

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

supply regulation ✓

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

Insert
45-3 ✓

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9 to return some or all of the water to the basin from which the water is withdrawn due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.

Insert ✓
45-10

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.

Insert
45-23 ✓

1 (k) "Interbasin transfer" means a transfer of water from the Great Lakes basin
2 into a watershed outside of the Great Lakes basin or from the watershed of one of the
3 Great Lakes into that of another.

Inset
46-4 ✓
3 →
4 (q) "Regional body" means the body consisting of the governors of Illinois,
5 Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin and
6 the premiers of Ontario and Quebec, Canada, or their designees, as established by
7 the Great Lakes—St. Lawrence River Basin Sustainable Water Resources
8 Agreement.

Inset
46-8 ✓
9 →
9 (wm) "Water loss" means the amount of water that is withheld from or not
10 returned to the basin from which it is withdrawn as a result of an interbasin transfer
11 or consumptive use or both.

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

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

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

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

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

23 (b) *Transfers and withdrawals from more than one source.* For the purposes
24 of this section, the interbasin transfer or withdrawal of water from more than one

1 source within the Great Lakes basin to supply a common distribution system is
2 considered one interbasin transfer or withdrawal.

3 (c) *Water loss.* The department shall promulgate rules for determining the
4 amount of water loss from consumptive uses.

Insert
47-4 ✓
****NOTE: This is just a start on what has to be done concerning water loss.

5 (3) STATEWIDE REGISTRATION AND REPORTING. (a) 1. Any person who, on the first
6 day of the 36th month beginning after the effective date of this subdivision ...
7 [revisor inserts date], or, for a withdrawal from the Great Lakes basin, on the
8 compact's effective date if that is sooner, has a water supply system with the capacity
9 to make a withdrawal from the waters of the state averaging 100,000 gallons per day
10 or more in any 30-day period or is making any interbasin transfer shall register the
11 withdrawal or interbasin transfer with the department by the deadline specified by
12 the department by rule.

13 2. Any person who, after the first day of the 36th month beginning after the
14 effective date of this subdivision ... [revisor inserts date], or, if the withdrawal is from
15 the Great Lakes basin, on the compact's effective date if that is sooner, proposes to
16 begin a withdrawal from the waters of the state using a water supply system that will
17 have the capacity to withdraw an average of 100,000 gallons per day or more in any
18 30-day period, to increase the capacity of a water supply system that existed on the
19 first day of the 36th month beginning after the effective date of this subdivision ...
20 [revisor inserts date], or, if the withdrawal is from the Great Lakes basin, on the
21 compact's effective date if that is sooner, so that it will have the capacity to withdraw
22 an average of 100,000 gallons per day or more in any 30-day period, or to begin an
23 interbasin transfer shall register the withdrawal or interbasin transfer with the
24 department.

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

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

4 2. The locations and sources of the withdrawal or interbasin transfer.

5 3. The daily capacity of the withdrawal or interbasin transfer and the daily
6 capacity to withdraw or transfer from each source.

7 4. An estimate of the volume of the withdrawal or interbasin transfer in terms
8 of gallons per day average in any 30-day period.

9 5. The uses made of the water.

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

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

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

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

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

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

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

20 (e) 1. Each person who makes a withdrawal from the waters of the state that
21 averages 100,000 gallons per day or more in any 30-day period or transfers from the
22 Great Lakes basin any amount and who has registered the withdrawal or interbasin
23 transfer under par. (a) shall annually report to the department the monthly volumes
24 of withdrawal, whether the person ever withdraws at least 1,000,000 gallons per day

1 for 30 consecutive days, and, if applicable, the volumes of interbasin transfer and,
2 subject to par. (em), water loss from consumptive use.

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

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

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

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

Insert
49-19 ✓

(4) INTERBASIN TRANSFERS.

****NOTE: Provisions relating to the regulation of and determination of baselines for interbasin transfers will be added here.

21 **(4e) DETERMINING INITIAL WITHDRAWAL AMOUNTS FOR WITHDRAWALS FROM THE**
22 **GREAT LAKES BASIN.** (a) Before issuing automatic notice of coverage under a general
23 permit under sub. (4s) or an automatic individual permit under sub. (5) (c) for a

1 withdrawal from the Great Lakes basin for which the department is required to issue
2 automatic notice of coverage under a general permit or an automatic individual
3 permit, the department shall determine the initial withdrawal amount for the
4 withdrawal under this subsection.

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

10 2. If the department has issued an ^{approval} appeal under s. 30.12, 30.18, 281.34, or
11 281.41, or s. 281.17, 2001 stats., that is required for a withdrawal and the approval
12 contains a limit on the amount of water that may be withdrawn, the department
13 shall provide an estimate of the initial withdrawal amount equal to the limit in the
14 approval.

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

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

19 1. The components of the water supply system used for the withdrawal.
20 2. Seasonal variations in the amount of water supplied by the water supply
21 system.

22 3. Plans for expanding the capacity of the water supply system submitted to
23 the department no later than 2 years after the effective date of this subdivision
24 [revisor inserts date].

1 4. Amounts withdrawn during the 5 years before the year in which the person
2 submits the information.

3 5. Successful water conservation efforts by persons using the water that is
4 withdrawn.

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

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

8 (e) Except as provided in par. (f), the department shall determine the initial
9 withdrawal amount for a withdrawal based on the estimate under par. (b) and the
10 department's evaluation of any information provided under par. (d). The department
11 may not consider information provided by any other person.

12 (f) For a public water supply system that, on the effective date of this paragraph
13 [revisor inserts date], has approval under s. 281.41 to provide water from the
14 Great Lakes basin for ^{of public} municipal water service ^{of public supply purposes} outside of the Great Lakes basin and
15 approval under s. 283.31 to return the associated wastewater to the Great Lakes
16 basin, the department shall determine the initial withdrawal amount to be the
17 amount of water necessary to provide ^{water for} municipal water service ^{of public supply purposes} in the service territory
18 specified in the sewer service area provisions of the areawide water quality
19 management plan under s. 283.83[✓] approved by the department before December 31,
20 2007, based on the population and related service projections in those provisions.

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

24 (h) If 2 or more public water supply systems merge after the department
25 determines their initial withdrawal amounts under par. (e) and before the

1 department issues the initial individual permits under sub. (5) (c) for the systems,
2 the initial withdrawal amount for the new system is the sum of the amounts
3 determined under par. (e) for the individual systems.

4 **(4m)** WATER USE PERMITS REQUIRED IN THE GREAT LAKES BASIN. Beginning on the
5 earliest of the following dates, a person may not make a withdrawal from the Great
6 Lakes basin that averages 100,000 gallons per day or more in any 30-day period
7 unless the withdrawal is covered under a general permit under sub. (4s) or an
8 individual permit under sub. (5):

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

11 (b) The compact's effective date.

12 **(4s)** GENERAL WATER USE PERMITS FOR GREAT LAKES BASIN. (a) *Department to*
13 *issue.* The department shall issue one or more general permits to cover withdrawals
14 from the Great Lakes basin that average 100,000 gallons per day or more in any
15 30-day period but that do not equal at least 1,000,000 gallons per day for any 30
16 consecutive days. The department shall include all of the following in a general
17 permit:

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

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

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

23 4. Other conditions, limitations, or restrictions, as provided in rules
24 promulgated by the department, that the department determines are necessary to

1 protect the environment or public health and safety or to ensure the conservation and
2 proper management of the waters of the Great Lakes basin.

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

5 (b) *General requirement.* Beginning on the earlier of the dates under sub. (4m)
6 (a) and (b), a person who does not hold an individual permit under sub. (5) may not
7 make a withdrawal that averages 100,000 gallons per day or more in any 30-day
8 period, but that does not equal at least 1,000,000 gallons per day for any 30
9 consecutive days, unless the withdrawal is covered under a general permit. A person
10 to whom the department has issued a notice of coverage under a general permit shall
11 comply with the general permit.

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

1 (d) *Coverage under general permit for new or increased withdrawals.* 1. A
2 person who proposes to begin a withdrawal from the Great Lakes basin that will
3 average 100,000 gallons per day or more in any 30-day period, or to increase an
4 existing withdrawal so that it will average 100,000 gallons per day or more in any
5 30-day period, after the first day of the 36th month beginning after the effective date
6 of this subdivision [revisor inserts date], and to whom the department is not
7 required to issue automatic notice of coverage under a general permit under par. (c),
8 but who does not propose to withdraw at least 1,000,000 gallons per day for any 30
9 consecutive days, shall apply to the department for coverage under a general permit.
10 In the application, the person shall provide the information required by the
11 department by rule.

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

17 *Except as provided in subd. 3m.) ✓*
3. If the department determines that a withdrawal qualifies for coverage under
18 a general permit and the department has issued any approvals under s. 30.12, 30.18,
19 281.34, or 281.41 or s. 281.17, 2001 stats., that are required for the withdrawal, the
20 department shall issue a notice of coverage. In the notice, the department shall
21 specify a withdrawal amount that is equal to the smallest of the following amounts:

22 a. The maximum hydraulic capacity of the most restrictive component of the
23 water supply system used for the withdrawal for which the person has approval
24 under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval
25 under one of those provisions is not required for the most restrictive component of

1 the water supply system, the maximum hydraulic capacity of the most restrictive
2 component that the person proposes to use in the water supply system.

3 b. If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001
4 stats., specifies a maximum amount of water that may be withdrawn, that amount.

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

8 (e) *Increase in withdrawal amount.* ^{1.} Before the effective date of the compact,
9 if a person making a withdrawal that is covered under a general permit proposes to
10 increase the amount of the withdrawal over the withdrawal amount specified in the
11 database under par. (i) for the withdrawal, but does not propose to withdraw at least
12 1,000,000 gallons per day for any 30 consecutive days, the person shall apply to the
13 department for a modification of the withdrawal amount. ^{# 3. Except as provided in subd. 3m.} If the department has

14 issued any approvals under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats.,
15 that are required for modifying the withdrawal, the department shall modify the
16 withdrawal amount to an amount equal to the smallest of the following amounts:

17 ^{a.} 1. The maximum hydraulic capacity of the most restrictive component of the
18 water supply system used for the withdrawal for which the person has approval
19 under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval
20 under one of those provisions is not required for the most restrictive component of
21 the water supply system, the maximum hydraulic capacity of the most restrictive
22 component that the person proposes to use in the water supply system.

23 ^{b.} 2. If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001
24 stats., specifies a maximum amount of water that may be withdrawn, that amount.

Insert
55-4

Insert
55-7

;)
3. Except as provided in subd. 3m.

Insert
55-24

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

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

12 (h) *Suspension and revocation.* After an opportunity for a hearing, the
13 department may suspend or revoke coverage under a general permit issued under
14 this subsection for cause, including obtaining coverage under the permit by
15 misrepresentation or failure to disclose relevant facts or violating the terms of the
16 permit.

17 (i) *Database.* The department shall maintain a database of the withdrawal
18 amounts for all withdrawals that are covered under general permits under this
19 subsection.

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

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

3 1. A withdrawal amount as determined under par. (d) 3. ^{✓ or 3m.} or (e) ^{3. or 3m. ✓} or sub. (4e).

4 2. An allowable water loss in gallons per day, if applicable.

***NOTE: This may be eliminated or it will be modified.

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

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

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

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

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

17 (c) *Automatic issuance of individual permits for existing withdrawals.* The
18 department shall automatically issue an individual permit to a person who makes
19 a withdrawal from the Great Lakes basin and who reports under sub. (3) (e) before
20 the earlier of the dates under sub. (4m) (a) or (b), if the withdrawal equals at least
21 1,000,000 gallons per day for any 30 consecutive days. If necessary, the department
22 may request additional information before issuing a permit under this paragraph.
23 The department shall issue a permit under this paragraph no later than the earlier
24 of the dates under sub. (4m) (a) or (b). In the permit, the department shall specify

1 a withdrawal amount equal to the initial withdrawal amount determined under sub.
2 (4e) for the withdrawal. The department may promulgate a rule under which the
3 department issues automatic individual permits on a staggered schedule before the
4 earlier of the dates under sub. (4m) (a) or (b).

5 (d) *Individual permit for new or increased unpermitted withdrawals.* 1. A
6 person who proposes to begin a withdrawal from the Great Lakes basin that will
7 equal at least 1,000,000 gallons per day for any 30 consecutive days or to modify an
8 existing withdrawal so that it will equal at least 1,000,000 gallons per day for any
9 30 consecutive days, after the first day of the 36th month beginning after the effective
10 date of this subdivision [revisor inserts date], and to whom the department is not
11 required to issue an automatic individual permit under par. (c), shall apply to the
12 department for an individual permit. In the application, the person shall provide the
13 information required by the department by rule.

14 2. After receiving an application under subd. 1., the department shall, within
15 the time limit established by the department by rule, determine whether to approve
16 the application or notify the applicant of any additional information needed to
17 determine whether to approve the application. ✓

18 3. *Except as provided in subd. 3m.)* If the department approves an application under subd. 1. and the
19 department has issued any approvals under s. 30.12, 30.18, 281.34, or 281.41 or s.
20 281.17, 2001 stats., that are required for the withdrawal, the department shall issue
21 an individual permit. In the permit, the department shall specify a withdrawal
22 amount that is equal to the smallest of the following amounts:

23 a. The maximum hydraulic capacity of the most restrictive component of the
24 water supply system used for the withdrawal for which the person has approval
25 under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval

1 under one of those provisions is not required for the most restrictive component of
2 the water supply system, the maximum hydraulic capacity of the most restrictive
3 component that the person proposes to use in the water supply system.

4 b. If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001
5 stats., specifies a maximum amount of water that may be withdrawn, that amount.

Insert
59-5

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

8 (e) *Increase in withdrawal amount.* ^{1.} Before the effective date of the compact,
9 if a person making a withdrawal that is covered under an individual permit proposes

10 to increase the amount of the withdrawal over the withdrawal amount specified in
11 the permit, the person shall apply to the department for a modification of the permit

12 to increase the withdrawal amount. ^{¶ 3. Except as provided in subd. 3m.} If the department has issued any approvals
13 under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., that are required for

14 modifying the withdrawal, the department shall modify the withdrawal amount to
15 an amount equal to the smallest of the following amounts:

16 ~~¶ a.~~ ^{1.} The maximum hydraulic capacity of the most restrictive component of the
17 water supply system used for the withdrawal for which the person has approval

18 under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval
19 under one of those provisions is not required for the most restrictive component of

20 the water supply system, the maximum hydraulic capacity of the most restrictive
21 component that the person proposes to use in the water supply system.

22 ~~¶ b.~~ ^{2.} If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001
23 stats., specifies a maximum amount of water that may be withdrawn, that amount.

Insert
59-24
23

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

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

9 (h) *Suspension and revocation.* After an opportunity for a hearing, the
10 department may suspend or revoke a permit issued under this subsection for cause,
11 including obtaining the permit by misrepresentation or failure to disclose relevant
12 facts or violating the terms of the permit.

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

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

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

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

21 **(8) STATEWIDE WATER CONSERVATION AND EFFICIENCY.** (a) *Goals and objectives.*
22 The department shall specify water conservation and efficiency goals and objectives
23 for the waters of the state. The department shall specify goals and objectives for the
24 waters of the Great Lakes basin that are consistent with the goals under s. 281.343
25 (4b) (a) and the objectives identified by the regional body under Article 304 (1) of the

1 Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement.
2 In specifying these goals and objectives, the department shall consult with the
3 department of commerce and the public service commission.

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

8 1. Promotion of environmentally sound and economically feasible water
9 conservation measures.

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

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

14 (d) *Water conservation and efficiency measures.* The department shall
15 promulgate rules specifying water conservation and efficiency measures for the
16 purposes of this section. In the rules, the department may not require retrofitting
17 of existing fixtures, appliances, or equipment. In specifying the measures, the
18 department shall consider the results of any pilot water conservation program
19 conducted by the department in cooperation with the regional body.

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

24 (c) In addition to the penalties under par. (a), the court may order the defendant
25 to abate any nuisance, restore a natural resource, or take, or refrain from taking, any

✓
Insert
61-19

1 other action as necessary to eliminate or minimize any environmental damage
2 caused by the defendant.

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

****NOTE: Should anything else be added to the precompact section? 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.

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

5 **281.346 Water conservation and reporting; Great Lakes basin water**

6 **resources regulation.** (1) DEFINITIONS. In this section:

7 (d) "Community within a straddling county" means any city, village, or town
8 that is not a straddling community and that is located outside the Great Lakes basin
9 but wholly within a county that lies partly within the Great Lakes basin.

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

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

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

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

21 (g) "Cumulative impacts" means the impacts on the Great Lakes basin
22 ecosystem that result from incremental effects of all aspects of a withdrawal,
23 diversion, or consumptive use in addition to other past, present, and reasonably

1 foreseeable future withdrawals, diversions, and consumptive uses regardless of who
2 undertakes the other withdrawals, diversions, and consumptive uses, including
3 individually minor but collectively significant withdrawals, diversions, and
4 consumptive uses taking place over a period of time.

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

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

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

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

19 (hm) "Divert" means to transfer water from the Great Lakes basin into a
20 watershed outside the Great Lakes basin, or from the watershed of one of the Great
21 Lakes into that of another, by any means of transfer, including a pipeline, canal,
22 tunnel, aqueduct, channel, modification of the direction of a water course, tanker
23 ship, tanker truck, or rail tanker except that "divert" does not include any of the
24 following:

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

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

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

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

15 1. Environmentally sound.

16 2. Reflective of best practices applicable to the water use sector.

17 3. Technically feasible and available.

18 4. Economically feasible and cost-effective based on an analysis that considers
19 direct and avoided economic and environmental costs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (qm) "Regional review" means review by the regional body as described in s.
8 281.343 (4h).

9 (r) "Source watershed" means the watershed from which a withdrawal
10 originates. If water is withdrawn directly from a Great Lake or from the St.
11 Lawrence River, then the source watershed is the watershed of that Great Lake or
12 the watershed of the St. Lawrence River, respectively. If water is withdrawn from
13 the watershed of a stream that is a direct tributary to a Great Lake or a direct
14 tributary to the St. Lawrence River, then the source watershed is the watershed of
15 that Great Lake or the watershed of the St. Lawrence River, respectively.

16 (t) "Straddling community" means any city, village, or town that, based on its
17 boundary existing as of the compact's effective date, is partly within the Great Lakes
18 basin or partly within the watersheds of 2 of the Great Lakes and that is wholly
19 within any county that lies partly or completely within the Great Lakes basin.

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

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

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

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

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

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

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

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

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

15 **(1m)** APPLICABILITY. This section does not apply before the compact's effective
16 date.

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

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

1 (c) *Water loss.* The department shall promulgate rules for determining the
2 amount of water loss from consumptive uses.

3 (d) *County boundaries.* For the purposes of sub. (1) (d) and (t), a county's
4 boundaries as of December 13, 2005, shall be used to determine whether a county lies
5 partly within the Great Lakes basin.

6 (e) *Baseline.* 1. The baseline for a withdrawal that is covered by a general
7 permit issued under s. 281.344 (4s) on the compact's effective date is the withdrawal
8 amount specified for the withdrawal in the database under s. 281.344 (4s) (i) on the
9 compact's effective date. The baseline for a withdrawal for which the department has
10 issued an individual permit under s. 281.344 (5) before the compact's effective date
11 is the withdrawal amount specified in the permit on the compact's effective date.
12 There is no baseline for any other withdrawal.

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

***NOTE: I am not certain how consumptive use baselines will be handled.

17 4. The baseline volume for a diversion for which the department has issued ^{an approval} a
18 permit under s. 281.344 ^{(3m) or} (4) before the compact's effective date is the interbasin
19 transfer amount specified in the permit ^{approval} on the compact's effective date. There is no
20 baseline for any other diversion.

21 6. The department shall provide a list of the baseline volumes determined
22 under this paragraph to the Great Lakes council and the regional body no later than
23 12 months after the compact's effective date.

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

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

8 **(3) STATEWIDE REGISTRATION AND REPORTING.** (a) Any person who proposes to
9 begin a withdrawal from the waters of the state using a water supply system that will
10 have the capacity to withdraw an average of 100,000 gallons per day or more in any
11 30-day period, to increase the capacity of a water supply system so that it will have
12 the capacity to withdraw an average of 100,000 gallons per day or more in any 30-day
13 period, or to begin a diversion shall register the withdrawal or diversion with the
14 department.

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

- 17 1. The name and address of the registrant and the date of registration.
- 18 2. The locations and sources of the withdrawal or diversion.
- 19 3. The daily capacity of the withdrawal or diversion and the daily capacity to
20 withdraw or divert from each source.
- 21 4. An estimate of the volume of the withdrawal or diversion in terms of gallons
22 per day average in any 30-day period.
- 23 5. The uses made of the water.
- 24 6. The places at which the water is used.
- 25 7. The places at which any of the water is discharged.

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

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

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

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

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

9 (e) 1. Each person who makes a withdrawal from the waters of the state that
10 averages 100,000 gallons per day or more in any 30-day period or diverts any amount
11 and who has registered the withdrawal or diversion under par. (a) or s. 287.344 (3)
12 (a) shall annually report to the department the monthly volumes of withdrawal,
13 whether the person withdraws at least 1,000,000 gallons per day for 30 consecutive
14 days, and, if applicable, the volumes of diversion and, subject to par. (em), water loss
15 from consumptive use.

16 2. In addition to the information required under subd. 1., the department may,
17 by rule, create different reporting frequencies or require additional information from
18 a person who registers a withdrawal, or diversion under par. (a) or s. 281.344 (3) (a)
19 based upon the type or category of water use.

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

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

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

8 (4) DIVERSIONS. (a) *Prohibition.* Beginning on the first day of the first month
9 beginning after the compact's effective date, no person may begin a diversion,
10 increase the amount of a diversion for which the person does not have an approval
11 under this subsection, or increase the amount of a diversion over the amount
12 specified in an approval under this subsection, except as authorized under par. (c),
13 (d), or (e). *or over the interbasin transfer amount specified in*
an approval issued under
s. 281.344(3m) or (4)

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

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

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

24 4. A person who applies under subd. 1. shall provide information about the
25 potential impacts of the diversion on the waters of the Great Lakes basin and water

1 dependent natural resources and any other information required by the department
2 by rule.

3 4m. If a person who applies under subd. 1. will not directly withdraw the water
4 proposed to be diverted, the person shall identify the entity that will withdraw the
5 water and provide evidence of any agreement necessary to obtain water from that
6 entity.

7 4p. If the person who applies under subd. 1. will not directly return the water
8 to the Great Lakes basin, the person shall identify the entity that will return the
9 water and provide evidence of any agreement necessary to have that entity return
10 the water.

11 4s. If the proposal for which a person applies under subd. 1. is subject to the
12 exception standard under par. (f), the person shall provide documentation of how the
13 physical, chemical, and biological integrity of the receiving water under par. (f) 3. will
14 be protected and sustained, ^{as required under ss. 30.12, 286.15, and 283.31 ✓} considering the state of the receiving water before the
15 proposal is implemented. If the receiving water is a surface water body that is
16 tributary to one of the Great Lakes, the person shall include a description of the flow
17 of the receiving water before the proposal is implemented, considering both low and
18 high flow conditions.

****NOTE: I am unsure how this provision should be modified.

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

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

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

4 b. If the proposal is to provide a public water supply within more than one city,
5 village, or town, any portion of the proposal that provides a public water supply
6 within a straddling community is subject to par. (c) and any portion of the proposal
7 that provides a public water supply within a community within a straddling county
8 is subject to par. (e).

9 2. For the purposes of applying the requirements in pars. (c), (e), and (f) to a
10 proposal under par. (b), the department shall use, as appropriate, the current or
11 planned service area of the public water supply system or systems receiving water

12 under the proposal. If there is a water supply plan approved under sub. (10) that
13 applies to the public water supply system or systems, the planned service area is the
14 service area of the system or systems at the end of any planning period authorized
15 by the department in that water supply plan. the approved service area under s. 281.348 that covers the public water supply system

16 (c) *Straddling communities*. The department may approve a proposal to begin under
17 a diversion, or to increase the amount of a diversion, to an area within a straddling par. (b)
18 community but outside the Great Lakes basin or outside the source watershed if the
19 water diverted will be used solely for public water supply purposes in the straddling
20 community and all of the following apply:

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

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

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

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

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

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

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

15 4. If the proposal would result in a new water loss or an increase in a water loss
16 from consumptive use that would average 5,000,000 gallons or more per day in any
17 90-day period, all of the following apply:

- 18 a. The department conducts a technical review.
- 19 b. The department notifies the regional body as required in s. 281.343 (4h) (b)
- 20 1.
- 21 c. The proposal undergoes regional review.
- 22 d. The department considers the regional declaration of finding in determining
23 whether to approve the proposal.

24 (d) *Intrabasin transfer*. 1. The department may approve a proposal for a new
25 intrabasin transfer, or for an increase in an intrabasin transfer, to which par. (c) does

under s. 281.348 ✓ that covers the public water supply system

✓ under par. (b)

for or for

1 not apply that would average less than 100,000 gallons per day in every 90-day
 2 period, if the proposal meets the applicable requirements in s. 30.18, 281.34, or
 3 281.41 or, if those sections do not apply, any requirements specified by the
 4 department by rule and, if the water will be used for public water supply purposes,
 5 the proposal is consistent with ^{an approved} any water supply ^{service area} plan approved under ^{s. 281.348} sub. (10) that
 6 applies to the area in which the water will be used. Covers the public water supply system ✓

7 2. The department ^{under par. (b)} may approve a proposal for a new intrabasin transfer or an
 8 increase in an intrabasin transfer to which par. (c) does not apply that would average
 9 more than 100,000 gallons per day in any 90-day period with a new water loss or an
 10 increase in water loss that would average less than 5,000,000 gallons per day in every
 11 90-day period, if all of the following apply:

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

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

19 c. If the water will be used for public water supply purposes, the proposal is
 20 consistent with ^{an approved} a water supply ^{service area} plan approved under ^{s. 281.348} sub. (10). ^{public} that covers the water supply system ✓

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

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

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

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

6 c. If the water will be used for public water supply purposes, the proposal is
7 consistent with ^{an approved} a water supply ^{service area} plan approved under sub. (10). ^{s. 281.348 that covers the water supply system} ^{public}

8 d. The department conducts a technical review.

9 e. The department notifies the regional body as required in s. 281.343 (4h) (b)
10 1.

11 f. The proposal undergoes regional review.

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

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

15 (e) *Straddling counties*. 1. The department may approve a [✓] proposal ^{under par. (b)} for a new
16 diversion or an increase in a diversion if the water diverted will be used solely for
17 public water supply purposes in a community within a straddling county and all of
18 the following apply:

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

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

24 c. The proposal maximizes the amount of water withdrawn from the Great
25 Lakes basin that will be returned to the source watershed and minimizes the amount

1 of water from outside the Great Lakes basin that will be returned to the source
2 watershed.

3 d. There is no reasonable water supply alternative within the watershed in
4 which the community is located, including conservation of existing water supplies
5 as determined under par. (g).

6 e. The proposal will not endanger the integrity of the Great Lakes basin
7 ecosystem based upon a determination that the proposal will have no significant
8 adverse impact on the Great Lakes basin ecosystem.

9 em. The proposal is consistent with an approved water supply plan approved under sub.
10 (10). that covers the public water supply system service area s. 281.348

11 f. The department conducts a technical review.

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

13 1.

14 h. The proposal undergoes regional review.

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

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

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

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

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

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

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

9 3m. The place at which the water is returned to the source watershed is as close
10 as practicable to the place at which the water is withdrawn, unless the applicant
11 demonstrates that returning the water at that place is one of the following:

12 a. Not economically feasible.

13 b. Not environmentally sound.

14 c. Not in the interest of public health.

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

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

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

22 c. The structure used to return the water is designed and will be operated to
23 meet the applicable permit requirements under s. 30.12 and ^{the} department has
24 approved the permit under s. 30.12.

1 4m. If water will be returned to the source watershed through a stream
2 tributary to one of the Great Lakes, the physical, chemical, and biological integrity
3 of the receiving water under subd. 3. will be protected and sustained, considering the
4 state of the receiving water before the proposal is implemented and considering both
5 low flow conditions. ✓
and high

****NOTE: I am uncertain exactly what should be included for this provision.

6 5. The diversion will result in no significant adverse individual impacts or
7 cumulative impacts to the quantity or quality of the waters of the Great Lakes basin
8 or to water dependent natural resources, including cumulative impacts that might
9 result due to any precedent-setting aspects of the proposed diversion, based upon a
10 determination that the proposed diversion will not have any significant adverse
11 impacts on the sustainable management of the waters of the Great Lakes basin.

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

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

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

Inset
80-5 4 ✓
4 (4m) WATER USE PERMITS REQUIRED IN THE GREAT LAKES BASIN. (a) A person may
5 not make a withdrawal from the Great Lakes basin that averages 100,000 gallons
6 per day or more in any 30-day period unless the withdrawal is covered under a
7 general permit issued under sub. (4s) or s. 281.344 (4s) or an individual permit issued
8 under sub. (5) or s. 281.344 (5).

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

- 15 1. Reference to the database of withdrawal amounts under par. (i).
- 16 2. Requirements for reporting, metering, and surveillance, as provided in rules
17 promulgated by the department.
- 18 3. Requirements for water conservation, as provided in rules promulgated by
19 the department under sub. (8) (d).
- 20 4. Other conditions, limitations, or restrictions, as provided in rules
21 promulgated by the department, that the department determines are necessary to
22 protect the environment or public health and safety or to ensure the conservation and
23 proper management of the waters of the Great Lakes basin.

****NOTE: Should this also mention waters of the state? e

1 (am) *Term of general permit.* The term of a general permit issued under par.

2 (a) is 10 years, except that, if at the end of 10 years the department has not issued

3 a new general permit that covers a type of withdrawal covered by the general permit,

4 the term of the general permit continues, until the department issues such a new

5 general permit, for a person making that type of withdrawal who complied with par.

6 (g). ✓

***NOTE: I am still considering how to deal with the issue of expired permits. This issue also must be dealt with in the precompact statute.

7 (b) *General requirement.* A person who does not hold an individual permit

8 under sub. (5) may not make a withdrawal that averages 100,000 gallons per day or

9 more in any 30-day period, but that does not equal at least 1,000,000 gallons per day

10 for any 30 consecutive days, unless the withdrawal is covered under a general permit

11 issued under this subsection or s. 281.344 (4s). A person to whom the department

12 has issued a notice of coverage under a general permit shall comply with the general

13 permit.

14 (d) *Coverage under general permit for new or increased withdrawals.* 1. A

15 person who proposes to begin a withdrawal from the Great Lakes basin that will

16 average 100,000 gallons per day or more in any 30-day period, or to increase an

17 existing withdrawal so that it will average 100,000 gallons per day or more in any

18 30-day period, but who does not propose to withdraw at least 1,000,000 gallons per

19 day for any 30 consecutive days, shall apply to the department for coverage under

20 a general permit, unless the person applies for an individual permit under sub. (5).

21 In the application, the person shall provide the information required by the

22 department by rule.

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

✓
Except as provided in subd. 3m,

6 3. If the department determines that a withdrawal qualifies for coverage under
7 a general permit and the department has issued any approvals under s. 30.12, 30.18,
8 281.34, or 281.41 or s. 281.17, 2001 stats., that are required for the withdrawal, the
9 department shall issue a notice of coverage. In the notice, the department shall
10 specify a withdrawal amount that is equal to the smallest of the following amounts:

11 a. The maximum hydraulic capacity of the most restrictive component of the
12 water supply system used for the withdrawal for which the person has approval
13 under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval
14 under one of those provisions is not required for the most restrictive component of
15 the water supply system, the maximum hydraulic capacity of the most restrictive
16 component that the person proposes to use in the water supply system.

17 b. If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001
18 stats., specifies a maximum amount of water that may be withdrawn, that amount.

✓
Insert
82-18 →

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

22 (dm) *Requiring individual permit.* The department may require a person who
23 is making or proposes to make a withdrawal that averages 100,000 gallons per day
24 or more in any 30-day period, but that does not equal at least 1,000,000 gallons per
25 day for any 30 consecutive days, to obtain an individual permit under sub. (5) if

Insert 82-25

1 coverage under an individual permit is necessary to protect public health or safety
2 or to ensure the conservation and proper management of the waters of the state.

****NOTE: This issue is under review by DNR. Whatever standard is settled on, it seems that the same kind of language should be added to the precompact statute.

3 (e) *Increase in withdrawal amount.* ¹⁰ If a person making a withdrawal that is
4 covered under a general permit issued under this subsection or s. 281.344 (4s)
5 proposes to increase the amount of the withdrawal over the withdrawal amount
6 specified in the database under par. (i) for the withdrawal, but does not propose to
7 withdraw at least 1,000,000 gallons per day for any 30 consecutive days, the person
8 shall apply to the department for a modification of the withdrawal amount. ^{¶ 3. Except as provided in subd. 3(m)} If the
9 department has issued any approvals under s. 30.12, 30.18, 281.34, or 281.41 or s.
10 281.17, 2001 stats., that are required for modifying the withdrawal, the department
11 shall modify the withdrawal amount to an amount equal to the smallest of the
12 following amounts:

13 1. The maximum hydraulic capacity of the most restrictive component of the
14 water supply system used for the withdrawal for which the person has approval
15 under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval
16 under one of those provisions is not required for the most restrictive component of
17 the water supply system, the maximum hydraulic capacity of the most restrictive
18 component that the person proposes to use in the water supply system.

19 2. If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001
20 stats., specifies a maximum amount of water that may be withdrawn, that amount.

✓
Insert
83-20 →

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

1 (g) *Redetermination.* A person to whom the department has issued a notice of
2 coverage under a general permit issued under this subsection or s. 281.344 (4s) shall
3 apply to the department for redetermination of coverage under a new general permit
4 issued under this subsection at least 180 days before the end of the term of the
5 current general permit if the person intends to continue to withdraw from the Great
6 Lakes basin an average of 100,000 gallons per day or more in any 30-day period but
7 does not intend to withdraw at least 1,000,000 gallons per day for any 30 consecutive
8 days. If the person is in compliance with the current general permit and the
9 withdrawal qualifies for coverage under the new general permit, the department
10 shall issue a notice of coverage under the new general permit.

11 (h) *Suspension and revocation.* After an opportunity for a hearing, the
12 department may suspend or revoke coverage under a general permit issued under
13 this subsection or s. 281.344 (4s) for cause, including obtaining coverage under the
14 permit by misrepresentation or failure to disclose relevant facts or violating the
15 terms of the permit.

16 (i) *Database.* The department shall maintain a database of the withdrawal
17 amounts for all withdrawals that are covered under general permits issued under
18 this subsection and s. 281.344 (4s).

19 (5) INDIVIDUAL WATER USE PERMITS FOR GREAT LAKES BASIN. (a) *Requirement.* A
20 person may not make a withdrawal from the Great Lakes basin that equals at least
21 1,000,000 gallons per day for any 30 consecutive days unless the withdrawal is
22 covered by an individual permit issued under this subsection or s. 281.344 (5). A
23 person to whom the department has issued an individual permit shall comply with
24 the individual permit.

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

3 1. A withdrawal amount as determined under par. (d) 3/, (g) 3/, or (j) 3. or s.
4 281.344(4e). *(3m) or* *or 3m.* *or 3m.* *or 3m.*

5 2. An allowable water loss in gallons per day, if applicable.

6 *Information related to increases in*
only
provision is related to the
****NOTE: This will need to tie in with regulation of consumptive uses.

the drafting of
which is not yet
complete

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

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

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

13 6. Conditions on any diversion approved under sub. (4) made by the person
14 making the withdrawal.

15 7. If the withdrawal is from a surface water body tributary to one of the Great
16 Lakes and would result in a water loss of more than 95 percent of the amount of water
17 withdrawn, conditions that ensure that the withdrawal does not cause significant
adverse environmental impact.

****NOTE: This relocates the material that was at page 80, lines 18 to 22 in the /P5 version.

18 8. 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 (d) *Initial individual permit.* 1. A person who proposes to begin a withdrawal
23 from the Great Lakes basin that will equal at least 1,000,000 gallons per day for any

1 30 consecutive days or to modify an existing withdrawal so that it will equal at least
2 1,000,000 gallons per day for any 30 consecutive days shall apply to the department
3 for an individual permit.

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

Except as provided in subd. 3m)

8 3. ~~If~~ the department approves an application under subd. 1. and the
9 department has issued any approvals under s. 30.12, 30.18, 281.34, or 281.41 or s.
10 281.17, 2001 stats., that are required for the withdrawal, the department shall issue
11 an individual permit. In the permit, the department shall specify a withdrawal
12 amount that is equal to the smallest of the following amounts:

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

19 b. If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001
20 stats., specifies a maximum amount of water that may be withdrawn, that amount.

21 c. Any limit on the amount of the withdrawal necessary to ensure compliance
22 with a decision-making standard applicable under par. (e) or (f).

Insert ✓ →

86-23
86-22

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

Insert ✓ →

86-24

Except as provided in par. (dm), ✓

1 (e) *Standards for approval of certain unpermitted withdrawals.* 1. ✓ The
2 department may not approve an application under par. (d) 1. for a new withdrawal
3 that will equal at least 1,000,000 gallons per day for any 30 consecutive days, or for
4 an existing withdrawal that is not covered by a general permit under sub. (4s) or s.
5 281.344 (4s) and that is proposed to be modified so that it will equal at least 1,000,000
6 gallons per day for any 30 consecutive days, but to which subd. 2. does not apply,
7 unless the withdrawal meets the state decision-making standard under sub. (5m)
8 and, if the withdrawal will result in a water loss that averages more than 2,000,000
9 gallons per day in any 30-day period, the withdrawal meets the consumptive use
10 decision-making standard under sub. (6m). ✓

11 2. ✓ *Except as provided in par. (dm),* The department may not approve an application under par. (d) 1. for a new
12 withdrawal that will equal at least 10,000,000 gallons per day for any 30 consecutive
13 days, or for an existing withdrawal that is not covered by a general permit under sub.
14 (4s) or s. 281.344 (4s) and that is proposed to be modified so that it will equal at least
15 10,000,000 gallons per day for any 30 consecutive days, unless the withdrawal meets
16 the compact decision-making standard under sub. (6) and, if the withdrawal will
17 result in a water loss that averages more than 2,000,000 gallons per day in any
18 30-day period, the withdrawal meets the consumptive use decision-making
19 standard under sub. (6m). *Except as provided in par. (dm), ✓*

20 (f) *Standards for approval of withdrawals covered by general permits.* 1. ✓ The
21 department may not approve an application under par. (d) 1. for a withdrawal that
22 is covered under a general permit under sub. (4s) or s. 281.344 (4s) if the applicant
23 proposes to modify the withdrawal so that it equals 1,000,000 or more gallons per day
24 for any 30 consecutive days over the withdrawal amount as of the date that the
25 department issued the current notice of coverage under the general permit or as of

1 the compact's effective date, whichever is later, and if subd. 2. does not apply, unless
2 the withdrawal meets the state decision-making standard under sub. (5m) and, if
3 the withdrawal will result in a water loss that averages more than 2,000,000 gallons
4 per day in any 30-day period, the withdrawal meets the consumptive use
5 decision-making standard under sub. (6m).

Except as provided in par. (d), ✓

6 2. The department may not approve an application under par. (d) 1. for a
7 withdrawal that is covered under a general permit under sub. (4s) or s. 281.344 (4s)
8 if the applicant proposes to modify the withdrawal so that it equals 10,000,000 or
9 more gallons per day for any 30 consecutive days over the withdrawal amount as of
10 the date that the department issued the current notice of coverage under the general
11 permit or as of the compact's effective date, whichever is later, unless the withdrawal
12 meets the compact decision-making standard under sub. (6) and, if the withdrawal
13 will result in a water loss that averages more than 2,000,000 gallons per day in any
14 30-day period, the withdrawal meets the consumptive use decision-making
15 standard under sub. (6m).

16 *NOTE: The draft does not yet completely deal with the application of the*
completely
NOTE: The draft does not yet completely deal with the application of the
completely
(g) Modification of individual permit for increased withdrawal. 1. If a person

17 making a withdrawal that is covered under an individual permit issued under this
18 subsection or s. 281.344 (5) proposes to increase, during the term of the permit, the
19 amount of the withdrawal over the withdrawal amount specified in the permit, the
20 person shall apply to the department for a modification of the permit to increase the
21 withdrawal amount.

22 2. After receiving an application under subd. 1., the department shall, within
23 the time limit established by the department by rule, determine whether to approve
24 the application for modification of the permit or notify the applicant of any additional
25 information needed to determine whether to approve the application.

consumptive use decision-making standard when withdrawals are increased. The place holder language in this paragraph appears several more times.

Except as provided in subd. 3m, ✓

1

3. ~~If~~ the department approves an application under subd. 1. and the department has issued any approvals under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., that are required for the modification of the withdrawal, the department shall modify the individual permit. In the modified permit, the department shall specify a withdrawal amount that is equal to the smallest of the following amounts:

a. The maximum hydraulic capacity of the most restrictive component of the water supply system used for the withdrawal for which the person has approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval under one of those provisions is not required for the most restrictive component of the water supply system, the maximum hydraulic capacity of the most restrictive component that the person proposes to use in the water supply system.

b. If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., specifies a maximum amount of water that may be withdrawn, that amount.

c. Any limit on the amount of the withdrawal necessary to ensure compliance with a decision-making standard applicable under par. (e) or (f).

✓
Insert
89-16

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

✓
Insert
89-18

(h) *Standards for approval of certain modifications.* 1. ~~If~~ The department may not approve an application under par. (g) 1., if the person proposes to increase the amount of the withdrawal so that it equals 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term, the compact's effective date, or the date that the department issued a modified permit for the withdrawal if the modification was subject to the state decision-making standard under sub. (5m) or the compact decision-making

Except as provided in par. (g)m)

1 standard under sub. (6), whichever is latest, and if subd. 2. does not apply, unless the
2 increased withdrawal meets the state decision-making standard under sub. (5m)
3 and, if the current permit does not include a water loss amount and the withdrawal
4 will result in a water loss that averages more than 2,000,000 gallons per day in any
5 30-day period, or, if the current permit includes a water loss amount, an increase
6 over that water loss amount that averages more than 2,000,000 gallons per day in
7 any 30-day period, the withdrawal meets the consumptive use decision-making
8 standard under sub. (6m).

Except as provided in par. (gm), ✓

9 2. The department may not approve an application under par. (g) 1., if the
10 person proposes to increase the amount of the withdrawal so that it equals at least
11 10,000,000 gallons per day for any 30 consecutive days over the withdrawal amount
12 as of the beginning of the current permit term, the compact's effective date, or the
13 date that the department issued a modified permit for the withdrawal if the
14 modification was subject to the compact decision-making standard under sub. (6),
15 whichever is latest, unless the withdrawal meets the compact decision-making
16 standard under sub. (6) and, if the current permit does not include a water loss
17 amount and the withdrawal will result in a water loss that averages more than
18 2,000,000 gallons per day in any 30-day period or, if the current permit includes a
19 water loss amount, an increase over that water loss amount that averages more than
20 2,000,000 gallons per day in any 30-day period, the withdrawal meets the
21 consumptive use decision-making standard under sub. (6m).

****NOTE: The language concerning increased consumptive uses here and in par. (k) has not been modified to reflect my new understanding of DNR's proposal.

22 (i) *Term of permit.* The term of an individual permit is 10 years.

1 (j) *Reissuance*. 1. A person to whom the department has issued an individual
2 permit under this subsection or s. 281.344 (5) shall apply to the department for
3 reissuance of the individual permit at least 180 days before the end of the term of the
4 permit if the person intends to continue to withdraw from the Great Lakes basin at
5 least 1,000,000 gallons per day for any 30 consecutive days.

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

10 *Except as provided in subd. 3m, ✓*
3. ~~If~~ the department approves an application under subd. 1., determines that
11 the person is in compliance with the current individual permit, and has issued any
12 approvals under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., that are
13 required for the withdrawal, the department shall reissue the individual permit. In
14 the permit, the department shall specify a withdrawal amount that is equal to the
15 amount in the current permit, except that, if the person proposes in the application
16 to increase the amount of the withdrawal, the department shall specify a withdrawal
17 amount equal to the smallest of the following amounts:

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

24 b. If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001
25 stats., specifies a maximum amount of water that may be withdrawn, that amount.

1 c. Any limit on the amount of the withdrawal necessary to ensure compliance

2 ✓ with a decision-making standard applicable under par. (e) or (f).

Insert
92-3
2

4. If the department disapproves an application under subd. 1., the department

4 shall notify the applicant in writing of the reason for the disapproval.

Insert
92-4
5

(k) *Standards for reissuance in certain cases.* 1. ✓ The department may not

Except as provided in par. (j),

6 approve an application under par. (j) 1., if the person proposes in the application to

7 increase the amount of the withdrawal so that it equals 1,000,000 or more gallons

8 per day for any 30 consecutive days over the withdrawal amount as of the beginning

9 of the current permit term, the compact's effective date, or the date that the

10 department issued a modified permit for the withdrawal if the modification was

11 subject to the state decision-making standard under sub. (5m) or the compact

12 decision-making standard under sub. (6), whichever is latest, and if subd. 2. does not

13 apply, unless the increased withdrawal meets the state decision-making standard

14 under sub. (5m) and, if the current permit does not include a water loss amount and

15 the withdrawal will result in a water loss that averages more than 2,000,000 gallons

16 per day in any 30-day period or, if the current permit includes a water loss amount,

17 an increase over that water loss amount that averages more than 2,000,000 gallons

18 per day in any 30-day period, the withdrawal meets the consumptive use

19 decision-making standard under sub. (6m). ✓

Except as provided in par. (j),

20 2. ✓ The department may not approve an application under par. (j) 1., if the

21 person proposes in the application to increase the amount of the withdrawal so that

22 it equals at least 10,000,000 gallons per day for any 30 consecutive days over the

23 withdrawal amount as of the beginning of the current permit term, the compact's

24 effective date, or the date that the department issued a modified permit for the

25 withdrawal if the modification was subject to the compact decision-making standard

1 under sub. (6), whichever is latest, unless the withdrawal meets the compact
2 decision-making standard under sub. (6) and, if the current permit does not include
3 a water loss amount and the withdrawal will result in a water loss that averages
4 more than 2,000,000 gallons per day in any 30-day period, or, if the current permit
5 includes a water loss amount, an increase over that water loss amount that averages
6 more than 2,000,000 gallons per day in any 30-day period, the withdrawal meets the
7 consumptive use decision-making standard under sub. (6m).

8 (L) *Prior notice.* Beginning no later than 60 months after the compact's
9 effective date, if a proposal for which approval is required under this subsection will
10 result in a new water loss or an increase in a water loss that will average more than
11 5,000,000 gallons per day in any 90-day period, the department shall provide the
12 other parties and the provinces of Ontario and Quebec, Canada, with detailed notice
13 of the proposal and an opportunity to comment on the proposal. The department
14 shall provide a response to any comment received under this paragraph. The
15 department may not grant an approval under this subsection until at least 90 days
16 after the day on which it provided notice under this paragraph.

17 (m) *Regional review.* If a majority of the members of the regional body request
18 regional review of a proposal described in s. 281.343 (4h) (a) 6. for which approval is
19 required under this subsection, the department shall conduct a technical review of
20 the proposal and submit the proposal for regional review. The department may not
21 act on the proposal until the proposal has undergone regional review and the
22 department has considered the regional declaration of finding in determining
23 whether to approve the proposal.

24 (n) *Information to be provided.* A person who submits an application under par.
25 (d) 1., (g) 1., or (j) 1. shall provide the information required by the department by rule.

1 If a decision-making standard under sub. (5m), (6), or (6m) applies, the person shall
2 provide information about the potential impacts of the withdrawal on the waters of
3 the Great Lakes basin and water dependent natural resources. If the compact
4 decision-making standard under sub. (6) applies, the person shall provide an
5 assessment of the individual impacts of the proposal for the purposes of sub. (6) (b).
6 The person may also include a cumulative impact assessment.

7 (o) *Departmental modifications.* After an opportunity for a hearing, the
8 department may modify a permit issued under this subsection as necessary to ensure
9 that a withdrawal complies with any applicable requirement under sub. (5m), (6), or
10 (6m).

***NOTE: Should a provision like this be added to the precompact statute?

11 (p) *Suspension and revocation.* The department may suspend or revoke a
12 permit issued under this subsection or s. 281.344 (5) for cause, including obtaining
13 the permit by misrepresentation or failure to disclose relevant facts or violating the
14 terms of the permit.

15 (q) *Permits not transferable.* An individual water use permit is not
16 transferable.

17 *Insert* → **(5m)** STATE DECISION-MAKING STANDARD. A proposal meets the state
18 decision-making standard if all of the following apply:

19 (a) The amount of the withdrawal or increase in the withdrawal is needed to
20 meet the projected needs of the person who will use the water.

***NOTE: 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.

1 (b) For an increase in a withdrawal, cost-effective conservation practices have
2 been implemented for existing uses of the water, as required under rules
3 promulgated by the department.

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

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

9 (e) One of the following applies:

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

12 2. If the withdrawal is from a surface water body, the applicant demonstrates
13 that the withdrawal will not result in the violation of water quality standards under
14 s. 281.15 or impair fish populations.

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

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

****NOTE: An approval under s. 281.34 does not necessarily involve a determination that no adverse environmental impacts to the waters of the state will result from the new or increased withdrawal. My understanding is that an approval under s. 281.17, 2001 stats., does not ordinarily involve such a determination. Therefore, if the intent of this provision is to ensure no adverse environmental impacts, it does not do that.

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