
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 126
[2021 Senate Bill 488]

Water Supply Service Area Plans

BACKGROUND

Under prior law, every water utility serving a population of 10,000 or more was required to prepare a water supply service area plan, and have the plan approved by the Department of Natural Resources (DNR), no later than December 31, 2025. All local governing bodies impacted by the plan were required to approve the plan. All plans were required to include a cost-effectiveness analysis, among other aspects. When an area covered by a plan was within an area for which an area-wide water quality planning agency was designated by the Governor, the agency was responsible for designating the proposed water supply service areas in the plan.

2021 WISCONSIN ACT 126

The act leaves in place the requirement that every water utility serving a population of 10,000 or more must prepare a water supply service area plan no later than December 31, 2025. The act requires water utilities to submit the plan to all impacted local governing bodies; however, the act eliminates the requirement that the plan must be approved by such bodies.

In addition, the act modifies the requirements regarding DNR approval and inclusion of a cost-effectiveness analysis. The act provides that only plans involving a new or increased diversion or withdrawal from the Great Lakes basin require DNR approval and inclusion of a cost-effectiveness analysis, whereas such approval and analysis were required of all plans under prior law.

The act eliminates the requirement that, within an area for which an area-wide water quality planning agency was designated by the Governor, the agency must designate the proposed water supply service areas in a plan.

Finally, the act provides that a water supply service area plan does not create an obligation for any water utility to provide service to the area in the plan and prohibits the Public Service Commission from requiring a utility to extend or provide service to an area on the basis of a plan.

Effective date: February 6, 2022

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