



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**


Date Transfer Requested: 05/09/2008 (Per: RCT)



 Appendix A ... Part 04 of 06

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 The 2007 drafting file for LRB-4360

has been copied/added to the drafting file for

**2007 LRB-4367**

(Ap8 SB-1)

 The attached 2007 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

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1 SECTION 17. 281.344 of the statutes is created to read:

2 **281.344 Water conservation, reporting, and supply regulation; when**  
3 **compact is not in effect. (1) DEFINITIONS. In this section:**

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

7 (dm) "Compact" means the Great Lakes—St. Lawrence River Basin Water  
8 Resources Compact under s. 281.343.

9 (dr) "Compact's effective date" means the effective date of the compact under  
10 s. 281.343 (9) (d).

11 (e) "Consumptive use" means a use of water that results in the loss of or failure  
12 to return some or all of the water to the basin from which the water is withdrawn due  
13 to evaporation, incorporation into products, or other processes.

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

22 (i) "Environmentally sound and economically feasible water conservation  
23 measures" means those measures, methods, or technologies for efficient water use  
24 and for reducing water loss and waste or for reducing the amount of a withdrawal,  
25 consumptive use, or interbasin transfer that are, taking into account environmental

1 impact, the age and nature of equipment and facilities involved, the processes  
2 employed, the energy impacts, and other appropriate factors, all of the following:

- 3 1. Environmentally sound.
- 4 2. Reflective of best practices applicable to the water use sector.
- 5 3. Technically feasible and available.
- 6 4. Economically feasible and cost-effective based on an analysis that considers  
7 direct and avoided economic and environmental costs.

8 (j) "Facility" means an operating plant or establishment providing electricity  
9 to the public or carrying on any manufacturing activity, trade, or business on one site,  
10 including similar plants or establishments under common ownership or control  
11 located on contiguous properties.

12 (je) "Great Lakes basin" means the watershed of the Great Lakes and the St.  
13 Lawrence River upstream from Trois—Rivieres, Quebec.

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

16 (k) "Interbasin transfer" means a transfer of water from the Great Lakes basin  
17 into a watershed outside of the Great Lakes basin or from the watershed of one of the  
18 Great Lakes into that of another, except that "interbasin transfer" does not include  
19 any of the following:

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

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

1           3. The transfer of bottled water from the Great Lakes basin in containers of  
2           5.7 gallons or less.

3           (km) "Intrabasin transfer" means the transfer of water from the watershed of  
4           one of the Great Lakes into the watershed of another of the Great Lakes.

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

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

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

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

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

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

21          (ps) "Reasonable water supply alternative" means a water supply alternative  
22          that is similar in cost to, and as environmentally sustainable and protective of public  
23          health as, the proposed new or increased interbasin transfer and that does not have  
24          greater adverse environmental impacts than the proposed new or increased  
25          interbasin transfer.

1           (q) "Regional body" means the body consisting of the governors of Illinois,  
2           Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin and  
3           the premiers of Ontario and Quebec, Canada, or their designees, as established by  
4           the Great Lakes—St. Lawrence River Basin Sustainable Water Resources  
5           Agreement.

6           (r) "Source watershed" means the watershed from which a withdrawal  
7           originates. If water is withdrawn directly from a Great Lake or from the St.  
8           Lawrence River, then the source watershed is the watershed of that Great Lake or  
9           the watershed of the St. Lawrence River, respectively. If water is withdrawn from  
10          the watershed of a stream that is a direct tributary to a Great Lake or a direct  
11          tributary to the St. Lawrence River, then the source watershed is the watershed of  
12          that Great Lake or the watershed of the St. Lawrence River, respectively.

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

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

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

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

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

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

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

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

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

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

11          (z) "Withdrawal" means the taking of water from surface water or groundwater,  
12 including the taking of surface water or groundwater for the purpose of bottling the  
13 water.

14          (zm) "Without adequate supplies of potable water" means without a water  
15 supply that is economically and environmentally sustainable in the long term to  
16 meet reasonable demands for a water supply in the quantity and quality that  
17 complies with applicable drinking water standards, is protective of public health, is  
18 available at a reasonable cost, and does not have adverse environmental impacts  
19 greater than those likely to result from the proposed new or increased interbasin  
20 transfer.

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

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

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

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

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

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

15 2. The department may not change its historic interpretation or application of  
16 42 USC 1962d-20 (d) to a public water supply for a community in this state until that  
17 provision is amended. The department shall evaluate all applications under sub. (4)  
18 (b) using the requirements in sub. (4) and shall apply those requirements uniformly.

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

1 before the first day of the 36th month beginning after the effective date of this  
2 subdivision .... [revisor inserts date].

3 2. Any person who, after the first day of the 36th month beginning after the  
4 effective date of this subdivision .... [revisor inserts date], proposes to begin a  
5 withdrawal from the waters of the state using a water supply system that will have  
6 the capacity to withdraw an average of 100,000 gallons per day or more in any 30-day  
7 period, to increase the capacity of a water supply system that existed on the first day  
8 of the 36th month beginning after the effective date of this subdivision .... [revisor  
9 inserts date], so that it will have the capacity to withdraw an average of 100,000  
10 gallons per day or more in any 30-day period, or to begin an interbasin transfer shall  
11 register the withdrawal or interbasin transfer with the department.

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

14 1. The name and address of the registrant and the date of registration.  
15 2. The locations and sources of the withdrawal or interbasin transfer.  
16 3. The daily capacity of the withdrawal or interbasin transfer and the daily  
17 capacity to withdraw or transfer from each source.

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

20 4m. For a withdrawal from the Great Lakes basin that averages 100,000  
21 gallons per day or more in any 30 day period, an estimate of the maximum hydraulic  
22 capacity of the most restrictive component in each water supply system used for the  
23 withdrawal.

24 5. The uses made of the water.

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



- 1           7. The places at which any of the water is discharged.
- 2           8. Whether the water use is continuous or intermittent.
- 3           9. Whether the person holds a permit under s. 283.31.
- 4           10. Other information required by the department by rule.

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

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

10           (e) 1. Each person who makes a withdrawal from the waters of the state that  
11 averages 100,000 gallons per day or more in any 30-day period or transfers from the  
12 Great Lakes basin any amount and who has registered the withdrawal or interbasin  
13 transfer under par. (a) shall annually report to the department the monthly volumes  
14 of withdrawal, whether the person ever withdraws at least 1,000,000 gallons per day  
15 for 30 consecutive days, and, if applicable, the volumes of interbasin transfer and,  
16 subject to par. (em), water loss from consumptive use.

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

21           (em) If a person to whom par. (e) 1. applies provides any of the water that the  
22 person withdraws to a public water supply system, the person who operates the  
23 public water supply system, rather than the person who withdraws the water, shall  
24 annually report to the department the volume of water loss from the consumptive use  
25 of the water provided to the public water supply system.

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

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

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

- 12 1. Outside of the Great Lakes basin.
- 13 2. Within a sewer service territory that provides for return of wastewater to the  
14 Great Lakes basin and that is specified in the sewer service area provisions of an  
15 areawide water quality management plan under s. 283.83 approved by the  
16 department before December 31, 2007.

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

20 (d) Before issuing an automatic approval under sub. (3m) (b) for an interbasin  
21 transfer to a person who does not operate a public water supply system, the  
22 department shall determine the initial interbasin transfer amount for the interbasin  
23 transfer. The department shall determine the interbasin transfer amount using the  
24 process and standards that it uses under sub. (4e) to determine an initial withdrawal  
25 amount.

1           **(3m) AUTOMATIC APPROVAL FOR EXISTING INTERBASIN TRANSFERS.** (a) Before the  
2 compact's effective date, the department shall automatically issue an approval for  
3 an interbasin transfer that begins before the compact's effective date, to a person who  
4 operates a public water supply system that receives water from the interbasin  
5 transfer and that delivers water to customers in an area that is outside of the Great  
6 Lakes basin and that is within a sewer service territory that provides for return of  
7 wastewater to the Great Lakes basin as specified in the sewer service area provisions  
8 of an areawide water quality management plan under s. 283.83 approved by the  
9 department before December 31, 2007. The department may not issue an automatic  
10 approval under this subsection before the interbasin transfer begins. In the  
11 automatic approval, the department shall specify an interbasin transfer amount  
12 equal to the amount determined under sub. (3e) (b) and an interbasin transfer area  
13 that is the area described in sub. (3e) (b).

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

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

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

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

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

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

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

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

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

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

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

5           4p. If the person who applies under subd. 1. will not directly return the water  
6 to the Great Lakes basin, the person shall identify any entities that may return the  
7 water and provide evidence of support from each of those entities in the form of a  
8 letter or resolution.

9           4s. If the proposal for which a person applies under subd. 1. is subject to the  
10 exception standard under par. (f), the person shall provide documentation of how the  
11 physical, chemical, and biological integrity of the receiving water under par. (f) 3. will  
12 be protected and sustained as required under ss. 30.12, 281.15, and 283.31,  
13 considering the state of the receiving water before the proposal is implemented and  
14 considering potential adverse impacts due to changes in temperature and nutrient  
15 loadings. If the receiving water is a surface water body that is tributary to one of the  
16 Great Lakes, the person shall include a description of the flow of the receiving water  
17 before the proposal is implemented, considering both low and high flow conditions.

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

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

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

4           b. If the proposal is to provide a public water supply within more than one city,  
5 village, or town, any portion of the proposal that provides a public water supply  
6 within a straddling community is subject to par. (c) and any portion of the proposal  
7 that provides a public water supply within a community described in par. (e) 1.  
8 (intro.) is subject to par. (e).

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

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

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

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

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

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

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

10           2m. The proposal is consistent with an approved water supply service area plan  
11 under s. 281.348 that covers the public water supply system.

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

15           (d) *Intrabasin transfer*. 1. The department may approve a proposal under par.  
16 (b) for a new intrabasin transfer or an increase in an intrabasin transfer to which par.  
17 (c) does not apply that would average less than 100,000 gallons per day in every  
18 90-day period, if the proposal meets the applicable requirements under s. 30.18,  
19 281.34, or 281.41 or, if those sections do not apply, any requirements specified by the  
20 department by rule and, if the water will be used for public water supply purposes,  
21 the proposal is consistent with an approved water supply service area plan under s.  
22 281.348 that covers the public water supply system.

23           2. The department may approve a proposal under par. (b) for a new intrabasin  
24 transfer or an increase in or expansion of an intrabasin transfer to which par. (c) does  
25 not apply that would average more than 100,000 gallons per day in any 90-day

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

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

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

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

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

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

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

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



- 1           (e) *Straddling counties*. 1. The department may approve a proposal under par.  
2 (b) for a new interbasin transfer or an increase in an interbasin transfer if the water  
3 transferred will be used solely for public water supply purposes in a community  
4 within a straddling county or, if a community is partly within a straddling county and  
5 partly within a county that lies entirely outside the Great Lakes basin, the water  
6 transferred will be used solely for public water supply purposes in the portion of the  
7 community that is within the straddling county and all of the following apply:
- 8           a. The community is without adequate supplies of potable water.
  - 9           b. The proposal meets the exception standard under par. (f).
  - 10          c. The proposal maximizes the amount of water withdrawn from the Great  
11 Lakes basin that will be returned to the source watershed and minimizes the amount  
12 of water from outside the Great Lakes basin that will be returned to the source  
13 watershed.
  - 14          d. There is no reasonable water supply alternative within the watershed in  
15 which the community is located, including conservation of existing water supplies  
16 as determined under par. (g).
  - 17          e. The proposal will not endanger the integrity of the Great Lakes basin  
18 ecosystem based upon a determination that the proposal will have no significant  
19 adverse impact on the Great Lakes basin ecosystem.
  - 20          em. The proposal is consistent with an approved water supply service area plan  
21 under s. 281.348 that covers the public water supply system.
- 22           2. In determining whether to approve a proposal under this paragraph, the  
23 department shall give substantive consideration to whether the applicant provides  
24 sufficient scientifically based evidence that the existing water supply is derived from  
25 groundwater that is hydrologically interconnected to waters of the Great Lakes

1 basin. The department may not use a lack of hydrological connection to the waters  
2 of the Great Lakes basin as a reason to disapprove a proposal.

3 (f) *Exception standard.* A proposal to which par. (fm) does not apply meets the  
4 exception standard if subds. 1. to 7. apply to the proposal. A proposal to which par.  
5 (fm) applies meets the exception standard if the department considers, under par.  
6 (fm), whether:

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

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

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

15 3m. The place at which the water is returned to the source watershed is as close  
16 as practicable to the place at which the water is withdrawn, unless the applicant  
17 demonstrates that returning the water at that place is one of the following:

- 18 a. Not cost-effective.  
19 b. Not environmentally sound.  
20 c. Not in the interest of public health.

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

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

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

4           c. If the water is returned through a structure on the bed of a navigable water,  
5 the structure is designed and will be operated to meet the applicable permit  
6 requirements under s. 30.12 and the department has approved the permit under s.  
7 30.12.

8           4m. If water will be returned to the source watershed through a stream  
9 tributary to one of the Great Lakes, the physical, chemical, and biological integrity  
10 of the receiving water under subd. 3. will be protected and sustained as required  
11 under ss. 30.12, 281.15, and 283.31, considering the state of the receiving water  
12 before the proposal is implemented and considering both low and high flow  
13 conditions and potential adverse impacts due to changes in temperature and  
14 nutrient loadings.

15           5. The interbasin transfer will result in no significant adverse individual  
16 impacts or cumulative impacts to the quantity or quality of the waters of the Great  
17 Lakes basin or to water dependent natural resources, including cumulative impacts  
18 that might result due to the proposed interbasin transfer, based upon a  
19 determination that the proposed interbasin transfer will not have any significant  
20 adverse impacts on the sustainable management of the waters of the Great Lakes  
21 basin.

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

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

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

9           (g) *Conservation and efficient use of existing water supplies.* The department  
10 shall promulgate rules specifying the requirements for an applicant for a new,  
11 increased, or expanded interbasin transfer subject to par. (f) to demonstrate the  
12 efficient use and conservation of existing water supplies for the purposes of pars. (d)  
13 2. b. and 3. b., (e) 1. d., and (f) 1., including requiring the applicant to document the  
14 water conservation planning and analysis used to identify the water conservation  
15 and efficiency measures that the applicant determined were feasible.

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

21           (4e) DETERMINING INITIAL WITHDRAWAL AMOUNTS FOR WITHDRAWALS FROM THE  
22 GREAT LAKES BASIN. (a) Before issuing automatic notice of coverage under a general  
23 permit under sub. (4s) or an automatic individual permit under sub. (5) (c) for a  
24 withdrawal from the Great Lakes basin for which the department is required to issue  
25 automatic notice of coverage under a general permit or an automatic individual

1 permit, the department shall determine the initial withdrawal amount for the  
2 withdrawal under this subsection.

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

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

13 3e. If water is withdrawn through more than one water supply system to serve  
14 a facility, the department shall determine the amount under subd. 1. for each of the  
15 water supply systems to which subd. 2. does not apply and shall determine the  
16 amount under subd. 2. for each of the water supply systems to which subd. 2. applies  
17 and shall provide an estimate of the initial withdrawal amount that is equal to the  
18 sum of the amounts determined for each of the water supply systems.

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

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

- 23 1. The components of the water supply system used for the withdrawal.  
24 2. Seasonal variations in the amount of water supplied by the water supply  
25 system.

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

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

6           5. Successful water conservation efforts by persons using the water that is  
7 withdrawn.

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

10          7. Other relevant information.

11           (e) Except as provided in par. (f), the department shall determine the initial  
12 withdrawal amount for a withdrawal based on the estimate under par. (b) and the  
13 department's evaluation of any information provided under par. (d). The department  
14 may not consider information provided by any other person.

15           (f) For a public water supply system that, on the effective date of this paragraph  
16 .... [revisor inserts date], has approval under s. 281.41 to provide water from the  
17 Great Lakes basin for public water supply purposes outside of the Great Lakes basin  
18 and approval under s. 283.31 to return the associated wastewater to the Great Lakes  
19 basin, the department shall determine the initial withdrawal amount to be the  
20 amount of water necessary to provide water for public water supply purposes in the  
21 service territory specified in the sewer service area provisions of the areawide water  
22 quality management plan under s. 283.83 approved by the department before  
23 December 31, 2007, based on the population and related service projections in those  
24 provisions.

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

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

9           **(4m) WATER USE PERMITS REQUIRED IN THE GREAT LAKES BASIN.** Beginning on the  
10 first day of the 84th month beginning after the effective date of this subsection ...  
11 [revisor inserts date], except as provided in sub. (4s) (bm), a person may not make  
12 a withdrawal from the Great Lakes basin that averages 100,000 gallons per day or  
13 more in any 30-day period unless the withdrawal is covered under a general permit  
14 under sub. (4s) or an individual permit under sub. (5).

15           **(4s) GENERAL WATER USE PERMITS FOR GREAT LAKES BASIN.** (a) *Department to*  
16 *issue.* The department shall issue one or more general permits to cover withdrawals  
17 from the Great Lakes basin that average 100,000 gallons per day or more in any  
18 30-day period but that do not equal at least 1,000,000 gallons per day for any 30  
19 consecutive days. The department shall include all of the following in a general  
20 permit:

- 21           1. Reference to the database of withdrawal amounts under par. (i).
- 22           2. Requirements for estimating the amount withdrawn, monitoring the  
23 withdrawal, if necessary, and reporting the results of the estimating and monitoring,  
24 as provided in rules promulgated by the department.

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

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

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

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

15           (c) *Automatic notice of coverage for existing withdrawals.* The department shall  
16 automatically issue a notice of coverage under a general permit to a person who  
17 makes a withdrawal from the Great Lakes basin and who reports under sub. (3) (e)  
18 before the date under sub. (4m), if the withdrawal averages 100,000 gallons per day  
19 or more in any 30-day period but does not equal at least 1,000,000 gallons per day  
20 for any 30 consecutive days. If necessary, the department may request additional  
21 information before issuing a notice under this paragraph. The department shall  
22 issue a notice under this paragraph no later than the date under sub. (4m). The  
23 department may promulgate a rule under which the department issues automatic  
24 notices of coverage under a general permit on a staggered schedule before the date  
25 under sub. (4m). In the notice provided under this paragraph for a withdrawal, the



1 department shall specify a withdrawal amount equal to the initial withdrawal  
2 amount determined under sub. (4e) for the withdrawal.

3 (d) *Coverage under general permit for new or increased withdrawals.* 1. A  
4 person who proposes to begin a withdrawal from the Great Lakes basin that will  
5 average 100,000 gallons per day or more in any 30-day period, or to increase an  
6 existing withdrawal so that it will average 100,000 gallons per day or more in any  
7 30-day period, after the first day of the 36th month beginning after the effective date  
8 of this subdivision .... [revisor inserts date], and to whom the department is not  
9 required to issue automatic notice of coverage under a general permit under par. (c),  
10 but who does not propose to withdraw at least 1,000,000 gallons per day for any 30  
11 consecutive days, shall apply to the department for coverage under a general permit.  
12 In the application, the person shall provide the information required by the  
13 department by rule.

14 2. After receiving an application under subd. 1., the department shall, within  
15 the time limit established by the department by rule, determine whether the  
16 withdrawal qualifies for coverage under a general permit or notify the applicant of  
17 any additional information needed to determine whether the withdrawal qualifies  
18 for coverage under a general permit.

19 3. Except as provided in subd. 3m., if the department determines that a  
20 withdrawal qualifies for coverage under a general permit and the department has  
21 issued any approvals that are required for the withdrawal under s. 30.12, 30.18,  
22 281.34, or 281.41 or s. 281.17, 2001 stats., the department shall issue a notice of  
23 coverage. In the notice, the department shall specify a withdrawal amount that is,  
24 except as provided in subd. 3e., equal to the smallest of the following amounts:

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

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

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

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

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

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

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

7 (e) *Increase in withdrawal amount.* 1. Before the compact's effective date, if  
8 a person making a withdrawal that is covered under a general permit proposes to  
9 increase the amount of the withdrawal over the withdrawal amount specified in the  
10 database under par. (i) for the withdrawal, but does not propose to withdraw at least  
11 1,000,000 gallons per day for any 30 consecutive days, the person shall apply to the  
12 department for a modification of the withdrawal amount.

13 3. Except as provided in subd. 3m., if the department has issued any approvals  
14 that are required for modifying the withdrawal under s. 30.12, 30.18, 281.34, or  
15 281.41 or s. 281.17, 2001 stats., the department shall modify the withdrawal amount  
16 to an amount that is, except as provided in subd. 3e., equal to the smallest of the  
17 following amounts:

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

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

1           3e. If water is withdrawn through more than one water supply system to serve  
2 a facility, the department shall determine the smallest amount under subd. 3. a. or  
3 b. for each of the water supply systems and shall specify a withdrawal amount that  
4 is equal to the sum of the amounts determined for each of the water supply systems.

5           3m. a. The department may not approve an application under subd. 1. for a  
6 withdrawal for the purpose of providing water to a public water supply system that  
7 is covered by an approved water supply service area plan under s. 281.348, unless  
8 the withdrawal is consistent with the water supply service area plan.

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

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

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

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

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

9           **(5) INDIVIDUAL WATER USE PERMITS FOR GREAT LAKES BASIN.** (a) *Requirement.*  
10 Beginning on the date under sub. (4m), a person may not make a withdrawal from  
11 the Great Lakes basin that equals at least 1,000,000 gallons per day for any 30  
12 consecutive days unless the withdrawal is covered by an individual permit. A person  
13 to whom the department has issued an individual permit shall comply with the  
14 individual permit.

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

17           1. A withdrawal amount as determined under par. (d) 3., 3e., or 3m. or (e) 3.,  
18 3e., or 3m. or sub. (4e).

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

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

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

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

3           6m. If s. 281.35 (4) applies to the withdrawal, the matters under s. 281.35 (6)  
4 (a).

5           (c) *Automatic issuance of individual permits for existing withdrawals.* The  
6 department shall automatically issue an individual permit to a person who makes  
7 a withdrawal from the Great Lakes basin and who reports under sub. (3) (e) before  
8 the date under sub. (4m), if the withdrawal equals 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 permit under this paragraph. The department shall  
11 issue a permit under this paragraph no later than the date under sub. (4m). In the  
12 permit, the department shall specify a withdrawal amount equal to the initial  
13 withdrawal amount determined under sub. (4e) for the withdrawal. The department  
14 may promulgate a rule under which the department issues automatic individual  
15 permits on a staggered schedule before the date under sub. (4m).

16           (d) *Individual permit for new or increased unpermitted withdrawals.* 1. A  
17 person who proposes to begin a withdrawal from the Great Lakes basin that will  
18 equal at least 1,000,000 gallons per day for any 30 consecutive days or to modify an  
19 existing withdrawal so that it will equal at least 1,000,000 gallons per day for any  
20 30 consecutive days, after the first day of the 36th month beginning after the effective  
21 date of this subdivision .... [revisor inserts date], and to whom the department is not  
22 required to issue an automatic individual permit under par. (c), shall apply to the  
23 department for an individual permit. In the application, the person shall provide the  
24 information required by the department by rule.

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

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

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

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

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

24           3m. a. The department may not approve an application under subd. 1. for a  
25 withdrawal for the purpose of providing water to a public water supply system that

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

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

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

11 (e) *Increase in withdrawal amount.* 1. Before the compact's effective date, if  
12 a person making a withdrawal that is covered under an individual permit proposes  
13 to increase the amount of the withdrawal over the withdrawal amount specified in  
14 the permit, the person shall apply to the department for a modification of the permit  
15 to increase the withdrawal amount.

16 3. Except as provided in subd. 3m., if the department has issued any approvals  
17 that are required for modifying the withdrawal under s. 30.12, 30.18, 281.34, or  
18 281.41 or s. 281.17, 2001 stats., the department shall modify the withdrawal amount  
19 to an amount that is, except as provided in subd. 3e., equal to the smallest of the  
20 following amounts:

21 a. The maximum hydraulic capacity of the most restrictive component of the  
22 water supply system used for the withdrawal for which the person has approval  
23 under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval  
24 under one of those provisions is not required for the most restrictive component of



1 the water supply system, the maximum hydraulic capacity of the most restrictive  
2 component that the person proposes to use in the water supply system.

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

5 3e. If water is withdrawn through more than one water supply system to serve  
6 a facility, the department shall determine the smallest amount under subd. 3. a. or  
7 b. for each of the water supply systems and shall specify a withdrawal amount that  
8 is equal to the sum of the amounts determined for each of the water supply systems.

9 3m. a. The department may not approve an application under subd. 1. for a  
10 withdrawal for the purpose of providing water to a public water supply system that  
11 is covered by an approved water supply service area plan under s. 281.348, unless  
12 the withdrawal is consistent with the water supply service area plan.

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

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

19 (g) *Reissuance.* A person to whom the department has issued an individual  
20 permit under this subsection shall apply to the department for reissuance of the  
21 individual permit at least 180 days before the end of the term of the permit if the  
22 person intends to continue to withdraw from the Great Lakes basin at least 1,000,000  
23 gallons per day for any 30 consecutive days. If the department determines that the  
24 person is in substantial compliance with the individual permit and that the

1 withdrawal continues to qualify for an individual permit, the department shall  
2 reissue the permit.

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

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

12 (5m) INTERIM APPROVAL. If a person making a withdrawal that averages  
13 100,000 gallons per day or more in any 30-day period registers the withdrawal under  
14 sub. (3) (a) 1. and reports as required under sub. (3) (e) and the department does not  
15 automatically issue a notice of coverage under sub. (4s) (c) or an individual permit  
16 under sub. (5) (c) for the withdrawal before the compact's effective date, the  
17 registration of the withdrawal constitutes an approval for the purposes of s. 281.343  
18 (4t) (b) 1. The withdrawal amount is the total amount reported under sub. (3) (b) 4m.,  
19 except that if there is a limit in an approval under s. 30.12, 30.18, 281.34, or 281.41  
20 or s. 281.17, 2001 stats., on the amount of water that may be withdrawn by any water  
21 supply system used for the withdrawal and that limit is less than the amount  
22 reported under sub. (3) (b) 4m. for that water supply system, the withdrawal amount  
23 is the total amount reported under sub. (3) (b) 4m. reduced by the difference between  
24 the reported amount for that water supply system and the limit in the approval.