

1 (tm) "Straddling county" means a county that lies partly within the Great
2 Lakes basin.

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

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6 returned to the basin from which it is withdrawn as a result of an interbasin transfer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

8 (wp) "Water supply system," when not preceded by "public," means one of the
9 following:

10 1. Except as provided in subd. 2., the equipment handling water from the point
11 of intake of the water to the first point at which the water is used.

12 2. For a system for providing a public water supply, the equipment from the
13 point of intake of the water to first point at which the water is distributed.

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

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

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

20 (z) "Withdrawal" means the taking of water from surface water or groundwater,
21 including the taking of surface water or groundwater for the purpose of bottling the
22 water.

23 (zm) "Without adequate supplies of potable water" means without a water
24 supply that is economically and environmentally sustainable in the long term to
25 meet reasonable demands for a water supply in the quantity and quality that

1 complies with applicable drinking water standards, is protective of public health, is
2 available at a reasonable cost, and does not have adverse environmental impacts
3 greater than those likely to result from the proposed new or increased interbasin
4 transfer.

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

9 (b) *Transfers and withdrawals from more than one source*. For the purposes
10 of this section, the interbasin transfer or withdrawal of water from more than one
11 source within the Great Lakes basin to supply a single facility or public water supply
12 system is considered one interbasin transfer or withdrawal.

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

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

18 (e) *Public trust doctrine*. Nothing in this section may be interpreted to change
19 the application of the public trust doctrine under article IX, section 1, of the
20 Wisconsin Constitution or to create any new public trust rights.

21 (f) *Water resources protection act*. 1. In this paragraph, "historic" means made
22 before the effective date of this subdivision [revisor inserts date].

23 2. The department may not change its historic interpretation or application of
24 42 USC 1962d-20 (d) to a public water supply for a community in this state until that

1 provision is amended. The department shall evaluate all applications under sub. (4)
2 (b) using the requirements in sub. (4) and shall apply those requirements uniformly.

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

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

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

- 23 1. The name and address of the registrant and the date of registration.
24 2. The locations and sources of the withdrawal or interbasin transfer.

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

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

5 4m. For a withdrawal from the Great Lakes basin that averages 100,000
6 gallons per day or more in any 30 day period, an estimate of the maximum hydraulic
7 capacity of the most restrictive component in each water supply system used for the
8 withdrawal.

9 5. The uses made of the water.

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

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

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

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

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

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

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

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

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

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

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

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

14 **(3e) DETERMINING INITIAL INTERBASIN TRANSFER AMOUNTS.** (a) Before issuing an
15 automatic approval under sub. (3m) (a) for an interbasin transfer to a person
16 operating a public water supply system, the department shall determine the initial
17 interbasin transfer amount for the interbasin transfer under par. (b).

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

23 1. Outside of the Great Lakes basin.

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

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

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

6 (d) Before issuing an automatic approval under sub. (3m) (b) for an interbasin
7 transfer to a person who does not operate a public water supply system, the
8 department shall determine the initial interbasin transfer amount for the interbasin
9 transfer. The department shall determine the interbasin transfer amount using the
10 process and standards that it uses under sub. (4e) to determine an initial withdrawal
11 amount.

12 **(3m) AUTOMATIC APPROVAL FOR EXISTING INTERBASIN TRANSFERS.** (a) Before the
13 compact's effective date, the department shall automatically issue an approval for
14 an interbasin transfer that begins before the compact's effective date, to a person who
15 operates a public water supply system that receives water from the interbasin
16 transfer and that delivers water to customers in an area that is outside of the Great
17 Lakes basin and that is within a sewer service territory that provides for return of
18 wastewater to the Great Lakes basin as specified in the sewer service area provisions
19 of an areawide water quality management plan under s. 283.83 approved by the
20 department before December 31, 2007. The department may not issue an automatic
21 approval under this subsection before the interbasin transfer begins. In the
22 automatic approval, the department shall specify an interbasin transfer amount
23 equal to the amount determined under sub. (3e) (b) and an interbasin transfer area
24 that is the area described in sub. (3e) (b).

1 (b) Before the compact's effective date, the department shall automatically
2 issue an approval for an interbasin transfer that begins before the effective date of
3 this paragraph [revisor inserts date], and that is not for public water supply
4 purposes to the person who makes the interbasin transfer. In the automatic
5 approval, the department shall specify an interbasin transfer amount equal to the
6 amount determined under sub. (3e) (d).

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

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

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

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

21 4. No person may increase an interbasin transfer over the interbasin transfer
22 amount in an approval issued under sub. (3m) (b).

23 (b) *Application.* 1. A person who proposes to begin an interbasin transfer,
24 increase the amount of an interbasin transfer, or expand the interbasin transfer area

1 of an interbasin transfer covered by an approval issued under sub. (3m) (a) shall
2 apply to the department for approval.

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

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

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

14 4m. If a person who applies under subd. 1. will not directly withdraw the water
15 proposed to be transferred, the person shall identify any entities that may withdraw
16 the water and provide evidence of support from each of those entities in the form of
17 a letter or resolution.

18 4p. If the person who applies under subd. 1. will not directly return the water
19 to the Great Lakes basin, the person shall identify any entities that may return the
20 water and provide evidence of support from each of those entities in the form of a
21 letter or resolution.

22 4s. If the proposal for which a person applies under subd. 1. is subject to the
23 exception standard under par. (f), the person shall provide documentation of how the
24 physical, chemical, and biological integrity of the receiving water under par. (f) 3. will
25 be protected and sustained as required under ss. 30.12, 281.15, and 283.31,

1 considering the state of the receiving water before the proposal is implemented and
2 considering potential adverse impacts due to changes in temperature and nutrient
3 loadings. If the receiving water is a surface water body that is tributary to one of the
4 Great Lakes, the person shall include a description of the flow of the receiving water
5 before the proposal is implemented, considering both low and high flow conditions.

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

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

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

15 b. If the proposal is to provide a public water supply within more than one city,
16 village, or town, any portion of the proposal that provides a public water supply
17 within a straddling community is subject to par. (c) and any portion of the proposal
18 that provides a public water supply within a community described in par. (e) 1.
19 (intro.) is subject to par. (e).

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

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

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

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

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

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

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

21 2m. The proposal is consistent with an approved water supply service area plan
22 under s. 281.348 that covers the public water supply system.

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

1 (d) *Intrabasin transfer*. 1. The department may approve a proposal under par.
2 (b) for a new intrabasin transfer or an increase in an intrabasin transfer to which par.
3 (c) does not apply that would average less than 100,000 gallons per day in every
4 90-day period, if the proposal meets the applicable requirements under s. 30.18,
5 281.34, or 281.41 or, if those sections do not apply, any requirements specified by the
6 department by rule and, if the water will be used for public water supply purposes,
7 the proposal is consistent with an approved water supply service area plan under s.
8 281.348 that covers the public water supply system.

9 2. The department may approve a proposal under par. (b) for a new intrabasin
10 transfer or an increase in or expansion of an intrabasin transfer to which par. (c) does
11 not apply that would average more than 100,000 gallons per day in any 90-day
12 period with a new water loss or an increase in water loss that would average less than
13 5,000,000 gallons per day in every 90-day period, if all of the following apply:

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

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

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

24 3. The department may approve a proposal under par. (b) for a new intrabasin
25 transfer or an increase in an intrabasin transfer to which par. (c) does not apply with

1 a new water loss or an increase in water loss that would average 5,000,000 gallons
2 per day or more in any 90-day period, if all of the following apply:

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

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

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

11 (e) *Straddling counties.* 1. The department may approve a proposal under par.
12 (b) for a new interbasin transfer or an increase in an interbasin transfer if the water
13 transferred will be used solely for public water supply purposes in a community
14 within a straddling county or, if a community is partly within a straddling county and
15 partly within a county that lies entirely outside the Great Lakes basin, the water
16 transferred will be used solely for public water supply purposes in the portion of the
17 community that is within the straddling county and all of the following apply:

18 a. The community is without adequate supplies of potable water.

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

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

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

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

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

9 2. In determining whether to approve a proposal under this paragraph, the
10 department shall give substantive consideration to whether the applicant provides
11 sufficient scientifically based evidence that the existing water supply is derived from
12 groundwater that is hydrologically interconnected to waters of the Great Lakes
13 basin. The department may not use a lack of hydrological connection to the waters
14 of the Great Lakes basin as a reason to disapprove a proposal.

15 (f) *Exception standard.* A proposal to which par. (fm) does not apply meets the
16 exception standard if subs. 1. to 7. apply to the proposal. A proposal to which par.
17 (fm) applies meets the exception standard if the department considers, under par.
18 (fm), whether:

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

22 2. The interbasin transfer is limited to quantities that are reasonable for the
23 purposes for which the interbasin transfer is proposed.

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

4 3m. The place at which the water is returned to the source watershed is as close
5 as practicable to the place at which the water is withdrawn, unless the applicant
6 demonstrates that returning the water at that place is one of the following:

- 7 a. Not cost-effective.
8 b. Not environmentally sound.
9 c. Not in the interest of public health.

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

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

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

17 c. If the water is returned through a structure on the bed of a navigable water,
18 the structure is designed and will be operated to meet the applicable permit
19 requirements under s. 30.12 and the department has approved the permit under s.
20 30.12.

21 4m. If water will be returned to the source watershed through a stream
22 tributary to one of the Great Lakes, the physical, chemical, and biological integrity
23 of the receiving water under subd. 3. will be protected and sustained as required
24 under ss. 30.12, 281.15, and 283.31, considering the state of the receiving water
25 before the proposal is implemented and considering both low and high flow

1 conditions and potential adverse impacts due to changes in temperature and
2 nutrient loadings.

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

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

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

16 (fm) *Approval of certain applications.* The department shall determine
17 whether to grant an approval under par. (c) or (e) of an application under par. (b) 1.
18 through the water supply service area planning process under s. 281.348,
19 considering the items in par. (f) 1. to 7. as factors in the cost-effectiveness analysis
20 under s. 281.348 (3) (d) 1.

21 (g) *Conservation and efficient use of existing water supplies.* The department
22 shall promulgate rules specifying the requirements for an applicant for a new,
23 increased, or expanded interbasin transfer subject to par. (f) to demonstrate the
24 efficient use and conservation of existing water supplies for the purposes of pars. (d)
25 2. b. and 3. b., (e) 1. d., and (f) 1., including requiring the applicant to document the

1 water conservation planning and analysis used to identify the water conservation
2 and efficiency measures that the applicant determined were feasible.

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

8 **(4e)** DETERMINING INITIAL WITHDRAWAL AMOUNTS FOR WITHDRAWALS FROM THE
9 GREAT LAKES BASIN. (a) Before issuing automatic notice of coverage under a general
10 permit under sub. (4s) or an automatic individual permit under sub. (5) (c) for a
11 withdrawal from the Great Lakes basin for which the department is required to issue
12 automatic notice of coverage under a general permit or an automatic individual
13 permit, the department shall determine the initial withdrawal amount for the
14 withdrawal under this subsection.

15 (b) 1. Except as provided in subds. 2. and 3e. and par. (f), the department shall
16 estimate the initial withdrawal amount for a withdrawal based on the maximum
17 hydraulic capacity of the most restrictive component in the water supply system used
18 for the withdrawal as of the date that the department makes the estimate, based on
19 information available to the department.

20 2. Except as provided in subd. 3e., if the department has issued an approval
21 under s. 30.12, 30.18, 281.34, or 281.41, or s. 281.17, 2001 stats., that is required for
22 a withdrawal and the approval contains a limit on the amount of water that may be
23 withdrawn, the department shall provide an estimate of the initial withdrawal
24 amount equal to the limit in the approval.

1 3e. If water is withdrawn through more than one water supply system to serve
2 a facility, the department shall determine the amount under subd. 1. for each of the
3 water supply systems to which subd. 2. does not apply and shall determine the
4 amount under subd. 2. for each of the water supply systems to which subd. 2. applies
5 and shall provide an estimate of the initial withdrawal amount that is equal to the
6 sum of the amounts determined for each of the water supply systems.

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

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

11 1. The components of the water supply system used for the withdrawal.
12 2. Seasonal variations in the amount of water supplied by the water supply
13 system.

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

17 4. Amounts withdrawn during the 5 years before the year in which the person
18 submits the information.

19 5. Successful water conservation efforts by persons using the water that is
20 withdrawn.

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

23 7. Other relevant information.

24 (e) Except as provided in par. (f), the department shall determine the initial
25 withdrawal amount for a withdrawal based on the estimate under par. (b) and the

1 department's evaluation of any information provided under par. (d). The department
2 may not consider information provided by any other person.

3 (f) For a public water supply system that, on the effective date of this paragraph
4 [revisor inserts date], has approval under s. 281.41 to provide water from the
5 Great Lakes basin for public water supply purposes outside of the Great Lakes basin
6 and approval under s. 283.31 to return the associated wastewater to the Great Lakes
7 basin, the department shall determine the initial withdrawal amount to be the
8 amount of water necessary to provide water for public water supply purposes in the
9 service territory specified in the sewer service area provisions of the areawide water
10 quality management plan under s. 283.83 approved by the department before
11 December 31, 2007, based on the population and related service projections in those
12 provisions.

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

16 (h) If 2 or more public water supply systems merge after the department
17 determines their initial withdrawal amounts under par. (e) and before the
18 department issues the initial individual permits under sub. (5) (c) for the systems,
19 the initial withdrawal amount for the new system is the sum of the amounts
20 determined under par. (e) for the individual systems.

21 **(4m) WATER USE PERMITS REQUIRED IN THE GREAT LAKES BASIN.** Beginning on the
22 first day of the 84th month beginning after the effective date of this subsection
23 [revisor inserts date], except as provided in sub. (4s) (bm), a person may not make
24 a withdrawal from the Great Lakes basin that averages 100,000 gallons per day or

1 more in any 30-day period unless the withdrawal is covered under a general permit
2 under sub. (4s) or an individual permit under sub. (5).

3 (4s) GENERAL WATER USE PERMITS FOR GREAT LAKES BASIN. (a) *Department to*
4 *issue.* The department shall issue one or more general permits to cover withdrawals
5 from the Great Lakes basin that average 100,000 gallons per day or more in any
6 30-day period but that do not equal at least 1,000,000 gallons per day for any 30
7 consecutive days. The department shall include all of the following in a general
8 permit:

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

10 2. Requirements for estimating the amount withdrawn, monitoring the
11 withdrawal, if necessary, and reporting the results of the estimating and monitoring,
12 as provided in rules promulgated by the department.

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

15 (am) *Term of general permit.* The term of a general permit issued under par.
16 (a) is 25 years.

17 (b) *General requirement.* Beginning on the date under sub. (4m), a person who
18 does not hold an individual permit under sub. (5) may not make a withdrawal that
19 averages 100,000 gallons per day or more in any 30-day period, but that does not
20 equal at least 1,000,000 gallons per day for any 30 consecutive days, unless the
21 withdrawal is covered under a general permit, except as provided in par. (bm). A
22 person to whom the department has issued a notice of coverage under a general
23 permit shall comply with the general permit.

1 (bm) *Waiver.* The department may waive the requirement to obtain coverage
2 under a general permit for a person making a withdrawal that is covered by a permit
3 under s. 30.18 (2) (a).

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

17 (d) *Coverage under general permit for new or increased withdrawals.* 1. A
18 person who proposes to begin a withdrawal from the Great Lakes basin that will
19 average 100,000 gallons per day or more in any 30-day period, or to increase an
20 existing withdrawal so that it will average 100,000 gallons per day or more in any
21 30-day period, after the first day of the 36th month beginning after the effective date
22 of this subdivision [revisor inserts date], and to whom the department is not
23 required to issue automatic notice of coverage under a general permit under par. (c),
24 but who does not propose to withdraw at least 1,000,000 gallons per day for any 30
25 consecutive days, shall apply to the department for coverage under a general permit.

1 In the application, the person shall provide the information required by the
2 department by rule.

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

8 3. Except as provided in subd. 3m., if the department determines that a
9 withdrawal qualifies for coverage under a general permit and the department has
10 issued any approvals that are required for the withdrawal under s. 30.12, 30.18,
11 281.34, or 281.41 or s. 281.17, 2001 stats., the department shall issue a notice of
12 coverage. In the notice, the department shall specify a withdrawal amount that is,
13 except as provided in subd. 3e., equal to the smallest of the following amounts:

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

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

22 3e. If water is withdrawn through more than one water supply system to serve
23 a facility, the department shall determine the smallest amounts under subd. 3. a. or
24 b. for each of the water supply systems and shall specify a withdrawal amount that
25 is equal to the sum of the amounts determined for each of the water supply systems.

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

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

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

14 (dm) *Requiring individual permit.* The department may require a person who
15 is making or proposes to make a withdrawal that averages 100,000 gallons per day
16 or more in any 30-day period, but that does not equal at least 1,000,000 gallons per
17 day for any 30 consecutive days, to obtain an individual permit under sub. (5) if the
18 withdrawal is located in a groundwater protection area, as defined in s. 281.34 (1)
19 (a), or a groundwater management area designated under s. 281.34 (9).

20 (e) *Increase in withdrawal amount.* 1. Before the compact's effective date, if
21 a person making a withdrawal that is covered under a general permit proposes to
22 increase the amount of the withdrawal over the withdrawal amount specified in the
23 database under par. (i) for the withdrawal, but does not propose to withdraw at least
24 1,000,000 gallons per day for any 30 consecutive days, the person shall apply to the
25 department for a modification of the withdrawal amount.

1 3. Except as provided in subd. 3m., if the department has issued any approvals
2 that are required for modifying the withdrawal under s. 30.12, 30.18, 281.34, or
3 281.41 or s. 281.17, 2001 stats., the department shall modify the withdrawal amount
4 to an amount that is, except as provided in subd. 3e., equal to the smallest of the
5 following amounts:

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

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

14 3e. If water is withdrawn through more than one water supply system to serve
15 a facility, the department shall determine the smallest amount under subd. 3. a. or
16 b. for each of the water supply systems and shall specify a withdrawal amount that
17 is equal to the sum of the amounts determined for each of the water supply systems.

18 3m. a. The department may not approve an application under subd. 1. for a
19 withdrawal for the purpose of providing water to a public water supply system that
20 is covered by an approved water supply service area plan under s. 281.348, unless
21 the withdrawal is consistent with the water supply service area plan.

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

1 modify the withdrawal amount to an amount equal to the withdrawal amount in the
2 water supply service area plan.

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

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

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

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

22 (5) INDIVIDUAL WATER USE PERMITS FOR GREAT LAKES BASIN. (a) *Requirement.*
23 Beginning on the date under sub. (4m), a person may not make a withdrawal from
24 the Great Lakes basin that equals at least 1,000,000 gallons per day for any 30
25 consecutive days unless the withdrawal is covered by an individual permit. A person

1 to whom the department has issued an individual permit shall comply with the
2 individual permit.

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

5 1. A withdrawal amount as determined under par. (d) 3., 3e., or 3m. or (e) 3.,
6 3e., or 3m. or sub. (4e).

7 3. Requirements for estimating the amount withdrawn, monitoring the
8 withdrawal, if necessary, and reporting the results of the estimating and monitoring,
9 as provided in rules promulgated by the department.

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

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

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

16 6m. If s. 281.35 (4) applies to the withdrawal, the matters under s. 281.35 (6)
17 (a).

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

1 withdrawal amount determined under sub. (4e) for the withdrawal. The department
2 may promulgate a rule under which the department issues automatic individual
3 permits on a staggered schedule before the date under sub. (4m).

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

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

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

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

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

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

6 3e. If water is withdrawn through more than one water supply system to serve
7 a facility, the department shall determine the smaller of the amounts under subd. 3.
8 a. or b. for each of the water supply systems and shall specify a withdrawal amount
9 that is equal to the sum of the amounts determined for each of the water supply
10 systems.

11 3m. a. The department may not approve an application under subd. 1. for a
12 withdrawal for the purpose of providing water to a public water supply system that
13 is covered by an approved water supply service area plan under s. 281.348, unless
14 the withdrawal is consistent with the water supply service area plan.

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

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

23 (e) *Increase in withdrawal amount.* 1. Before the compact's effective date, if
24 a person making a withdrawal that is covered under an individual permit proposes
25 to increase the amount of the withdrawal over the withdrawal amount specified in

1 the permit, the person shall apply to the department for a modification of the permit
2 to increase the withdrawal amount.

3 3. Except as provided in subd. 3m., if the department has issued any approvals
4 that are required for modifying the withdrawal under s. 30.12, 30.18, 281.34, or
5 281.41 or s. 281.17, 2001 stats., the department shall modify the withdrawal amount
6 to an amount that is, except as provided in subd. 3e., equal to the smallest of the
7 following amounts:

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

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

16 3e. If water is withdrawn through more than one water supply system to serve
17 a facility, the department shall determine the smallest amount under subd. 3. a. or
18 b. for each of the water supply systems and shall specify a withdrawal amount that
19 is equal to the sum of the amounts determined for each of the water supply systems.

20 3m. a. The department may not approve an application under subd. 1. for a
21 withdrawal for the purpose of providing water to a public water supply system that
22 is covered by an approved water supply service area plan under s. 281.348, unless
23 the withdrawal is consistent with the water supply service area plan.

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

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

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

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

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

17 (i) *Transfer of control.* A permit is not transferable to any person except after
18 notice to the department. A person who proposes to assume control over a permitted
19 withdrawal shall file with the department a permit application and a statement of
20 acceptance of the permit. The department may require modification or revocation
21 and reissuance of the permit to change the name of the permittee.

22 (5m) INTERIM APPROVAL. If a person making a withdrawal that averages
23 100,000 gallons per day or more in any 30-day period registers the withdrawal under
24 sub. (3) (a) 1. and reports as required under sub. (3) (e) and the department does not
25 automatically issue a notice of coverage under sub. (4s) (c) or an individual permit

1 under sub. (5) (c) for the withdrawal before the compact's effective date, the
2 registration of the withdrawal constitutes an approval for the purposes of s. 281.343
3 (4t) (b) 1. The withdrawal amount is the total amount reported under sub. (3) (b) 4m.,
4 except that if there is a limit in an approval under s. 30.12, 30.18, 281.34, or 281.41
5 or s. 281.17, 2001 stats., on the amount of water that may be withdrawn by any water
6 supply system used for the withdrawal and that limit is less than the amount
7 reported under sub. (3) (b) 4m. for that water supply system, the withdrawal amount
8 is the total amount reported under sub. (3) (b) 4m. reduced by the difference between
9 the reported amount for that water supply system and the limit in the approval.

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

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

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

17 **(7m) EMERGENCY ORDER.** The department may, without a prior hearing, order
18 a person to whom the department has issued an individual permit or notice of
19 coverage under a general permit under this section to immediately stop a withdrawal
20 if the department determines that there is a danger of imminent harm to the public
21 health, safety, or welfare, to the environment, or to the water resources or related
22 land resources of this state. The order shall specify the date on which the withdrawal
23 must be stopped and the date, if any, on which it may be resumed. The order shall
24 notify the person that the person may request a contested case hearing under ch. 227.

1 The hearing shall be held as soon as practicable after receipt of a request for a
2 hearing. An emergency order remains in effect pending the result of the hearing.

3 (8) STATEWIDE WATER CONSERVATION AND EFFICIENCY. (a) *Goals and objectives.*

4 The department shall specify water conservation and efficiency goals and objectives
5 for the waters of the state. The department shall specify goals and objectives for the
6 waters of the Great Lakes basin that are consistent with the goals under s. 281.343
7 (4b) (a) and the objectives identified by the regional body under Article 304 (1) of the
8 Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement.

9 In specifying these goals and objectives, the department shall consult with the
10 department of commerce and the public service commission.

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

15 1. Promotion of environmentally sound and economically feasible water
16 conservation measures through a voluntary statewide program.

17 1m. Mandatory and voluntary conservation and efficiency measures for the
18 waters of the Great Lakes basin that are necessary to implement subs. (4), (4s), and
19 (5) and s. 281.348.

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

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

24 (d) *Water conservation and efficiency measures.* The department shall
25 promulgate rules specifying water conservation and efficiency measures for the

1 purposes of implementing par. (b). In the rules, the department may not require
2 retrofitting of existing fixtures, appliances, or equipment. In specifying the
3 measures, the department shall consider the results of any pilot water conservation
4 program conducted by the department in cooperation with the regional body.

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

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

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

12 2. The department shall establish the form and content of a public notice by
13 rule. The department shall include in every public notice concerning an application
14 under sub. (4) at least the following information:

15 a. The name and address of each applicant.

16 b. A brief description of the proposal for which the application is made under
17 sub. (4), including the amount of the proposed interbasin transfer.

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

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

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

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

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

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

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

6 **(11) WATER USE REPORT.** Beginning no later than 8 years after the effective date
7 of this subsection [revisor inserts date], and every 5 years thereafter, the
8 department, using water use data reported under this section, shall publish a water
9 use report to summarize water usage, identify related trends, identify areas of future
10 water usage concerns, and recommend future actions to promote sustainable water
11 use. The department shall also include in the report water resource information
12 derived from reporting and data accumulation requirements under other water
13 regulatory laws.

14 **(13m) EXCEEDANCES.** It is not a violation of this section to withdraw an amount
15 of water that exceeds the withdrawal amount specified in a permit issued under sub.
16 (5) or in the database under sub. (4s) (i).

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

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

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