

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

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

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

8 **(7m) EMERGENCY ORDER.** The department may, without a prior hearing, order
9 a person to whom the department has issued an individual permit or notice of
10 coverage under a general permit under this section or s. 281.344 to immediately stop
11 a withdrawal if the department determines that there is a danger of imminent harm
12 to the public health, safety, or welfare, to the environment, or to the water resources
13 or related land resources of this state. The order shall specify the date on which the
14 withdrawal must be stopped and the date, if any, on which it may be resumed. The
15 order shall notify the person that the person may request a contested case hearing
16 under ch. 227. The hearing shall be held as soon as practicable after receipt of a
17 request for a hearing. An emergency order remains in effect pending the result of
18 the hearing.

19 **(8) STATEWIDE WATER CONSERVATION AND EFFICIENCY.** (a) *Goals and objectives.*
20 The department shall specify water conservation and efficiency goals and objectives
21 for the waters of the state and for the waters of the Great Lakes basin. The
22 department shall specify goals and objectives for the waters of the Great Lakes basin
23 that are consistent with the goals under s. 281.343 (4b) (a) and the objectives
24 identified by the Great Lakes council under s. 281.343 (4b) (a) and (c). In specifying
25 these goals and objectives, the department shall consult with the department of

1 commerce and the public service commission and consider the water conservation
2 and efficiency goals and objectives developed in any pilot program conducted by the
3 department in cooperation with the regional body.

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

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

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

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

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

23 (d) *Water conservation and efficiency measures.* The department shall
24 promulgate rules specifying water conservation and efficiency measures for the
25 purposes of this section. In the rules, the department may not require retrofitting

1 of existing fixtures, appliances, or equipment. The department shall specify
2 measures based on all of the following:

3 1. The amount and type of diversion, withdrawal, or consumptive use and
4 whether the diversion, withdrawal, or consumptive use exists on the first day of the
5 84th month beginning after the effective date of this subdivision [revisor inserts
6 date], or the compact's effective date, whichever is earlier, is expanded, or is new.

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

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

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

14 (b) *Public Notice.* 1. The department shall, by rule, create procedures for
15 circulating to interested and potentially interested members of the public notices of
16 each complete application that the department receives under sub. (5) to which the
17 state decision-making standard under sub. (5m) or the compact decision-making
18 standard under sub. (6) applies, other than an application from a person operating
19 a public water supply system that is covered by an approved water supply service
20 area plan under s. 281.348, and each complete application that the department
21 receives under sub. (4) and of each general permit that the department proposes to
22 issue under sub. (4s) (a). The department shall include, in the rule, at least the
23 following procedures:

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

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

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

6 a. The name and address of each applicant.

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

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

12 (c) *Public comment.* The department shall receive public comments on a
13 proposal for which it receives an application to which par. (b) 1. applies or on a
14 proposed general permit under sub. (4s) (a) for a 30-day period beginning when the
15 department gives notice under par. (b) 1. The department shall retain all written
16 comments submitted during the comment period and shall consider the comments
17 in making its decisions on the application.

18 (d) *Public hearing.* 1. The department shall provide an opportunity for any
19 interested person or group of persons, any affected local governmental unit, or any
20 state agency to request a public hearing with respect to a proposal for which the
21 department receives an application under to which par. (b) 1. applies or on a proposed
22 general permit under sub. (4s) (a). A request for a public hearing shall be filed with
23 the department within 30 days after the department gives notice under par. (b). The
24 party filing a request for a public hearing shall indicate the interest of the party and
25 the reasons why a hearing is warranted. The department shall hold a public hearing

1 on a proposal for which the department receives an application to which par. (b) 1.
2 applies or on a proposed general permit under sub. (4s) (a) if the department
3 determines that there is a significant public interest in holding a hearing.

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

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

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

24 (h) *Expediting review.* The department shall take appropriate measures to
25 expedite, to the extent feasible, applicable reviews by the regional body, Great Lakes

1 council, parties, and the provinces of Ontario and Quebec of applications under this
2 section that are subject to regional review.

3 (10m) AMENDMENT OF COASTAL MANAGEMENT PROGRAM. (a) The Wisconsin
4 coastal management council, created under s. 14.019, shall amend this state's
5 coastal management program submitted to the U.S. secretary of commerce under 16
6 USC 1455, to incorporate the requirements of this section, as they apply to the water
7 resources of the Great Lakes basin, and shall formally submit the proposed
8 amendments to the U.S. secretary of commerce.

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

13 (c) If the department issues a permit for a withdrawal to which this section
14 applies, and the withdrawal is subject to a federal consistency review under 16 USC
15 1456 (c), the Wisconsin coastal management council shall certify that the withdrawal
16 is consistent with this state's coastal management program.

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 (13m) EXCEEDANCES. It is not a violation of this section to inadvertently
11 withdraw an amount of water that exceeds the withdrawal amount specified in a
12 permit issued under sub. (5) or in the database under sub. (4s) (i). ✓

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

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

21 SECTION 12. 281.348 of the statutes is created to read:

22 **281.348 Water supply service area plans for public water supply**
23 **systems. (1) DEFINITIONS.** In this section:

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

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

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

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

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

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

13 (g) "Withdrawal" means the taking of water from surface water or
14 groundwater, including the taking of surface water or groundwater for the purpose
15 of bottling the water.

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

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

22 **(3) REQUIREMENTS.** (a) 1. The department shall establish and administer a
23 continuing water supply planning process for the preparation of water supply plans
24 for persons operating public water supply systems. The period covered by a plan

1 under this subsection may not exceed 20 years. A regional planning commission may
2 prepare plans for persons operating public water supply systems.

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

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

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

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

15 2m. Approval of a plan by the department.

16 3. Ensuring that plans remain current.

17 4. Intergovernmental cooperation.

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

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

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

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

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

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

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

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

14 6. A demonstration that the plan will effectively maximize the use of existing
15 water supply storage and distribution facilities and wastewater infrastructure to the
16 extent practicable. ✓

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

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


22 9. Other information specified by the department.

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

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

5 2. The plan will effectively maximize the use of existing water supply storage
6 and distribution facilities and wastewater infrastructure to the extent practicable. ✓

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

9 4. The plan is consistent with any applicable approved areawide water quality
10 management plans under s. 283.83. 

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

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

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

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

24 (a) The amount needed for the public water supply system to provide a public
25 water supply in the water supply service area in the plan during the period covered

1 by the plan, as determined using the population and related service projections in
2 the plan.

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

10 **SECTION 12m.** 281.35 (1) (a) of the statutes is amended to read:

11 281.35 (1) (a) "Approval" means a permit issued under s. 30.18, 281.344 (5), or
12 281.346 (5) or an approval under s. 281.17 (1), 2001 stats., or s. 281.34 or 281.41. ✓

13 **SECTION 13.** 281.35 (1) (b) 2. of the statutes is amended to read:

14 281.35 (1) (b) 2. If subd. 1. does not apply, the highest average daily water loss
15 over any 30-day period that is reported to the department ~~or the public service~~
16 ~~commission~~ under sub. ~~(3) (e)~~ or s. 30.18 (6) (c), ~~196.98, 281.34, 281.344 (5), 281.346~~
17 ~~(5)~~, or 281.41 or s. 281.17 (1), 2001 stats.

18 **SECTION 14.** 281.35 (1) (bm) of the statutes is created to read:

19 281.35 (1) (bm) "Compact's effective date" means the effective date of the Great
20 Lakes—St. Lawrence River Basin Water Resources Compact under s. 281.343.

21 **SECTION 15.** 281.35 (2) (a) of the statutes is repealed.

22 **SECTION 16.** 281.35 (2) (b) of the statutes is renumbered 281.35 (2).

23 **SECTION 17.** 281.35 (3) of the statutes is repealed.

24 **SECTION 18g.** 281.35 (4) (a) 4. of the statutes is created to read:

1 281.35 (4) (a) 4. A person to whom a permit under s. 281.244 (5) or 281.346 (5)
2 has been issued or who is required to obtain a permit under one of those provisions
3 before beginning or increasing a withdrawal.

4 **SECTION 18r.** 281.35 (4) (b) (intro.) of the statutes is amended to read:

5 281.35 (4) (b) (intro.) Before any person specified in par. (a) may begin a new
6 withdrawal or increase the amount of an existing withdrawal, the person shall apply
7 to the department under s. 30.18, 281.34, 281.344 (5), 281.346 (5), or 281.41 for a new
8 approval or a modification of its existing approval if either of the following conditions
9 applies: ✓

10 **SECTION 20.** 281.35 (5) (a) 13. of the statutes is amended to read:

11 281.35 (5) (a) 13. A statement as to whether the proposed withdrawal complies
12 with all applicable plans for the use, management and protection of the waters of the
13 state and related land resources, including plans developed under ~~ss. 281.12 (1) and~~
14 s. 283.83 and the requirements specified in any water quantity resources plan under
15 sub. (8).

16 **SECTION 21.** 281.35 (5) (b) of the statutes is amended to read:

17 281.35 (5) (b) *Great Lakes basin; consultation required.* If the department
18 receives an application before the compact's effective date that, if approved, will
19 result in a new water loss to the Great Lakes basin averaging more than 5,000,000
20 gallons per day in any 30-day period, or an increase in an existing withdrawal that
21 will result in a water loss averaging 5,000,000 gallons per day in any 30-day period
22 above the applicant's authorized base level of water loss, the department shall notify
23 the office of the governor or premier and the agency responsible for management of
24 water resources in each state and province of the Great Lakes region and, if required
25 under the boundary water agreement of 1909, the international joint commission.

1 The department shall also request each state and province that has cooperated in
2 establishing the regional consultation procedure under sub. ~~(11)~~ (f) (11m) to
3 comment on the application. In making its determination on an application, the
4 department shall consider any comments that are received within the time limit
5 established under par. (c).

6 **SECTION 23g.** 281.35 (6) (a) (intro.) of the statutes is amended to read:

7 281.35 (6) (a) *Issuance; contents.* (intro.) If Subject to par. (am), if an
8 application is approved under sub. (5), the department shall modify the applicant's
9 existing approval or shall issue a new approval that specifies all of the following:

10 **SECTION 23j.** 281.35 (6) (am) of the statutes is created to read:

11 281.35 (6) (am) *Water loss permit.* If the department approves an application
12 under sub. (5) for a withdrawal that is covered by a permit under s. 281.344 (5) or s.
13 281.346 (5) and another approval, the department shall modify the permit under s.
14 281.344 (5) or 281.346 (5), rather than the other approval, to specify the matters
15 under par. (a).

16 **SECTION 24.** 281.35 (8) of the statutes is repealed.

17 **SECTION 25.** 281.35 (9) (a) of the statutes is amended to read:

18 281.35 (9) (a) The Wisconsin coastal management council, established under
19 executive order number 62, dated August 2, 1984, shall amend this state's coastal
20 management program submitted to the U.S. secretary of commerce under 16 USC
21 1455, to incorporate the requirements of this section and, before the compact's
22 effective date, s. 281.344 and the findings and purposes specified in 1985 Wisconsin
23 Act 60, section 1, as they apply to the water resources of the Great Lakes basin, and
24 shall formally submit the proposed amendments to the U.S. secretary of commerce.

25 **SECTION 26.** 281.35 (9) (d) of the statutes is created to read:

1 281.35 (9) (d) This subsection does not apply after the compact's effective date.

2 **SECTION 27.** 281.35 (10) (a) 4. of the statutes is repealed.

3 **SECTION 28.** 281.35 (11) (intro.) of the statutes is amended to read:

4 281.35 (11) COOPERATION WITH OTHER STATES AND PROVINCES. (intro.) ~~The~~ Before
5 the compact's effective date, the department shall do all of the following:

6 **SECTION 29.** 281.35 (11) (f) of the statutes is renumbered 281.35 (11m) and
7 amended to read:

8 281.35 (11m) UPPER MISSISSIPPI RIVER BASIN CONSULTATION. ~~Participate~~ The
9 department shall participate in the development of an upper Mississippi River basin
10 regional consultation procedure for use in exchanging information on the effects of
11 proposed water losses from that basin.

12 **SECTION 30.** 281.35 (12) (c) of the statutes is amended to read:

13 281.35 (12) (c) This state reserves the right to seek, in any state, federal or
14 provincial forum, an adjudication of the equitable apportionment of the water
15 resources of the ~~Great Lakes basin or~~ upper Mississippi River basin and, before the
16 compact's effective date, of the Great Lakes basin, and the protection and
17 determination of its rights and interests in those water resources, in any manner
18 provided by law.

19 **SECTION 31.** 281.41 (1) (c) of the statutes is amended to read:

20 281.41 (1) (c) Construction or material change shall be according to approved
21 plans only. The department may disapprove plans that are not in conformance with
22 any existing approved areawide waste treatment management plan prepared
23 pursuant to the federal water pollution control act, P.L. 92-500, as amended, and
24 shall disapprove plans that do not meet the grounds for approval specified under s.
25 281.35 (5) (d), if applicable. ~~The department shall require each person whose plans~~

1 ~~are approved under this section to report that person's volume and rate of water~~
2 ~~withdrawal, as defined under s. 281.35 (1) (m), and that person's volume and rate of~~
3 ~~water loss, as defined under s. 281.35 (1) (L), if any, in the form and at the times~~
4 ~~specified by the department. The department shall disapprove plans that are not in~~
5 ~~conformance with any applicable approved water supply service area plan under s.~~
6 ~~281.348.~~

7 **SECTION 32.** 281.41 (4) of the statutes is created to read:

8 281.41 (4) When the department receives for review a plan under sub. (1) that
9 would result in returning water transferred from the Great Lakes basin to the source
10 watershed through a stream tributary to one of the Great Lakes, the department
11 shall provide notice of the plan or revision to the governing body of each city, village,
12 and town through which the stream flows or that is adjacent to the stream
13 downstream from the point at which the water would enter the stream.

14 **SECTION 33.** 281.94 (1) of the statutes is amended to read:

15 281.94 (1) Any 6 or more residents of this state may petition for an
16 investigation of a withdrawal, ~~as defined under s. 281.35 (1) (m),~~ alleged to be in
17 violation of s. 281.35 (3) (a), 281.344 (3) (a), or 281.346 (3) (a), in violation of a
18 condition, limitation or restriction of a permit or approval issued in conformance
19 with s. 281.35 (6) (a) or in violation of any rule promulgated under s. 281.35 (3) (a)
20 ~~or~~ (4) to (6), 281.344 (3) (a), or 281.346 (3) (a) by submitting to the department a
21 petition identifying the alleged violator and setting forth in detail the reasons for
22 believing a violation occurred. The petition shall state the name and address of a
23 person in this state authorized to receive service of answer and other papers on
24 behalf of the petitioners and the name and address of a person authorized to appear
25 at a hearing on behalf of the petitioners.

1 **SECTION 34.** 281.95 of the statutes is amended to read:

2 **281.95 Remedies; water withdrawal violations.** Any person who makes
3 a withdrawal, ~~as defined under s. 281.35 (1) (m),~~ in violation of s. 281.35 ~~(3) (a),~~
4 281.344 (3) (a), or 281.346 (3) (a), in violation of a condition, limitation or restriction
5 of a permit or approval issued in conformance with s. 281.35 (6) (a) or in violation of
6 any rule promulgated under s. 281.35 ~~(3) (a) or (4) to (6),~~ 281.344 (3) (a), or 281.346
7 (3) (a) is liable to any person who is adversely affected by the withdrawal for damages
8 or other appropriate relief. Any person who is or may be adversely affected by an
9 existing or proposed withdrawal, ~~as defined under s. 281.35 (1) (m),~~ which is in
10 violation of a condition, limitation or restriction of a permit or approval issued in
11 conformance with s. 281.35 (6) (a) or in violation of any rule promulgated under s.
12 281.35 (4) to (6) may bring an action in the circuit court to restrain or enjoin the
13 withdrawal.

14 **SECTION 35.** 281.98 (1) of the statutes is amended to read:

15 281.98 (1) Except as provided in ss. 281.344 (14) (a), 281.346 (14) (a), 281.47
16 (1) (d), 281.75 (19), and 281.99 (2), any person who violates this chapter or any rule
17 promulgated or any plan approval, license, special order, or water quality
18 certification issued under this chapter shall forfeit not less than \$10 nor more than
19 \$5,000 for each violation. Each day of continued violation is a separate offense.
20 While an order is suspended, stayed, or enjoined, this penalty does not accrue.

21 **SECTION 36.** 283.41 (3) of the statutes is created to read:

22 283.41 (3) When the department receives an application for a permit for a
23 discharge that would return water transferred from the Great Lakes basin to the
24 source watershed through a stream tributary to one of the Great Lakes, the
25 department shall provide notice of the application to the governing body of each city,

1 village, and town through which the stream flows or that is adjacent to the stream
2 downstream from the point at which the water would enter the stream.

3 **SECTION 37.** 283.83 of the statutes is renumbered 283.83 (1).

4 **SECTION 38.** 283.83 (2) of the statutes is created to read:

5 283.83 (2) When the department receives for review or prepares a new plan
6 under sub. (1) or a revision to a plan under sub. (1) that includes a proposal to return
7 water transferred from the Great Lakes basin to the source watershed through a
8 stream tributary to one of the Great Lakes, the department shall provide notice of
9 the plan or revision to the governing body of each city, village, and town through
10 which the stream flows or that is adjacent to the stream downstream from the point
11 at which the water would enter the stream.

12 (END)