

## **Report From Agency**

### REPORT TO LEGISLATURE

NR 854, Wis. Adm. Code

Board Order No. DG-02-22  
Clearinghouse Rule No. CR 23-049

#### Basis and Purpose of the Proposed Rule

Section 281.348, Wis. Stats., requires certain public water systems to prepare water supply service area plans by December 31, 2025. A water supply service area plan documents long-term planning to demonstrate that a public water supply system can supply an adequate and sustainable amount of water in a manner that meets the requirements of s. 281.348, Wis. Stats., and where applicable, the requirements of the Great Lakes – St. Lawrence River Basin Water Resources Compact.

The rule will establish a continuing water supply service area planning process for public water supply systems in Wisconsin that serve a population of 10,000 or more. In addition, submittal and department approval of a water supply service area plan is required by statute for the following:

- Public water systems of any size proposing a new or increased diversions of water from the Great Lakes basin under s. 281.346 (4), Wis. Stats.
- Public water system proposing new or increased withdrawals from the Great Lakes basin under s. 281.346 (4g), (4s), or (5), Wis. Stats.

The rule contains the same water supply service area plan requirements as the statute in s. 281.348(3), Wis. Stats.:

- Delineation of the area for which the plan is being prepared.
- Inventory of the sources and quantity of water supply in the area.
- Forecast of water demands, including population projections.
- Identification of water supply options.
- Assessment of environmental and economic impacts of carrying out significant recommendations of the plan.
- Demonstration that the plan will utilize existing water supply and wastewater.
- infrastructure to the extent practicable.
- Procedures for implementing and updating the plan.
- Consistency with applicable comprehensive and areawide water quality management plans.

In addition, water supply service area plans that require department approval need to include:

- Delineation of the proposed water supply service areas for each public water supply system making a withdrawal covered by the plan.
- A cost-effective analysis of regional and individual water supply and water conservation alternatives.

Section 281.348(3)(b), Wis. Stats., also requires that the rule include procedures for the following:

- Public review and comment on the proposed water supply service area plan.
- Submission of the plan to governing body(s) of municipalities whose water supply is addressed by the plan.
- Submission and approval of the plan to the department, if required.

- Revisions to a previously approved plan.

Summary of Public Comments

See attached “Summary of Comments and DNR Responses, Natural Resources Board Order DG-02-22, Ch. NR 854 – Water Supply Service Area Plans.”

Modifications Made

The modifications made to the rule are described in the attached ”Summary of Comments and DNR Responses, Natural Resources Board Order DG-03-22, Ch. NR 851 – Great Lakes Basin Water Diversions.”

Appearances at the Public Hearing

<b>First Name</b>	<b>Last Name</b>	<b>Position Registered as:</b>	<b>Organization Represented:</b>
Susan	Bence	attending for informational purposes only	Milwaukee Public Radio
Thomas	Kuenzli	attending for informational purposes only	
Mark	Piontek	attending for informational purposes only	
Mike	Aiken	attending for informational purposes only	
Matt	Carran	in support	Village of Menomonee Falls
Glenn	Coenen	in opposition	
Noah	Saperstein	attending for informational purposes only	
Lily	Koss	attending for informational purposes only	
Lois	Kallunki	attending for informational purposes only	
Marianne	Ewig	in opposition	
Lila	Johnson	attending for informational purposes only	
Jennifer	Breceda	none of the above	Milwaukee Riverkeeper
Helena	Volzer	attending for informational purposes only	Alliance for the Great Lakes
David	Johnson	none of the above	Midwest Environmental Advocates
SHANNON	ROZNOSKI	attending for informational purposes only	
Derek	Paulsen	none of the above	
Bill	Davis	attending for informational purposes only	
Pete	Holmgren	in opposition	City of Madison Water Utility
Bill	McClenahan	attending for informational purposes only	Waukesha Water Utility
Alaina	Noll	attending for informational purposes only	
Cheryl	Nenn	in support	Milwaukee Riverkeeper
Evan	Miller	attending for informational purposes only	

Lily	Butler	attending for informational purposes only	
Laurie	Longtine	none of the above	Waukesha County Environmental Action League

Changes to Rule Analysis and Fiscal Estimate

No changes were made to the Plain Language Rule Analysis, Fiscal Estimate or the final Economic Impact Analysis as a result of public comments or testimony given at this stage of rulemaking.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on statutory authority; form, style and placement; adequacy of references; and clarity, grammar, punctuation. Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse, except for those discussed below.

**Comment 5.b.:** The Legislative Council Rules Clearinghouse questioned whether the use of the term “largely” in the definition of “Public Water Supply System” in s. NR 854.03 (18) (a), is sufficiently clear for the proposed rule.

Response: The department feels the term is sufficiently clear. The term “largely” was chosen for consistency purposes, as the term “largely” is also used in the statutory definition of “Public Water Supply” in s. 281.346 (1) (pm).

Final Regulatory Flexibility Analysis

This proposed rule has no economic impacts to small businesses.

Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.