

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

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

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

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

18 **(8) STATEWIDE WATER CONSERVATION AND EFFICIENCY.** (a) *Goals and objectives.*
19 The department shall specify water conservation and efficiency goals and objectives
20 for the waters of the state. The department shall specify goals and objectives for the
21 waters of the Great Lakes basin that are consistent with the goals under s. 281.343
22 (4b) (a) and the objectives identified by the regional body under Article 304 (1) of the
23 Great Lakes—St. Lawrence River Basin Sustainable Water Resources Agreement.
24 In specifying these goals and objectives, the department shall consult with the
25 department of commerce and the public service commission.

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

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

7 1m. Mandatory and voluntary conservation and efficiency measures for the
8 waters of the Great Lakes basin that are necessary to implement subs. (4), (4s), and
9 (5) and s. 281.348.

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

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

14 (d) *Water conservation and efficiency measures.* The department shall
15 promulgate rules specifying water conservation and efficiency measures for the
16 purposes of implementing par. (b). In the rules, the department may not require
17 retrofitting of existing fixtures, appliances, or equipment. In specifying the
18 measures, the department shall consider the results of any pilot water conservation
19 program conducted by the department in cooperation with the regional body.

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

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

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

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

6 a. The name and address of each applicant.

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

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

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

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

1 application under sub. (4) if the department determines that there is a significant
2 public interest in holding a hearing.

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

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

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

23 (11) WATER USE REPORT. Beginning no later than 8 years after the effective date
24 of this subsection ... [revisor inserts date], and every 5 years thereafter, the
25 department, using water use data reported under this section, shall publish a water

1 use report to summarize water usage, identify related trends, identify areas of future
2 water usage concerns, and recommend future actions to promote sustainable water
3 use. The department shall also include in the report water resource information
4 derived from reporting and data accumulation requirements under other water
5 regulatory laws.

6 (13m) EXCEEDANCES. It is not a violation of this section to withdraw an amount
7 of water that exceeds the withdrawal amount specified in a permit issued under sub.
8 (5) or in the database under sub. (4s) (i).

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

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

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

18 SECTION 18. 281.346 of the statutes is created to read:

19 **281.346 Water conservation, reporting, and supply regulation; after**
20 **the compact takes effect. (1) DEFINITIONS. In this section:**

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

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

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

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

6 (g) "Cumulative impacts" means the impacts on the Great Lakes basin
7 ecosystem that result from incremental effects of all aspects of a withdrawal,
8 diversion, or consumptive use in addition to other past, present, and reasonably
9 foreseeable future withdrawals, diversions, and consumptive uses regardless of who
10 undertakes the other withdrawals, diversions, and consumptive uses, including
11 individually minor but collectively significant withdrawals, diversions, and
12 consumptive uses taking place over a period of time.

13 (h) "Diversion" means a transfer of water from the Great Lakes basin into a
14 watershed outside the Great Lakes basin, or from the watershed of one of the Great
15 Lakes into that of another, by any means of transfer, including a pipeline, canal,
16 tunnel, aqueduct, channel, modification of the direction of a water course, tanker
17 ship, tanker truck, or rail tanker except that "diversion" does not include any of the
18 following:

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

22 2. The transmission of water within a line that extends outside the Great Lakes
23 basin as it conveys water from one point to another within the Great Lakes basin if
24 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 (hm) "Divert" means to transfer water from the Great Lakes basin into a
4 watershed outside the Great Lakes basin, or from the watershed of one of the Great
5 Lakes into that of another, by any means of transfer, including a pipeline, canal,
6 tunnel, aqueduct, channel, modification of the direction of a water course, tanker
7 ship, tanker truck, or rail tanker except that "divert" does not include any of the
8 following:

9 1. To transfer a product produced in the Great Lakes basin or in the watershed
10 of one of the Great Lakes, using waters of the Great Lakes basin, out of the Great
11 Lakes basin or out of that watershed.

12 2. To transmit water within a line that extends outside the Great Lakes basin
13 as it conveys water from one point to another within the Great Lakes basin if no
14 water is used outside the Great Lakes basin.

15 3. To transfer bottled water from the Great Lakes basin in containers of 5.7
16 gallons or less.

17 (i) "Environmentally sound and economically feasible water conservation
18 measures" means those measures, methods, or technologies for efficient water use
19 and for reducing water loss and waste or for reducing the amount of a withdrawal,
20 consumptive use, or diversion that are, taking into account environmental impact,
21 the age and nature of equipment and facilities involved, the processes employed, the
22 energy impacts, and other appropriate factors, all of the following:

23 1. Environmentally sound.

24 2. Reflective of best practices applicable to the water use sector.

25 3. Technically feasible and available.

1 4. Economically feasible and cost-effective based on an analysis that considers
2 direct and avoided economic and environmental costs.

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

7 (je) "Great Lakes basin" means the watershed of the Great Lakes and the St.
8 Lawrence River upstream from Trois—Rivieres, Quebec, within the jurisdiction of
9 the parties.

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

12 (jj) "Great Lakes council" means the Great Lakes—St. Lawrence River Basin
13 Water Resources Council, created under s. 281.343 (2) (a).

14 (jm) "Intrabasin transfer" means the transfer of water from the watershed of
15 one of the Great Lakes into the watershed of another of the Great Lakes.

16 (n) "Party" means a state that is a party to the compact.

17 (nm) Notwithstanding s. 281.01 (9), "person" means an individual or other
18 entity, including a government or a nongovernmental organization, including any
19 scientific, professional, business, nonprofit, or public interest organization or
20 association that is neither affiliated with nor under the direction of a government.

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

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

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

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

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

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

12 (ps) “Reasonable water supply alternative” means a water supply alternative
13 that is similar in cost to, and as environmentally sustainable and protective of public
14 health as, the proposed new or increased diversion and that does not have greater
15 adverse environmental impacts than the proposed new or increased diversion.

16 (q) “Regional body” means the body consisting of the governors of the parties
17 and the premiers of Ontario and Quebec, Canada, or their designees as established
18 by the Great Lakes—St. Lawrence River Basin Sustainable Water Resources
19 Agreement.

20 (qd) “Regional declaration of finding” means a declaration of finding issued by
21 the regional body under s. 281.343 (4h) (e).

22 (qm) “Regional review” means review by the regional body as described in s.
23 281.343 (4h).

24 (r) “Source watershed” means the watershed from which a withdrawal
25 originates. If water is withdrawn directly from a Great Lake or from the St.

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

6 (t) "Straddling community" means any city, village, or town that, based on its
7 boundary existing as of the compact's effective date, is partly within the Great Lakes
8 basin or partly within the watersheds of 2 of the Great Lakes and that is wholly
9 within any county that lies partly or completely within the Great Lakes basin.

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

12 (u) "Technical review" means a thorough analysis and evaluation conducted to
13 determine whether a proposal that is subject to regional review under this section
14 meets the criteria for approval under sub. (4), (5), or (6).

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

17 (wm) "Water loss" means the amount of water that is withheld from or not
18 returned to the basin from which it is withdrawn as a result of a diversion or
19 consumptive use or both.

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

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

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

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

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

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

7 (z) "Withdrawal" means the taking of water from surface water or groundwater,
8 including the taking of surface water or groundwater for the purpose of bottling the
9 water.

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

16 **(1m) APPLICABILITY.** This section does not apply before the compact's effective
17 date.

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

22 (b) *Diversions and withdrawals from more than one source.* For the purposes
23 of this section, the diversion or withdrawal of water from more than one source
24 within the Great Lakes basin to supply a single facility or public water supply system
25 is considered one diversion or withdrawal.

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

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

6 (e) *Baseline.* 1. The baseline for a withdrawal that is covered by a general
7 permit issued under s. 281.344 (4s) on the compact's effective date is the withdrawal
8 amount specified for the withdrawal in the database under s. 281.344 (4s) (i) on the
9 compact's effective date. The baseline for a withdrawal for which the department has
10 issued an individual permit under s. 281.344 (5) before the compact's effective date
11 is the withdrawal amount specified in the permit on the compact's effective date.

12 1m. If a person making a withdrawal that averages 100,000 gallons per day or
13 more in any 30-day period registered the withdrawal under s. 281.344 (3) (a) 1. and
14 reported as required under s. 281.344 (3) (e) and the department did not
15 automatically issue a notice of coverage under s. 281.344 (4s) (c) or an individual
16 permit under s. 281.344 (5) (c) for the withdrawal, the baseline for the withdrawal
17 is the amount determined under s. 281.344 (5m) for the withdrawal or, if the
18 department determines a different amount under sub. (4e), the amount determined
19 under sub. (4e).

20 2. The baseline water loss for a consumptive use for which the department has
21 specified an authorized base level of water loss under s. 281.35 (6) (a) 2. is the amount
22 of that authorized base level on the compact's effective date.

23 4. The baseline volume for a diversion for which the department has issued an
24 approval under s. 281.344 (3m) or (4) before the compact's effective date is the
25 interbasin transfer amount specified in the approval on the compact's effective date.

1 6. The department shall provide a list of the baseline volumes determined
2 under this paragraph to the Great Lakes council and the regional body no later than
3 12 months after the compact's effective date.

4 (em) *Change of ownership.* Regional review or Great Lakes council approval
5 is not required when there is a change of ownership of a water supply system that
6 withdraws, diverts, or consumptively uses waters of the Great Lakes basin unless
7 the new owner proposes a change that is otherwise subject to regional review or
8 Great Lakes council approval.

9 (f) *Hydrologic units.* The Lake Michigan and Lake Huron watershed shall be
10 considered to be a single hydrologic unit and watershed.

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

14 **(3) STATEWIDE REGISTRATION AND REPORTING.** (a) Any person who proposes to
15 begin a withdrawal from the waters of the state using a water supply system that will
16 have the capacity to withdraw an average of 100,000 gallons per day or more in any
17 30-day period, to increase the capacity of a water supply system so that it will have
18 the capacity to withdraw an average of 100,000 gallons per day or more in any 30-day
19 period, or to begin a diversion shall register the withdrawal or diversion with the
20 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 diversion.

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

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

5 5. The uses made of the water.

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

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

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

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

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

11 (c) The department shall maintain a registry containing the information
12 provided under par. (b) and s. 281.344 (3) (b).

13 (cm) The department may consider domestic security concerns when
14 determining whether information regarding locations of withdrawals and diversions
15 contained in the registry under par. (c) may be released to the public.

16 (e) 1. Each person who makes a withdrawal from the waters of the state that
17 averages 100,000 gallons per day or more in any 30-day period or diverts any amount
18 and who has registered the withdrawal or diversion under par. (a) or s. 281.344 (3)
19 (a) shall annually report to the department the monthly volumes of withdrawal,
20 whether the person withdraws at least 1,000,000 gallons per day for 30 consecutive
21 days, and, if applicable, the volumes of diversion and, subject to par. (em), water loss
22 from consumptive use.

23 2. In addition to the information required under subd. 1., the department may,
24 by rule, create different reporting frequencies or require additional information from

1 a person who registers a withdrawal, or diversion under par. (a) or s. 281.344 (3) (a)
2 based upon the type or category of water use.

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

8 (f) The department may require additional information under par. (b) 10. or (e)
9 2. only if the information is related to the purposes of the compact.

10 (4) DIVERSIONS. (a) *Prohibition.* Beginning on the compact's effective date, no
11 person may begin a diversion, except as authorized under par. (c), (d), or (e) or an
12 approval issued under s. 281.344 (4), and no person may increase the amount of a
13 diversion over the diversion amount specified in an approval under this subsection
14 or over the interbasin transfer amount specified in an approval issued under s.
15 281.344 (3m) or (4), except as authorized under par. (c), (d), or (e).

16 (b) *Application.* 1. A person who proposes to begin a diversion or to increase
17 the amount of a diversion under par. (c), (d), or (e) shall apply to the department for
18 approval.

19 2. A person may apply under subd. 1. for approval of a new or increased
20 diversion under par. (c) or (e) only if the person operates a public water supply system
21 that receives or would receive water from the new or increased diversion.

22 3. Operators of 2 or more public water supply systems may submit a joint
23 application under subd. 1. for a new or increased diversion under par. (c) or (e).

24 4. A person who applies under subd. 1. shall provide information about the
25 potential impacts of the diversion on the waters of the Great Lakes basin and water

1 dependent natural resources and any other information required by the department
2 by rule.

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

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

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

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

24 (bg) *Determinations.* 1. The department shall determine whether a proposal
25 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 current or
11 planned service area of the public water supply system receiving water under the
12 proposal. The planned service area is the service area of the system at the end of any
13 planning period authorized by the department in the approved water supply service
14 area plan 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 a diversion, or to increase the amount of a diversion, to an area within
17 a straddling community but outside the Great Lakes basin or outside the source
18 watershed if the water diverted will be used solely for public water supply purposes
19 in the straddling community and all of the following apply:

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

23 2. No surface water or groundwater from outside the source watershed will be
24 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 4. If the proposal would result in a new water loss or an increase in a water loss
16 from consumptive use that would average 5,000,000 gallons or more per day in any
17 90-day period, all of the following apply:

18 a. The department conducts a technical review.

19 b. The department notifies the regional body as required in s. 281.343 (4h) (b)

20 1.

21 c. The proposal undergoes regional review.

22 d. The department considers the regional declaration of finding in determining
23 whether to approve the proposal.

24 (d) *Intrabasin transfer.* 1. The department may approve a proposal under par.

25 (b) for a new intrabasin transfer or an increase in an intrabasin transfer to which par.

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

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

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

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

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

22 d. The department provides notice of the proposal to the other parties.

23 3. The department may approve a proposal under par. (b) for a new intrabasin
24 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 d. The department conducts a technical review.

12 e. The department notifies the regional body as required in s. 281.343 (4h) (b)

13 1.

14 f. The proposal undergoes regional review.

15 g. The department considers the regional declaration of finding in determining
16 whether to approve the proposal.

17 h. The proposal is approved by the Great Lakes council.

18 (e) *Straddling counties.* 1. The department may approve a proposal under par.
19 (b) for a new diversion or an increase in a diversion if the water diverted will be used
20 solely for public water supply purposes in a community within a straddling county
21 or, if a community is partly within a straddling county and partly within a county
22 that lies entirely outside the Great Lakes basin, the water diverted will be used solely
23 for public water supply purposes in the portion of the community that is within the
24 straddling county and all of the following apply:

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

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

2 c. The proposal maximizes the amount of water withdrawn from the Great
3 Lakes basin that will be returned to the source watershed and minimizes the amount
4 of water from outside the Great Lakes basin that will be returned to the source
5 watershed.

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

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

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

14 f. The department conducts a technical review.

15 g. The department notifies the regional body as required in s. 281.343 (4h) (b)
16 1.

17 h. The proposal undergoes regional review.

18 i. The department considers the regional declaration of finding in determining
19 whether to approve the proposal.

20 j. The proposal is approved by the Great Lakes council.

21 2. In determining whether to approve a proposal under this paragraph, the
22 department shall give substantive consideration to whether the applicant provides
23 sufficient scientifically based evidence that the existing water supply is derived from
24 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 meets the exception standard if all of the
4 following apply:

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

8 2. The diversion is limited to quantities that are reasonable for the purposes
9 for which the diversion is proposed.

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

13 3m. The place at which the water is returned to the source watershed is as close
14 as practicable to the place at which the water is withdrawn, unless the applicant
15 demonstrates that returning the water at that place is one of the following:

- 16 a. Not economically feasible.
17 b. Not environmentally sound.
18 c. Not in the interest of public health.

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

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

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

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

5 4m. If water will be returned to the source watershed through a stream
6 tributary to one of the Great Lakes, the physical, chemical, and biological integrity
7 of the receiving water under subd. 3. will be protected and sustained as required
8 under ss. 30.12, 281.15, and 283.31, considering the state of the receiving water
9 before the proposal is implemented and considering both low and high flow
10 conditions and potential adverse impacts due to changes in temperature and
11 nutrient loadings.

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

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

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

24 (g) *Conservation and efficient use of existing water supplies.* The department
25 shall promulgate rules specifying the requirements for an applicant for a new or

1 increased diversion subject to par. (f) to demonstrate the efficient use and
2 conservation of existing water supplies for the purposes of pars. (d) 2. b. and 3. b., (e)
3 1. d., and (f) 1., including requiring the applicant to document the water conservation
4 planning and analysis used to identify the water conservation and efficiency
5 measures that the applicant determined were feasible.

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

10 (4e) DETERMINING WITHDRAWAL AMOUNTS FOR WITHDRAWALS WITH INTERIM
11 APPROVALS. (a) Before issuing automatic notice of coverage under a general permit
12 under sub. (4s) or an automatic individual permit under sub. (5) (c) for a withdrawal
13 from the Great Lakes basin that is covered by an interim approval under s. 281.344
14 (5m), the department shall determine a withdrawal amount for the withdrawal
15 under this subsection.

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

21 2. Except as provided in subd. 3e., if the department has issued an approval
22 under s. 30.12, 30.18, 281.34, or 281.41, or s. 281.17, 2001 stats., that is required for
23 a withdrawal and the approval contains a limit on the amount of water that may be
24 withdrawn, the department shall provide an estimate of the withdrawal amount
25 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 withdrawal amount that is equal to the sum of
6 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
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 withdrawal amount to be the amount of
8 water necessary to provide water for public water supply purposes in the service
9 territory specified in the sewer service area provisions of the areawide water quality
10 management plan under s. 283.83 approved by the department before December 31,
11 2007, based on the population and related service projections in those provisions.

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

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

20 (i) For the purposes of sub. (5) (f) 1. and 2., (h) 1. and 2., and (k) 1. and 2., and
21 (5e) (b) 1. and 2., and (c) 1., and 2., a withdrawal amount determined under this
22 subsection for a withdrawal is considered to be the withdrawal amount for the
23 withdrawal as of the compact's effective date.

24 **(4m) WATER USE PERMITS REQUIRED IN THE GREAT LAKES BASIN.** A person may not
25 make a withdrawal from the Great Lakes basin that averages 100,000 gallons per

1 day or more in any 30-day period unless the withdrawal is covered under a general
2 permit issued under sub. (4s) or s. 281.344 (4s), an individual permit issued under
3 sub. (5) or s. 281.344 (5), or an interim approval under s. 281.344 (5m), except as
4 provided in sub. (4s) (bm).

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

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

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

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

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

19 (b) *General requirement.* A person who does not hold an individual permit
20 under sub. (5) may not make a withdrawal that averages 100,000 gallons per day or
21 more in any 30-day period, but that does not equal at least 1,000,000 gallons per day
22 for any 30 consecutive days, unless the withdrawal is covered under a general permit
23 issued under this subsection or s. 281.344 (4s), except as provided in par. (bm). A
24 person to whom the department has issued a notice of coverage under a general
25 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 withdrawals with interim approvals.* The
5 department shall automatically issue a notice of coverage under a general permit to
6 a person who makes a withdrawal that is covered by an interim approval under s.
7 281.344 (5m), if the withdrawal averages 100,000 gallons per day or more in any
8 30-day period but does not equal at least 1,000,000 gallons per day for any 30
9 consecutive days. If necessary, the department may request additional information
10 before issuing a notice under this paragraph. The department shall issue a notice
11 under this paragraph no later than one year after the compact's effective date. In the
12 notice provided under this paragraph for a withdrawal, the department shall specify
13 a withdrawal amount equal to the withdrawal amount determined under sub. (4e)
14 for the withdrawal.

15 (d) *Coverage under general permit for new or increased withdrawals.* 1. A
16 person who proposes to begin a withdrawal from the Great Lakes basin that will
17 average 100,000 gallons per day or more in any 30-day period, or to increase an
18 existing withdrawal so that it will average 100,000 gallons per day or more in any
19 30-day period, but who does not propose to withdraw at least 1,000,000 gallons per
20 day for any 30 consecutive days, shall apply to the department for coverage under
21 a general permit, unless the person applies for an individual permit under sub. (5).
22 In the application, the person shall provide the information required by the
23 department by rule.

24 2. After receiving an application under subd. 1., the department shall, within
25 the time limit established by the department by rule, determine whether the

1 withdrawal qualifies for coverage under a general permit or notify the applicant of
2 any additional information needed to determine whether the withdrawal qualifies
3 for coverage under a general permit.

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

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

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

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

22 3m. a. The department may not approve an application under subd. 1. for a
23 withdrawal for the purpose of providing water to a public water supply system that
24 serves a population of more than 10,000 unless the withdrawal is covered by an
25 approved water supply service area plan under s. 281.348.

1 b. 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 c. 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. If a person making a withdrawal that
21 is covered under a general permit issued under this subsection or s. 281.344 (4s)
22 proposes to increase the amount of the withdrawal over the withdrawal amount
23 specified in the database under par. (i) for the withdrawal, but does not propose to
24 withdraw at least 1,000,000 gallons per day for any 30 consecutive days, the person
25 shall apply to the 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 serves a population of more than 10,000 unless the withdrawal is covered by an
21 approved water supply service area plan under s. 281.348.

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

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

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

9 (g) *Redetermination.* A person to whom the department has issued a notice of
10 coverage under a general permit issued under this subsection or s. 281.344 (4s) shall
11 apply to the department for redetermination of coverage under a new general permit
12 issued under this subsection at least 180 days before the end of the term of the
13 current general permit if the person intends to continue to withdraw from the Great
14 Lakes basin an average of 100,000 gallons per day or more in any 30-day period but
15 does not intend to withdraw at least 1,000,000 gallons per day for any 30 consecutive
16 days. If the person is in substantial compliance with the current general permit and
17 the withdrawal qualifies for coverage under the new general permit, the department
18 shall issue a notice of coverage under the new general permit.

19 (h) *Suspension and revocation.* After an opportunity for a hearing, the
20 department may suspend or revoke coverage under a general permit issued under
21 this subsection or s. 281.344 (4s) for cause, including obtaining coverage under the
22 permit by misrepresentation or failure to disclose material facts or substantially
23 violating the terms of the permit.

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

4 (5) INDIVIDUAL WATER USE PERMITS FOR GREAT LAKES BASIN. (a) *Requirement.* A
5 person may not make a withdrawal from the Great Lakes basin that equals at least
6 1,000,000 gallons per day for any 30 consecutive days unless the withdrawal is
7 covered by an individual permit issued under this subsection or s. 281.344 (5). A
8 person to whom the department has issued an individual permit shall comply with
9 the individual permit.

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

12 1. A withdrawal amount as determined under par. (d) 3., 3e., or 3m., (g) 3., 3e.,
13 or 3m., or (j) 3., 3e., or 3m., sub. (4e), or s. 281.344 (4e) or (5) (d) 3., 3e., or 3m. or (e)
14 3., 3e., or 3m.

15 2. Provisions for estimating and, if necessary, monitoring substantial increases
16 in water loss resulting from increases in withdrawal amounts during the term of a
17 permit and reporting the results of the estimating and monitoring, as provided in
18 rules promulgated by the department.

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 5m. If a decision-making standard under sub. (5m) or (6) applies to the
2 withdrawal, any limit on the amount of the withdrawal necessary to ensure
3 compliance with the decision-making standard.

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

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

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

12 (c) *Automatic issuance of individual permits for withdrawals with interim*
13 *approvals.* The department shall automatically issue an individual permit to a
14 person who makes a withdrawal from the Great Lakes basin that is covered by an
15 interim approval under s. 281.344 (5m), if the withdrawal equals at least 1,000,000
16 gallons per day for any 30 consecutive days. If necessary, the department may
17 request additional information before issuing a permit under this paragraph. The
18 department shall issue a permit under this paragraph no later than one year after
19 the compact's effective date. In the permit, the department shall specify a
20 withdrawal amount equal to the withdrawal amount determined under sub. (4e) for
21 the withdrawal.

22 (d) *Initial individual permit.* 1. A person who proposes to begin a withdrawal
23 from the Great Lakes basin that will equal at least 1,000,000 gallons per day for any
24 30 consecutive days or to modify an existing withdrawal so that it will equal at least

1 1,000,000 gallons per day for any 30 consecutive days shall apply to the department
2 for an individual permit.

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 to approve
5 the application or notify the applicant of any additional information needed to
6 determine whether to approve the application.

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

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

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

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

23 3e. If water is withdrawn through more than one water supply system to serve
24 a facility and subd. 3. c. does not apply, the department shall determine the smallest
25 amount under subd. 3. a. or b. for each of the water supply systems and shall specify

1 a withdrawal amount that is equal to the sum of the amounts determined for each
2 of the water supply systems.

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

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

20 (e) *Standards for approval of certain unpermitted withdrawals.* 1. Except as
21 provided in par. (dm), the department may not approve an application under par. (d)
22 1. for a new withdrawal that will equal at least 1,000,000 gallons per day for any 30
23 consecutive days, or for an existing withdrawal that is not covered by a general
24 permit under sub. (4s) or s. 281.344 (4s) and that is proposed to be modified so that
25 it will equal at least 1,000,000 gallons per day for any 30 consecutive days, but to

1 which subd. 2. does not apply, unless the withdrawal meets the state
2 decision-making standard under sub. (5m).

3 2. Except as provided in subd. 3. or par. (dm), the department may not approve
4 an application under par. (d) 1. for a new withdrawal that will equal at least
5 10,000,000 gallons per day for any 30 consecutive days, or for an existing withdrawal
6 that is not covered by a general permit under sub. (4s) or s. 281.344 (4s) and that is
7 proposed to be modified so that it will equal at least 10,000,000 gallons per day for
8 any 30 consecutive days, unless the withdrawal meets the compact decision-making
9 standard under sub. (6).

10 3. A person who submits an application under par. (d) 1., to which subd. 2.
11 would otherwise apply, may choose to demonstrate, using procedures specified in
12 rules promulgated by the department, the water loss that will result from the
13 withdrawal. If the person demonstrates that the water loss would average less than
14 5,000,000 gallons per day in every 90-day period, the state decision-making
15 standard under sub. (5m), rather than the compact decision-making standard under
16 sub. (6), applies to the withdrawal.

17 (f) *Standards for approval of withdrawals covered by general permits.* 1.
18 Except as provided in par. (dm), the department may not approve an application
19 under par. (d) 1. for a withdrawal that is covered under a general permit under sub.
20 (4s) or s. 281.344 (4s) if the applicant proposes to modify the withdrawal so that it
21 equals 1,000,000 or more gallons per day for any 30 consecutive days over the
22 withdrawal amount as of the date that the department issued the current notice of
23 coverage under the general permit or as of the compact's effective date, whichever
24 is later, and if subd. 2. does not apply, unless the withdrawal meets the state
25 decision-making standard under sub. (5m).