

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

3 (a) All of the water withdrawn from the Great Lakes basin will be returned to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

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

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

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

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

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

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

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

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

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

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

10 **(6m)** CONSUMPTIVE USE DECISION-MAKING STANDARD. A proposal meets the
11 consumptive use decision-making standard if all of the following apply:

12 (a) No public water rights in navigable waters will be adversely affected.

13 (b) The proposed withdrawal ^{and consumptive use do} ~~does not~~ conflict with any applicable plan for
14 future uses of the waters of the state, including plans developed under ^{5.281.348} ~~sub (10)~~ and
15 ~~§§~~ ^{S.} 281.12 (1) and 283.83.

16 (c) ~~Both the applicant's~~ ^{Any} current water use, if any, and the ~~applicant's~~ proposed
17 plans for withdrawal, transportation, development, and use of the water incorporate
18 reasonable conservation practices.

****NOTE: Should this reference sub. (8)?

19 (d) If the water loss averages 5,000,000 gallons or more during any 90-day
20 period, the proposed withdrawal and uses will not have a significant adverse impact
21 on the environment and ecosystem of the Great Lakes basin or the state.

22 (e) The proposed withdrawal and consumptive use are consistent with the
23 protection of public health, safety, and welfare and will not be detrimental to the
24 public interest.

areawide
water quality management plans
under

approved water supply service area

1 (f) The proposed withdrawal and consumptive use will not have a significant
2 detrimental effect on the quantity or quality of the waters of the state.

***NOTE: This is based on current s. 281.35 (5) (d). This may need to be modified
some more, in part because in some cases the applicant (~~withdrawer~~) will not be the one
making the consumptive use.

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

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

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

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

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

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

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

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

7 (c) *Great Lakes basin program.* No later than the 24th month beginning after
8 the compact's effective date, the department shall implement a Great Lakes basin
9 water conservation and efficiency program as part of the statewide program under
10 par. (b), for all users of the waters of the Great Lakes basin, that is designed to
11 achieve the goals and objectives for the waters of the Great Lakes basin that are
12 specified under par. (a). The department shall include in the Great Lakes basin
13 program the activities in par. (b) 1. to 3. applicable in the Great Lakes basin and
14 application of the water conservation and efficiency measures specified under par.
15 (d) in subs. (4) (f) 6. and (g) and (6) (c).

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

21 1. The amount and type of diversion, withdrawal, or consumptive use and
22 whether the diversion, withdrawal, or consumptive use exists on the first day of the
23 84th month beginning after the effective date of this subdivision ... [revisor inserts
24 date], or the compact's effective date, whichever is earlier, is expanded, or is new.

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

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

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

9 (b) Public Notice. 1. The department shall, by rule, create procedures for
10 circulating to interested and potentially interested members of the public notices of
11 each complete application that the department receives under sub. (4) or (5) ✓ and of
12 each general permit that the department proposes to issue under sub. (4s) (a). The
13 department shall include, in the rule, at least the following procedures:

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

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

17 2. The department shall establish the form and content of a public notice by
18 rule. The department shall include in every public notice concerning an application
19 under sub. (4) or (5) at least the following information: to which subd. 1. ✓ applies

20 a. The name and address of each applicant.

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

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

sub. (5), other than an application from a person operating a public water supply system that is covered by an approved water supply service area plan under s. 281.348, and each complete application that the department receives under

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

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

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

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

23 (e) *Public access to information.* Any record or other information provided to
24 or obtained by the department regarding a proposal for which an application under
25 sub. (4) or (5) [✓] is received is a public record as provided in subch. II of ch. 19. The

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

13 (h) *Expediting review.* The department shall take appropriate measures to
14 expedite, to the extent feasible, applicable reviews by the regional body, Great Lakes
15 council, parties, and the provinces of Ontario and Quebec of applications under this
16 section that are subject to regional review.

17 **(10) REGIONAL WATER SUPPLY SERVICE AREA PLANS FOR PUBLIC WATER SUPPLY**
18 **SYSTEMS STATEWIDE.** (a) The department shall establish and administer a continuing
19 water supply planning process, that is consistent with applicable state requirements
20 and the compact, for the preparation of water supply plans for persons owning or
21 operating public water supply systems. The period covered by a plan under this
22 subsection may not exceed 20 years. A person owning or operating a public water
23 supply system that serves a population of 10,000 or more and that withdraws water
24 from the waters of the state shall have an approved plan under this subsection no

1 later than December 31, 2025. A regional planning commission may prepare plans
2 for persons owning or operating public water supply systems.

****NOTE: In accordance with the instructions, the requirement to have a plan is limited to systems that withdraw from the waters of the state. I understand that there is at least one entity that does not own or operate a public water supply system but that withdraws water and provides it to public water supply systems. This provision must be modified if it is desired to require a plan covering the public water supply systems that receive the water provided by this entity.

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

- 5 1. Public review and comment on a proposed plan.
- 6 2. Approval of a plan by the governing body of each city, village, and town whose
7 public water supply is addressed by the plan before the plan is submitted to the
8 department.
- 9 2m. Approval of a plan by the department.
- 10 3. Ensuring that plans remain current.
- 11 4. Intergovernmental cooperation.
- 12 5. Reopening or reconsideration by the department of a previously approved
13 plan.

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

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

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

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

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

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

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

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

19 9. Other information specified by the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 *Inst A* ✓ → **SECTION 6.** 281.41 (4) of the statutes is created to read:
12 *107-10*

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

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

20 281.98 (1) Except as provided in ss. 281.344 (14) (a), 281.346 (14) (a), 281.47
21 (1) (d), 281.75 (19), and 281.99 (2), any person who violates this chapter or any rule
22 promulgated or any plan approval, license, special order, or water quality
23 certification issued under this chapter shall forfeit not less than \$10 nor more than
24 \$5,000 for each violation. Each day of continued violation is a separate offense.
25 While an order is suspended, stayed, or enjoined, this penalty does not accrue.

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

Insert 45-3

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

Insert 45-10

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

Insert 45-23

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

^{Km}
~~(jii)~~ "Intrabasin transfer" means the transfer of water from the watershed of one of the Great Lakes into the watershed of another of the Great Lakes.

MOVE

Insert 46-3

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

Insert 46-8

(t) "Straddling community" means any city, village, or town that is partly within the Great Lakes basin or partly within the watersheds of 2 of the Great Lakes and that is wholly within any county that lies partly or completely within the Great Lakes basin.

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

Insert 47-4

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

Insert 49-19

(3e) DETERMINING INITIAL INTERBASIN TRANSFER AMOUNTS. (a) Before issuing an automatic approval under sub. (3m) for an interbasin transfer to a person operating a public water supply system, the department shall determine the initial interbasin transfer amount for the interbasin transfer under this subsection.

(b) The department shall determine the initial interbasin transfer amount under this subsection for a public water supply system to be the amount of water necessary to provide water for public water supply purposes in the area in at least part of which the public water supply system delivers water to customers before the compact's effective date that is all of the following:

1. Outside of the Great Lakes basin.
2. Within a sewer service territory that provides for return of wastewater to the Great Lakes basin and that is specified in the sewer service area provisions of an



areawide water quality management plan under s. 283.83 approved by the department before December 31, 2007.

(c) The department shall use the population and related service projections in the sewer service area provisions described in par. (b) 2. in making the determination under par. (b).

(3m) AUTOMATIC APPROVAL FOR EXISTING INTERBASIN TRANSFERS. Before the compact's effective date, the department shall automatically issue an approval for an interbasin transfer that begins before the compact's effective date, to a person who operates a public water supply system that receives water from the interbasin transfer and that delivers water to customers in an area that is outside of the Great Lakes basin and that is within a sewer service territory that provides for return of wastewater to the Great Lakes basin as specified in the sewer service area provisions of an areawide water quality management plan under s. 283.83 approved by the department before December 31, 2007. The department may not issue an automatic approval before the interbasin transfer begins. In the automatic approval, the department shall specify an interbasin transfer amount equal to the amount determined under sub. (3e) and an interbasin transfer area that is the area described in sub. (3e) (b).

(4) NEW OR INCREASED INTERBASIN TRANSFERS. (a) *Prohibition.* Beginning on the effective date of this paragraph [revisor inserts date], all of the following apply:

1. No person may begin an interbasin transfer, other than an interbasin transfer for which the department is required to issue an automatic permit under sub. (3m), unless the interbasin transfer is covered by an approval under par. (c), (d), or (e).



2. No person may increase an interbasin transfer over the interbasin transfer amount in an approval issued under this subsection unless the department modifies the approval under par. (c), (d), or (e) to increase the interbasin transfer amount.

3. No person may increase an interbasin transfer over the interbasin transfer amount in an approval issued under sub. (3m) or expand the interbasin transfer area beyond the area specified in an approval under sub. (3m) unless the department modifies the approval under par. (c), (d), or (e) to increase the interbasin transfer amount or to expand the interbasin transfer area.

(b) *Application.* 1. A person who proposes to begin an interbasin transfer, increase the amount of an interbasin transfer, or expand the interbasin transfer area of an interbasin transfer covered by an approval issued under sub. (3m) shall apply to the department for approval.

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

3. Operators of 2 or more public water supply systems may submit a joint application under subd. 1. for a new, increased, or expanded interbasin transfer under par. (c) or (e).

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

4m. If a person who applies under subd. 1. will not directly withdraw the water proposed to be transferred, the person shall identify the entity that will withdraw the



water and provide evidence of any agreement necessary to obtain water from that entity. ✓

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

4s. If the proposal for which a person applies under subd. 1. ✓ is subject to the exception standard under par. (f), ✓ the person shall provide documentation of how the physical, chemical, and biological integrity of the receiving water under par. (f) 3. ✓ will be protected and sustained, ✓ *as required under ss. 30.12, 28.15, and 283.31* considering the state of the receiving water before the proposal is implemented. If the receiving water is a surface water body that is tributary to one of the Great Lakes, ✓ the person shall include a description of the flow of the receiving water before the proposal is implemented, considering ✓ both low and high flow ✓ conditions.

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

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

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

b. If the proposal is to provide a public water supply within more than ✓ one city, village, or town, any portion of the proposal that provides a public water supply



within a straddling community is subject to par. (c) and any portion of the proposal that provides a public water supply within a community within a straddling county is subject to par. (e).

2. For the purposes of applying the requirements in pars. (c), (e), and (f) to a proposal under par. (b), the department shall use, as appropriate, the planned service area of the public water supply system receiving water under the proposal. The planned service area is the service area of the system at the end of any planning period authorized by the department in the approved water supply service area plan under s. 281.348 that covers the public water supply system.

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

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

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

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

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



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

2m. The proposal is consistent with an approved water supply service area plan under s. 281.348 that covers the public water supply system.

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

(d) *Intrabasin transfer*. 1. The department may approve a proposal under par. (b) for a new intrabasin transfer or an increase in an intrabasin transfer to which par. (c) does not apply that would average less than 100,000 gallons per day in every 90-day period, if the proposal meets the applicable requirements in s. 30.18, 281.34, or 281.41 or, if those sections do not apply, any requirements specified by the department by rule and, if the water will be used for public water supply purposes, the proposal is consistent with an approved water supply service area plan under s. 281.348 that covers the public water supply system.

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

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



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

c. If the water will be used for public water supply purposes, the proposal is consistent with an approved water supply service area plan under s. 281.348 that covers the public water supply system.

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

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

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

c. If the water will be used for public water supply purposes, the proposal is consistent with an approved water supply service area plan under s. 281.348 that covers the public water supply system.

(e) *Straddling counties*. 1. The department may approve a proposal under par. (b) for a new interbasin transfer or an increase in an interbasin transfer if the water transferred will be used solely for public water supply purposes in a community within a straddling county and all of the following apply:

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



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

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

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

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

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

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

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

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

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



2. The interbasin transfer[✓] is limited to quantities that are reasonable for the purposes for which the interbasin transfer[✓] is proposed.

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

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

- a. Not economically feasible.[✓]
- b. Not environmentally sound.[✓]
- c. Not in the interest of public health.[✓]

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

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

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

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

4m. If water will be returned to the source watershed through a stream tributary to one of the Great Lakes, the physical, chemical, and biological integrity of the receiving water under subd. 3.[✓] will be protected and sustained, considering the

*

as required under ss. 30.12, 281.15, and 283.31[✓]

state of the receiving water before the proposal is implemented and considering both low and high flow conditions.✓

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

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

7. The interbasin transfer ✓ will be in compliance with all applicable local, state, and federal laws and interstate and international agreements, including the Boundary Waters Treaty of 1909.✓

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

(i) *Interbasin transfer amount.*✓ In an approval issued under this subsection ✓ or a modification granted under this subsection to increase the amount of an interbasin transfer, the department shall specify an interbasin transfer amount ✓ equal to the



quantity of water that is reasonable for the purposes for which the interbasin transfer is proposed.

Insert 55-4

3m. a. The department may not approve an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, unless the withdrawal is consistent with the water supply service area plan.

b. If the department approves an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall issue a notice of coverage. In the notice of coverage the department shall specify a withdrawal amount that is equal to the withdrawal amount in the water supply service area plan.

Insert 55-7

(dm) *Requiring individual permit.* The department may require a person who is making or proposes to make a withdrawal that averages 100,000 gallons per day or more in any 30-day period, but that does not equal at least 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit under sub. (5) if the withdrawal is located in a groundwater protection area, as defined in s. 281.34 (1)

*

(a) or a groundwater management area designated under s. 281.34 (9) or if coverage under an individual permit is necessary to protect public health or safety or to ensure the conservation and proper management of the waters of the state.

Insert 55-24

3m. a. The department may not approve an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that



is covered by an approved water supply service area plan under s. 281.348, unless the withdrawal is consistent with the water supply service area plan.

b. If the department approves an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall modify the withdrawal amount to an amount equal to the withdrawal amount in the water supply service area plan.

Insert 59-5

3m. a. The department may not approve an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, unless the withdrawal is consistent with the water supply service area plan.

b. If the department approves an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall issue an individual permit. In the permit, the department shall specify a withdrawal amount that is equal to the withdrawal amount in the water supply service area plan.

Insert 59-23

3m. a. The department may not approve an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, unless the withdrawal is consistent with the water supply service area plan.

b. If the department approves an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by



an approved water supply service area plan under s. 281.348, the department shall modify the withdrawal amount to an amount equal to the withdrawal amount in the water supply service area plan.

Insert 61-19

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

- a. Publication of the notice as a class 1 notice under ch. 985.
- b. Mailing of the notice to any person, group, local governmental unit, or state agency upon request.

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

Concerning an application under sub. (4)

- a. The name and address of each applicant.
- b. A brief description of the proposal for which the application is made under sub. (4), including the amount of the proposed interbasin transfer.
- c. A brief description of the procedures for the formulation of final determinations on applications, including the 30-day comment period required under par. (c).

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



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

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

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

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



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

Insert 80-4

Diversion ← (I)

(i) ~~Interbasin transfer~~ amount. In an approval issued under this subsection or a modification granted under this subsection to increase the amount of a diversion, the department shall specify a diversion amount equal to the quantity of water that is reasonable for the purposes for which the diversion is proposed.

Insert 82-18

3m. a. The department may not approve an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that serves ^{a population of} more than 10,000 persons unless the withdrawal is covered by an approved water supply service area plan under s. 281.348.

b. The department may not approve an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, unless the withdrawal is consistent with the water supply service area plan.

c. If the department approves an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall issue a notice of coverage. In the notice of coverage the department shall specify a withdrawal amount that is equal to the withdrawal amount in the water supply service area plan.

(end ins 82-18)

Insert 83-20

3m. a. The department may not approve an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that serves ^{a population of} more than 10,000 persons unless the withdrawal is covered by an approved water supply service area plan under s. 281.348.

b. The department may not approve an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, unless the withdrawal is consistent with the water supply service area plan.

c. If the department approves an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall modify the withdrawal amount to an amount equal to the withdrawal amount in the water supply service area plan.

Insert 82-25

~~NO~~ if the withdrawal is located in a groundwater protection area, as defined in s. 281.34(1)(a), or a groundwater management area designated under s. 281.34(9) or

Insert 86-22

3m. If the department approves an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall issue an individual permit. In the permit, the department shall specify a withdrawal amount that is equal to the withdrawal amount in the water supply service area plan.

Insert 86-24



(dm) *Consistency with water supply plans.* 1. The department may not approve an application under par. (d) 1. for a withdrawal for the purpose of providing water to a public water supply system that serves ^{a population of} more than 10,000 ~~persons~~ unless the public water supply system is covered by an approved water supply service area plan under s. 281.348.

2. The department may not approve an application under par. (d) 1. for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348 unless the withdrawal is consistent with the water supply service area plan.

Insert 89-16

3m. If the department approves an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall modify the individual permit. In the modified permit, the department shall specify a withdrawal amount that is equal to the withdrawal amount in the water supply service area plan.

Insert 89-18

(gm) *Consistency with water supply plans.* 1. The department may not approve an application under par. (g) 1. for a withdrawal for the purpose of providing water to a public water supply system that serves ^{a population of} more than 10,000 ~~persons~~ unless the public water supply system is covered by a water supply service area plan under s. 281.348.

2. The department may not approve an application under par. (g) 1. for a withdrawal for the purpose of providing water to a public water supply system that



is covered by an approved water supply service area plan under s. 281.348 unless the withdrawal is consistent with the water supply service area plan.

Insert 92-2

3m. If the department approves an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348 and determines that the person is in compliance with the current individual permit, the department shall reissue the individual permit. In the permit, the department shall specify a withdrawal amount that is equal to the withdrawal amount in the water supply service area plan.

Insert 92-4

(jm) *Consistency with water supply plans.* 1. The department may not approve an application under par. (j) 1. for a withdrawal for the purpose of providing water to a public water supply system that serves more than 10,000 persons if the person proposes to increase the amount of the withdrawal over the amount in the current permit, unless the public water supply system is covered by a water supply service area plan under s. 281.348.

① reissuance

a population of

2. The department may not approve an application under par. (j) 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348 unless the withdrawal is consistent with the water supply service area plan.

Insert 94-16

(5e) REQUIREMENTS FOR WATER SUPPLY SERVICE AREA PLANS FOR PUBLIC WATER SUPPLY SYSTEMS IN THE GREAT LAKES BASIN. (a) *Unpermitted withdrawals.* 1. Beginning on the compact's effective date, the department may not approve a water



supply service area plan under s. 281.348 that provides for a new withdrawal from the Great Lakes basin of at least 1,000,000 gallons per day for any 30 consecutive days, or for modification of an existing withdrawal that is not covered by a general permit under sub. (4s) or s. 281.344 (4s) so that it will equal at least 1,000,000 gallons per day for any 30 consecutive days, but to which subd. 2. does not apply, unless the withdrawal meets the state decision-making standard under sub. (5m) and, if the withdrawal will result in a water loss that averages more than 2,000,000 gallons per day in any 30-day period, the withdrawal meets the consumptive use decision-making standard under sub. (6m).

2. Beginning on the compact's effective date, the department may not approve a water supply service area plan under s. 281.348 that provides for a new withdrawal from the Great Lakes basin of at least 10,000,000 gallons per day for any 30 consecutive days, or for modification of an existing withdrawal that is not covered by a general permit under sub. (4s) or s. 281.344 (4s) so that it will equal at least 10,000,000 gallons per day for any 30 consecutive days, unless the withdrawal meets the compact decision-making standard under sub. (6) and, if the withdrawal will result in a water loss that averages more than 2,000,000 gallons per day in any 30-day period, the withdrawal meets the consumptive use decision-making standard under sub. (6m).

(b) *Increased withdrawals covered by general permits.* 1. Beginning on the compact's effective date, the department may not approve a water supply service area plan under s. 281.348 that provides for modifying a withdrawal that is covered under a general permit under sub. (4s) or s. 281.344 (4s) so that the withdrawal equals 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued the current notice of



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

2. Beginning on the compact's effective date, the department may not approve a water supply service area plan under s. 281.348 that provides for modifying a withdrawal that is covered under a general permit under sub. (4s) or s. 281.344 (4s) so that the withdrawal equals 10,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued the current notice of coverage under the general permit or as of the compact's effective date, whichever is later, unless the withdrawal meets the state decision-making standard under sub. (5m) and, if the withdrawal will result in a water loss that averages more than 2,000,000 gallons per day in any 30-day period, the withdrawal meets the consumptive use decision-making standard under sub. (6m).

(c) *Increased withdrawals covered by individual permits.* 1. Beginning on the compact's effective date, the department may not approve a water supply service area plan under s. 281.348 that provides for increasing the amount of a withdrawal that is covered under an individual permit issued under sub. (5) or s. 281.344 (5) 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 standard under sub. (6), whichever is latest, and if subd. 2 does not apply, unless the increased withdrawal meets the state decision-making standard under sub. (5m) and, if the current permit does not include a water loss amount and the withdrawal will result in a water loss that averages more than 2,000,000 gallons per day in any 30-day period, or, if the current permit includes a water loss amount, an increase over that water loss amount that averages more than 2,000,000 gallons per day in any 30-day period, the withdrawal meets the consumptive use decision-making standard under sub. (6m).

2. Beginning on the compact's effective date, the department may not approve a water supply service area plan under s. 281.348 that provides for increasing the amount of a withdrawal that is covered under an individual permit issued under s. sub. (5) or s. 281.344 (5) so that it equals 10,000,000 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 compact decision-making standard under sub. (6), whichever is latest, unless the increased withdrawal meets the state decision-making standard under sub. (5m) and, if the current permit does not include a water loss amount and the withdrawal will result in a water loss that averages more than 2,000,000 gallons per day in any 30-day period, or, if the current permit includes a water loss amount, an increase over that water loss amount that averages more than 2,000,000 gallons per day in any 30-day period, the withdrawal meets the consumptive use decision-making standard under sub. (6m).

(d) *Providing prior notice.* The department may not approve a water supply service area plan under s. 281.348 that provides for a withdrawal described in sub.



(5) (L) unless the department has provided notice as required under sub. (5) (L) at least 90 days before approving the water supply service area plan and has provided a response to any comment received.

(e) *Regional review.* The department may not approve a water supply service area plan under s. 281.348 if a majority of the members of the regional body request regional review of a withdrawal described in s. 281.343 (4h) (a) 6 provided for in the plan unless the department complies with sub. (5) (m).

Insert 107-10

SECTION 1. 281.348 of the statutes is created to read:

281.348 Regional water supply service area plans for public water supply systems. (1) **DEFINITIONS.** In this section:

(a) "Compact's effective date" means the effective date of the Great Lakes ~~Basin~~ St. Lawrence River Basin Compact under s. 281.343 (9) (d). *Water Resources*

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

(c) "Great Lakes basin" means the watershed of the Great Lakes and the St. Lawrence River upstream from Trois-Rivieres, Quebec.

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

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



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

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

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

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

(3) REQUIREMENTS. (a) 1. The department shall establish and administer a continuing water supply planning process for the preparation of water supply plans for persons operating public water supply systems. The period covered by a plan under this subsection may not exceed 20 years. A regional planning commission may prepare plans for persons operating public water supply systems.

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

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

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



2. Approval of a plan by the governing body of each city, village, and town whose public water supply is addressed by the plan before the plan is submitted to the department. ✓

2m. Approval of a plan by the department. ✓

3. Ensuring that plans remain current. ✓

4. Intergovernmental cooperation. ✓

5. Reopening or reconsideration by the department of a previously approved plan. ✓

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

1. Delineation of the area for which the plan is being prepared and proposed water service areas for each public water supply system making a withdrawal covered by the plan.

2. An inventory of the sources and quantities of the current water supplies in the area. ✓

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

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

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



5. An assessment of the environmental, social, and economic impacts of carrying out specific significant recommendations of the plan. ✓

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

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

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

9. Other information specified by the department. ✓

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

1. The plan provides for the most cost-effective water supply system that is approvable under this section and other applicable statutes and rules based on a cost-effectiveness analysis of regional and individual water supply and water conservation alternatives. ✓

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

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

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

5. Beginning on the compact's effective date, if the plan covers a public water supply system that withdraws water from the Great Lakes basin, the plan complies with any applicable requirements in s. 281.346 (5e). ✓



(e) The department shall specify in a plan under this section a water supply service area for each public water supply system making a withdrawal covered by the plan.

(f) A person applying for an approval under s. 281.344 (4) or 281.346 (4) may use elements of an approved plan under this subsection to show compliance with requirements under s. 281.344 (4) or 281.346 (4) to which the plan is relevant.

(B) → 4
(3) WITHDRAWAL AMOUNT IN CERTAIN PLANS. In a plan under this section that covers a public water supply system making a withdrawal from the Great Lakes basin, the department shall specify a withdrawal amount for the public water supply system equal to the greatest of the following:

(a) The amount needed for the public water supply system to provide a public water supply in the water supply service area in the plan during the period covered by the plan, as determined using the population and related service projections in the plan.

(b) If the withdrawal is covered by an individual permit issued under s. 281.344 (5) or 281.346 (5) when the department approves the plan, the withdrawal amount in that permit when the department approves the plan or, if the withdrawal is covered by a general permit issued under s. 281.344 (4s) or 281.346 (4s) when the department approves the plan, the withdrawal amount for the public water supply system in the database under s. 281.346 (4s) (i) when the department approves the plan.

end of insert 107-10

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3207/P7dn

RCT: A:...

date

jld

This is a preliminary version of implementing legislation for the Great Lakes—St. Lawrence River Basin Water Resources Compact.

The main provisions in the draft are contained in four new sections of the statutes. Section 281.343 contains the language of the compact itself. Section 281.344 contains provisions that will take effect before the compact is ratified by all of the party states and Congress. Section 281.346 contains provisions that will take effect when the compact takes effect, setting forth the way in which this state will implement the compact. Section 281.348 establishes a water supply planning process for public water supply systems throughout the state. Sections 281.344 and 281.346 both contain registration, reporting, and water conservation provisions that apply statewide and other provisions that apply only with respect to water withdrawn from the Great Lakes basin.

The draft does not include an analysis. It does not yet make the changes to current law that are needed to reconcile the provisions in the draft with current statutes. In addition, it is important to note that there has not yet been a thorough review of the draft for matters such as the consistent use of terminology.

The postcompact portion of the draft is not yet complete as it relates to applying the consumptive use decision-making standard to increased water withdrawals. As I understand the instructions, with certain exceptions, that decision-making standard will apply when a water withdrawal increases to the extent that one of the withdrawal decision-making standards applies and the water lost to the basin from the increased amount of the withdrawal, considering all increases since the beginning of the water withdrawal permit term, averages more than 2,000,000 gallons per day in any 30-day period. I believe that this is the main substantive aspect of the compact implementation language that is not yet complete.

In addition, this version of the draft does not include the requirement, included in the instructions and drawn from the Department of Natural Resources concept paper dated December 19, 2007, that a withdrawal decision-making standard apply to an increase in a withdrawal amount needed to supply water for a new or increased interbasin transfer before the compact takes effect. Adding this requirement would be difficult and time-consuming for a number of reasons, including that the requirement

(DNR)

would take effect earlier than the rest of the precompact provisions relating to withdrawals (such as withdrawal permitting) that provide the framework for applying a decision-making standard[✓] to a withdrawal. In determining whether to add this requirement, please consider whether it would be a meaningful addition, given the stringent standards applicable in the draft to the approval of an interbasin transfer.✓

I have attempted to accurately reflect the major policy decisions communicated to me through written instructions and meetings and I believe that the draft comes close to that. However, it should be recognized that this is a very complex proposal and there has not been time to have thorough review by the policy makers, or technical feedback from the experts at the DNR, for many provisions in this version of the draft.✓

Please contact me with any questions.✓

Rebecca C. Tradewell
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3207/P7dn
RCT:jld:pg

February 12, 2008

This is a preliminary version of implementing legislation for the Great Lakes—St. Lawrence River Basin Water Resources Compact.

The main provisions in the draft are contained in four new sections of the statutes. Section 281.343 contains the language of the compact itself. Section 281.344 contains provisions that will take effect before the compact is ratified by all of the party states and Congress. Section 281.346 contains provisions that will take effect when the compact takes effect, setting forth the way in which this state will implement the compact. Section 281.348 establishes a water supply planning process for public water supply systems throughout the state. Sections 281.344 and 281.346 both contain registration, reporting, and water conservation provisions that apply statewide and other provisions that apply only with respect to water withdrawn from the Great Lakes basin.

The draft does not include an analysis. It does not yet make the changes to current law that are needed to reconcile the provisions in the draft with current statutes. In addition, it is important to note that there has not yet been a thorough review of the draft for matters such as the consistent use of terminology.

The postcompact portion of the draft is not yet complete as it relates to applying the consumptive use decision-making standard to increased water withdrawals. As I understand the instructions, with certain exceptions, that decision-making standard will apply when a water withdrawal increases to the extent that one of the withdrawal decision-making standards applies and the water lost to the basin from the increased amount of the withdrawal, considering all increases since the beginning of the water withdrawal permit term, averages more than 2,000,000 gallons per day in any 30-day period. I believe that this is the main substantive aspect of the compact implementation language that is not yet complete.

In addition, this version of the draft does not include the requirement, included in the instructions and drawn from the Department of Natural Resources (DNR) concept paper dated December 19, 2007, that a withdrawal decision-making standard apply to an increase in a withdrawal amount needed to supply water for a new or increased interbasin transfer before the compact takes effect. Adding this requirement would be difficult and time-consuming for a number of reasons, including that the requirement

would take effect earlier than the rest of the precompact provisions relating to withdrawals (such as withdrawal permitting) that provide the framework for applying a decision-making standard to a withdrawal. In determining whether to add this requirement, please consider whether it would be a meaningful addition, given the stringent standards applicable in the draft to the approval of an interbasin transfer.

I have attempted to accurately reflect the major policy decisions communicated to me through written instructions and meetings and I believe that the draft comes close to that. However, it should be recognized that this is a very complex proposal and there has not been time to have thorough review by the policy makers, or technical feedback from the experts at the DNR, for many provisions in this version of the draft.

Please contact me with any questions.

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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

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Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

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-3207/P7

2/16 Per John Stolzenberg -

Modify definition of withdrawal to indicate that a ~~withdrawing~~ taking of water for the purpose of bottling the water is not withdrawal.

RT

Tradewell, Becky

From: Stolzenberg, John
Sent: Friday, February 08, 2008 4:38 PM
To: Beth Bier; Dan Kanninen; Jeff Kostelic; John Stolzenberg; Michael Browne; Nabeela Baig; Rep. Mason; Rep. Richards; Ryan Smith; Sen. Cowles; Sen. Miller
Cc: Tradewell, Becky; Charles Ledin; Judith Ohm; Patrick Henderson; Shaili Pfeiffer; Todd Ambs
Subject: Return flow issue

This note follows up on the return flow issue discussed at the January 24 meeting of the legislators working on the Great Lakes compact draft and DNR staff. I have received input from Chuck Ledin on the references that were to be added, and Becky Tradewell has drafted text to address the second part of this issue in the exception standard. Here's the language we now have for the 2 parts of this issue that Chuck has indicated is acceptable to DNR.

Diversion application content:

4s. If the proposal for which a person applies under subd. 1. is subject to the exception standard under par. (f), the person shall provide documentation of how the physical, chemical, and biological integrity of the receiving water under par. (f) 3. will be protected and sustained as required under ss. 30.12, 281.15, and s. 283.31, considering the state of the receiving water before the proposal is implemented,. If the receiving water is a surface water body that is tributary to one of the Great Lakes, the person shall include a description of the flow of the receiving water before the proposal is implemented, considering both low and high flow conditions.

Exception standard criterion:

4m. If water will be returned to the source watershed through a stream tributary to one of the Great Lakes, the physical, chemical, and biological integrity of the receiving water under subd. 3. will be protected and sustained as required under ss. 30.12, 281.15, and s. 283.31, considering the state of the receiving water before the proposal is implemented and considering both low and high flow conditions.

We plan on including this language in the next version of the draft unless we receive comments from you on this text by Monday (February 11) morning indicating that it is not acceptable.

John

John Stolzenberg
Legislative Council
266-2988

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2/16 John S. - Sen. Miller says to put
"bottled water" into the definition of withdrawal