

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 An amount of water equal to the amount of water withdrawn from the Great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10 as practicable to the place at which the water is withdrawn, unless the applicant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 as required
4 under ss. 30.12, 281.15, and 283.31, considering the state of the receiving water
5 before the proposal is implemented and considering both low and high flow
6 conditions.

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

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

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

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

1 (i) *Diversion amount.* In an approval issued under this subsection or a
2 modification granted under this subsection to increase the amount of a diversion, the
3 department shall specify a diversion amount equal to the quantity of water that is
4 reasonable for the purposes for which the diversion is proposed.

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

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

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

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

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

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

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

3 (b) *General requirement.* A person who does not hold an individual permit
4 under sub. (5) may not make a withdrawal that averages 100,000 gallons per day or
5 more in any 30-day period, but that does not equal at least 1,000,000 gallons per day
6 for any 30 consecutive days, unless the withdrawal is covered under a general permit
7 issued under this subsection or s. 281.344 (4s). A person to whom the department
8 has issued a notice of coverage under a general permit shall comply with the general
9 permit.

10 (d) *Coverage under general permit for new or increased withdrawals.* 1. A
11 person who proposes to begin a withdrawal from the Great Lakes basin that will
12 average 100,000 gallons per day or more in any 30-day period, or to increase an
13 existing withdrawal so that it will average 100,000 gallons per day or more in any
14 30-day period, but who does not propose to withdraw at least 1,000,000 gallons per
15 day for any 30 consecutive days, shall apply to the department for coverage under
16 a general permit, unless the person applies for an individual permit under sub. (5).
17 In the application, the person shall provide the information required by the
18 department by rule.

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

24 3. Except as provided in subd. 3m., if the department determines that a
25 withdrawal qualifies for coverage under a general permit and the department has

1 issued any approvals under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats.,
2 that are required for the withdrawal, the department shall issue a notice of coverage.
3 In the notice, the department shall specify a withdrawal amount that is equal to the
4 smallest of the following amounts:

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

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

13 3m. a. The department may not approve an application under subd. 1. for a
14 withdrawal for the purpose of providing water to a public water supply system that
15 serves a population of more than 10,000 unless the withdrawal is covered by an
16 approved water supply service area plan under s. 281.348.

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

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

1 withdrawal amount that is equal to the withdrawal amount in the water supply
2 service area plan.

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

6 (dm) *Requiring individual permit.* The department may require a person who
7 is making or proposes to make a withdrawal that averages 100,000 gallons per day
8 or more in any 30-day period, but that does not equal at least 1,000,000 gallons per
9 day for any 30 consecutive days, to obtain an individual permit under sub. (5) if the
10 withdrawal is located in a groundwater protection area, as defined in s. 281.34 (1)
11 (a), or a groundwater management area designated under s. 281.34 (9) or if coverage
12 under an individual permit is necessary to protect public health or safety or to ensure
13 the conservation and proper management of the waters of the state.

14 (e) *Increase in withdrawal amount.* 1. If a person making a withdrawal that
15 is covered under a general permit issued under this subsection or s. 281.344 (4s)
16 proposes to increase the amount of the withdrawal over the withdrawal amount
17 specified in the database under par. (i) for the withdrawal, but does not propose to
18 withdraw at least 1,000,000 gallons per day for any 30 consecutive days, the person
19 shall apply to the department for a modification of the withdrawal amount.

20 3. Except as provided in subd. 3m., if the department has issued any approvals
21 under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., that are required for
22 modifying the withdrawal, the department shall modify the withdrawal amount to
23 an amount equal to the smallest of the following amounts:

24 1. The maximum hydraulic capacity of the most restrictive component of the
25 water supply system used for the withdrawal for which the person has approval

1 under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval
2 under one of those provisions is not required for the most restrictive component of
3 the water supply system, the maximum hydraulic capacity of the most restrictive
4 component that the person proposes to use in the water supply system.

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

7 3m. a. The department may not approve an application under subd. 1. for a
8 withdrawal for the purpose of providing water to a public water supply system that
9 serves a population of more than 10,000 unless the withdrawal is covered by an
10 approved water supply service area plan under s. 281.348.

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

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

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.

23 (g) *Redetermination.* A person to whom the department has issued a notice of
24 coverage under a general permit issued under this subsection or s. 281.344 (4s) shall
25 apply to the department for redetermination of coverage under a new general permit

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

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

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

16 **(5) INDIVIDUAL WATER USE PERMITS FOR GREAT LAKES BASIN.** (a) *Requirement.* A
17 person may not make a withdrawal from the Great Lakes basin that equals at least
18 1,000,000 gallons per day for any 30 consecutive days unless the withdrawal is
19 covered by an individual permit issued under this subsection or s. 281.344 (5). A
20 person to whom the department has issued an individual permit shall comply with
21 the individual permit.

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

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

that the department determines are necessary provisions for tracking

increases resulting from increases in withdrawal amounts during the term of the permit

1

2. ~~Information related to any~~ increases in water loss.

****NOTE: This provision is related to the regulation of consumptive uses, the drafting of which is not yet complete.

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

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

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

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

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

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

18 (d) *Initial individual permit.* 1. A person who proposes to begin a withdrawal
19 from the Great Lakes basin that will equal at least 1,000,000 gallons per day for any
20 30 consecutive days or to modify an existing withdrawal so that it will equal at least
21 1,000,000 gallons per day for any 30 consecutive days shall apply to the department
22 for an individual permit.

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 to approve
3 the application or notify the applicant of any additional information needed to
4 determine whether to approve the application.

5 3. Except as provided in subd. 3m., if the department approves an application
6 under subd. 1. and the department has issued any approvals under s. 30.12, 30.18,
7 281.34, or 281.41 or s. 281.17, 2001 stats., that are required for the withdrawal, the
8 department shall issue an individual permit. In the permit, the department shall
9 specify a withdrawal amount that is equal to the smallest of the following amounts:

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

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

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

20 3m. If the department approves an application under subd. 1. for a withdrawal
21 for the purpose of providing water to a public water supply system that is covered by
22 an approved water supply service area plan under s. 281.348, the department shall
23 issue an individual permit. In the permit, the department shall specify a withdrawal
24 amount that is equal to the withdrawal amount in the water supply service area
25 plan.

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

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

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

12 (e) *Standards for approval of certain unpermitted withdrawals.* 1. Except as
13 provided in par. (dm), the department may not approve an application under par. (d)
14 1. for a new withdrawal that will equal at least 1,000,000 gallons per day for any 30
15 consecutive days, or for an existing withdrawal that is not covered by a general
16 permit under sub. (4s) or s. 281.344 (4s) and that is proposed to be modified so that
17 it will equal at least 1,000,000 gallons per day for any 30 consecutive days, but to
18 which subd. 2. does not apply, unless the withdrawal meets the state
19 decision-making standard under sub. (5m) and, if the withdrawal will result in a
20 water loss that averages more than 2,000,000 gallons per day in any 30-day period,
21 the withdrawal meets the consumptive use decision-making standard under sub.
22 (6m).

23 2. Except as provided in par. (dm), the department may not approve an
24 application under par. (d) 1. for a new withdrawal that will equal at least 10,000,000
25 gallons per day for any 30 consecutive days, or for an existing withdrawal that is not

1 covered by a general permit under sub. (4s) or s. 281.344 (4s) and that is proposed
2 to be modified so that it will equal at least 10,000,000 gallons per day for any 30
3 consecutive days, unless the withdrawal meets the compact decision-making
4 standard under sub. (6) and, if the withdrawal will result in a water loss that
5 averages more than 2,000,000 gallons per day in any 30-day period, the withdrawal
6 meets the consumptive use decision-making standard under sub. (6m).

7 (f) *Standards for approval of withdrawals covered by general permits.* 1.
8 Except as provided in par. (dm), the department may not approve an application
9 under par. (d) 1. for a withdrawal that is covered under a general permit under sub.
10 (4s) or s. 281.344 (4s) if the applicant proposes to modify the withdrawal so that it
11 equals 1,000,000 or more gallons per day for any 30 consecutive days over the
12 withdrawal amount as of the date that the department issued the current notice of
13 coverage under the general permit or as of the compact's effective date, whichever
14 is later, and if subd. 2. does not apply, unless the withdrawal meets the state
15 decision-making standard under sub. (5m) and, if the ~~withdrawal will result in a~~
16 ^{cumulative} water loss ^{↑ as determined under par. (km) ↑} ~~that~~ averages more than 2,000,000 gallons per day in any 30-day period,
17 the withdrawal meets the consumptive use decision-making standard under sub.
18 (6m).

19 2. Except as provided in par. (dm), the department may not approve an
20 application under par. (d) 1. for a withdrawal that is covered under a general permit
21 under sub. (4s) or s. 281.344 (4s) if the applicant proposes to modify the withdrawal
22 so that it equals 10,000,000 or more gallons per day for any 30 consecutive days over
23 the withdrawal amount as of the date that the department issued the current notice
24 of coverage under the general permit or as of the compact's effective date, whichever
25 is later, unless the withdrawal meets the compact decision-making standard under

1 sub. (6) and, if the withdrawal will result in a water loss that averages more than
2 2,000,000 gallons per day in any 30-day period, the withdrawal meets the
3 consumptive use decision-making standard under sub. (6m).

****NOTE: The draft does not yet completely deal with the application of the consumptive use decision-making standard when withdrawals are increased. The placeholder language in this paragraph appears several more times.

4 (g) *Modification of individual permit for increased withdrawal.* 1. If a person
5 making a withdrawal that is covered under an individual permit issued under this
6 subsection or s. 281.344 (5) proposes to increase, during the term of the permit, the
7 amount of the withdrawal over the withdrawal amount specified in the permit, the
8 person shall apply to the department for a modification of the permit to increase the
9 withdrawal amount.

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

14 3. Except as provided in subd. 3m., if the department approves an application
15 under subd. 1. and the department has issued any approvals under s. 30.12, 30.18,
16 281.34, or 281.41 or s. 281.17, 2001 stats., that are required for the modification of
17 the withdrawal, the department shall modify the individual permit. In the modified
18 permit, the department shall specify a withdrawal amount that is equal to the
19 smallest of the following amounts:

20 a. The maximum hydraulic capacity of the most restrictive component of the
21 water supply system used for the withdrawal for which the person has approval
22 under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval
23 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 c. Any limit on the amount of the withdrawal necessary to ensure compliance
6 with a decision-making standard applicable under par. (e) or (f).

7 3m. If the department approves an application under subd. 1. for a withdrawal
8 for the purpose of providing water to a public water supply system that is covered by
9 an approved water supply service area plan under s. 281.348, the department shall
10 modify the individual permit. In the modified permit, the department shall specify
11 a withdrawal amount that is equal to the withdrawal amount in the water supply
12 service area plan.

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

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

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

24 (h) *Standards for approval of certain modifications.* 1. Except as provided in
25 par. (gm), the department may not approve an application under par. (g) 1., if the

1 person proposes to increase the amount of the withdrawal so that it equals 1,000,000
 2 or more gallons per day for any 30 consecutive days over the withdrawal amount as
 3 of the beginning of the current permit term, the compact's effective date, or the date
 4 that the department issued a modified permit for the withdrawal if the modification
 5 was subject to the state decision-making standard under sub. (5m) or the compact
 6 decision-making standard under sub. (6), whichever is latest, and if subd. 2. does not
 7 apply, unless the increased withdrawal meets the state decision-making standard
 8 under sub. (5m) and, if the current permit does not include a water loss amount and
 9 the withdrawal will result in a water loss ^{as determined under par. (km)} that averages more than 2,000,000 gallons
 10 per day in any 30-day period, or, if the current permit includes a water loss amount,
 11 an increase over that water loss amount that averages more than 2,000,000 gallons
 12 per day in any 30-day period, the withdrawal meets the consumptive use
 13 decision-making standard under sub. (6m). ^{insert 106-13}

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

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1 the withdrawal meets the consumptive use decision-making standard under sub.

2 (6m)

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

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

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

13 3. Except as provided in subd. 3m., if the department approves an application
14 under subd. 1., determines that the person is in compliance with the current
15 individual permit, and has issued any approvals under s. 30.12, 30.18, 281.34, or
16 281.41 or s. 281.17, 2001 stats., that are required for the withdrawal, the department
17 shall reissue the individual permit. In the permit, the department shall specify a
18 withdrawal amount that is equal to the amount in the current permit, except that,
19 if the person proposes in the application to increase the amount of the withdrawal,
20 the department shall specify a withdrawal amount equal to the smallest of the
21 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 c. Any limit on the amount of the withdrawal necessary to ensure compliance
6 with a decision-making standard applicable under par. (e) or (f).

7 3m. If the department approves an application under subd. 1. for a withdrawal
8 for the purpose of providing water to a public water supply system that is covered by
9 an approved water supply service area plan under s. 281.348 and determines that
10 the person is in compliance with the current individual permit, the department shall
11 reissue the individual permit. In the permit, the department shall specify a
12 withdrawal amount that is equal to the withdrawal amount in the water supply
13 service area plan.

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

16 (jm) *Consistency with water supply plans; reissuance.* 1. The department may
17 not approve an application under par. (j) 1. for a withdrawal for the purpose of
18 providing water to a public water supply system that serves a population of more
19 than 10,000 if the person proposes to increase the amount of the withdrawal over the
20 amount in the current permit, unless the public water supply system is covered by

21 *or an approved*
a water supply service area plan under s. 281.348.

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

^ j as determined under par. (km) ^

1 (k) *Standards for reissuance in certain cases.* 1. Except as provided in par. (jm),
 2 the department may not approve an application under par. (j) 1., if the person
 3 proposes in the application to increase the amount of the withdrawal so that it equals
 4 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal
 5 amount as of the beginning of the current permit term, the compact's effective date,
 6 or the date that the department issued a modified permit for the withdrawal if the
 7 modification was subject to the state decision-making standard under sub. (5m) or
 8 the compact decision-making standard under sub. (6), whichever is latest, and if
 9 subd. 2. does not apply, unless the increased withdrawal meets the state
 10 decision-making standard under sub. (5m) and, if the current permit does not
 11 include a water loss amount and the withdrawal will result in a ^{cumulative} water loss that
 12 averages more than 2,000,000 gallons per day in any 30-day period or, if the current
 13 permit includes a water loss amount, an increase over that water loss amount that
 14 averages more than 2,000,000 gallons per day in any 30-day period, the withdrawal
 15 meets the consumptive use decision-making standard under sub. (6m). ^{insert 109-15}

16 2. Except as provided in par. (jm), the department may not approve an
 17 application under par. (j) 1., if the person proposes in the application to increase the
 18 amount of the withdrawal so that it equals at least 10,000,000 gallons per day for any
 19 30 consecutive days over the withdrawal amount as of the beginning of the current
 20 permit term, the compact's effective date, or the date that the department issued a
 21 modified permit for the withdrawal if the modification was subject to the compact
 22 decision-making standard under sub. (6), whichever is latest, unless the withdrawal
 23 meets the compact decision-making standard under sub. (6) and, if the current
 24 permit does not include a water loss amount and the withdrawal will result in a
 25 ^{cumulative} water loss that averages more than 2,000,000 gallons per day in any 30-day period,

^ j as determined under par. (km) ^

1 or, if the current permit includes a water loss amount, an increase over that water
2 loss amount that averages more than 2,000,000 gallons per day in any 30-day period,

3 the withdrawal meets the consumptive use decision-making standard under sub.

4 (6m) *Insert 110-45*

Insert 110-4-A
5 (L) *Prior notice.* Beginning no later than 60 months after the compact's
6 effective date, if a proposal for which approval is required under this subsection will
7 result in a new water loss or an increase in a water loss that will average more than
8 5,000,000 gallons per day in any 90-day period, the department shall provide the
9 other parties and the provinces of Ontario and Quebec, Canada, with detailed notice
10 of the proposal and an opportunity to comment on the proposal. The department
11 shall provide a response to any comment received under this paragraph. The
12 department may not grant an approval under this subsection until at least 90 days
13 after the day on which it provided notice under this paragraph.

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

21 (n) *Information to be provided.* A person who submits an application under par.
22 (d) 1., (g) 1., or (j) 1. shall provide the information required by the department by rule.
23 If a decision-making standard under sub. (5m), (6), or (6m) applies, the person shall
24 provide information about the potential impacts of the withdrawal on the waters of
25 the Great Lakes basin and water dependent natural resources. If the compact

1 decision-making standard under sub. (6) applies, the person shall provide an
2 assessment of the individual impacts of the proposal for the purposes of sub. (6) (b).
3 The person may also include a cumulative impact assessment.

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

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

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

14 **(5e)** REQUIREMENTS FOR WATER SUPPLY SERVICE AREA PLANS FOR PUBLIC WATER
15 SUPPLY SYSTEMS IN THE GREAT LAKES BASIN. (a) *Unpermitted withdrawals.* 1.
16 Beginning on the compact's effective date, the department may not approve a water
17 supply service area plan under s. 281.348 that provides for a new withdrawal from
18 the Great Lakes basin of at least 1,000,000 gallons per day for any 30 consecutive
19 days, or for modification of an existing withdrawal that is not covered by a general
20 permit under sub. (4s) or s. 281.344 (4s) so that it will equal at least 1,000,000 gallons
21 per day for any 30 consecutive days, but to which subd. 2. does not apply, unless the
22 withdrawal meets the state decision-making standard under sub. (5m) and, if the
23 withdrawal will result in a water loss that averages more than 2,000,000 gallons per
24 day in any 30-day period, the withdrawal meets the consumptive use
25 decision-making standard under sub. (6m).

1 2. Beginning on the compact's effective date, the department may not approve
2 a water supply service area plan under s. 281.348 that provides for a new withdrawal
3 from the Great Lakes basin of at least 10,000,000 gallons per day for any 30
4 consecutive days, or for modification of an existing withdrawal that is not covered by
5 a general permit under sub. (4s) or s. 281.344 (4s) so that it will equal at least
6 10,000,000 gallons per day for any 30 consecutive days, unless the withdrawal meets
7 the compact decision-making standard under sub. (6) and, if the withdrawal will
8 result in a water loss that averages more than 2,000,000 gallons per day in any
9 30-day period, the withdrawal meets the consumptive use decision-making
10 standard under sub. (6m).

11 (b) *Increased withdrawals covered by general permits.* 1. Beginning on the
12 compact's effective date, the department may not approve a water supply service
13 area plan under s. 281.348 that provides for modifying a withdrawal that is covered
14 under a general permit under sub. (4s) or s. 281.344 (4s) so that the withdrawal
15 equals 1,000,000 or more gallons per day for any 30 consecutive days over the
16 withdrawal amount as of the date that the department issued the current notice of
17 coverage under the general permit or as of the compact's effective date, whichever
18 is later, and if subd. 2. does not apply, unless the withdrawal meets the state
19 decision-making standard under sub. (5m) and, if the withdrawal will result in/a
20 ^{cumulative} water loss ^{as determined under sub. (5) (km)} that averages more than 2,000,000 gallons per day in any 30-day period,
21 the withdrawal meets the consumptive use decision-making standard under sub.
22 (6m).

23 2. Beginning on the compact's effective date, the department may not approve
24 a water supply service area plan under s. 281.348 that provides for modifying a
25 withdrawal that is covered under a general permit under sub. (4s) or s. 281.344 (4s)

1 so that the withdrawal equals 10,000,000 or more gallons per day for any 30
 2 consecutive days over the withdrawal amount as of the date that the department
 3 issued the current notice of coverage under the general permit or as of the compact's
 4 effective date, whichever is later, unless the withdrawal meets the state
 5 decision-making standard under sub. (5m) and, if the withdrawal will result in a
 6 ^{cumulative} water loss ^{as determined under sub. (5) (km)} that averages more than 2,000,000 gallons per day in any 30-day period,
 7 the withdrawal meets the consumptive use decision-making standard under sub.
 8 (6m).

9 (c) *Increased withdrawals covered by individual permits.* 1. Beginning on the
 10 compact's effective date, the department may not approve a water supply service
 11 area plan under s. 281.348 that provides for increasing the amount of a withdrawal
 12 that is covered under an individual permit issued under sub. (5) or s. 281.344 (5) so
 13 that it equals 1,000,000 or more gallons per day for any 30 consecutive days over the
 14 withdrawal amount as of the beginning of the current permit term, the compact's
 15 effective date, or the date that the department issued a modified permit for the
 16 withdrawal if the modification was subject to the state decision-making standard
 17 under sub. (5m) or the compact decision-making standard under sub. (6), whichever
 18 is latest, and if subd. 2. does not apply, unless the increased withdrawal meets the
 19 state decision-making standard under sub. (5m) and, if the current permit does not
 20 include a water loss amount and the withdrawal will result in a ^{cumulative} water loss that
 21 ^{as determined under sub. (5) (km)} averages more than 2,000,000 gallons per day in any 30-day period, or, if the current
 22 permit includes a water loss amount, an increase over that water loss amount that
 23 averages more than 2,000,000 gallons per day in any 30-day period, the withdrawal
 24 meets the consumptive use decision-making standard under sub. (6m).

1 2. Beginning on the compact's effective date, the department may not approve
2 a water supply service area plan under s. 281.348 that provides for increasing the
3 amount of a withdrawal that is covered under an individual permit issued under s.
4 sub. (5) or s. 281.344 (5) so that it equals 10,000,000 or more gallons per day for any
5 30 consecutive days over the withdrawal amount as of the beginning of the current
6 permit term, the compact's effective date, or the date that the department issued a
7 modified permit for the withdrawal if the modification was subject to the compact
8 decision-making standard under sub. (6), whichever is latest, unless the increased
9 withdrawal meets the state decision-making standard under sub. (5m) and, if the
10 current permit does not include a water loss amount and the withdrawal will result
11 in a ^{cumulative} water loss ^{as determined under sub. (5) (6m)} that averages more than 2,000,000 gallons per day in any 30-day
12 period, or, if the current permit includes a water loss amount, an increase over that
13 water loss amount that averages more than 2,000,000 gallons per day in any 30-day
14 period, the withdrawal meets the consumptive use decision-making standard under
15 sub. (6m).

16 (d) *Providing prior notice.* The department may not approve a water supply
17 service area plan under s. 281.348 that provides for a withdrawal described in sub.
18 (5) (L) unless the department has provided notice as required under sub. (5) (L) at
19 least 90 days before approving the water supply service area plan and has provided
20 a response to any comment received.

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

1 **(5m)** STATE DECISION-MAKING STANDARD. A proposal meets the state
2 decision-making standard if all of the following apply:

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

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

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

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

13 (e) One of the following applies:

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

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

19 3. The department has issued a permit under s. 30.18 for the new or increased
20 withdrawal or has issued a permit under s. 30.12 for a structure that will be used for
21 the new or increased withdrawal.

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

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

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 not conflict with any
14 applicable plan for future uses of the waters of the state, including approved water
15 supply service area plans under s. 281.348 and areawide water quality management
16 plans under s. 283.83.

17 (c) Any current water use and the proposed plans for withdrawal,
18 transportation, development, and use of the water incorporate reasonable
19 conservation practices.

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

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

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.

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:

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

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

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

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

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. The department shall specify
18 measures based on all of the following:

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

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

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

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

5 (b) *Public Notice.* 1. The department shall, by rule, create procedures for
6 circulating to interested and potentially interested members of the public notices of
7 each complete application that the department receives under sub. (5), other than
8 an application from a person operating a public water supply system that is covered
9 by an approved water supply service area plan under s. 281.348, and each complete
10 application that the department receives under sub. (4) and of each general permit
11 that the department proposes to issue under sub. (4s) (a). The department shall
12 include, in the rule, at least the following procedures:

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

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

16 2. The department shall establish the form and content of a public notice by
17 rule. The department shall include in every public notice concerning an application
18 to which subd. 1. applies at least the following information:

19 a. The name and address of each applicant.

20 b. A brief description of the proposal for which the application is made,
21 including the amount of the proposed withdrawal or diversion.

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

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 or on a
3 proposed 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 under to which par. (b) 1. applies or on a proposed
11 general permit under sub. (4s) (a). A request for a public hearing shall be filed with
12 the 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.
16 applies or on a proposed general permit under sub. (4s) (a) if the department
17 determines that 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 (11) INFORMATION, REPORTS, AND ASSESSMENTS. (a) *Statewide inventory.* 1. The

18 department shall develop and maintain a water resources inventory consisting of
19 information about the waters of the state including information about the location,
20 type, quantity, and uses of water resources and the location, and type of diversions,
21 withdrawals, and consumptive uses and quantities of withdrawals and water losses.
22 The department shall develop the inventory in cooperation with federal and local
23 governmental entities, agencies of this state and of the other parties, tribal agencies,
24 and private entities. The department shall use information in the registry under
25 sub. (3) (c) in creating the inventory.

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

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

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

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

1 shall provide the assessment to the Great Lakes council and the regional body and
2 make it available to the public.

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

6 (f) *Report on threshold.* No later than the 60th month beginning after the
7 compact's effective date, the department shall submit to the legislature under s.
8 13.172 (2) a report analyzing the impact of the threshold under sub. (5) (a) and
9 providing any recommendations to change the threshold.

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

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

18 SECTION 6. 281.348 of the statutes is created to read:

19 **281.348 Regional water supply service area plans for public water**
20 **supply systems. (1) DEFINITIONS.** In this section:

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

23 (b) "Cost-effectiveness analysis" means a systematic comparison of alternative
24 means of providing a water supply in order to identify the alternative that will

1 minimize total resources costs and maximize environmental benefits over a planning
2 period.

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

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

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

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

12 (g) "Withdrawal" means the taking of water from surface water or
13 groundwater. *Insert 125-13*

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

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

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

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

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

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

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

13 2m. Approval of a plan by the department.

14 3. Ensuring that plans remain current.

15 4. Intergovernmental cooperation.

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

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

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

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

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

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

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

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

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 ^{water quality} (waste)
6 treatment management plans under 33 USC 1288 ^{S. 283.53} and those plans were updated
7 within 5 years before the proposed plan is submitted to the department.

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

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

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

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

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

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

Insert 129-7 →
8 **SECTION 7.** 281.41 (4) of the statutes is created to read:

9 281.41 (4) When the department receives for review a plan under sub. (1) that
10 would result in returning water transferred from the Great Lakes basin to the source
11 watershed through a stream tributary to one of the Great Lakes, the department
12 shall provide notice of the plan or revision to the governing body of each city, village,
13 and town through which the stream flows or that is adjacent to the stream
14 downstream from the point at which the water would enter the stream.

Insert 129-14 →
15 **SECTION 8.** 281.98 (1) of the statutes is amended to read:

16 281.98 (1) Except as provided in ss. 281.344 (14) (a), 281.346 (14) (a), 281.47
17 (1) (d), 281.75 (19), and 281.99 (2), any person who violates this chapter or any rule
18 promulgated or any plan approval, license, special order, or water quality
19 certification issued under this chapter shall forfeit not less than \$10 nor more than
20 \$5,000 for each violation. Each day of continued violation is a separate offense.
21 While an order is suspended, stayed, or enjoined, this penalty does not accrue.

22 **SECTION 9.** 283.41 (3) of the statutes is created to read:

23 283.41 (3) When the department receives an application for a permit for a
24 discharge that would return water transferred from the Great Lakes basin to the
25 source watershed through a stream tributary to one of the Great Lakes, the

1 department shall provide notice of the application to the governing body of each city,
2 village, and town through which the stream flows or that is adjacent to the stream
3 downstream from the point at which the water would enter the stream.

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

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

6 283.83 (2) When the department receives for review or prepares a new plan
7 under sub. (1) or a revision to a plan under sub. (1) that includes a proposal to return
8 water transferred from the Great Lakes basin to the source watershed through a
9 stream tributary to one of the Great Lakes, the department shall provide notice of
10 the plan or revision to the governing body of each city, village, and town through
11 which the stream flows or that is adjacent to the stream downstream from the point
12 at which the water would enter the stream.

13 (END)