not exceed 20 years. A person owning or operating a public water
4 supply system that serves a population of 10,000 or more and that withdraws water
5 from the waters of the state shall have an approved plan under this subsection no
6 later than December 31, 2025. *Insert 90-6 ✓*

****NOTE: In accordance with the instructions, the requirement to have a plan is limited to systems that withdraw from the waters of the state. *That seems to mean that a system that provides water to another system has to include the area of the system to which it provides water in its plan. Is there any entity that does not own or operate a public water supply system but that withdraws water and provides it to a public water supply system? If so, who would do the planning?* *Insert 90-note ✓*

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

- 9 1. Public review and comment on a proposed plan.
- 10 2. Approval of a plan by ~~the department and~~ the governing body of each city,
11 village, and town whose public water supply is addressed by the plan. *Insert 90-11-A ✓*
- 12 3. Ensuring that plans remain current.
- 13 4. Intergovernmental cooperation.
- 14 5. Reopening or reconsideration by the department of a previously approved
15 plan.

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

- 18 1. Delineation of the area for which the plan is being prepared.
- 19 2. An inventory of the sources and quantities of the current water supplies in
20 the area.
- 21 3. A forecast of the demand for water in the area over the period covered by the
22 plan.

Insert 90-11-B ✓

1 3m. Identification of the existing population and population density of the area
2 for which the plan is prepared and forecasts of the expected population and
3 population density of the area during the period covered by the plan.

4 4. Identification of the options for supplying water in the area for the period
5 covered by the plan that are approvable under this section and other applicable
6 statutes and rules and that are cost-effective based upon a cost-effectiveness
7 analysis of regional and individual water supply and water conservation
8 alternatives.

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

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

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

16 8. An analysis of how the plan supports and is consistent with any applicable
17 comprehensive plans, as defined in s. 66.1001 (1) (a), and applicable approved
18 areawide water quality management plans under s. 283.83.

19 9. Other information specified by the department.

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

22 1. The plan provides for the most cost-effective water supply system that is
23 ^{applicable} ~~appropriate~~ approvable under this section and other ~~appropriate~~ statutes and rules based on a
24 cost-effectiveness analysis of regional and individual water supply and water
25 conservation alternatives.

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

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

5 4. The plan is consistent with any applicable approved areawide waste
6 treatment management plans under 33 USC 1288 and those plans were updated
7 within 5 years before the proposed plan is submitted to the department.

8 (e) A person applying for approval of a diversion under sub. (4) or a withdrawal
9 under sub. (5) may use elements of an approved plan under this subsection to show
10 compliance with requirements under subs. (4) to (6) to which the plan is relevant.

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

20 2. The department shall create the water resources inventory under subd. 1.
21 no later than the first day of the 72nd month beginning after the effective date of this
22 subdivision [revisor inserts date], or the first day of the 60th month beginning
23 after the compact's effective date whichever is later.

24 (b) *Annual report on water resources.* Beginning within 60 months after the
25 compact's effective date, the department shall annually report to the Great Lakes

1 council the information from par. (a) regarding withdrawals that average 100,000
2 gallons per day or more over a 30-day period, including consumptive uses, in the
3 basin and any diversions, as well as the amounts of the withdrawals, water losses
4 from consumptive uses, and diversions in the basin reported under sub. (3) (e).

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

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

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

24 (f) *Report on threshold.* No later than the 60th month beginning after the
25 compact's effective date, the department shall submit to the legislature under s.

1 13.172 (2) a report analyzing the impact of the threshold under sub. (5) (a) and
2 providing any recommendations to change the threshold.

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

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

11 SECTION 6. 281.41 (4) of the statutes is created to read:

12 281.41 (4) When the department receives for review a plan under sub. (1) that
13 would result in returning water ~~diverted~~ ^{transferred} from the Great Lakes basin to the source
14 watershed through a stream tributary to one of the Great Lakes, the department
15 shall provide notice of the plan or revision to the governing body of each city, village,
16 and town through which the stream flows or that is adjacent to the stream
17 downstream from the point at which the water would enter the stream.

****NOTE: This implements instruction 5 of the January 10 instructions. I am not sure how to refer to what the plan would involve or when the requirement should take effect.

18 SECTION 7. 281.98 (1) of the statutes is amended to read:

19 281.98 (1) Except as provided in ss. 281.344 (14) (a), 281.346 (14) (a), 281.47
20 (1) (d), 281.75 (19), and 281.99 (2), any person who violates this chapter or any rule
21 promulgated or any plan approval, license, special order, or water quality
22 certification issued under this chapter shall forfeit not less than \$10 nor more than

1 \$5,000 for each violation. Each day of continued violation is a separate offense.

2 While an order is suspended, stayed, or enjoined, this penalty does not accrue.

3 **SECTION 8.** 283.41 (3) of the statutes is created to read:

4 283.41 (3) When the department receives an application for a permit for a
5 discharge that would return water ~~diverted~~^{transferred} from the Great Lakes basin to the source
6 watershed through a stream tributary to one of the Great Lakes, the department
7 shall provide notice of the application to the governing body of each city, village, and
8 town through which the stream flows or that is adjacent to the stream downstream
9 from the point at which the water would enter the stream.

10 **SECTION 9.** 283.83 of the statutes is renumbered 283.83 (1).

11 **SECTION 10.** 283.83 (2) of the statutes is created to read:

12 283.83 (2) When the department receives for review or prepares a new plan
13 under sub. (1) or a revision to a plan under sub. (1) that includes a proposal to return
14 water ~~diverted~~^{transferred} from the Great Lakes basin to the source watershed through a stream
15 tributary to one of the Great Lakes, the department shall provide notice of the plan
16 or revision to the governing body of each city, village, and town through which the
17 stream flows or that is adjacent to the stream downstream from the point at which
18 the water would enter the stream.

19 (END)

Water