

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3207/lins
RCT:.....

Insert 2-17

SECTION 1. 30.18 (2) (b) of the statutes is renumbered 30.18 (2) (b) 1. and amended to read: ✓

30.18 (2) (b) 1. ~~No~~ Before the compact's effective date, as defined in s. 281.35 (1) (bm), no person, except a person required to obtain an approval under s. 281.41, may divert water from any lake or stream in this state without an individual permit under this section if the diversion will result in a water loss averaging 2,000,000 gallons per day in any 30-day period above the person's authorized base level of water loss.

History: 1979 c. 221; 1985 a. 60; ~~1987~~ a. 374; 1995 a. 227; 2003 a. 118.

SECTION 2. 30.18 (2) (b) 2. of the statutes is created to read:

30.18 (2) (b) 2. Beginning on the compact's effective date, as defined in s. 281.35 (1) (bm), no person, except a person required to obtain an approval under s. 281.41, may divert water from any lake or stream in the upper Mississippi River basin, as defined in s. 281.35 (1) (j), without an individual permit under this section if the diversion will result in a water loss averaging 2,000,000 gallons per day in any 30-day period above the person's authorized base level of water loss. ✓

Insert 2-25

SECTION 3. 196.49 (2) of the statutes is amended to read:

196.49 (2) No public utility may begin the construction, installation or operation of any new plant, equipment, property or facility, nor the construction or installation of any extension, improvement or addition to its existing plant, equipment, property, apparatus or facilities unless the public utility has complied with any applicable rule or order of the commission and with s. 281.35, if applicable. ✓

If a cooperative association has been incorporated under ch. 185 for the production, transmission, delivery or furnishing of light or power and has filed with the commission a map of the territory to be served by the association and a statement showing that a majority of the prospective consumers in the area are included in the project, no public utility may begin any such construction, installation or operation within the territory until after the expiration of 6 months from the date of filing the map and notice. If the cooperative association has entered into a loan agreement with any federal agency for the financing of its proposed system and has given written notice of the agreement to the commission, no public utility may begin any construction, installation or operation within the territory until 12 months after the date of the loan agreement. ✓

History: Sup. Ct. Order, 67 Wis. 2d 585, 775 (1975); 1977 c. 187; 1979 c. 110 s. 60 (9); 1983 a. 53; 1985 a. 60; 1993 a. 496; 1995 a. 227; 2003 a. 89.

~~SECTION 4.~~ 196.98 of the statutes is repealed.

~~SECTION 5.~~ 281.34 (5) (e) 1. of the statutes is amended to read:

281.34 (5) (e) 1. If s. 281.35 (4) applies to a proposed high capacity well, the department shall include in the approval conditions that ensure that the high capacity well complies with s. 281.35 (4) to (6). ✓

History: 2003 a. 310.

~~SECTION 6.~~ 281.34 (5) (dm) of the statutes is created to read:

281.34 (5) (dm) *Water supply service area plan.* If a proposed high capacity well is covered by an approved water supply service area plan under s. 281.348, the department may not approve the high capacity well unless it is consistent with that plan. ✓

Insert 46-14

, except that "interbasin transfer" does not include any of the following: ✓

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

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

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

Insert 46-16

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

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

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

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

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

Insert 47-1

(r) "Source watershed" means the watershed from which a withdrawal originates. ✓ If water is withdrawn directly from a Great Lake or from the St. Lawrence River, then the source watershed is the watershed of that Great Lake or

the watershed of the St. Lawrence River, respectively. If water is withdrawn from the watershed of a stream that is a direct tributary to a Great Lake or a direct tributary to the St. Lawrence River, then the source watershed is the watershed of that Great Lake or the watershed of the St. Lawrence River, respectively. ✓

Insert 47-16

, including the taking of surface water or groundwater for the purpose of bottling the water ✓

Insert 81-17

, including the taking of surface water or groundwater for the purpose of bottling the water ✓

Insert 106-13

, except as provided in par. (ks) ✓

Insert 107-2

, except as provided in par. (ks) ✓

Insert 109-15

, except as provided in par. (ks) ✓

Insert 110-4

, except as provided in par. (ks) ✓

Insert 110-4-A ✓

(km) *Cumulative water loss.* The cumulative water loss for a withdrawal is determined by adding the amount of water loss from consumptive use that results from the proposed increase in the withdrawal to the amount of water loss from consumptive use that resulted from any other increases in the withdrawal amount for the withdrawal that occurred after the latest of the following:

1. The beginning of the current permit term. ✓

2. The date on which the department modified the withdrawal amount for the withdrawal if the modification was subject to the consumptive use decision-making standard. ✓

(ks) *Water loss for withdrawals with water loss approvals.* If the department specified an authorized base level of water loss under s. 281.35 (6) (a) 2. for a withdrawal and the total water loss resulting from the withdrawal, after a proposed increase, averages less than 2,000,000 gallons per day in any 30-day period over that authorized base level of water loss, the consumptive use decision-making standard does not apply. ✓

Insert 122-16

(10m) AMENDMENT OF COASTAL MANAGEMENT PROGRAM. (a) The Wisconsin coastal management council, created under s. 14.019, shall amend this state's coastal management program submitted to the U.S. secretary of commerce under 16 USC 1455, to incorporate the requirements of this section, as they apply to the water resources of the Great Lakes basin, and shall formally submit the proposed amendments to the U.S. secretary of commerce. ✓

(b) After approval of the amendments submitted to the U.S. secretary of commerce under par. (a), the Wisconsin coastal management council shall, when conducting federal consistency reviews under 16 USC 1456 (c), consider the requirements specified under par. (a), if applicable. ✓

✦ (c) If the department issues an permit for a withdrawal to which this section applies, and the withdrawal is subject to a federal consistency review under 16 USC 1456 (c), the Wisconsin coastal management council shall certify that the withdrawal is consistent with this state's coastal management program. ✓

Insert 125-13

, including the taking of surface water or groundwater for the purpose of bottling the water ✓

Insert 129-7

~~SECTION 7.~~ 281.35 (1) (b) 2. of the statutes is amended to read:

281.35 (1) (b) 2. If subd. 1. does not apply, the highest average daily water loss over any 30-day period that is reported to the department ~~or the public service commission~~ under ~~sub. (3)(c) or s. 30.18 (6) (c), 196.98,~~ 281.34, or 281.41 or s. 281.17 (1), 2001 stats.

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672; 2003 a. 310.

~~SECTION 8.~~ 281.35 (1) (bm) of the statutes is created to read:

281.35 (1) (bm) "Compact's effective date" means the effective date of the Great Lakes—St. Lawrence River Basin Water Resources Compact under s. 281.343. ✓

~~SECTION 9.~~ 281.35 (2) (a) of the statutes is repealed. ✓

~~SECTION 10.~~ 281.35 (2) (b) of the statutes is renumbered 281.35 (2).

~~SECTION 11.~~ 281.35 (3) of the statutes is repealed.

~~SECTION 12.~~ 281.35 (4) (a) (intro.) of the statutes is amended to read:

281.35 (4) (a) (intro.) This Except as provided in par. (c), this subsection applies to all of the following: ✓

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672; 2003 a. 310.

~~SECTION 13.~~ 281.35 (4) (c) of the statutes is created to read:

281.35 (4) (c) After the compact's effective date, this subsection does not apply to a person who withdraws water from the Great Lakes basin. ✓

~~SECTION 14.~~ 281.35 (5) (a) 13. of the statutes is amended to read:

281.35 (5) (a) 13. A statement as to whether the proposed withdrawal complies with all applicable plans for the use, management and protection of the waters of the

state and related land resources, including plans developed under ~~ss. 281.12 (1) and s. 283.83 and the requirements specified in any water quantity resources plan under sub. (8).~~

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672; 2003 a. 310.

SECTION 15. 281.35 (5) (b) of the statutes is amended to read:

281.35 (5) (b) *Great Lakes basin; consultation required.* If the department receives an application before the compact's effective date that, if approved, will result in a new water loss to the Great Lakes basin averaging more than 5,000,000 gallons per day in any 30-day period, or an increase in an existing withdrawal that will result in a water loss averaging 5,000,000 gallons per day in any 30-day period above the applicant's authorized base level of water loss, the department shall notify the office of the governor or premier and the agency responsible for management of water resources in each state and province of the Great Lakes region and, if required under the boundary water agreement of 1909, the international joint commission. The department shall also request each state and province that has cooperated in establishing the regional consultation procedure under sub. ~~(11)-(f)~~ (11m) to comment on the application. In making its determination on an application, the department shall consider any comments that are received within the time limit established under par. (c).

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672; 2003 a. 310.

SECTION 16. 281.35 (5) (c) (intro.) of the statutes is amended to read:

281.35 (5) (c) *Department response.* (intro.) Within the time limit established by the department by rule, which, before the compact's effective date, shall be consistent with the time limit, if any, established by the governors and premiers of

the Great Lakes states and provinces, the department shall do one of the following in writing:

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672; 2003 a. 310.

~~SECTION 17.~~ 281.35 (5) (d) 2. of the statutes is amended to read:

281.35 (5) (d) 2. That the proposed withdrawal does not conflict with any applicable plan for future uses of the waters of the state, including plans developed under ~~ss. 281.12 (1) and s. 283.83~~ and any water quantity resources plan prepared under sub. (8).

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672; 2003 a. 310.

~~SECTION 18.~~ 281.35 (8) of the statutes is repealed.

~~SECTION 19.~~ 281.35 (9) (a) of the statutes is amended to read:

281.35 (9) (a) The Wisconsin coastal management council, established under executive order number 62, dated August 2, 1984, shall amend this state's coastal management program submitted to the U.S. secretary of commerce under 16 USC 1455, to incorporate the requirements of this section and s. 281.344 and the findings and purposes specified in 1985 Wisconsin Act 60, section 1, as they apply to the water resources of the Great Lakes basin, and shall formally submit the proposed amendments to the U.S. secretary of commerce. ✓

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672; 2003 a. 310.

~~SECTION 20.~~ 281.35 (9) (d) of the statutes is created to read:

281.35 (9) (d) This subsection does not apply after the compact's effective date.

~~SECTION 21.~~ 281.35 (10) (a) 4. of the statutes is repealed.

~~SECTION 22.~~ 281.35 (11) (intro.) of the statutes is amended to read:

281.35 (11) COOPERATION WITH OTHER STATES AND PROVINCES. (intro.) The Before the compact's effective date, the department shall do all of the following:

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672; 2003 a. 310.

SECTION 23. 281.35 (11) (f) of the statutes is renumbered 281.35 (11m) and amended to read:

281.35 (11m) UPPER MISSISSIPPI RIVER BASIN CONSULTATION, ~~Participate~~ The department shall participate in the development of an upper Mississippi River basin regional consultation procedure for use in exchanging information on the effects of proposed water losses from that basin.

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672; 2003 a. 310.

SECTION 24. 281.35 (12) (c) of the statutes is amended to read:

281.35 (12) (c) This state reserves the right to seek, in any state, federal or provincial forum, an adjudication of the equitable apportionment of the water resources of the ~~Great Lakes basin or~~ upper Mississippi River basin and, before the compact's effective date, of the Great Lakes basin, and the protection and determination of its rights and interests in those water resources, in any manner provided by law.

History: 1985 a. 60; 1987 a. 27, 186; 1987 a. 403 s. 256; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 32; 1991 a. 39; 1995 a. 227 s. 400; Stats., 1995 s. 281.35; 1999 a. 150 s. 672; 2003 a. 310.

SECTION 25. 281.41 (1) (c) of the statutes is amended to read:

281.41 (1) (c) Construction or material change shall be according to approved plans only. The department may disapprove plans that are not in conformance with any existing approved areawide waste treatment management plan prepared pursuant to the federal water pollution control act, P.L. 92-500, as amended, and shall disapprove plans that do not meet the grounds for approval specified under s. 281.35 (5) (d), if applicable. ~~The department shall require each person whose plans are approved under this section to report that person's volume and rate of water withdrawal, as defined under s. 281.35 (1) (m), and that person's volume and rate of water loss, as defined under s. 281.35 (1) (L), if any, in the form and at the times~~

specified by the department. The department shall disapprove plans that are not in conformance with any applicable approved water supply service area plan under s. 281.348. ✓

History: 1977 c. 418; 1985 a. 60; 1991 a. 39; 1995 a. 227 s. 405; Stats., 1995 s. 281.41; 1999 a. 85; 2005 a. 347.

Insert 129-14

~~SECTION 26.~~ 281.94 (1) of the statutes is amended to read:

281.94 (1) Any 6 or more residents of this state may petition for an investigation of a withdrawal, as defined under s. 281.35 (1) (m), alleged to be in violation of s. 281.35 ~~(3) (a)~~, 281.344 (3) (a) or 281.346 (3) (a) in violation of a condition, limitation or restriction of a permit or approval issued in conformance with s. 281.35 (6) (a) or in violation of any rule promulgated under s. 281.35 ~~(3) (a)~~ or ~~(4) to (6)~~, 281.344 (3) (a), or 281.346 (3) (a) by submitting to the department a petition identifying the alleged violator and setting forth in detail the reasons for believing a violation occurred. The petition shall state the name and address of a person in this state authorized to receive service of answer and other papers on behalf of the petitioners and the name and address of a person authorized to appear at a hearing on behalf of the petitioners.

History: 1985 a. 60; 1995 a. 227 s. 407; Stats. 1995 s. 281.94.

~~SECTION 27.~~ 281.95 of the statutes is amended to read:

281.95 Remedies; water withdrawal violations. Any person who makes a withdrawal, as defined under s. 281.35 (1) (m), in violation of s. 281.35 ~~(3) (a)~~, 281.344 (3) (a) or 281.346 (3) (a) in violation of a condition, limitation or restriction of a permit or approval issued in conformance with s. 281.35 (6) (a) or in violation of any rule promulgated under s. 281.35 ~~(3) (a)~~ or ~~(4) to (6)~~, 281.344 (3) (a), or 281.346 (3) (a) is liable to any person who is adversely affected by the withdrawal for damages or other appropriate relief. Any person who is or may be adversely affected by an

existing or proposed withdrawal, ~~as defined under s. 281.35 (1) (m);~~ which is in violation of a condition, limitation or restriction of a permit or approval issued in conformance with s. 281.35 (6) (a) or in violation of any rule promulgated under s. 281.35 (4) to (6) may bring an action in the circuit court to restrain or enjoin the withdrawal.

History: 1985 a. 60; 1995 a. 227 s. 828; Stats. 1995 s. 281.95.

Analysis insert 1

This bill ratifies the Great Lakes ^{or emdash} St. Lawrence River Basin Water Resources Compact and creates provisions for implementing the compact in this state. The bill also includes provisions that apply statewide relating to the registration and reporting of water withdrawals, to water conservation, and to water supply planning for public water supply systems (water utilities). ✓

CURRENT FEDERAL LAW

Currently, the federal Water Resources Development Act, commonly known as WRDA, provides that no water may be diverted or exported from the Great Lakes, or any tributary of any of the Great Lakes, for use outside the Great Lakes basin unless the diversion or exporting is approved by the governor of each of the Great Lakes states: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin. ✓ WRDA does not contain standards that governors must use in deciding whether to approve a proposal to divert or export water. ✓

**THE GREAT LAKES—ST. LAWRENCE RIVER BASIN WATER
RESOURCES COMPACT**

IN GENERAL

^{and dash} The Great Lakes ^{or} St. Lawrence River Basin Water Resources Compact (the compact) was endorsed by the governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin (the states) on December 13, 2005. ✓ The compact will take effect if and when it is ratified in substantively the same form by the legislature of each state and is consented to by the U.S. Congress. ✓ Any change in the compact would also have to be ratified by each state's legislature and consented to by Congress. ✓ The compact may be terminated by a majority vote of the states. ✓

The compact relates to the withdrawal and use of water (both groundwater and surface water) from the watersheds of the Great Lakes and the St. Lawrence River (the Great Lakes basin). ✓ Part of northern Wisconsin is in the Lake Superior watershed and part of eastern Wisconsin is in the Lake Michigan watershed. ✓ The rest of the state is in the upper Mississippi River basin. ✓

A compact is basically an agreement among states for dealing with a subject of common concern. ✓ Unlike some other compacts, a number of the provisions of this compact are not self-executing. ✓ The compact tells states what they must do. ✓ Additional state laws or administrative rules are necessary to do the things that the compact requires. ✓ The compact gives the states wide choices in how to implement some of its provisions. ✓ For example, the compact allows states to determine the threshold size for regulating water withdrawals from the Great Lakes basin. ✓ In other cases, the compact specifies regulatory requirements that a state may make more, but not less, restrictive. ✓

^{or emdash} The compact creates the Great Lakes ^{or} St. Lawrence River Basin Water Resources Council (the council) consisting of the governors of the states. ✓ The compact authorizes a governor to designate an alternate to act in the governor's

described below

absence. ✓ The council oversees the implementation of the compact and has responsibilities such as identifying and reviewing water conservation and efficiency objectives and approving certain proposals that involve diverting water from the watershed of one of the Great Lakes, as explained below. ✓ If any member of the council votes to disapprove a proposal for which council approval is required, the proposal is disapproved. ✓ The compact requires the members of the council to use the standards set forth in the compact, such as the exception standard, in deciding whether to approve or disapprove a proposal that is subject to council approval and authorizes the council to revise these standards using procedures specified in the compact. ✓

The compact also provides for review of some proposals by the regional body, which consists of the members of the council and the premiers of Ontario and Quebec, Canada. The regional body has no decision-making authority. ✓

REGISTRATION AND REPORTING

The compact requires any person who makes a withdrawal of water from the Great Lakes basin that averages 100,000 gallons per day (GPD) or more in any 30-day period, or who diverts any amount of water, to register with the state and provide information about the withdrawal or diversion. ✓ Persons who are required to register must also annually report information about the monthly amounts of water withdrawn. ✓

The compact requires the states to annually report to the council the information gathered through registration and reporting. The compact also requires each state to develop and maintain a water resources inventory for the collection, exchange, and dissemination of information about water resources. ✓

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REGULATION OF DIVERSIONS

A diversion is either the transfer of water out of the Great Lakes basin or the transfer of water out of the watershed of one of the Great Lakes into the watershed of another of the Great Lakes. ✓ The compact generally prohibits new diversions and prohibits increases in the amount of diversions that exist when the compact takes effect. ✓ There are three exceptions to the prohibition on diversions, described below. ✓

The compact requires states to treat the removal of water from the Great Lakes basin in containers larger than 5.7 gallons as a diversion. The compact gives the states discretion to determine how to regulate proposals to remove water from the basin in containers of 5.7 gallons or less (bottled water). ✓

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Straddling communities

A straddling community is a community that is partly within the Great Lakes basin and partly outside of the basin when the compact takes effect, but that is wholly within a county that is partly within the basin. ✓ The first exception to the prohibition on diversions allows the transfer of water to the part of a straddling community that is outside of the Great Lakes basin. ✓

The exception only applies if all of the diverted water is used to supply water to the public and if an amount of water equal to the amount diverted, less an allowance for consumptive use, will be returned to the Great Lakes basin (such as

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through a sewage system). The proposal must maximize the amount of water that originated in the basin that is returned to the basin and minimize the amount of water that originated outside of the basin that is returned to the basin.

If the proposed new diversion or increase in an existing diversion would result from a new or increased withdrawal that averages 100,000 GPD or more in any 90-day period, the diversion must also meet the exception standard, described below. A proposal for a diversion to a straddling community that results in a very large new or increased water loss to the Great Lakes basin (5,000,000 GPD or greater average over 90 days) must also be reviewed by the regional body before the state decides whether to approve the diversion.

Interbasin transfers

An intrabasin transfer is the transfer of water from the watershed of one of the Great Lakes into the watershed of another of the Great Lakes. In Wisconsin, that would mean a transfer from the Lake Superior watershed to the Lake Michigan watershed or vice versa.

The compact allows a state to decide whether and how to regulate an intrabasin transfer that averages less than 100,000 GPD in any 90-day period.

For a larger intrabasin transfer, the exception standard applies, except that the diverted water is not required to be returned to the watershed from which it was withdrawn, unless there is a very large new or increased water loss, and it must be shown that there is no feasible, cost-effective, and environmentally sound alternative for obtaining water in the watershed to which the water will be transferred. In addition, the state must notify the other states before it decides whether to approve the intrabasin transfer. An intrabasin transfer that results in a very large new or increased water loss (5,000,000 GPD or greater average over 90 days) must also be reviewed by the regional body and must be approved by the council with no disapproving votes.

Communities in straddling counties

The third exception to the prohibition on new or increased diversions is to provide water to a community in a straddling county. A community in a straddling county is a community no part of which is in the Great Lakes basin, but that is in a county part that is partly in the Great Lakes basin.

A proposal for a diversion to a community in a straddling county is only allowed under the compact if all of the following apply:

1. All of the water is used to supply water to the public.
2. The community is otherwise without adequate supplies of water that is safe to drink.
3. The diversion satisfies the exception standard.
4. The proposal maximizes the amount of water that originated in the basin that is returned to the basin and minimizes the amount of water that originated outside of the basin that is returned to the basin.
5. There is no reasonable water supply alternative in the basin in which the community is located (in Wisconsin, that would be the upper Mississippi River basin).
6. The proposal is reviewed by the regional body.

7. The proposal is approved by the council with no disapproving votes. ✓

Exception standard

As explained above, some diversions that are approvable under the compact are subject to what is called the exception standard. A proposal for a diversion meets the exception standard if it satisfies several criteria including the following: ✓

1. The need for the diversion cannot be avoided through the efficient use and conservation of existing water supplies. ✓

2. The amount of water diverted will be limited to quantities that are reasonable to meet the need. ✓

3. An amount of water equal to the amount diverted, less an allowance for consumptive use, will be returned to the watershed from which it was withdrawn.

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A consumptive use is a use of water that results in less of the water being returned to surface water or groundwater than was withdrawn (due to evaporation, for example). ✓

4. No water from outside of the source watershed will be returned to the source watershed unless it comes from a wastewater system that combines water from inside and outside of that watershed and is treated to satisfy water quality standards and to prevent the introduction of invasive species. ✓

5. The diversion will not result in adverse impacts to the quantity or quality of the water of the Great Lakes basin or related natural resources. ✓

6. Environmentally sound and economically feasible water conservation measures will be used to minimize the amount of water withdrawn and the amount of water lost to the Great Lakes basin. ✓

**MANAGEMENT AND REGULATION OF NEW AND INCREASED WITHDRAWALS;
DECISION-MAKING STANDARD**

The compact requires each state to regulate new and increased withdrawals of water from the Great Lakes basin. Each state is required to set thresholds for the regulation of withdrawals and consumptive uses. ✓ A withdrawal that exceeds the threshold set by a state is subject to what the compact calls the decision-making standard. ✓ The decision-making standard consists of several requirements, including that the withdrawal will not result in significant adverse impacts to the quantity or quality of the waters of the Great Lakes basin or to related natural resources, that environmentally sound and economically feasible water conservation measures will be used in implementing the withdrawal, and that the proposed use of the water is reasonable, based on a consideration of factors specified in the compact.

The compact requires states to establish baselines for existing withdrawals. A baseline basically grandfathers withdrawals that exist when the compact takes effect. The decision-making standard applies when the increase in an existing withdrawal over its baseline, during a ten-year period, exceeds the threshold set by the state. If a withdrawal is never increased by the threshold amount, the decision-making standard need never be applied. ✓

Under the compact, baselines may be set in only two ways, either on the basis of the actual capacity of the water withdrawal system when the compact takes effect or on the basis of existing withdrawal approvals (such as permits) issued by the state

before the compact takes effect. ✓ This bill requires the Department of Natural Resources (DNR) to issue permits before the compact's effective date in order to use the second ✓ method of setting baselines. ✓

WATER CONSERVATION AND EFFICIENCY

The compact includes water conservation and efficiency goals for the Great Lakes basin. The council will identify water conservation and efficiency objectives for the basin. The compact requires each state to develop water conservation and efficiency goals and objectives, consistent with the goals and objectives for the Great Lakes basin, and requires each state to develop and implement a water conservation and efficiency program, which may be voluntary or mandatory. ✓ The compact also requires states to promote environmentally sound and economically efficient water conservation measures, such as demand-side and supply-side incentives for water conservation. ✓

PUBLIC PARTICIPATION

The compact requires the states to have procedures that facilitate public participation in the review of proposals for diversions and withdrawals that are regulated under the compact. ✓ The compact also requires states to consult with federally recognized American Indian tribes concerning proposals for which council approval or regional review are required. ✓

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OTHER PROVISIONS

IV

The compact includes procedures for appealing decisions made by the council and by the states under the compact, including alternate dispute resolution for disputes among the parties.

The compact specifies that, in general, withdrawals, consumptive uses, and diversions of Great Lakes water within Illinois are governed by the terms of the U.S. Supreme Court decree in *Wisconsin et al v. Illinois et al* and are not subject to regulation under the compact.

Analysis insert 2

PROVISIONS THAT TAKE EFFECT BEFORE THE COMPACT TAKES EFFECT

Some provisions of the bill take effect before the compact is approved by the states and Congress. These provisions stay in effect if the compact never goes into effect. ✓

REGULATION OF INTERBASIN TRANSFERS

The bill requires any person who transfers water out of the Great Lakes basin to register with DNR. ✓ The bill calls such a transfer an interbasin transfer in the portions of the bill that apply before the compact takes effect and a diversion in the parts of the bill that apply once the compact takes effect. ✓ A person who makes an interbasin transfer must also annually report information about the transfer to DNR. ✓

Approval required

The bill requires an approval from DNR for any interbasin transfer. ✓ The bill provides procedures for public participation in the review of proposals for new and increased interbasin transfers. ✓

Each interbasin transfer must have an interbasin transfer amount in its approval. Any increase in the amount of an interbasin transfer over the interbasin transfer amount is subject to the restrictions described below on increases in interbasin transfers. ✓

Automatic approval for existing interbasin transfers

The bill requires DNR to automatically issue an approval to a person who operates a public water supply system receiving water from an interbasin transfer that begins before the compact takes effect if the public water supply system delivers the water to customers in an area that is outside of the Great Lakes basin and that is in a sewer service area that provides for return of wastewater to the Great Lakes basin, as authorized in the sewer service area provisions of an areawide water quality management plan approved by DNR before December 31, 2007. ✓

The bill requires DNR to determine the initial interbasin transfer amount for a public water supply system entitled to an automatic permit to be the amount of water necessary to provide water for public water supply services in the area described above. ✓

New and increased interbasin transfers

Beginning on enactment, the bill generally prohibits new interbasin transfers, other than those for which DNR is required to issue automatic approvals, and also generally prohibits increases in existing interbasin transfers. ✓ There are three exceptions to the prohibition, which apply in the same situations as the exceptions to the prohibition on diversions in the compact, described above. ✓

Some public water supply systems buy water from other entities, which actually withdraw the water. For an interbasin transfer made for the purpose of

supplying water to the public, the person operating the public water supply system that receives the water from the transfer must obtain the approval from DNR. ✓

If an applicant for approval of a new or increased interbasin transfer will not be the person who withdraws the water from the Great Lakes basin, the bill requires the applicant to identify the person who will withdraw the water and provide evidence of an agreement to provide the water. ✓ Also, if an applicant for a new or increased interbasin transfer will not directly return the water to the Great Lakes basin, the applicant must identify the entity that will return the water and provide evidence of an agreement to return the water to the basin. ✓

The interbasin transfer amount for a new or increased interbasin transfer is the quantity of water that DNR determines is reasonable for the purposes for which the interbasin transfer is made. ✓

Straddling communities

A straddling community is a community that is partly within the Great Lakes basin and partly outside of the basin, but that is wholly within a county that is partly within the basin. The first exception to the prohibition on interbasin transfers allows the transfer of water to the part of a straddling community that is outside of the Great Lakes basin. ✓

The exception only applies if all of the transferred water is used to supply water to the public and if an amount of water equal to the amount transferred, less an allowance for consumptive use, will be returned to the Great Lakes basin. ✓ The proposal must maximize the amount of water that originated in the basin that is returned to the basin and minimize the amount of water that originated outside of the basin that is returned to the basin. The proposal must also be consistent with an approved water supply plan under the planning provisions described above. ✓ If the proposed new or increased interbasin transfer would result from a new or increased withdrawal that averages 100,000 GPD or more in any 90-day period, the interbasin transfer must also meet the exception standard, described below. ✓

Intrabasin transfers

The bill authorizes DNR to approve an intrabasin transfer (from the Lake Superior watershed to the Lake Michigan watershed or vice versa) that would average less than 100,000 GPD over 90 days if the proposal satisfies the requirements under laws related to high capacity wells, the withdrawal of water from streams, or the approval of plans for public water supply systems or, if none of those laws apply, if the proposal satisfies the requirements set by DNR by rule, and, if the water will be used for public water supply purposes, the proposal is consistent with an approved water supply plan. ✓

For a larger intrabasin transfer, the exception standard applies, except that the transferred water is not required to be returned to the watershed from which it was withdrawn (unless there is a very large new or increased water loss), and it must be shown that there is no feasible, cost-effective, and environmentally sound alternative for obtaining water in the watershed to which the water will be transferred. If the water will be used for public water supply purposes, the proposal must be consistent with an approved water supply plan. ✓

Communities in straddling counties

The third exception to the prohibition on new or increased diversions is to provide water to a community in a straddling county. A community in a straddling county is a community no part of which is in the Great Lakes basin, but that is in a county that is partly in the Great Lakes basin.

An interbasin transfer to a community in a straddling county is only allowed under the bill if all of the following apply:

1. All of the water is used to supply water to the public. ✓
2. The community does not have a water supply that is economically and environmentally sustainable in the long term to meet reasonable demands. ✓
3. The interbasin transfer satisfies the exception standard. ✓
4. The proposal maximizes the amount of water that originated in the basin that is returned to the basin and minimizes the amount of water that originated outside of the basin that is returned to the basin. ✓
5. There is no reasonable water supply alternative in the basin in which the community is located. ✓
6. The proposal is consistent with an approved water supply plan. ✓

Exception standard

As explained above, some interbasin transfers that may be approved under the bill (when the compact is not in effect) are subject to the exception standard. To satisfy the exception standard, in addition to the requirements contained in the exception standard in the compact (described above), the place at which the water is returned to the Great Lakes basin must be as close as practicable to the place at which the water is withdrawn, unless that would not be economically feasible, environmentally sound, or in the interest of public health. ✓ Also, if the water is returned through a stream tributary to Lake Michigan or Lake Superior, the physical, chemical, and biological integrity of the stream must be protected and sustained. ✓

STATEWIDE WATER SUPPLY PLANNING FOR PUBLIC WATER SUPPLY SYSTEMS

The bill requires DNR to administer a water supply planning process for public water supply systems statewide. A plan may cover a period of not more than 20 years. The bill requires a public water supply system that serves a population of 10,000 or more and that withdraws water from the waters of the state to be covered by a plan approved by DNR no later than December 31, 2025, but public water supply systems may obtain approval of plans before that date. The bill authorizes regional planning commissions to prepare water supply plans for public water supply systems. ✓

The bill requires a person preparing a water supply plan to identify the sources and quantities of water supplies in the area for which the plan is prepared and to forecast the expected population of the area during the planning period and the demand for water in the area during that period. ✓ The person must identify alternatives for supplying water in the area and compare the costs and benefits of the alternatives. ✓

The bill prohibits DNR from approving a water supply plan unless the plan provides for the water supply system that will minimize monetary costs and

environmental and other nonmonetary costs and maximize environmental benefits during the planning period while complying with all other applicable legal requirements. ✓The bill also requires that a water supply plan be consistent with any applicable local development plans or master plans and with areawide water quality management plans (which, among other provisions, specify service areas for sewage systems). ✓

STATEWIDE REGISTRATION AND REPORTING OF WITHDRAWALS

The bill requires any person in this state who, three years after this bill becomes law, has a water supply system with the capacity to make a withdrawal of water that averages 100,000 GPD or more in a 30-day period (such as a high capacity well) to register the withdrawal with DNR and provide information about the system and the withdrawal. Any person who proposes to start a withdrawal with that capacity more than three years after this bill becomes law must also register with DNR.

If a person who is required to register a withdrawal actually withdraws an average of 100,000 GPD or more in any 30-day period, the person must annually report to DNR information about the withdrawal, including the monthly volume of water withdrawn. ✓

PERMITTING OF WITHDRAWALS IN THE GREAT LAKES BASIN

Permit requirement

This bill prohibits a person from making a withdrawal of water from the Great Lakes basin that averages 100,000 GPD or more in any 30-day period unless the withdrawal is covered by a general or individual water withdrawal permit. ✓This requirement takes effect seven years after the bill becomes law or on the compact's effective date if that is earlier. ✓The bill authorizes DNR to begin issuing permits before the date on which permits are required for existing withdrawals. ✓

Initial withdrawal amounts

Each withdrawal that is covered by a permit must have a withdrawal amount. The withdrawal amount on the compact's effective date is the baseline for the withdrawal and is used to determine when a withdrawal has increased by the threshold amount that triggers certain requirements, as described below. ✓The bill requires DNR to determine initial withdrawal amounts for existing withdrawals. ✓

Generally, the department estimates an initial withdrawal amount based on the maximum capacity of the most restrictive part of an existing water supply system. ✓If DNR has issued an approval for the water supply system under another statute and that approval contains a limit on the amount of water that may be withdrawn, DNR provides an estimate equal to that limit. ✓

After a person making a withdrawal receives an estimate from DNR, the person may provide information to DNR relating to matters such as plans for expanding the capacity of the water supply system and successful water conservation efforts by persons using the water that is withdrawn. ✓DNR determines an initial withdrawal amount for a withdrawal based on the estimate and its evaluation of any relevant information provided by the person making the withdrawal. ✓

For a public water supply system that has approval under current law to transfer water from the Great lakes basin to supply water to the public in an area

outside of the basin and that has approval to return the wastewater that results from the use of that water to the Great Lakes basin through its sewage system, the initial withdrawal amount is the amount of water necessary to provide water for public water supply purposes in the sewer service ~~territory~~ for that sewage system specified in the areawide water quality management plan approved by DNR before December 31, 2007. ✓

General permits

area

This bill requires DNR to issue one or more general permits to cover withdrawals from the Great Lakes basin that average 100,000 GPD or more in any 30-day period but that do not equal 1,000,000 GPD for any 30 consecutive days. ✓ A general permit covers numerous withdrawals with similar characteristics, as specified by DNR. DNR is required to include requirements for reporting, metering, surveillance, and water conservation in a general permit, in accordance with rules that DNR promulgates. A general permit has a 10-year term. ✓

The bill requires DNR to automatically issue a notice of coverage under a general permit to every person who makes a withdrawal from the Great Lakes basin that averages 100,000 GPD or more in any 30-day period but that does not equal 1,000,000 GPD for any 30 consecutive days and who complies with the registration and reporting requirements in the bill before the date on which the permit requirement applies. ✓ In the automatic notice of coverage, DNR specifies a withdrawal amount equal to the initial withdrawal amount determined as described above. ✓

A person who proposes to begin a withdrawal, after the date on which the permit requirement applies but before the compact takes effect, that averages 100,000 GPD or more in any 30-day period but that does not equal 1,000,000 GPD for any 30 consecutive days must apply to DNR for coverage under a general permit. ✓ Generally, if DNR determines that the withdrawal qualifies for coverage under a general permit and DNR has issued any approvals that are required under other laws for the withdrawal, such as high capacity well approvals or approvals for any structures on the bed of a navigable water that are needed for the withdrawal, DNR must issue a notice of coverage under the general permit. In the notice, DNR specifies a withdrawal amount equal to the lesser of the capacity of the most restrictive component that will be used in the water supply system or any limit on the amount of water that may be withdrawn specified in other approvals needed for the withdrawal. ✓

If the withdrawal is for the purpose of providing water to a public water supply system that is covered by an approved water supply plan, the requirement for previous issuance of other approvals that are needed for the withdrawal does not apply, but DNR may not issue a notice of coverage unless the withdrawal is consistent with the water supply plan. For such a withdrawal, DNR specifies a withdrawal amount equal to the withdrawal amount in the water supply plan. The withdrawal amount in a water supply plan is generally the amount that DNR determines is needed to provide a public water supply in accordance with the plan during the period covered by the plan.

The bill authorizes DNR to require a person who would otherwise qualify for coverage under a general permit to obtain an individual permit in certain situations, including when that is necessary to protect public health or safety or to ensure the proper management of the waters of the state.

If a person making a withdrawal that is covered by a general permit proposes to increase the amount of the withdraw over the withdrawal amount specified by DNR, but does not propose to withdraw at least 1,000,000 GPD for any 30 consecutive days, the person must apply to DNR for modification of the withdrawal amount. The conditions for increasing the withdrawal amount are the same as the conditions for granting coverage under a general permit. ✓

Coverage under a general permit ends on the date that the term of the general permit ends. A person who intends to continue a withdrawal covered by a general permit must apply for redetermination of coverage under a new general permit at least 180 days before the end of the term of the current general permit. ✓

Individual permits

The bill requires a person who makes a withdrawal from the Great Lakes basin that equals at least 1,000,000 GPD for any 30 consecutive days to have an individual permit. ✓ DNR must include in an individual permit a withdrawal amount, and, in accordance with rules promulgated by DNR, requirements for reporting, metering, surveillance, and water conservation and limits on the locations, dates, and seasons of the withdrawal and on the allowable uses of the water.

The bill requires DNR to automatically issue an individual permit to every person who makes a withdrawal from the Great Lakes basin that equals 1,000,000 GPD for any 30 consecutive days and who complies with the registration and reporting requirements in the bill before the date on which the permit requirement applies. In the permit, DNR specifies a withdrawal amount equal to the initial withdrawal amount determined as described above. ✓

A person who proposes to begin a withdrawal, after the date on which the permit requirement applies, that equals 1,000,000 GPD for any 30 consecutive days must apply to DNR for an individual permit. Generally, if DNR has issued any approvals that are required under other laws for the withdrawal, such as high capacity well approvals or approvals for any structures on the bed of a navigable water that are needed for the withdrawal, DNR must issue an individual permit. ✓ In the permit, DNR specifies a withdrawal amount equal to the lesser of the capacity of the most restrictive component that will be used in the water supply system or any limit on the amount of water that may be withdrawn specified in other approvals needed for the withdrawal. ✓

If the withdrawal is for the purpose of providing water to a public water supply system that is covered by an approved water supply plan, the requirement for previous issuance of other approvals that are needed for the withdrawal does not apply, but DNR may not issue a permit unless the withdrawal is consistent with the water supply plan. For such a withdrawal, DNR specifies a withdrawal amount equal to the withdrawal amount in the water supply plan.

If a person with an individual permit proposes to increase the amount of the withdrawal over the withdrawal amount in the permit, the person must apply to

DNR for modification of the permit to increase the withdrawal amount. The conditions for increasing the withdrawal amount are the same as the conditions for issuing the individual permit.

An individual permit has a ten-year term. A person who intends to continue a withdrawal covered by an individual permit must apply for reissuance of the permit at least 180 days before the end of the current permit term.√

An individual permit is not transferable.

STATEWIDE WATER CONSERVATION

The bill requires DNR to specify water conservation and efficiency goals for all of the waters of this state. The bill also requires DNR to develop and implement a statewide water conservation and efficiency program that includes the promotion of environmentally sound and economically feasible water conservation measures. DNR must consult with the Department of Commerce and the Public Service Commission in specifying the goals and objectives and in developing and implementing the program.√

The bill also requires DNR to promulgate rules specifying water conservation and efficiency measures for withdrawals required to be covered by general or individual permits. In the rules, DNR may not require retrofitting of existing fixtures, appliances, or equipment.√

PROVISIONS THAT TAKE EFFECT AFTER THE COMPACT TAKES EFFECT

REGULATION OF DIVERSIONS

Approval required

Under this bill, no person may make a diversion without an approval from DNR. An interbasin transfer approval issued by DNR before the compact takes effect continues to be valid after the compact takes effect, but if the amount of the interbasin transfer (called a diversion in this part of the bill) is increased over the interbasin transfer amount in the approval, the postcompact provisions related to diversions, described below, apply.

This bill does not treat a proposal to remove water from the basin in containers of 5.7 gallons or less (bottled water) as a diversion. The provisions relating to withdrawals, described below, apply to such a proposal.

New and increased diversions

The general prohibition on new diversions and on increases in existing diversions and the three exceptions to the prohibition continue to apply after the compact takes effect. The precompact standards for approval for new and existing diversions continue to apply, but for some diversions new requirements also apply, as described below.

Straddling communities

In addition to the requirements that apply before the compact takes effect, a proposal for a diversion to a straddling community that results in a very large new or increased water loss to the Great Lakes basin (5,000,000 GPD or greater average over 90 days) must be reviewed by the regional body before DNR decides whether to approve the proposal.

Intrabasin transfers

In addition to the requirements that apply before the compact takes effect, a proposal for an intrabasin transfer that results in a very large new or increased water loss to the Great Lakes basin (5,000,000 GPD or greater average over 90 days) must be reviewed by the regional body and DNR may not approve the proposal unless the council approves the proposal with no disapproving votes. ✓

Communities in straddling counties

In addition to the requirements that apply before the compact takes effect, a proposal for a diversion to a community in a straddling county must be reviewed by the regional body and DNR may not approve the proposal unless the council approves the proposal with no disapproving votes. ✓

WATER SUPPLY PLANNING

The statewide water supply planning provisions described above continue in effect, but, for some public water supply systems that withdraw water from the Great Lakes basin, new requirements are added. ✓

Once the compact takes effect, DNR may not approve a water supply plan that covers a water supply system serving a population of more than 10,000 if the plan provides for a new withdrawal from the basin, or for the increase in an existing withdrawal from the basin, that exceeds the threshold for application of one or more of the decision-making standards, as described below, unless DNR determines that the new withdrawal or increase in the existing withdrawal meets the applicable decision-making standards. ✓ In other words, for withdrawals by a public water supply system serving a population of more than 10,000, the decision-making standards are applied through the water supply planning process instead of through the withdrawal permitting process.

STATEWIDE REGISTRATION AND REPORTING OF WITHDRAWALS

The statewide requirement for registration and reporting of withdrawals, described above, continues after the compact takes effect.

PERMITTING OF WITHDRAWALS IN THE GREAT LAKES BASIN

Permit requirement

The permitting requirement for a withdrawal of water from the Great Lakes basin that averages 100,000 GPD or more in any 30-day period continues after the compact takes effect. A notice of coverage under a general permit or an individual permit issued before the compact takes effect continues to be valid, but postcompact decision-making standards apply to withdrawals that are proposed to be increased by one of the threshold amounts, as described below. ✓

General permits

The provisions relating to coverage under a general permit generally do not change after the compact takes effect. However, after the compact takes effect, DNR may not issue a notice of coverage under a general permit for a withdrawal for the purpose of providing water to a public water supply system that serves a population of more than 10,000 unless the withdrawal is covered by an approved water supply plan. ✓

does not generally change when the compact takes effect

Individual permits

The ~~bill does not generally change the~~ process for issuing and modifying individual water supply permits.

After the compact takes effect, the bill conditions the issuance of an individual permit for a new withdrawal that equals at least 1,000,000 GPD, but less than 10,000,000 GPD, for any 30 consecutive days on compliance with the state decision-making standard, described below. The bill conditions the issuance of an individual permit for a new withdrawal that equals at least 10,000,000 GPD for any 30 consecutive days on compliance with the compact decision-making standard. In addition, if a new withdrawal that is subject to the state or compact decision-making standard results in a water loss that averages more than 2,000,000 GPD in any 30-day period, it is subject to the consumptive use decision-making standard. ✓

If a person proposes to increase the amount of a withdrawal that is covered by a water supply permit so that it equals at least 1,000,000 GPD, but not 10,000,000 GPD, for any 30 consecutive days over the withdrawal amount for the withdrawal as of the beginning of the current permit term, the compact's effective date, or the last date on which the state or compact decision-making standard was applied to an increase in the withdrawal, whichever is latest, approval of the increase is conditioned on compliance with the state decision-making standard. ✓ If a person proposes to increase the amount of a withdrawal that is covered by a water supply permit so that it equals at least 10,000,000 GPD for any 30 consecutive days over the withdrawal amount for the withdrawal as of the beginning of the current permit term, the compact's effective date, or the last date on which the compact decision-making standard was applied to an increase in the withdrawal, whichever is latest, approval of the increase is conditioned on compliance with the compact decision-making standard. ✓ In addition, generally, if the state or compact decision-making standard applies to a proposed increase in a withdrawal and the water loss from the proposed increase, plus other increases since the beginning of the permit term, averages more than 2,000,000 GPD in any 30-day period, the increase in the withdrawal is subject to the consumptive use decision-making standard. ✓

If a proposal will result in a new water loss or an increase in water loss that averages 5,000,000 gallons or more in any 90-day period, DNR is required to provide notice of the proposal to the other states and to Ontario and Quebec. Also, if a majority of the members of the regional body request regional review of a regionally significant or potentially precedent setting proposal, the proposal must be reviewed by the regional body before DNR decides whether to approve the proposal. ✓

State decision-making standard

A proposal meets the state decision-making standard if it satisfies several criteria, including the following:

1. The amount of the withdrawal is needed to meet the projected needs of the persons who will use the water.
2. Cost-effective conservation practices will be implemented to ensure efficient use of the water.
3. One of the following applies:

- a. The withdrawal will cause no significant adverse environmental impacts to the waters of the state. ✓
- b. If the withdrawal is from a surface water body, the withdrawal will not result in the violation of water quality standards or impair fish populations. ✓
- c. DNR has issued an approval for the withdrawal under laws related to high capacity wells, the withdrawal of water from streams, or the placement of structures in navigable waters. ✓

DNR may by rule add to the state decision-making standard other criteria that it determines are necessary. ✓

line space →

Compact decision-making standard

What the bill calls the compact decision-making standard is very similar to the decision-making standard in the compact itself. ✓ A proposal meets the compact decision-making standard if it satisfies several criteria, including the following:

1. The withdrawal will not result in significant adverse impacts to the quantity or quality of the waters of the Great Lakes basin, to related natural resources, or, if the withdrawal is from a stream tributary to one of the Great Lakes, to the watershed of that stream. ✓

2. Environmentally sound and economically feasible water conservation measures will be used in implementing the withdrawal. ✓

3. The proposed use of the water is reasonable, based on a consideration of factors specified in the bill. ✓

Consumptive use decision-making standard

The consumptive use decision-making standard is similar to the standard in current law that applies to withdrawals that result in water losses averaging more than 2,000,000 GPD in any 30-day period. A proposal meets the consumptive use decision-making standard if it satisfies several criteria, including the following:

1. No public rights in navigable waters will be adversely affected by the use of the water. ✓

2. Reasonable water conservation practices will be applied to the use of the water. ✓

3. The proposed consumptive use will not have a significant adverse effect on the quantity or quality of the waters of the state. ✓

4. If the water loss averages 5,000,000 gallons or more in any 90-day period, the consumptive use will not have a significant adverse impact on the environment of the Great Lakes basin or the state. ✓

STATEWIDE WATER CONSERVATION

The requirement for a statewide water conservation and efficiency program continues to apply after the compact takes effect. The bill requires DNR to specify water conservation and efficiency goals and objectives for the waters of the Great Lakes basin that are consistent with the goals in the compact and the objectives specified by the Great Lakes Council. ✓ By two years after the compact's effective date, DNR must implement a water conservation and efficiency program, for all users of waters of the Great Lakes basin, that is designed to achieve those goals and objectives.

PUBLIC PARTICIPATION

The bill includes procedures that facilitate public participation in the review of proposals for diversions, proposals for withdrawals for which individual permits are required, for proposed general permits, and for proposed water supply plans. The bill also requires consultation with a federally recognized American Indian tribe concerning a proposal that may affect the tribe for which council approval or regional review is required.

Barman, Mike

From: Barman, Mike
Sent: Tuesday, February 19, 2008 9:30 AM
To: Hanaman, Cathlene
Subject: RE: Great Lakes Compact draft

Sure

From: Hanaman, Cathlene
Sent: Tuesday, February 19, 2008 9:26 AM
To: Barman, Mike
Subject: RE: Great Lakes Compact draft

Can you put a copy of the e-mail in the file--to show that confidentiality has been waived.

From: Barman, Mike
Sent: Tuesday, February 19, 2008 9:04 AM
To: Hanaman, Cathlene
Subject: RE: Great Lakes Compact draft

It will take a while but I am sure we can take care of it. Any idea when it is going to come through?

From: Hanaman, Cathlene
Sent: Tuesday, February 19, 2008 8:59 AM
To: Christina Duerst; Lori Northrop; Mike Barman; Sarah Basford
Subject: FW: Great Lakes Compact draft

It's -3207. Will this be a problem? It's 130 pages without an analysis so it will grow.

From: Marchant, Robert
Sent: Monday, February 18, 2008 6:37 PM
To: Hanaman, Cathlene
Cc: Bier, Beth
Subject: Great Lakes Compact draft

Cathlene—

When you submit the draft to Sen. Miller on Wednesday morning, would it be possible to also provide the Clerk's office with 25 copies? The committee hearing notice will be referencing the LRB number and indicating that copies are available at the Clerk's office, so I think that should suffice for consent from Sen. Miller to disclose the unintroduced draft to me. I just want to avoid having people come here for copies and telling them they'll have to wait.

Please let me know if there is any problem with my request.

Thanks.

Rob

SENATE

INTRODUCTION AND REFERRAL OF PROPOSALS

(February 21, 2008)

SENATE BILL 523 (LRB -3207)

Relating to: the Great Lakes–St. Lawrence River Basin Water Resources Compact, withdrawals of water from the Great Lakes Basin, water withdrawal and use, water supply planning, water conservation, granting rule–making authority, and providing a penalty.

By Committee on Environment and Natural Resources.

Referred to Committee on **ENVIRONMENT AND NATURAL RESOURCES**.

Rec
03-03-2008

Corrected
copy info.



Corrected Copy

LRB-3207/1
RCT:jd&lk:jf

03-03-2008
per Jeff
scc office

2007 SENATE BILL 523

Intro. Date Changed

February 22, 2008 - Introduced by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES. Referred to Committee on Environment and Natural Resources.

1 AN ACT *to repeal* 196.98, 281.35 (2) (a), 281.35 (3), 281.35 (8) and 281.35 (10) (a)
 2 4.; *to renumber* 281.35 (2) (b) and 283.83; *to renumber and amend* 30.18 (2)
 3 (b) and 281.35 (11) (f); *to amend* 196.49 (2), 281.34 (5) (e) 1., 281.35 (1) (b) 2.,
 4 281.35 (4) (a) (intro.), 281.35 (5) (a) 13., 281.35 (5) (b), 281.35 (5) (c) (intro.),
 5 281.35 (5) (d) 2., 281.35 (9) (a), 281.35 (11) (intro.), 281.35 (12) (c), 281.41 (1) (c),
 6 281.94 (1), 281.95 and 281.98 (1); and *to create* 14.95, 30.18 (2) (b) 2., 30.208
 7 (3m), 281.34 (5) (dm), 281.343, 281.344, 281.346, 281.348, 281.35 (1) (bm),
 8 281.35 (4) (c), 281.35 (9) (d), 281.41 (4), 283.41 (3) and 283.83 (2) of the statutes;
 9 **relating to:** the Great Lakes–St. Lawrence River Basin Water Resources
 10 Compact, withdrawals of water from the Great Lakes Basin, water withdrawal
 11 and use, water supply planning, water conservation, granting rule-making
 12 authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill ratifies the Great Lakes—St. Lawrence River Basin Water Resources Compact and creates provisions for implementing the compact in this state. The bill