




State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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


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



 Appendix B ... Part 15 of 18

2


2

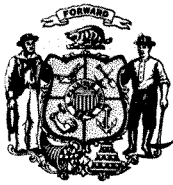
 The 2007 drafting file for LRBA1729

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.



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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

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

☞ Compile Draft – Appendix N

- A ☞ The 2007 drafting file for LRBa1595
- B ☞ The 2007 drafting file for LRBa1694
- C ☞ The 2007 drafting file for LRBa1696
- D ☞ The 2007 drafting file for LRBa1697
- E ☞ The 2007 drafting file for LRBa1698
- F ☞ The 2007 drafting file for LRBa1699
- G ☞ The 2007 drafting file for LRBa1700
- H ☞ The 2007 drafting file for LRBa1701
- I ☞ The 2007 drafting file for LRBa1702
- J ☞ The 2007 drafting file for LRBa1703
- K ☞ The 2007 drafting file for LRBa1704
- L ☞ The 2007 drafting file for LRBa1705
- M ☞ The 2007 drafting file for LRBa1706
- N ☞ The 2007 drafting file for LRBa1707
- O ☞ The 2007 drafting file for LRBa1708
- P ☞ The 2007 drafting file for LRBa1709
- Q ☞ The 2007 drafting file for LRBa1727

2007 LRBa1707 has been copied/added to the drafting file for

LRB a1729 Superamendment used to create

LRB-4360 () & LRB-4367 (Ap8 SB-1)

2007 DRAFTING REQUEST

Assembly Amendment (AA-SB523)

Received: **04/08/2008**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Scott Gunderson (608) 266-3363**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - water quality**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gunderson@legis.wisconsin.gov**

Carbon copy (CC:) to: **John.Stolzenberg@legis.wisconsin.gov**
Mark.Patronskey@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Baselines in case DNR does not issue automatic permits before compact takes effect

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	btradewe 04/14/2008	csicilia 04/14/2008	nmatzke 04/14/2008	_____	cduerst 04/14/2008		
	btradewe 04/14/2008			_____			
/P2	btradewe 04/17/2008	csicilia 04/17/2008	jfrantze 04/17/2008	_____	sbasford 04/17/2008		
		csicilia 04/17/2008	jfrantze 04/17/2008	_____			

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04/28/2008 10:34:30 AM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	btradewe 04/28/2008	csicilia 04/28/2008	jfrantze 04/28/2008	_____	sbasford 04/28/2008		

FE Sent For:

<END>

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Instructions:

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/P1	btradewe 04/14/2008 btradewe 04/14/2008	csicilia 04/14/2008	nmatzke 04/14/2008	_____ _____ _____	cduerst 04/14/2008		
/P2	btradewe 04/17/2008	csicilia 04/17/2008 csicilia 04/17/2008	jfrantze 04/17/2008 jfrantze 04/17/2008	_____ _____ _____	sbasford 04/17/2008		

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08 [Signature] 26

LRBa1707

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Page 2

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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/P1	btradewe 04/14/2008	csicilia 04/14/2008	nmatzke 04/14/2008	_____	cduerst 04/14/2008		
	btradewe 04/14/2008						

FE Sent For:

12 9/5 4/17
09 4/11
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Assembly Amendment (AA-SB523)

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btradewe

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4/14

FE Sent For:

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14. Baseline Transition Period

Amend s. 281.344 (3) (b) as follows:

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

1. The name and address of the registrant and the date of registration.
2. The locations and sources of the withdrawal or interbasin transfer.
3. The daily capacity of the withdrawal or interbasin transfer and the daily capacity to withdraw or transfer from each source.
4. The following information relating to the volume of the withdrawal:
 - a. An estimate of the volume of the withdrawal or interbasin transfer in terms of gallons per day average in any 30-day period.
 - b. An estimate of the maximum hydraulic capacity of the most restrictive component in the water supply system used for the withdrawal. This estimate shall constitute the baseline for purposes of this section and s. 281.346 unless a baseline is otherwise determined pursuant to s. 281.344 (4e) or 281.346 (4e).
5. The uses made of the water.
6. The places at which the water is used.
7. The places at which any of the water is discharged.
8. Whether the water use is continuous or intermittent.
9. Whether the person holds a permit under s. 283.31.
10. Other information required by the department by rule.

Amend s. 281.346(4m) as follows:

(4m) WATER USE PERMITS REQUIRED IN THE GREAT LAKES BASIN. (a) person may not make a withdrawal from the Great Lakes basin that averages 100,000 gallons per day or more in any 30-day period unless the person has an approved existing withdrawal as set forth in par. (4m)(b) or, unless the withdrawal is covered under a general permit issued under sub. (4s) or s. 281.344(4s) or an individual permit issued under sub. (5) or s. 281.344 (5) or 281.35(6), except as provided in sub. 4s (bm).

(b) Any withdrawal from the Great Lakes Basin which has occurred prior to the effective date of the compact which has not been finally acted upon by the department pursuant to s. 281.344(4s) (c) or s. 281.344(5) (c):

1. Shall be deemed to be an approved existing withdrawal for purposes of the compact and shall be included in the list of existing withdrawal approvals which is to be submitted pursuant to s. 281.343 (4t) (b) 1. a. The baseline volumes for such sources shall be those volumes specified in s. 281.344 (3) (b) 4. b. or as subsequently modified pursuant to s. 281.346 (4e).

2. If the withdrawal averages 100,000 gallons per day or more in any 30-day period but does not equal at least 1,000,000 gallons per day for 30 consecutive days, the department shall automatically issue a notice of coverage under a general permit for an approved existing withdrawal which makes a withdrawal from the Great Lakes basin. If necessary, the department may request additional information before issuing a notice under this paragraph. The department may promulgate a rule under which the department issues automatic notices of coverage under a general permit on a staggered schedule. In the notice provided under this paragraph for a withdrawal, the department shall specify a

withdrawal amount equal to the initial withdrawal amount specified in s. 281.344 (3) (b) 4. b. or as subsequently modified pursuant to s. 281.346 (4e) for the withdrawal.

3. If the withdrawal equals at least 1,000,000 gallons per day for any 30 consecutive days, the department shall automatically issue an individual permit for an approved existing withdrawal which makes a withdrawal from the Great Lakes basin.. If necessary, the department may request additional information before issuing a permit under this paragraph. In the permit, the department shall specify a withdrawal amount equal to the initial withdrawal amount specified in s. 281.344 (3) (b) 4. b. or as subsequently modified pursuant to s. 281.346 (4e). The department may promulgate a rule under which the department issues automatic individual permits on a staggered schedule.

Create s. 281.346 (4e) to read as follows:

(4e) DETERMINING INITIAL WITHDRAWAL AMOUNTS FOR WITHDRAWALS FROM THE GREAT LAKES BASIN. (a) Before issuing automatic notice of coverage under a general permit under sub. (4m) (b) 2. or an automatic individual permit under sub. (4m) (b) 3. for a withdrawal from the Great Lakes basin for which the department is required to issue automatic notice of coverage under a general permit or an automatic individual permit, the department shall determine the initial withdrawal amount for the withdrawal under this subsection.

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

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

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

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

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

1. The components of the water supply system used for the withdrawal.

2. Seasonal variations in the amount of water supplied by the water supply system.

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

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

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

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

7. Other relevant information.

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

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

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

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



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa1707/P1
RCT:.....

Mon - before next 7 pm

ejs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO 2007 SENATE BILL 523

bill list

as shown by
senate substitute
amendment 1 ↑

Note

subdivision

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 52, line 21: delete the material beginning with "or" and ending with
- 3 "sooner," on line 22. ✓
- 4 2. Page 53, line 2: after "rule." insert "A person may register a withdrawal or
- 5 interbasin transfer before the first day of the 36th month beginning after the
- 6 effective date of this subsection.... [revisor inserts date]."
- 7 3. Page 53, line 4: delete the material beginning with "or" and ending with
- 8 "sooner," on line ⁵ 10. ✓
- 9 4. Page 53, line ~~22~~ ¹⁰ after that line insert:
- 10 "4m. For a withdrawal from the Great Lakes basin that averages 100,000
- 11 gallons per day or more in any 30 day period, an estimate of the maximum hydraulic

STET: leave as typed

(9) #. Page 53, line 10: delete the material beginning with "or" and ending with "sooner" on line 11

1 capacity of the most restrictive component in each water supply system used for the
2 withdrawal.”

3 **5.** Page 67, line 12: delete “earliest of the following dates” and substitute “first
4 day of the 84th month beginning after the effective date of this subsection [revisor
5 inserts date]”. ✓

6 **6.** Page 67, line 15: delete “(5):” and substitute “(5).” ✓

7 **7.** Page 67, line 16: delete lines 16 to 18. ✓

8 **8.** Page 68, line 8: delete “earlier of the dates” and substitute “date”. ✓

9 **9.** Page 68, line 9: delete “(a) and (b)”.

10 **10.** Page 68, line 21: delete “earlier of the dates under sub. (4m) (a) or (b)” and
11 substitute “date under sub. (4m)”. ✓

12 **11.** Page 68, line 25: delete the material beginning with “earlier” and ending
13 with “(b)” on page 69, line 1, and substitute “date under sub. (4m)”. ✓

14 **12.** Page 69, line 3: delete “earlier of the dates under sub. (4m) (a) or (b)” and
15 substitute “date under sub. (4m)”. ✓

16 **13.** Page 73, line 14: delete “earlier of the dates under sub. (4m) (a) or (b)” and
17 substitute “date under sub. (4m)”. ✓

18 **14.** Page 74, line 12: delete “earlier of the dates under sub. (4m) (a) or (b)” and
19 substitute “date under sub. (4m)”. ✓

20 **15.** Page 74, line 15: delete the material beginning with “earlier” and ending
21 with “(b)” on line 16 and substitute “date under sub. (4m)”. ✓

22 **16.** Page 74, line 20: delete “earlier of the dates under sub. (4m) (a) or (b)” and
23 substitute “date under sub. (4m)”. ✓

1 **17.** Page 78, line 14: after that line insert:

2 [^]**(5m)** INTERIM APPROVAL. If a person making a withdrawal that averages
3 100,000 gallons per day or more in any 30[—] day period registers the withdrawal under
4 sub. (3) (a) 1. and reports as required under sub. (3) (e) and the department does not
5 automatically issue a notice of coverage under sub. (4s) (c) or an individual permit
6 under sub. (5) (c) for the withdrawal before the compact's effective date, the registration of
7 the withdrawal constitutes an approval for the purposes of s. 281.343 (4t) (b) 1. and
8 the total amount reported under sub. (3) (b) 4m. is the withdrawal amount for the
9 withdrawal.”.

10 **18.** Page 89, line 13: after that line insert:

11 [^]**1m.** If a person making a withdrawal that averages 100,000 gallons per day
12 or more in any 30[—] day period registered the withdrawal under s. 281.344 (3) (a) 1. and
13 reported as required under s. 281.344 (3) (e) and the department did not
14 automatically issue a notice of coverage under s. 281.344 (4s) (c) or an individual
15 permit under s. 281.344 (5) (c) for the withdrawal, the baseline for the withdrawal is the
16 total amount reported under s. 281.344 (3) (b) 4m. for the withdrawal or, if the
17 department determines a different amount under sub. (4e), the amount determined
18 under sub. (4e).”.

19 **19.** Page 101, line 4: after that line insert:

20 plain [^]**(4e)** DETERMINING WITHDRAWAL AMOUNTS FOR WITHDRAWALS WITH INTERIM
21 APPROVALS. (a) Before issuing automatic notice of coverage under a general permit
22 under sub. (4s) or an automatic individual permit under sub. (5) (c) for a withdrawal
23 from the Great Lakes basin that is covered by an ^{interim} approval under s. 281.344 (5m), the

1 department shall determine a withdrawal amount for the withdrawal under this
2 subsection. ✓

3 (b) 1. Except as provided in subds. 2. and 3e. and par. (f), the department shall
4 estimate the withdrawal amount for a withdrawal based on the maximum hydraulic
5 capacity of the most restrictive component in the water supply system used for the
6 withdrawal as of the compact's effective date, based on information available to the
7 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 withdrawal amount
12 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 withdrawal amount that is equal to the sum of
18 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.

STET: leave as
typed

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
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 withdrawal amount to be the amount of
20 water necessary to provide water for public water supply purposes in the service
21 territory specified in the sewer service area provisions of the areawide water quality
22 management plan under s. 283.83 approved by the department before December 31,
23 2007, based on the population and related service projections in those provisions.

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

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

9 (i) For the purposes of sub. (5) (f) 1. and 2., (h) 1. and 2., and (k) 1. and 2., and
10 (5e) (b) 1. and 2., and (c) 1. and 2., a withdrawal amount determined under this
11 subsection for a withdrawal is considered to be the withdrawal amount for the
12 withdrawal as of the compact's effective date." ✓

13 **20.** Page 101, line 8: delete "or an" and substitute ", an". ✓

14 **21.** Page 101, line 9: after "s. 281.344 (5)" insert ", or an ^{interim} approval under s.
15 281.344 (5m)". ✓

16 **22.** Page 102, line 8: after that line insert:

17 [^]
18 "(c) *Automatic notice of coverage for withdrawals with interim approvals.* The
19 department shall automatically issue a notice of coverage under a general permit to
20 a person who makes a withdrawal that is covered by an interim approval under s.
21 281.344 (5m), if the withdrawal averages 100,000 gallons per day or more in any
22 30-day period but does not equal at least 1,000,000 gallons per day for any 30
23 consecutive days. If necessary, the department may request additional information
24 before issuing a notice under this paragraph. The department shall issue a notice
under this paragraph no later than one year after the compact's effective date. In the

1 notice provided under this paragraph for a withdrawal, the department shall specify
2 a withdrawal amount equal to the withdrawal amount determined under sub. (4e)
3 for the withdrawal.”

4 **23.** Page 107, line 8: delete “or s. 281.344 (3m) or (4e)” and substitute “, sub.
5 (4e) or s. 281.344 (4e) or (5) (d) 3., 3e., or 3m. or (e) 3., 3e., or 3m. or sub. (4e).”

6 **24.** Page 108, line 2: after that line insert:

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

17 (END)

Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1707/P1dn

RCT./:....

cjs

Mike Bruhn:

This amendment corresponds to item 14 of the amendment list.

Several items in this amendment delete the provisions that required DNR to issue permits for all existing withdrawals before the compact takes effect. Those provisions were probably not practical and they are unnecessary given that this amendment provides approvals for existing withdrawals to which DNR has not issued permits before the compact takes effect. Deleting these provisions makes the amendment longer, but I believe will result in a bill that is easier to understand. If you wish, I can provide a list showing which items in this amendment fall into this category.

The amendment provides that the registration of an existing withdrawal before the compact's effective date constitutes an approval of the withdrawal if DNR has not issued a permit for the withdrawal (in case the compact is ratified by all of the states and approved by Congress quickly). The amendment treats the reported capacity of the most restrictive component of the water supply system as the baseline for the withdrawal, except that the amendment allows the baseline to be changed after the compact takes effect, using the same process as for establishing withdrawal amounts for existing withdrawals in the precompact part of the substitute amendment.

The language in the compact concerning baselines is not clear. My interpretation of the compact is that if approvals that exist before the compact takes effect are used to set baselines for withdrawals, the baselines must be equal to the withdrawal limits in those approvals when the compact takes effect. Because this amendment allows the baselines to be changed after the compact takes effect, I conclude that this aspect of the amendment is not consistent with the compact.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1707/P1dn
RCT:cjs:nwn

April 14, 2008

Mike Bruhn:

This amendment corresponds to item 14 of the amendment list.

Several items in this amendment delete the provisions that required DNR to issue permits for all existing withdrawals before the compact takes effect. Those provisions were probably not practical and they are unnecessary given that this amendment provides approvals for existing withdrawals to which DNR has not issued permits before the compact takes effect. Deleting these provisions makes the amendment longer, but I believe will result in a bill that is easier to understand. If you wish, I can provide a list showing which items in this amendment fall into this category.

The amendment provides that the registration of an existing withdrawal before the compact's effective date constitutes an approval of the withdrawal if DNR has not issued a permit for the withdrawal (in case the compact is ratified by all of the states and approved by Congress quickly). The amendment treats the reported capacity of the most restrictive component of the water supply system as the baseline for the withdrawal, except that the amendment allows the baseline to be changed after the compact takes effect, using the same process as for establishing withdrawal amounts for existing withdrawals in the precompact part of the substitute amendment.

The language in the compact concerning baselines is not clear. My interpretation of the compact is that if approvals that exist before the compact takes effect are used to set baselines for withdrawals, the baselines must be equal to the withdrawal limits in those approvals when the compact takes effect. Because this amendment allows the baselines to be changed after the compact takes effect, I conclude that this aspect of the amendment is not consistent with the compact.

Please contact me with any questions or redraft instructions.

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State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa1707/Pf 2
RCT:cjs:nwn

l.p.m.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO 2007 SENATE BILL 523

Note

See
p. 3

- 1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 1, as follows:
- 3 **1.** Page 52, line 21: delete the material beginning with “or” and ending with
4 “sooner,” on line 22.
- 5 **2.** Page 53, line 2: after “rule.” insert “A person may register a withdrawal or
6 interbasin transfer before the first day of the 36th month beginning after the
7 effective date of this subdivision [revisor inserts date].”.
- 8 **3.** Page 53, line 4: delete the material beginning with “or” and ending with
9 “sooner,” on line 5.
- 10 **4.** Page 53, line 10: delete the material beginning with “or” and ending with
11 “sooner,” on line 11.
- 12 **5.** Page 53, line 22: after that line insert:

1 “4m. For a withdrawal from the Great Lakes basin that averages 100,000
2 gallons per day or more in any 30 day period, an estimate of the maximum hydraulic
3 capacity of the most restrictive component in each water supply system used for the
4 withdrawal.”.

5 **6.** Page 67, line 12: delete “earliest of the following dates” and substitute “first
6 day of the 84th month beginning after the effective date of this subsection [revisor
7 inserts date]”.

8 **7.** Page 67, line 15: delete “(5):” and substitute “(5).”.

9 **8.** Page 67, line 16: delete lines 16 to 18.

10 **9.** Page 68, line 8: delete “earlier of the dates” and substitute “date”.

11 **10.** Page 68, line 9: delete “(a) and (b)”.

12 **11.** Page 68, line 21: delete “earlier of the dates under sub. (4m) (a) or (b)” and
13 substitute “date under sub. (4m)”.

14 **12.** Page 68, line 25: delete the material beginning with “earlier” and ending
15 with “(b)” on page 69, line 1, and substitute “date under sub. (4m)”.

16 **13.** Page 69, line 3: delete “earlier of the dates under sub. (4m) (a) or (b)” and
17 substitute “date under sub. (4m)”.

18 **14.** Page 73, line 14: delete “earlier of the dates under sub. (4m) (a) or (b)” and
19 substitute “date under sub. (4m)”.

20 **15.** Page 74, line 12: delete “earlier of the dates under sub. (4m) (a) or (b)” and
21 substitute “date under sub. (4m)”.

22 **16.** Page 74, line 15: delete the material beginning with “earlier” and ending
23 with “(b)” on line 16 and substitute “date under sub. (4m)”.

1 **17.** Page 74, line 20: delete “earlier of the dates under sub. (4m) (a) or (b)” and
2 substitute “date under sub. (4m)”.

3 **18.** Page 78, line 14: after that line insert:

4 “(5m) INTERIM APPROVAL. If a person making a withdrawal that averages
5 100,000 gallons per day or more in any 30-day period registers the withdrawal under
6 sub. (3) (a) 1. and reports as required under sub. (3) (e) and the department does not
7 automatically issue a notice of coverage under sub. (4s) (c) or an individual permit
8 under sub. (5) (c) for the withdrawal before the compact’s effective date, the
9 registration of the withdrawal constitutes an approval for the purposes of s. 281.343
10 (4t) (b) 1. and the total amount reported under sub. (3) (b) 4m. is the withdrawal
11 amount for the withdrawal”.

12 **19.** Page 89, line 13: after that line insert:

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

21 **20.** Page 101, line 4: after that line insert:

22 “(4e) DETERMINING WITHDRAWAL AMOUNTS FOR WITHDRAWALS WITH INTERIM
23 APPROVALS. (a) Before issuing automatic notice of coverage under a general permit
24 under sub. (4s) or an automatic individual permit under sub. (5) (c) for a withdrawal

1 from the Great Lakes basin that is covered by an interim approval under s. 281.344
2 (5m), the department shall determine a withdrawal amount for the withdrawal
3 under this subsection.

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

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

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

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

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

24 1. The components of the water supply system used for the withdrawal.

1 2. Seasonal variations in the amount of water supplied by the water supply
2 system.

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

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

8 5. Successful water conservation efforts by persons using the water that is
9 withdrawn.

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

12 7. Other relevant information.

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

17 (f) For a public water supply system that, on the effective date of this paragraph
18 [revisor inserts date], has approval under s. 281.41 to provide water from the
19 Great Lakes basin for public water supply purposes outside of the Great Lakes basin
20 and approval under s. 283.31 to return the associated wastewater to the Great Lakes
21 basin, the department shall determine the withdrawal amount to be the amount of
22 water necessary to provide water for public water supply purposes in the service
23 territory specified in the sewer service area provisions of the areawide water quality
24 management plan under s. 283.83 approved by the department before December 31,
25 2007, based on the population and related service projections in those provisions.

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

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

9 (i) For the purposes of sub. (5) (f) 1. and 2., (h) 1. and 2., and (k) 1. and 2., and
10 (5e) (b) 1. and 2., and (c) 1., and 2., a withdrawal amount determined under this
11 subsection for a withdrawal is considered to be the withdrawal amount for the
12 withdrawal as of the compact's effective date.”.

13 **21.** Page 101, line 8: delete “or an” and substitute “, an”.

14 **22.** Page 101, line 9: after “s. 281.344 (5)” insert “, or an interim approval
15 under s. 281.344 (5m)”.

16 **23.** Page 102, line 8: after that line insert:

17 “(c) *Automatic notice of coverage for withdrawals with interim approvals.* The
18 department shall automatically issue a notice of coverage under a general permit to
19 a person who makes a withdrawal that is covered by an interim approval under s.
20 281.344 (5m), if the withdrawal averages 100,000 gallons per day or more in any
21 30-day period but does not equal at least 1,000,000 gallons per day for any 30
22 consecutive days. If necessary, the department may request additional information
23 before issuing a notice under this paragraph. The department shall issue a notice
24 under this paragraph no later than one year after the compact's effective date. In the

1 notice provided under this paragraph for a withdrawal, the department shall specify
2 a withdrawal amount equal to the withdrawal amount determined under sub. (4e)
3 for the withdrawal.”

4 **24.** Page 107, line 8: delete “or s. 281.344 (3m) or (4e)” and substitute “, sub.
5 (4e), or s. 281.344 (4e) or (5) (d) 3., 3e., or 3m. or (e) 3., 3e., or 3m.”

6 **25.** Page 108, line 2: after that line insert:

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

17

(END)

Alvete

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1707/P2ins
RCT:.....

WT The withdrawal amount is the total amount *S.* reported under sub. (3) (b) 4m.,
except that if there is a limit in an approval under *S.* 30.12, 30.18, 281.34, 281.41, *or*
281.17, 2001 stats., on the amount of water that may be withdrawn by any water
S. supply system used for the withdrawal and that limit is less than the amount
reported under sub. (3) (b) 4m. for that water supply system, the withdrawal amount
is the total amount reported under sub. (3) (b) 4m. reduced by the difference between
the reported amount for that water supply system and the limit in the approval.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1707/P2dn
RCT:.....

Mike Bruhn:

This redraft is intended to deal with the concern about withdrawal amounts for withdrawals with interim approvals that was expressed in yesterday's meeting. The only change in the draft is at the end of the item that inserts material after page 78, line 14.

Rebecca C. Tradewell
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1707/P2dn
RCT:cjs:jf

April 17, 2008

Mike Bruhn:

This redraft is intended to deal with the concern about withdrawal amounts for withdrawals with interim approvals that was expressed in yesterday's meeting. The only change in the draft is at the end of the item that inserts material after page 78, line 14.

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State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa1707/P#3

RCT:cjs:jf

T /my
stays

Today

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO 2007 SENATE BILL 523

See p. 3

Note

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 1, as follows:

3 1. Page 52, line 21: delete the material beginning with "or" and ending with
4 "sooner," on line 22.

5 2. Page 53, line 2: after "rule." insert "A person may register a withdrawal or
6 interbasin transfer before the first day of the 36th month beginning after the
7 effective date of this subdivision [revisor inserts date]."

8 3. Page 53, line 4: delete the material beginning with "or" and ending with
9 "sooner," on line 5.

10 4. Page 53, line 10: delete the material beginning with "or" and ending with
11 "sooner," on line 11.

12 5. Page 53, line 22: after that line insert:

1 “4m. For a withdrawal from the Great Lakes basin that averages 100,000
2 gallons per day or more in any 30 day period, an estimate of the maximum hydraulic
3 capacity of the most restrictive component in each water supply system used for the
4 withdrawal.”.

5 **6.** Page 67, line 12: delete “earliest of the following dates” and substitute “first
6 day of the 84th month beginning after the effective date of this subsection [revisor
7 inserts date]”.

8 **7.** Page 67, line 15: delete “(5):” and substitute “(5).”.

9 **8.** Page 67, line 16: delete lines 16 to 18.

10 **9.** Page 68, line 8: delete “earlier of the dates” and substitute “date”.

11 **10.** Page 68, line 9: delete “(a) and (b)”.

12 **11.** Page 68, line 21: delete “earlier of the dates under sub. (4m) (a) or (b)” and
13 substitute “date under sub. (4m)”.

14 **12.** Page 68, line 25: delete the material beginning with “earlier” and ending
15 with “(b)” on page 69, line 1, and substitute “date under sub. (4m)”.

16 **13.** Page 69, line 3: delete “earlier of the dates under sub. (4m) (a) or (b)” and
17 substitute “date under sub. (4m)”.

18 **14.** Page 73, line 14: delete “earlier of the dates under sub. (4m) (a) or (b)” and
19 substitute “date under sub. (4m)”.

20 **15.** Page 74, line 12: delete “earlier of the dates under sub. (4m) (a) or (b)” and
21 substitute “date under sub. (4m)”.

22 **16.** Page 74, line 15: delete the material beginning with “earlier” and ending
23 with “(b)” on line 16 and substitute “date under sub. (4m)”.

1 **17.** Page 74, line 20: delete “earlier of the dates under sub. (4m) (a) or (b)” and
2 substitute “date under sub. (4m)”.

3 **18.** Page 78, line 14: after that line insert:

4 “(5m) INTERIM APPROVAL. If a person making a withdrawal that averages
5 100,000 gallons per day or more in any 30-day period registers the withdrawal under
6 sub. (3) (a) 1. and reports as required under sub. (3) (e) and the department does not
7 automatically issue a notice of coverage under sub. (4s) (c) or an individual permit
8 under sub. (5) (c) for the withdrawal before the compact’s effective date, the
9 registration of the withdrawal constitutes an approval for the purposes of s. 281.343
10 (4t) (b) 1. The withdrawal amount is the total amount reported under sub. (3) (b) 4m.,
11 except that if there is a limit in an approval under s. 30.12, 30.18, 281.34, or 281.41
12 or s. 281.17, 2001 stats., on the amount of water that may be withdrawn by any water
13 supply system used for the withdrawal and that limit is less than the amount
14 reported under sub. (3) (b) 4m. for that water supply system, the withdrawal amount
15 is the total amount reported under sub. (3) (b) 4m. reduced by the difference between
16 the reported amount for that water supply system and the limit in the approval.”.

17 **19.** Page 89, line 13: after that line insert:

18 “1m. If a person making a withdrawal that averages 100,000 gallons per day
19 or more in any 30-day period registered the withdrawal under s. 281.344 (3) (a) 1.
20 and reported as required under s. 281.344 (3) (e) and the department did not
21 automatically issue a notice of coverage under s. 281.344 (4s) (c) or an individual
22 permit under s. 281.344 (5) (c) for the withdrawal, the baseline for the withdrawal
23 is the total amount reported ^{determined} under s. 281.344 (3) (b) 4m. ^(5m) for the withdrawal or, if the

✓

1 department determines a different amount under sub. (4e), the amount determined
2 under sub. (4e).”.

3 **20.** Page 101, line 4: after that line insert:

4 “(4e) DETERMINING WITHDRAWAL AMOUNTS FOR WITHDRAWALS WITH INTERIM
5 APPROVALS. (a) Before issuing automatic notice of coverage under a general permit
6 under sub. (4s) or an automatic individual permit under sub. (5) (c) for a withdrawal
7 from the Great Lakes basin that is covered by an interim approval under s. 281.344
8 (5m), the department shall determine a withdrawal amount for the withdrawal
9 under this subsection.

10 (b) 1. Except as provided in subds. 2. and 3e. and par. (f), the department shall
11 estimate the withdrawal amount for a withdrawal based on the maximum hydraulic
12 capacity of the most restrictive component in the water supply system used for the
13 withdrawal as of the compact’s effective date, based on information available to the
14 department.

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

20 3e. If water is withdrawn through more than one water supply system to serve
21 a facility, the department shall determine the amount under subd. 1. for each of the
22 water supply systems to which subd. 2. does not apply and shall determine the
23 amount under subd. 2. for each of the water supply systems to which subd. 2. applies

1 and shall provide an estimate of the withdrawal amount that is equal to the sum of
2 the amounts determined for each of the water supply systems.

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

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

- 7 1. The components of the water supply system used for the withdrawal.
- 8 2. Seasonal variations in the amount of water supplied by the water supply
9 system.
- 10 3. Plans for expanding the capacity of the water supply system submitted to
11 the department no later than 2 years after the effective date of this subdivision
12 [revisor inserts date].
- 13 4. Amounts withdrawn during the 5 years before the year in which the person
14 submits the information.
- 15 5. Successful water conservation efforts by persons using the water that is
16 withdrawn.
- 17 6. Water loss from consumptive uses of similar types of users compared to the
18 water loss from consumptive use of persons using the water that is withdrawn.
- 19 7. Other relevant information.

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

24 (f) For a public water supply system that, on the effective date of this paragraph
25 ... [revisor inserts date], has approval under s. 281.41 to provide water from the

1 Great Lakes basin for public water supply purposes outside of the Great Lakes basin
2 and approval under s. 283.31 to return the associated wastewater to the Great Lakes
3 basin, the department shall determine the withdrawal amount to be the amount of
4 water necessary to provide water for public water supply purposes in the service
5 territory specified in the sewer service area provisions of the areawide water quality
6 management plan under s. 283.83 approved by the department before December 31,
7 2007, based on the population and related service projections in those provisions.

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

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

16 (i) For the purposes of sub. (5) (f) 1. and 2., (h) 1. and 2., and (k) 1. and 2., and
17 (5e) (b) 1. and 2., and (c) 1., and 2., a withdrawal amount determined under this
18 subsection for a withdrawal is considered to be the withdrawal amount for the
19 withdrawal as of the compact's effective date.”.

20 **21.** Page 101, line 8: delete “or an” and substitute “, an”.

21 **22.** Page 101, line 9: after “s. 281.344 (5)” insert “, or an interim approval
22 under s. 281.344 (5m)”.

23 **23.** Page 102, line 8: after that line insert:

1 “(c) *Automatic notice of coverage for withdrawals with interim approvals.* The
2 department shall automatically issue a notice of coverage under a general permit to
3 a person who makes a withdrawal that is covered by an interim approval under s.
4 281.344 (5m), if the withdrawal averages 100,000 gallons per day or more in any
5 30-day period but does not equal at least 1,000,000 gallons per day for any 30
6 consecutive days. If necessary, the department may request additional information
7 before issuing a notice under this paragraph. The department shall issue a notice
8 under this paragraph no later than one year after the compact’s effective date. In the
9 notice provided under this paragraph for a withdrawal, the department shall specify
10 a withdrawal amount equal to the withdrawal amount determined under sub. (4e)
11 for the withdrawal.”.

12 **24.** Page 107, line 8: delete “or s. 281.344 (3m) or (4e)” and substitute “, sub.
13 (4e), or s. 281.344 (4e) or (5) (d) 3., 3e., or 3m. or (e) 3., 3e., or 3m.”.

14 **25.** Page 108, line 2: after that line insert:

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

1 withdrawal amount equal to the withdrawal amount determined under sub. (4e) for
2 the withdrawal.”

3 (END)

Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1707/P3dn

RCT/.....

js

Mike Bruhn:

This redraft corrects the reference to the withdrawal amount in item 19 of the amendment (which inserts material after page 89, line 13). That is the only difference between the /P2 version and this version.

✓
✓

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1707/P3dn
RCT:cjs:jf

April 28, 2008

Mike Bruhn:

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State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -
PLEASE DO NOT REMOVE FROM DRAFTING FILE

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

☛ Compile Draft – Appendix N

- | | |
|-----------------------------------------|-----------------------------------------|
| A ☛ The 2007 drafting file for LRBa1595 | J ☛ The 2007 drafting file for LRBa1703 |
| B ☛ The 2007 drafting file for LRBa1694 | K ☛ The 2007 drafting file for LRBa1704 |
| C ☛ The 2007 drafting file for LRBa1696 | L ☛ The 2007 drafting file for LRBa1705 |
| D ☛ The 2007 drafting file for LRBa1697 | M ☛ The 2007 drafting file for LRBa1706 |
| E ☛ The 2007 drafting file for LRBa1698 | N ☛ The 2007 drafting file for LRBa1707 |
| F ☛ The 2007 drafting file for LRBa1699 | O ☛ The 2007 drafting file for LRBa1708 |
| G ☛ The 2007 drafting file for LRBa1700 | P ☛ The 2007 drafting file for LRBa1709 |
| H ☛ The 2007 drafting file for LRBa1701 | Q ☛ The 2007 drafting file for LRBa1727 |
| I ☛ The 2007 drafting file for LRBa1702 | |

2007 LRBa1707 has been copied/added to the drafting file for

LRB a1729 Superamendment used to create
LRB-4360 () & LRB-4367 (Ap8 SB-1)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa1707/P3
RCT:cjs:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO 2007 SENATE BILL 523

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 1, as follows:

3 **1.** Page 52, line 21: delete the material beginning with "or" and ending with
4 "sooner," on line 22.

5 **2.** Page 53, line 2: after "rule." insert "A person may register a withdrawal or
6 interbasin transfer before the first day of the 36th month beginning after the
7 effective date of this subdivision [revisor inserts date].".

8 **3.** Page 53, line 4: delete the material beginning with "or" and ending with
9 "sooner," on line 5.

10 **4.** Page 53, line 10: delete the material beginning with "or" and ending with
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12 **5.** Page 53, line 22: after that line insert:

1 “4m. For a withdrawal from the Great Lakes basin that averages 100,000
2 gallons per day or more in any 30 day period, an estimate of the maximum hydraulic
3 capacity of the most restrictive component in each water supply system used for the
4 withdrawal.”

5 **6.** Page 67, line 12: delete “earliest of the following dates” and substitute “first
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10 **9.** Page 68, line 8: delete “earlier of the dates” and substitute “date”.

11 **10.** Page 68, line 9: delete “(a) and (b)”.

12 **11.** Page 68, line 21: delete “earlier of the dates under sub. (4m) (a) or (b)” and
13 substitute “date under sub. (4m)”.

14 **12.** Page 68, line 25: delete the material beginning with “earlier” and ending
15 with “(b)” on page 69, line 1, and substitute “date under sub. (4m)”.

16 **13.** Page 69, line 3: delete “earlier of the dates under sub. (4m) (a) or (b)” and
17 substitute “date under sub. (4m)”.

18 **14.** Page 73, line 14: delete “earlier of the dates under sub. (4m) (a) or (b)” and
19 substitute “date under sub. (4m)”.

20 **15.** Page 74, line 12: delete “earlier of the dates under sub. (4m) (a) or (b)” and
21 substitute “date under sub. (4m)”.

22 **16.** Page 74, line 15: delete the material beginning with “earlier” and ending
23 with “(b)” on line 16 and substitute “date under sub. (4m)”.

1 **17.** Page 74, line 20: delete “earlier of the dates under sub. (4m) (a) or (b)” and
2 substitute “date under sub. (4m)”.

3 **18.** Page 78, line 14: after that line insert:

4 “(5m) INTERIM APPROVAL. If a person making a withdrawal that averages
5 100,000 gallons per day or more in any 30-day period registers the withdrawal under
6 sub. (3) (a) 1. and reports as required under sub. (3) (e) and the department does not
7 automatically issue a notice of coverage under sub. (4s) (c) or an individual permit
8 under sub. (5) (c) for the withdrawal before the compact’s effective date, the
9 registration of the withdrawal constitutes an approval for the purposes of s. 281.343
10 (4t) (b) 1. The withdrawal amount is the total amount reported under sub. (3) (b) 4m.,
11 except that if there is a limit in an approval under s. 30.12, 30.18, 281.34, or 281.41
12 or s. 281.17, 2001 stats., on the amount of water that may be withdrawn by any water
13 supply system used for the withdrawal and that limit is less than the amount
14 reported under sub. (3) (b) 4m. for that water supply system, the withdrawal amount
15 is the total amount reported under sub. (3) (b) 4m. reduced by the difference between
16 the reported amount for that water supply system and the limit in the approval.”.

17 **19.** Page 89, line 13: after that line insert:

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

1 department determines a different amount under sub. (4e), the amount determined
2 under sub. (4e).”.

3 **20.** Page 101, line 4: after that line insert:

4 **“(4e) DETERMINING WITHDRAWAL AMOUNTS FOR WITHDRAWALS WITH INTERIM**
5 **APPROVALS.** (a) Before issuing automatic notice of coverage under a general permit
6 under sub. (4s) or an automatic individual permit under sub. (5) (c) for a withdrawal
7 from the Great Lakes basin that is covered by an interim approval under s. 281.344
8 (5m), the department shall determine a withdrawal amount for the withdrawal
9 under this subsection.

10 (b) 1. Except as provided in subds. 2. and 3e. and par. (f), the department shall
11 estimate the withdrawal amount for a withdrawal based on the maximum hydraulic
12 capacity of the most restrictive component in the water supply system used for the
13 withdrawal as of the compact’s effective date, based on information available to the
14 department.

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

20 3e. If water is withdrawn through more than one water supply system to serve
21 a facility, the department shall determine the amount under subd. 1. for each of the
22 water supply systems to which subd. 2. does not apply and shall determine the
23 amount under subd. 2. for each of the water supply systems to which subd. 2. applies

1 and shall provide an estimate of the withdrawal amount that is equal to the sum of
2 the amounts determined for each of the water supply systems.

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

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

- 7 1. The components of the water supply system used for the withdrawal.
- 8 2. Seasonal variations in the amount of water supplied by the water supply
9 system.
- 10 3. Plans for expanding the capacity of the water supply system submitted to
11 the department no later than 2 years after the effective date of this subdivision
12 [revisor inserts date].
- 13 4. Amounts withdrawn during the 5 years before the year in which the person
14 submits the information.
- 15 5. Successful water conservation efforts by persons using the water that is
16 withdrawn.
- 17 6. Water loss from consumptive uses of similar types of users compared to the
18 water loss from consumptive use of persons using the water that is withdrawn.
- 19 7. Other relevant information.

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

24 (f) For a public water supply system that, on the effective date of this paragraph
25 [revisor inserts date], has approval under s. 281.41 to provide water from the

1 Great Lakes basin for public water supply purposes outside of the Great Lakes basin
2 and approval under s. 283.31 to return the associated wastewater to the Great Lakes
3 basin, the department shall determine the withdrawal amount to be the amount of
4 water necessary to provide water for public water supply purposes in the service
5 territory specified in the sewer service area provisions of the areawide water quality
6 management plan under s. 283.83 approved by the department before December 31,
7 2007, based on the population and related service projections in those provisions.

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

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

16 (i) For the purposes of sub. (5) (f) 1. and 2., (h) 1. and 2., and (k) 1. and 2., and
17 (5e) (b) 1. and 2., and (c) 1., and 2., a withdrawal amount determined under this
18 subsection for a withdrawal is considered to be the withdrawal amount for the
19 withdrawal as of the compact's effective date.”.

20 **21.** Page 101, line 8: delete “or an” and substitute “, an”.

21 **22.** Page 101, line 9: after “s. 281.344 (5)” insert “, or an interim approval
22 under s. 281.344 (5m)”.

23 **23.** Page 102, line 8: after that line insert:

1 “(c) *Automatic notice of coverage for withdrawals with interim approvals.* The
2 department shall automatically issue a notice of coverage under a general permit to
3 a person who makes a withdrawal that is covered by an interim approval under s.
4 281.344 (5m), if the withdrawal averages 100,000 gallons per day or more in any
5 30-day period but does not equal at least 1,000,000 gallons per day for any 30
6 consecutive days. If necessary, the department may request additional information
7 before issuing a notice under this paragraph. The department shall issue a notice
8 under this paragraph no later than one year after the compact’s effective date. In the
9 notice provided under this paragraph for a withdrawal, the department shall specify
10 a withdrawal amount equal to the withdrawal amount determined under sub. (4e)
11 for the withdrawal.”.

12 **24.** Page 107, line 8: delete “or s. 281.344 (3m) or (4e)” and substitute “, sub.
13 (4e), or s. 281.344 (4e) or (5) (d) 3., 3e., or 3m. or (e) 3., 3e., or 3m.”.

14 **25.** Page 108, line 2: after that line insert:

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

1 withdrawal amount equal to the withdrawal amount determined under sub. (4e) for
2 the withdrawal.”

3 (END)