

# State of Wisconsin



2021 Senate Bill 488

Date of enactment: **February 4, 2022**

Date of publication\*: **February 5, 2022**

## 2021 WISCONSIN ACT 126

**AN ACT to repeal** 281.348 (3) (b) 4. and 281.348 (3) (d) 4.; **to amend** 281.348 (3) (a) 2., 281.348 (3) (b) 1., 281.348 (3) (b) 2., 281.348 (3) (b) 2m., 281.348 (3) (c) 1., 281.348 (3) (c) 4., 281.348 (3) (c) 7., 281.348 (3) (c) 8., 281.348 (3) (cm), 281.348 (3) (cr), 281.348 (3) (d) (intro.), 281.348 (3) (d) 3., 281.348 (3) (e), 281.348 (4) (intro.) and 281.41 (1) (c); and **to create** 281.348 (3) (a) 3., 281.348 (3) (a) 4., 281.348 (3) (b) 2e. and 281.348 (5) of the statutes; **relating to:** water supply service area plans for public water systems.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 281.348 (3) (a) 2. of the statutes is amended to read:

281.348 (3) (a) 2. A person operating a public water supply system that serves a population of 10,000 or more and that withdraws water from the waters of the state shall ~~have an approved~~ prepare a plan under this section no later than December 31, 2025.

**SECTION 2.** 281.348 (3) (a) 3. of the statutes is created to read:

281.348 (3) (a) 3. A person operating a public water supply system shall obtain department approval of a water supply service area plan that provides for a new or increased diversion that requires approval under s. 281.346 (4) or a new or increased withdrawal that requires approval under s. 281.346 (4s) or (5).

**SECTION 3.** 281.348 (3) (a) 4. of the statutes is created to read:

281.348 (3) (a) 4. Except as provided in subd. 3., a person operating a public water supply system is not required to obtain department approval of a water supply service area plan.

**SECTION 4.** 281.348 (3) (b) 1. of the statutes is amended to read:

281.348 (3) (b) 1. Public review and comment on a proposed plan. For a plan ~~submitted~~ prepared after the compact's effective date covering a public water supply system that withdraws water from the Great Lakes basin, the procedures and requirements under this subdivision shall be consistent with s. 281.343 (6) (b).

**SECTION 5.** 281.348 (3) (b) 2. of the statutes is amended to read:

281.348 (3) (b) 2. ~~Approval~~ Submission of a ~~the~~ plan ~~by to~~ the governing body of each city, village, and town whose public water supply is addressed by the plan ~~before the plan is submitted to the department.~~

**SECTION 6.** 281.348 (3) (b) 2e. of the statutes is created to read:

281.348 (3) (b) 2e. Submission of the plan to the department if department approval is required under par. (a) 3.

**SECTION 7.** 281.348 (3) (b) 2m. of the statutes is amended to read:

281.348 (3) (b) 2m. Approval of ~~a-~~ the plan by the department if department approval is required under par. (a) 3.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 8.** 281.348 (3) (b) 4. of the statutes is repealed.

**SECTION 9.** 281.348 (3) (c) 1. of the statutes is amended to read:

281.348 (3) (c) 1. Delineation of the area for which the plan is being prepared and,

1m. If department approval is required, delineation of proposed water supply service areas for each public water supply system making a withdrawal covered by the plan, except as provided in par. (em) or (cr).

**SECTION 10.** 281.348 (3) (c) 4. of the statutes is amended to read:

281.348 (3) (c) 4. Identification of the options for supplying water in the area for the period covered by the plan that are approvable under other applicable statutes and rules and that are cost-effective based upon a,

4m. A cost-effectiveness analysis of regional and individual water supply and water conservation alternatives if the plan provides for a new or increased diversion requiring approval under s. 281.346 (4) or a new or increased withdrawal requiring approval under s. 281.346 (4s) or (5).

**SECTION 11.** 281.348 (3) (c) 7. of the statutes is amended to read:

281.348 (3) (c) 7. Identification of the procedures for implementing and enforcing updating the plan and a commitment to using those procedures.

**SECTION 12.** 281.348 (3) (c) 8. of the statutes is amended to read:

281.348 (3) (c) 8. An analysis of how the plan supports and is consistent with any applicable comprehensive plans, as defined in s. 66.1001 (1) (a), and applicable approved areawide water quality management plans under s. 283.83.

**SECTION 13.** 281.348 (3) (cm) of the statutes is amended to read:

281.348 (3) (cm) For the purposes of plans under par. (a), and except as provided in par. (er), an areawide water quality planning agency designated by the governor under ch. NR 121, Wis. Adm. Code, shall ~~delineate the proposed water supply service areas for all of the public water supply systems in the planning area for which the agency is designated. An areawide water quality planning agency shall delineate proposed water supply service areas that are consistent with the approved areawide water quality management plan under s. 283.83 for the planning area and that permit the development of plans that are approvable under par. (d).~~ An areawide water quality planning agency may also provide regional water needs assessments and other regional water supply planning information. The process for conducting regional activities under this subsection may be the same as the process for regional water supply planning for a ground-water management area designated under s. 281.34 (9).

**SECTION 14.** 281.348 (3) (cr) of the statutes is amended to read:

281.348 (3) (cr) For the purposes of plans under par. (a), if the Great Lakes council approves a diversion area for a public water supply system proposing to make a diversion from the Great Lakes basin under s. 281.346 (4) (e), that diversion area shall be the delineated water supply service area for purposes of this section and does not need to be consistent with the approved areawide water quality management plan under s. 283.83 for the planning area.

**SECTION 15.** 281.348 (3) (d) (intro.) of the statutes is amended to read:

281.348 (3) (d) (intro.) The If department approval of a plan is required, the department may not approve a plan ~~under this subsection~~ unless all of the following apply:

**SECTION 16.** 281.348 (3) (d) 3. of the statutes is amended to read:

281.348 (3) (d) 3. The plan is consistent with any applicable comprehensive plans, as defined in s. 66.1001 (1) (a).

**SECTION 17.** 281.348 (3) (d) 4. of the statutes is repealed.

**SECTION 18.** 281.348 (3) (e) of the statutes is amended to read:

281.348 (3) (e) The department shall specify in its approval of a plan under this section a water supply service area for each public water supply system making a withdrawal covered by the plan. The department may not limit water supply service areas based on jurisdictional boundaries, except as necessary to prevent waters of the Great Lakes basin from being transferred from a county that lies completely or partly within the Great Lakes basin into a county that lies entirely outside the Great Lakes basin, or except where the water supply service area is delineated by a diversion area approved by the Great Lakes council under par. (cr).

**SECTION 19.** 281.348 (4) (intro.) of the statutes is amended to read:

281.348 (4) WITHDRAWAL AMOUNT IN CERTAIN PLANS. (intro.) ~~In~~ If a plan under this section that covers a public water supply system making a withdrawal from the Great Lakes basin requires department approval, the department shall specify a withdrawal amount for the public water supply system equal to the greatest of the following:

**SECTION 20.** 281.348 (5) of the statutes is created to read:

281.348 (5) WATER SUPPLY SERVICE AREA. A water supply service area plan prepared under this section does not create, establish, or evidence an obligation for any water utility to provide service to the service area delineated or covered in the plan. The public service commission may not require a water utility to extend or provide service to an area on the basis of the provisions of a plan.

**SECTION 21.** 281.41 (1) (c) of the statutes is amended to read:

**2021 Senate Bill 488**

**2021 Wisconsin Act 126**

281.41 (1) (c) Construction or material change shall be according to approved plans only. The department may disapprove plans that are not in conformance with any existing approved areawide waste treatment management plan prepared pursuant to the federal water pollution control act, P.L. 92–500, as amended, and shall dis-

approve plans that do not meet the grounds for approval specified under s. 281.35 (5) (d), if applicable. ~~The department shall disapprove plans that are not in conformance with any applicable approved water supply service area plan under s. 281.348.~~

---