



2009 ASSEMBLY BILL 844

March 12, 2010 - Introduced by Representatives BLACK, MASON, CLARK, HEBL, MILROY, PASCH, A. WILLIAMS, SOLETSKI, POCAN, PARISI, POPE-ROBERTS, ZEPNICK, BERCEAU, DEXTER, ROYS, SMITH, HIXSON and FIELDS, cosponsored by Senators MILLER, JAUCH, ROBSON, LEHMAN and RISSER. Referred to Committee on Natural Resources.

1 **AN ACT** *to repeal* 16.968 and 281.34 (9); *to renumber* 160.50 (2); *to renumber*
2 *and amend* 20.865 (2) (em), 196.03 (3) (a) and 281.34 (7); *to amend* 20.370 (6)
3 (eg), 196.03 (3) (b) 1., 281.34 (1) (f), 281.34 (4) (a) 2., 281.34 (4) (a) 3., 281.34 (5)
4 (b) 1., 281.34 (5) (c), 281.34 (5) (d), 281.344 (4s) (dm), 281.344 (4s) (dm), 281.346
5 (4s) (dm), 281.346 (4s) (dm), 281.348 (3) (c) 8. and 281.348 (3) (cm); and *to*
6 *create* 36.25 (6) (f), 145.133, 160.50 (2) (b), 196.03 (3) (ag), 196.03 (3) (c), 281.34
7 (1) (eg), 281.34 (1) (er), 281.34 (4) (a) 4., 281.34 (4) (a) 5., 281.34 (4) (am), 281.34
8 (5) (dc), 281.34 (5) (de), 281.34 (5) (ds), 281.34 (7) (c), 281.34 (7) (d), 281.34 (11),
9 281.341, 281.346 (8) (cm), 281.346 (8) (cs), 281.348 (3) (a) 3. and 4. and 281.348
10 (3) (d) 4m. of the statutes; **relating to:** groundwater management, water
11 conservation, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

GROUNDWATER MANAGEMENT AREAS

Designation

This bill establishes standards and a process for designating areas in this state as groundwater management areas. The standards vary depending on whether an

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area has a confined aquifer or an unconfined aquifer. An aquifer is a water bearing geologic formation. A confined aquifer has above it a layer (of rock, for example) through which water does not pass easily. An unconfined aquifer does not have such a layer above it.

The standards for designating an area with a confined aquifer as a groundwater management area are related to effects that the pumping of groundwater has caused in reducing the level to which water would rise in an open well or in reducing the water level in wells while pumps are operating. The standards for designating an area with an unconfined aquifer as a groundwater management area are related to reductions in stream flows caused by pumping and to declines in water tables.

Current law provides for a Groundwater Coordinating Council (GCC), consisting of the secretaries of agriculture, trade and consumer protection, natural resources, commerce, and transportation, and the president of the University of Wisconsin System, or their designees; the state geologist; and a person to represent the governor. This bill requires the GCC to appoint a subcommittee on groundwater area review (council subcommittee), consisting of individuals with technical expertise in the area of groundwater science and management.

The bill requires the council subcommittee to examine areas that may qualify for designation as groundwater management areas and to forward its conclusions to the GCC. If the council subcommittee forwards a conclusion that an area qualifies as a groundwater management area and the GCC agrees with that conclusion, the bill requires the GCC to recommend that the Department of Natural Resources (DNR) designate the area as a groundwater management area. If DNR receives such a recommendation from the GCC, DNR may, by rule, designate the area as a groundwater management area.

The bill requires the council subcommittee to first consider two areas, one in and adjacent to Brown County and one in and adjacent to Waukesha County, for designation as groundwater management areas.

After DNR promulgates a rule designating an area as a groundwater management area, it must establish a date by which it is reasonable to expect that the groundwater conditions in the area will improve sufficiently that the area will cease to qualify as a groundwater management area (a target date).

Planning

The bill requires a local groundwater management council to be appointed after an area is designated as a groundwater management area. If the groundwater management area is entirely in one county, the county executive, or, if the county does not have a county executive, the chairperson of the county board, appoints the groundwater management council. If the groundwater management area includes all of part of more than one county, the bill requires the appointment of a groundwater management council according to an agreement negotiated by the counties. If a groundwater management council is not appointed within six months of the designation of a groundwater management area, the bill requires DNR to appoint a groundwater management council for the groundwater management area.

The bill requires a groundwater management council to develop a groundwater management plan for the groundwater management area. The plan must be

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protective of surface water and groundwater and be designed to ensure that by the target date the area no longer qualifies as a groundwater management area. The plan must contain measurable goals, requirements for reporting to DNR, water conservation measures, and other provisions specified by DNR by rule.

Once a groundwater management council completes a groundwater management plan for a single-county groundwater management area, it submits the plan to the county board for approval. For a multicounty groundwater management area, the council submits the plan to all of the county boards for approval. After a plan is approved by the county board or, for a multicounty groundwater management area, all of the county boards, the groundwater management council submits the plan to DNR for approval.

The bill requires DNR to review and approve or disapprove a groundwater management plan for a groundwater management area. DNR may approve a plan only if it complies with the requirements described above. If, 36 months after the groundwater management area was designated, a groundwater management plan has not been approved by DNR, the bill requires DNR to develop a groundwater management plan for the groundwater management area.

Effect of groundwater management plan

Under current law, a person may not construct a high capacity well without an approval from DNR. A high capacity well is a well that, together with all other wells on the same property, has the capacity to withdraw more than 100,000 gallons of water per day.

Under this bill, after DNR approves or develops a groundwater management plan for a groundwater management area, DNR may not approve a high capacity well in the groundwater management area unless the high capacity well is consistent with the groundwater management plan. Also see the description below concerning the review of existing high capacity well approvals.

Under current law, which implements the Great Lakes Water Resources Compact, beginning on December 8, 2011, a person may not withdraw groundwater or surface water in the Great Lakes basin in an amount that averages 100,000 gallons per day or more in any 30-day period unless the withdrawal is covered under a water use permit issued by DNR. The law requires DNR to include requirements for water conservation in water use permits. This bill requires DNR to make the conservation measures for withdrawals in a groundwater management area consistent with the area's groundwater management plan.

This bill also requires DNR to include water conservation requirements in the approvals, required under current law, for certain surface water withdrawals in a groundwater management area that is outside of the Great Lakes basin. The bill requires DNR to make the conservation requirements for these withdrawals consistent with the groundwater management plan for the groundwater management area.

Current law requires DNR to administer a water supply planning process for public water supply systems in this state. A water supply plan specifies the area for which the public water supply system will provide water and how the system will provide the water. The law requires a public water supply system that serves a

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population of 10,000 or more to be covered by a water supply plan approved by DNR no later than December 31, 2025, but systems may obtain approval of plans before that date.

This bill requires the operator of a public water supply system that serves a population of 10,000 or more and that is located in a groundwater management area to be covered by a water supply plan approved by DNR no later than four years after DNR designates the groundwater management area and requires the water supply plan to be consistent with the groundwater management plan for the area.

Rescinding designation

After the target date established by DNR for a groundwater management area, the bill requires the council subcommittee to consider whether the area still qualifies as a groundwater management area. If the council subcommittee concludes that the area no longer qualifies as a groundwater management area, it must forward that conclusion to the GCC. If the GCC agrees that the area no longer qualifies as a groundwater management area, the GCC must recommend that DNR rescind the designation. If the GCC makes that recommendation, DNR may rescind the designation by repealing the rule designating the area as a groundwater management area.

GROUNDWATER ATTENTION AREAS***Designation***

This bill establishes a standard and a process for designating areas in this state as groundwater attention areas. An area qualifies for designation as a groundwater attention area if, based on water use trends, the area is likely to qualify for designation as a groundwater management area within 20 years.

The process for designation of a groundwater attention area is similar to the process for designating a groundwater management area. First the council subcommittee determines whether an area qualifies for designation and forwards that determination to the GCC. The GCC reviews the council subcommittee's determination that an area qualifies for designation as a groundwater attention area. If the GCC agrees with the determination, the GCC must recommend to DNR that the area be designated as a groundwater attention area. If DNR receives such a recommendation from the GCC, DNR may designate the area as a groundwater attention area. Unlike for a groundwater management area, the bill does not require that the designation of a groundwater attention area be made by rule. The bill requires DNR to publish a notice of the designation of a groundwater attention area in a newspaper likely to give notice in the area.

Planning

The bill does not require groundwater planning for a groundwater attention area. The bill gives the county or counties in which the area is located the option to appoint a groundwater management council (in the same manner as in a groundwater management area). If a groundwater management council is appointed, it may develop a groundwater management plan. If a groundwater management council for a groundwater attention area develops a plan, it must submit the plan to the county board or county boards for the county or counties in

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which the area is located. The plan must be protective of surface water and groundwater and be designed to ensure that by the target date the area no longer qualifies as a groundwater attention area.

A groundwater management council that develops a groundwater management plan for a groundwater attention area may recommend to the county board or county boards that DNR be requested to approve the plan and to apply the plan to approvals of high capacity wells. If the county board agrees, or all of the county boards for a multicounty groundwater attention area agree, the plan is submitted to DNR and DNR must review and approve or disapprove the groundwater management plan. DNR may approve a plan only if it complies with the requirements described above.

Effect of groundwater management plan

Under this bill, after DNR approves a groundwater management plan for a groundwater attention area (upon the request of the county or counties in which the area is located), DNR may not approve a high capacity well in the groundwater attention area unless the well is consistent with the groundwater management plan. Also see the description below concerning the review of existing high capacity well approvals.

Rescinding designation

After the target date established by DNR for a groundwater attention area, the bill requires the council subcommittee to consider whether the area qualifies for designation as a groundwater management area and, if not, whether the area still qualifies as a groundwater attention area. If the council subcommittee concludes that the area qualifies as a groundwater management area, it must forward that conclusion to the GCC and the process for designating an area as a groundwater management area proceeds as described above. If the council subcommittee concludes that the area no longer qualifies as a groundwater attention area, it must forward that conclusion to the GCC. If the GCC agrees that the area no longer qualifies as a groundwater attention area, the GCC must recommend that DNR rescind the designation. If the GCC makes that recommendation, DNR may rescind the designation of the groundwater attention area.

HIGH CAPACITY WELLS***Environmental review of proposed high capacity wells***

As explained above, under current law, a person may not construct a high capacity well without an approval from DNR. Current law requires DNR to conduct an environmental review of applications for approval of all the following:

1. A high capacity well that is located in a groundwater protection area, that is, an area within 1,200 feet of a trout stream or waters designated by DNR as outstanding or exceptional resource waters.
2. A high capacity well with a high water loss, which means that less than 5 percent of the water withdrawn is returned after use to the basin from which it is withdrawn.
3. A high capacity well that may have a significant adverse impact on a qualifying spring.

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Under current law, if DNR determines that an environmental impact report must be conducted for a proposed well that meets one of these criteria, DNR must generally include conditions in the approval of the well to ensure that the well does not cause significant adverse environmental impact or, if it is not possible to ensure that, must deny the application. If a proposed well will be used to provide a public water supply and DNR determines that there is no reasonable alternative location for the well, DNR must include in the approval conditions to ensure that the environmental impact of the well is balanced by the public benefit of the well.

This bill changes the criteria for determining which springs are qualifying springs under the high capacity well law. Under current law, to be a qualifying spring, a spring must result in a flow of at least one cubic foot per second at least 80 percent of the time. The bill requires DNR to conduct an inventory of large springs in this state and to report the results of the study to the legislature. Once DNR reports to the legislature, a spring that results in a flow of at least 0.25 cubic foot per second and that is perennial, as defined by DNR by rule, is a qualifying spring.

This bill expands the environmental review provisions of current law so that they apply to a proposed high capacity well in a groundwater management area before DNR approves or develops a groundwater management plan for the area. (After DNR approves the groundwater management plan, as explained above, DNR may not approve a high capacity well in the groundwater management area unless the high capacity well is consistent with the groundwater management plan.) The bill also provides that the environmental review provisions apply to any proposed high capacity well for a water bottling facility.

Under this bill, any person may file a petition with DNR requesting environmental review of a proposed high capacity well that does not meet any of the criteria for which environmental review is specifically required, on the grounds that the well is reasonably probable to result in significant adverse environmental impact to surface waters. A person filing a petition must provide information showing that the well is reasonably probable to result in significant adverse environmental impact to surface waters. If DNR determines that the information is adequate, the current environmental review provisions apply to the well.

Review of existing high capacity well approvals in designated areas

Under current law, the approval of a high capacity well generally remains in effect indefinitely.

This bill requires DNR to review existing approvals for high capacity wells in a groundwater management area after the groundwater management plan for the area takes effect. The bill authorizes DNR to modify the approval of a high capacity well in a groundwater management area to ensure that the well is consistent with the groundwater management plan.

This bill also requires DNR to review existing approvals for high capacity wells in a groundwater attention area if the county or counties in which the area is located requested DNR to approve the plan and to apply the plan to approvals of high capacity wells and DNR approved the plan. The bill authorizes DNR to modify the approval of a high capacity well in such a groundwater attention area to ensure that the well is consistent with the groundwater management plan.

ASSEMBLY BILL 844**OTHER PROVISIONS*****Graywater and rainwater systems***

This bill requires the Department of Commerce to promulgate rules that establish standards for graywater and rainwater systems and that authorize the use of graywater and rainwater within the building, or on the property surrounding the building, from which the graywater was generated or from which the rainwater was collected. Graywater is wastewater generated from the use of a clothes washer, sink, shower, or bathtub.

Public Service Commission order on water conservation

This bill requires the Public Service Commission (PSC) to issue an order for encouraging water conservation by water utilities and their customers. The PSC may impose different deadlines for compliance with the order on different classes of water utilities, but the PSC must impose the highest priority for compliance on water utilities located in groundwater management areas.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 16.968 of the statutes is repealed.

2 **SECTION 2.** 20.370 (6) (eg) of the statutes is amended to read:

3 20.370 **(6)** (eg) *Groundwater mitigation and local assistance.* All moneys
4 received under s. 281.34 not appropriated under sub. (4) (cg) or (ch) for mitigation
5 under s. 281.34 (8) (d) and ~~(9) (d)~~ and funding to local governmental units under s.
6 ~~281.34 (9) (b)~~.

7 **SECTION 3.** 20.865 (2) (em) of the statutes is renumbered 20.285 (1) (et) and
8 amended to read:

9 20.285 **(1)** (et) *Groundwater survey and analysis.* The amounts in the schedule
10 for the survey and analysis of groundwater conditions and problems under ~~ss. s.~~
11 16.968, 36.25 (6) and 280.13 and subch. II of ch. 281.

12 **SECTION 4.** 36.25 (6) (f) of the statutes is created to read:

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1 36.25 (6) (f) No funds may be expended from the appropriation account under
2 s. 20.285 (2) (em) in a fiscal year before the state geologist and the department of
3 natural resources agree on a plan for the use of the funds during that fiscal year.

4 **SECTION 5.** 145.133 of the statutes is created to read:

5 **145.133 Graywater systems. (1)** In this section:

6 (a) “Graywater” means wastewater generated from the use of a clothes washer,
7 sink, shower, or bathtub.

8 (b) “Graywater system” means a system for the collection and reuse of
9 graywater.

10 (c) “Rainwater system” means a system for the use of rainwater collected from
11 building roofs.

12 **(2)** The department shall promulgate rules that establish standards for the
13 installation of graywater and rainwater systems. The standards shall authorize the
14 use of graywater and rainwater within the building, or on the property surrounding
15 the building, from which the graywater was generated or from which the rainwater
16 was collected.

17 **SECTION 6.** 160.50 (2) of the statutes is renumbered 160.50 (2) (a).

18 **SECTION 7.** 160.50 (2) (b) of the statutes is created to read:

19 160.50 **(2)** (b) The groundwater coordinating council shall create a
20 subcommittee on groundwater area review. The subcommittee shall be composed of
21 individuals with technical expertise in the area of groundwater science and
22 management.

23 **SECTION 8.** 196.03 (3) (a) of the statutes is renumbered 196.03 (3) (ar) and
24 amended to read:

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1 196.03 (3) (ar) In the case of a ~~public water utility furnishing water~~, the
2 commission shall include, in the determination of water rates, the cost of fluoridating
3 the water in the area served by the ~~public water utility furnishing water~~ if the
4 governing body of the city, village or town which owns or is served by the ~~public water~~
5 utility ~~furnishing water~~ authorizes the fluoridation of water by the ~~public water~~
6 utility ~~furnishing water~~.

7 **SECTION 9.** 196.03 (3) (ag) of the statutes is created to read:

8 196.03 (3) (ag) “Water utility” means a public utility that furnishes water.

9 **SECTION 10.** 196.03 (3) (b) 1. of the statutes is amended to read:

10 196.03 (3) (b) 1. A ~~public water utility~~ shall include the charges in the water
11 utility bill of each customer of the ~~public water utility~~ in the city, village, or town.

12 **SECTION 11.** 196.03 (3) (c) of the statutes is created to read:

13 196.03 (3) (c) 1. The commission shall commence a proceeding to issue an order
14 for encouraging water conservation by all water utilities and their customers. The
15 order may encourage water conservation through rates, incentives, rebates, or other
16 methods determined by the commission. The commission may impose different
17 deadlines for compliance with the order on different classes, as determined by the
18 commission, of water utilities, except that the commission shall impose the highest
19 priority for compliance on water utilities located in areas designated as groundwater
20 management areas under rules promulgated by the department of natural resources
21 under s. 281.341 (2) (a).

22 2. The commission shall issue the order required under subd. 1. no later than
23 one year after the effective date of this subdivision [LRB inserts date].

24 **SECTION 12.** 281.34 (1) (eg) of the statutes is created to read:

25 281.34 (1) (eg) “Qualifying spring” means the following:

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1 1. Before the department submits the report under sub. (11) (b), a spring that
2 results in a flow of at least one cubic foot per second at least 80 percent of the time.

3 2. Beginning on the day that the department submits the report under sub. (11)
4 (b), a spring that results in a flow of at least 0.25 cubic foot per second and that is
5 perennial, as defined under sub. (11) (c).

6 **SECTION 13.** 281.34 (1) (er) of the statutes is created to read:

7 281.34 (1) (er) “Significant adverse environmental impact” means alteration
8 of groundwater levels, groundwater discharge, surface water levels, surface water
9 discharge, groundwater temperature, surface water temperature, groundwater
10 chemistry, surface water chemistry, or other factors to the extent that those
11 alterations cause significant degradation of environmental quality, including
12 biological and ecological aspects of the affected water resource.

13 **SECTION 14.** 281.34 (1) (f) of the statutes is amended to read:

14 281.34 (1) (f) “Spring” means an area of concentrated groundwater discharge
15 occurring at the surface of the land that results in a flow of at least one cubic foot per
16 second at least 80 percent of the time.

17 **SECTION 15.** 281.34 (4) (a) 2. of the statutes is amended to read:

18 281.34 (4) (a) 2. A high capacity well with a water loss of more than 95 percent
19 of the amount of water withdrawn or a high capacity well for a water bottling facility.

20 **SECTION 16.** 281.34 (4) (a) 3. of the statutes is amended to read:

21 281.34 (4) (a) 3. A high capacity well that may have a significant adverse
22 environmental impact on a qualifying spring.

23 **SECTION 17.** 281.34 (4) (a) 4. of the statutes is created to read:

24 281.34 (4) (a) 4. A high capacity well that is located in a groundwater
25 management area, designated under s. 281.341 (2), for which a groundwater

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1 management plan under s. 281.341 (3) (e) or (f) is not yet in effect when the
2 application for the high capacity well is submitted.

3 **SECTION 18.** 281.34 (4) (a) 5. of the statutes is created to read:

4 281.34 (4) (a) 5. A high capacity well not described in subds. 1. to 4. if the
5 department receives a petition under par. (am) 2. requesting environmental review
6 of the application and the information in the petition shows that construction and
7 operation of the well as proposed is reasonably probable to result in significant
8 adverse environmental impact to surface waters.

9 **SECTION 19.** 281.34 (4) (am) of the statutes is created to read:

10 281.34 (4) (am) 1. When the department receives an application for approval
11 of a high capacity well that is not described in par. (a) 1. to 4., the department shall
12 post notice of the application on its Internet site and require the applicant to provide
13 notice of the application to interested members of the public, except that the
14 department may exempt an applicant from the requirement to provide notice if the
15 department determines that the well is needed because of an emergency.

16 2. Any person may file a petition with the department requesting
17 environmental review of a well to which subd. 1. applies on the grounds that the well
18 is reasonably probable to result in significant adverse environmental impact to
19 surface waters. A person filing a petition under this subdivision shall include in the
20 petition information showing that construction and operation of the well as proposed
21 is reasonably probable to result in significant adverse environmental impact to
22 surface waters.

23 **SECTION 20.** 281.34 (5) (b) 1. of the statutes is amended to read:

24 281.34 (5) (b) 1. Except as provided in subd. 2., if the department determines,
25 under the environmental review process in sub. (4), that an environmental impact

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1 report under s. 23.11 (5) must be prepared for a proposed high capacity well located
2 in a groundwater protection area, the department may not approve the high capacity
3 well unless it is able to include and includes in the approval conditions, which may
4 include conditions as to location, depth, pumping capacity, rate of flow, and ultimate
5 use, that ensure that the high capacity well does not cause significant adverse
6 environmental impact.

7 **SECTION 21.** 281.34 (5) (c) of the statutes is amended to read:

8 281.34 (5) (c) *High water loss.* If the department determines, under the
9 environmental review process in sub. (4), that an environmental impact report under
10 s. 23.11 (5) must be prepared for a proposed high capacity well with a water loss of
11 more than 95 percent of the amount of water withdrawn or for a high capacity well
12 for a water bottling facility, the department may not approve the high capacity well
13 unless it is able to include and includes in the approval conditions, which may include
14 conditions as to location, depth, pumping capacity, rate of flow, and ultimate use, that
15 ensure that the high capacity well does not cause significant adverse environmental
16 impact.

17 **SECTION 22.** 281.34 (5) (d) of the statutes is amended to read:

18 281.34 (5) (d) *Impact on a qualifying spring.* 1. Except as provided in subd.
19 2., if the department determines, under the environmental review process in sub. (4),
20 that an environmental impact report under s. 23.11 (5) must be prepared for a
21 proposed high capacity well that may have a significant adverse environmental
22 impact on a qualifying spring, the department may not approve the high capacity
23 well unless it is able to include and includes in the approval conditions, which may
24 include conditions as to location, depth, pumping capacity, rate of flow, and ultimate

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1 use, that ensure that the high capacity well does not cause significant adverse
2 environmental impact.

3 2. Subdivision 1. does not apply to a proposed high capacity well that may have
4 a significant adverse environmental impact on a qualifying spring and that is a water
5 supply for a public utility engaged in supplying water to or for the public, if the
6 department determines that there is no other reasonable alternative location for a
7 well and is able to include and includes in the approval conditions, which may include
8 conditions as to location, depth, pumping capacity, rate of flow, and ultimate use, that
9 ensure that the environmental impact of the well is balanced by the public benefit
10 of the well related to public health and safety.

11 **SECTION 23.** 281.34 (5) (dc) of the statutes is created to read:

12 281.34 (5) (dc) *High capacity wells in groundwater management area without*
13 *management plan.* 1. Except as provided in subd. 2., if the department determines,
14 under the environmental review process in sub. (4), that an environmental impact
15 report under s. 23.11 (5) must be prepared for a proposed high capacity well to which
16 sub. (4) (a) 4. applies, the department may not approve the high capacity well unless
17 it is able to include and includes in the approval conditions, which may include
18 conditions as to location, depth, pumping capacity, rate of flow, and ultimate use, that
19 ensure that the high capacity well does not cause significant adverse environmental
20 impact to surface waters.

21 2. Subdivision 1. does not apply to a proposed high capacity well to which sub.
22 (4) (a) 4. applies that is a water supply for a public utility engaged in supplying water
23 to or for the public, if the department determines that there is no other reasonable
24 alternative location for a well and is able to include and includes in the approval
25 conditions, which may include conditions as to location, depth, pumping capacity,

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1 rate of flow, and ultimate use, that ensure that the environmental impact of the well
2 is balanced by the public benefit of the well related to public health and safety.

3 **SECTION 24.** 281.34 (5) (de) of the statutes is created to read:

4 281.34 (5) (de) *High capacity wells reasonably probable to cause significant*
5 *adverse environmental impact.* 1. Except as provided in subd. 2., if the department
6 determines, under the environmental review process in sub. (4), that an
7 environmental impact report under s. 23.11 (5) must be prepared for a proposed high
8 capacity well to which sub. (4) (a) 5. applies, the department may not approve the
9 high capacity well unless it is able to include and includes in the approval conditions,
10 which may include conditions as to location, depth, pumping capacity, rate of flow,
11 and ultimate use, that ensure that the high capacity well does not cause significant
12 adverse environmental impact to surface waters.

13 2. Subdivision 1. does not apply to a proposed high capacity well to which sub.
14 (4) (a) 5. applies that is a water supply for a public utility engaged in supplying water
15 to or for the public, if the department determines that there is no other reasonable
16 alternative location for a well and is able to include and includes in the approval
17 conditions, which may include conditions as to location, depth, pumping capacity,
18 rate of flow, and ultimate use, that ensure that the environmental impact of the well
19 is balanced by the public benefit of the well related to public health and safety.

20 **SECTION 25.** 281.34 (5) (ds) of the statutes is created to read:

21 281.34 (5) (ds) *Groundwater management plan.* 1. If a proposed high capacity
22 well is in a groundwater management area designated under s. 281.341 (2) with a
23 groundwater management plan under s. 281.341 (3) (e) or (f) in effect, the
24 department may not approve the high capacity well unless it is consistent with that
25 plan.

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1 2. If a proposed high capacity well is in a groundwater attention area
2 designated under s. 281.341 (4) with a groundwater management plan approved
3 under s. 281.341 (5) (f), the department may not approve the high capacity well
4 unless it is consistent with that plan.

5 **SECTION 26.** 281.34 (7) of the statutes is renumbered 281.34 (7) (a) and
6 amended to read:

7 281.34 (7) (a) The approval of a high capacity well issued under this section or
8 under s. 281.17 (1), 2001 stats., remains in effect ~~unless the, subject to pars. (b) to~~
9 (d).

10 (b) The department ~~modifies or rescinds the~~ may modify or rescind an approval

11 under this section or under s. 281.17 (1), 2001 stats., because the high capacity well
12 or the use of the high capacity well is not in conformance with standards or conditions
13 applicable to the approval of the high capacity well.

14 **SECTION 27.** 281.34 (7) (c) of the statutes is created to read:

15 281.34 (7) (c) 1. After a groundwater management plan under s. 281.341 (3) (e)
16 or (f) takes effect for a groundwater management area designated under s. 281.341
17 (2), the department shall review approvals for high capacity wells in the
18 groundwater management area that were issued under this section or under s.
19 281.17 (1), 2001 stats., before the plan took effect.

20 2. After conducting the review under subd. 1. for a groundwater management
21 area designated under s. 281.341 (2), the department shall periodically review the
22 approvals under this section or under s. 281.17 (1), 2001 stats., for high capacity
23 wells in the groundwater management area.

24 3. The department may modify the approval under this section or under s.
25 281.17 (1), 2001 stats., of a high capacity well, after a review under subd. 1. or 2., as

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1 necessary to ensure that the high capacity well is consistent with the groundwater
2 management plan for the groundwater management area in which the high capacity
3 well is located.

4 **SECTION 28.** 281.34 (7) (d) of the statutes is created to read:

5 281.34 (7) (d) 1. After the department approves a groundwater management
6 plan under s. 281.341 (5) (f) for a groundwater attention area designated under s.
7 281.341 (4), the department shall review approvals for high capacity wells in the
8 groundwater attention area that were issued under this section or under s. 281.17
9 (1), 2001 stats., before the plan took effect.

10 2. After conducting the review under subd. 1. for a groundwater attention area
11 designated under s. 281.341 (4) for which the department has approved a
12 groundwater management plan under s. 281.341 (5) (f), the department shall
13 periodically review the approvals under this section or under s. 281.17 (1), 2001
14 stats., for high capacity wells in the groundwater attention area.

15 3. The department may modify the approval under this section or under s.
16 281.17 (1), 2001 stats., of a high capacity well, after a review under subd. 1. or 2., as
17 necessary to ensure that the high capacity well is consistent with the groundwater
18 management plan for the groundwater attention area in which the high capacity well
19 is located.

20 **SECTION 29.** 281.34 (9) of the statutes is repealed.

21 **SECTION 30.** 281.34 (11) of the statutes is created to read:

22 281.34 (11) SPRINGS; INVENTORY AND RULE. (a) The department shall conduct
23 an inventory of large springs in this state. The department shall complete the
24 inventory no later than the first day of the 37th month beginning after the effective
25 date of this paragraph [LRB inserts date].

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1 (b) The department shall submit a report to the legislature, under s. 13.172 (2),
2 and to the legislative reference bureau when it completes the inventory under par.
3 (a).

4 (c) The department shall promulgate a rule defining “perennial” for the
5 purposes of sub. (1) (eg) 2.

6 **SECTION 31.** 281.341 of the statutes is created to read:

7 **281.341 Groundwater management and attention areas. (1)**

8 DEFINITIONS. In this section:

9 (a) “Aquitard” means a geologic formation having low permeability.

10 (b) “Baseflow” means the sustained flow of a stream, principally by
11 groundwater discharge, in the absence of direct runoff.

12 (bm) “Chief executive” means the county executive or, if a county does not have
13 a county executive, the chairperson of the county board of supervisors.

14 (c) “Confined aquifer” means a water bearing geologic formation that is
15 bounded on its upper surface by an aquitard.

16 (d) “Council” means the groundwater coordinating council.

17 (e) “Council subcommittee” means the groundwater area review subcommittee
18 of the groundwater coordinating council.

19 (em) “High capacity well” has the meaning given in s. 281.34 (1) (b).

20 (f) “Potentiometric surface” has the meaning given in s. 281.34 (1) (e).

21 (g) “Target date,” as applied to a groundwater management area under sub. (2),
22 means a date by which it is reasonable to expect that the groundwater management
23 area will no longer qualify for designation as a groundwater management area.

24 “Target date,” as applied to a groundwater attention area under sub. (4), means a

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1 date by which it is reasonable to expect that the groundwater attention area will no
2 longer qualify for designation as a groundwater attention area.

3 (h) “Target withdrawal quantity,” as applied to a groundwater management
4 area under sub. (2), means the total amount of groundwater that may be withdrawn
5 from the groundwater management area’s hydrologic system so that, by the target
6 date established under sub. (2) (f), the groundwater management area will no longer
7 qualify for designation as a groundwater management area. “Target withdrawal
8 quantity,” as applied to a groundwater attention area under sub. (4), means the total
9 amount of groundwater that may be withdrawn from the groundwater attention
10 area’s hydrologic system so that, by the target date established under sub. (4) (f), the
11 groundwater attention area will no longer qualify for designation as a groundwater
12 attention area.

13 (i) “Unconfined aquifer” means a water bearing geologic formation that is not
14 bounded on its upper surface by an aquitard.

15 **(2) GROUNDWATER MANAGEMENT AREA DESIGNATION.** (a) The department may, by
16 rule, designate an area as a groundwater management area if the council forwards
17 a conclusion to the department under par. (e) that the area qualifies for designation
18 as a groundwater management area.

19 (b) An area with a confined aquifer qualifies for designation as a groundwater
20 management area if any of the following applies:

21 1. The groundwater potentiometric surface of the confined aquifer has been
22 reduced 150 feet or more from the level at which the potentiometric surface would
23 be if no groundwater had been pumped from the area.

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1 2. The groundwater potentiometric surface of the confined aquifer has been
2 reduced to within 20 feet above the top of the aquitard bounding the upper surface
3 of the confined aquifer.

4 3. The water level in the majority of the high capacity wells that pump water
5 from the confined aquifer is below the bottom of the confined aquifer's bounding
6 aquitard when the pumps are in operation.

7 4. The groundwater potentiometric surface of the confined aquifer is declining
8 at a rate exceeding 5 feet per year averaged over a 10-year period.

9 (c) An area with an unconfined aquifer qualifies for designation as a
10 groundwater management area if any of the following applies:

11 1. The baseflow of the streams in the area has declined more than 10 percent
12 from what the baseflow of the streams would be if no groundwater had been pumped
13 from the area and that decline has resulted in significant adverse environmental
14 impact, as defined in s. 281.34 (1) (er).

15 2. The water level of the unconfined aquifer is declining at a rate exceeding 5
16 feet per year averaged over a 10-year period.

17 3. The withdrawal of groundwater in the area has caused a decline in the water
18 table of one foot or more beneath, or adjacent to, lakes or wetlands in the area, as
19 determined by use of groundwater flow modeling.

20 (d) The council subcommittee shall meet regularly to examine areas that may
21 qualify for designation as groundwater management areas under this subsection
22 and shall forward its conclusions to the council. The council subcommittee's
23 conclusions shall include a delineation of the geographic boundaries of the areas
24 examined. If the council subcommittee concludes that an area qualifies for
25 designation as a groundwater management area under this subsection, the council

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1 subcommittee's conclusion shall include a proposed target date and target
2 withdrawal quantity for the area. Before examining any other area, the council
3 subcommittee shall examine the 2 groundwater management areas designated
4 under s. 281.34 (9), 2007 stats., to determine whether they qualify for designation
5 as groundwater management areas under this subsection and shall forward the
6 council subcommittee's conclusion to the council.

7 (e) If the council subcommittee forwards a conclusion to the council under par.
8 (d) that an area qualifies as a groundwater management area and if the council
9 concurs with that conclusion, the council shall recommend that the department
10 designate the area as a groundwater management area. The council's
11 recommendation under this paragraph shall include a delineation of the geographic
12 boundaries of, and a proposed target date and target withdrawal quantity for, the
13 proposed groundwater management area.

14 (f) If the department promulgates a rule designating an area as a groundwater
15 management area as authorized under par. (a), the department shall, not later than
16 180 days after the rule is promulgated, establish a target date and target withdrawal
17 quantity for the area.

18 (g) 1. After the target date established under par. (f) for an area, the council
19 subcommittee shall consider whether the area still qualifies as a groundwater
20 management area under this subsection. If the council subcommittee concludes that
21 the area no longer qualifies as a groundwater management area, it shall forward that
22 conclusion to the council.

23 2. If the council subcommittee forwards a conclusion under subd. 1. that an
24 area no longer qualifies as a groundwater management area and if the council

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1 concurs with that conclusion, the council shall recommend that the department
2 rescind the designation of the area as a groundwater management area.

3 3. The department may rescind the designation of an area as a groundwater
4 management area, by repealing the rule designating an area as a groundwater
5 management area, if the council recommends under subd. 2. that the department
6 rescind the designation of the area as a groundwater management area.

7 **(3) GROUNDWATER MANAGEMENT PLANNING FOR GROUNDWATER MANAGEMENT AREA.**

8 (a) 1. Upon the designation under sub. (2) (a) of a groundwater management area
9 that is contained within one county, the chief executive of the county shall appoint
10 a groundwater management council for the groundwater management area, except
11 that if the chief executive of the county has not appointed a groundwater
12 management council before the 180th day after the effective date of the rule
13 designating the groundwater management area, the department shall appoint the
14 groundwater management council.

15 2. Upon the designation under sub. (2) (a) of a groundwater management area
16 that includes all or part of more than one county, the counties shall negotiate an
17 agreement that provides for the appointment of a groundwater management council
18 for the groundwater management area, including the size and method of
19 appointment of members of the groundwater management council, and shall appoint
20 the groundwater management council as provided in the agreement, except that if
21 the counties do not enter into an agreement and appoint a groundwater management
22 council before the 180th day after the effective date of the rule designating the
23 groundwater management area, the department shall appoint a groundwater
24 management council.

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1 (b) A groundwater management council shall develop a groundwater
2 management plan for the groundwater management area and shall provide
3 opportunities for public participation in the development of the plan. The
4 groundwater management council shall develop a plan under this paragraph that is
5 protective of surface water and groundwater, is designed to ensure that the
6 groundwater management area will no longer qualify for designation as a
7 groundwater management area by the target date established under sub. (2) (f) and
8 to achieve the target withdrawal quantity established under sub. (2) (f) and includes
9 all of the following:

10 1. Measurable goals.

11 2. Requirements for the county or counties to report to the department,
12 including requirements to report progress toward achieving the target withdrawal
13 quantity.

14 3. Opportunities for public participation in the implementation of the plan.

15 4. Water conservation measures.

16 5. Other provisions specified by the department by rule.

17 (c) A groundwater management council may contract with another entity,
18 including a regional planning commission, for assistance in preparing a
19 groundwater management plan.

20 (d) 1. A groundwater management council for a groundwater management area
21 that is contained within one county shall submit the groundwater management plan
22 developed under par. (b) to the county board for approval. If the plan is approved by
23 the county board, the groundwater management council shall submit the plan to the
24 department.

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1 2. A groundwater management council for a groundwater management area
2 that includes all or part of more than one county shall submit the groundwater
3 management plan developed under par. (b) to each county board for approval. If the
4 plan is approved by each county board, the groundwater management council shall
5 submit the plan to the department.

6 (e) The department shall review and approve or disapprove a groundwater
7 management plan submitted under par. (d). The department may approve the
8 groundwater management plan only if the plan complies with par. (b).

9 (f) If a groundwater management plan is not approved under par. (e) for a
10 groundwater management area before the first day of the 37th month beginning
11 after the effective date of the rule designating the groundwater management area,
12 the department shall develop a groundwater management plan for the groundwater
13 management area that is designed to ensure that the groundwater management
14 area will no longer qualify for designation as a groundwater management area by the
15 target date established under sub. (2) (f) and to achieve the target withdrawal
16 quantity established under sub. (2) (f).

17 **(4) GROUNDWATER ATTENTION AREA DESIGNATION.** (a) The department may
18 designate an area as a groundwater attention area if the council recommends to the
19 department under par. (e) that the area be designated as a groundwater attention
20 area.

21 (b) An area with a confined aquifer qualifies for designation as a groundwater
22 attention area if the council subcommittee projects that water use trends in the area
23 are likely to qualify the area for designation as a groundwater management area
24 under sub. (2) (b) within the following 20 years.

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1 (c) An area with an unconfined aquifer qualifies for designation as a
2 groundwater attention area if the council subcommittee projects that water use
3 trends in the area are likely to qualify the area for designation as a groundwater
4 management area under sub. (2) (c) within the following 20 years.

5 (d) The council subcommittee shall meet regularly to examine areas that may
6 qualify for designation as groundwater attention areas under this subsection and
7 shall forward its conclusions to the council. The council subcommittee's conclusions
8 shall include a delineation of the geographic boundaries of the areas examined. If
9 the council subcommittee concludes that an area qualifies for designation as a
10 groundwater attention area under this subsection, the council subcommittee's
11 conclusion shall include a proposed target date and target withdrawal quantity for
12 the area.

13 (e) If the council subcommittee forwards a conclusion to the council under par.
14 (d) that an area qualifies as a groundwater attention area and if the council concurs
15 with that conclusion, the council shall recommend that the department designate the
16 area as a groundwater attention area. The council's recommendation under this
17 paragraph shall include a delineation of the geographic boundaries of, and a
18 proposed target date and target withdrawal quantity for, the proposed groundwater
19 attention area.

20 (f) 1. If the department designates an area as a groundwater attention area,
21 the department shall give notice of the designation by publishing a class 1 notice
22 under ch. 985 in a newspaper likely to give notice in the area where the groundwater
23 attention area is located.

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1 2. Not later than 180 days after the department designates an area as a
2 groundwater attention area as authorized under par. (a), the department shall
3 establish a target date and target withdrawal quantity for the area.

4 (g) 1. After the target date established under par. (f) 2. for an area, the council
5 subcommittee shall consider whether the area qualifies as a groundwater
6 management area under sub. (2) and, if not, whether the area still qualifies as a
7 groundwater attention area under this subsection. If the council subcommittee
8 concludes that the area qualifies as a groundwater management area it shall proceed
9 under sub. (2) (d). If the council subcommittee concludes that the area does not
10 qualify as a groundwater management area and no longer qualifies as a groundwater
11 attention area, it shall forward that conclusion to the council.

12 2. If the council subcommittee forwards a conclusion under subd. 1. that an
13 area no longer qualifies as a groundwater attention area and if the council concurs
14 with that conclusion, the council shall recommend that the department rescind the
15 designation of the area as a groundwater attention area.

16 3. The department may rescind the designation of an area as a groundwater
17 attention area if the council recommends under subd. 2. that the department rescind
18 the designation of the area as a groundwater attention area.

19 4. If the department rescinds the designation of an area as a groundwater
20 attention area under subd. 3., the department shall give notice of that action by
21 publishing a class 1 notice under ch. 985 in a newspaper likely to give notice in the
22 area.

23 **(5) GROUNDWATER MANAGEMENT PLANNING FOR GROUNDWATER ATTENTION AREA.** (a)

24 1. Upon the designation under sub. (4) (a) of a groundwater attention area that is

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1 contained within one county, the chief executive of the county may appoint a
2 groundwater management council for the groundwater attention area.

3 2. Upon the designation under sub. (2) (a) of a groundwater attention area that
4 includes all or part of more than one county, the counties may negotiate an
5 agreement that provides for the appointment of a groundwater management council
6 for the groundwater attention area, including the size and method of appointment
7 of members of the groundwater management council, and, if they negotiate an
8 agreement, may appoint the groundwater management council as provided in the
9 agreement.

10 (b) A groundwater management council may develop a groundwater
11 management plan for the groundwater attention area and, if it develops a plan, shall
12 provide opportunities for public participation in the development of the plan. A
13 groundwater management council that develops a plan under this paragraph shall
14 develop a plan that is protective of surface water and groundwater, is designed to
15 ensure that the groundwater attention area will no longer qualify for designation as
16 a groundwater attention area by the target date established under sub. (4) (f) 2. and
17 to achieve the target withdrawal quantity.

18 (c) A groundwater management council may contract with another entity,
19 including a regional planning commission, for assistance in preparing a
20 groundwater management plan.

21 (d) 1. If a groundwater management council for a groundwater attention area
22 that is contained within one county develops a groundwater management plan under
23 par. (b), it shall submit the plan to the county board.

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1 2. If a groundwater management council for a groundwater attention area that
2 includes all or part of more than one county develops a groundwater management
3 plan under par. (b), it shall submit the plan to each county board.

4 (e) 1. If the groundwater management council for a groundwater attention area
5 that is contained in one county develops a groundwater management plan, it may
6 recommend to the county board that the county request the department to approve
7 the plan and to apply the plan under s. 281.34 (5) (ds) 2. and (7) (d). If the county
8 board agrees, the groundwater management council shall submit the plan to the
9 department and request the department to approve the plan and to apply the plan
10 under s. 281.34 (5) (ds) 2. and (7) (d).

11 2. If the groundwater management council for a groundwater management
12 area that includes all or part of more than one county develops a groundwater
13 management plan, it may recommend to each county board that the counties request
14 the department to apply the plan under s. 281.34 (5) (ds) 2. and (7) (d). If each county
15 board agrees, the groundwater management council shall submit the plan to the
16 department and request the department to approve the plan and apply the plan
17 under s. 281.34 (5) (ds) 2. and (7) (d).

18 (f) The department shall review and approve or disapprove a groundwater
19 management plan submitted under par. (e). The department may approve the
20 groundwater management plan only if the plan complies with par. (b).

21 **SECTION 32.** 281.344 (4s) (dm) of the statutes is amended to read:

22 281.344 (4s) (dm) *Requiring individual permit.* The department may require
23 a person who is making or proposes to make a withdrawal that averages 100,000
24 gallons per day or more in any 30-day period, but that does not equal at least
25 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit

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1 under sub. (5) if the withdrawal is located in a groundwater protection area, as
2 defined in s. 281.34 (1) (a), or a groundwater management area designated under s.
3 281.34 (9) or 281.341 (2).

4 **SECTION 33.** 281.344 (4s) (dm) of the statutes, as affected by 2009 Wisconsin
5 Act (this act), is amended to read:

6 281.344 (4s) (dm) *Requiring individual permit.* The department may require
7 a person who is making or proposes to make a withdrawal that averages 100,000
8 gallons per day or more in any 30-day period, but that does not equal at least
9 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
10 under sub. (5) if the withdrawal is located in a groundwater protection area, as
11 defined in s. 281.34 (1) (a), or a groundwater management area designated under s.
12 ~~281.34 (9) or 281.341 (2)~~.

13 **SECTION 34.** 281.346 (4s) (dm) of the statutes is amended to read:

14 281.346 (4s) (dm) *Requiring individual permit.* The department may require
15 a person who is making or proposes to make a withdrawal that averages 100,000
16 gallons per day or more in any 30-day period, but that does not equal at least
17 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
18 under sub. (5) if the withdrawal is located in a groundwater protection area, as
19 defined in s. 281.34 (1) (a), or a groundwater management area designated under s.
20 281.34 (9) or 281.341 (2).

21 **SECTION 35.** 281.346 (4s) (dm) of the statutes, as affected by 2009 Wisconsin
22 Act (this act), is amended to read:

23 281.346 (4s) (dm) *Requiring individual permit.* The department may require
24 a person who is making or proposes to make a withdrawal that averages 100,000
25 gallons per day or more in any 30-day period, but that does not equal at least

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1 1,000,000 gallons per day for any 30 consecutive days, to obtain an individual permit
2 under sub. (5) if the withdrawal is located in a groundwater protection area, as
3 defined in s. 281.34 (1) (a), or a groundwater management area designated under s.
4 ~~281.34 (9) or 281.341 (2).~~

5 **SECTION 36.** 281.346 (8) (cm) of the statutes is created to read:

6 281.346 (8) (cm) *Large withdrawals outside of Great Lakes basin.* The
7 department shall include requirements for water conservation in any approval
8 under s. 30.18 (2) (a), 281.34, or 281.41 for any of the following:

9 1. A new withdrawal in the upper Mississippi River basin that will equal at
10 least 1,000,000 gallons per day for any 30 consecutive days.

11 2. A modification in a withdrawal in the upper Mississippi River basin if after
12 that modification the withdrawal will equal at least 1,000,000 gallons per day for any
13 30 consecutive days.

14 **SECTION 37.** 281.346 (8) (cs) of the statutes is created to read:

15 281.346 (8) (cs) *Withdrawals in groundwater management areas.* 1. The
16 department shall include requirements for water conservation in any approval
17 under s. 30.18 (2) (a) or 281.41 to which par. (cm) does not apply if the withdrawal
18 is in a groundwater management area designated under s. 281.341 (2) for which a
19 groundwater management plan under s. 281.341 (3) is in effect.

20 2. In any approval under this section or s. 30.18 (2) or 281.41 for a withdrawal
21 in a groundwater management area designated under s. 281.341 (2) for which a
22 groundwater management plan under s. 281.341 (3) is in effect, the department shall
23 ensure that the requirements for water conservation included in the approval are
24 consistent with the groundwater management plan.

25 **SECTION 38.** 281.348 (3) (a) 3. and 4. of the statutes are created to read:

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1 281.348 (3) (a) 3. A person operating a public water supply system that serves
2 a population of 10,000 or more and that withdraws water from a groundwater
3 management area designated under s. 281.341 (2) shall have an approved plan under
4 this section no later than the first day of the 49th month beginning after the effective
5 date of the rule designating the groundwater management area.

6 4. If a person operating a public water supply system described in subd. 3. has
7 an approved plan under this section before the department approves or develops a
8 groundwater management plan under s. 281.341 (3) (e) or (f) for the groundwater
9 management area and the approved plan under this section is not consistent with
10 the groundwater management plan, the person shall submit a revised plan under
11 this section no later than the first day of the 49th month beginning after the effective
12 date of the rule designating the groundwater management area.

13 **SECTION 39.** 281.348 (3) (c) 8. of the statutes is amended to read:

14 281.348 (3) (c) 8. An analysis of how the plan supports and is consistent with
15 any applicable comprehensive plans, as defined in s. 66.1001 (1) (a), and applicable
16 approved areawide water quality management plans under s. 283.83, and applicable
17 groundwater management plans approved or developed by the department under s.
18 281.341 (3) (e) or (f).

19 **SECTION 40.** 281.348 (3) (cm) of the statutes is amended to read:

20 281.348 (3) (cm) For the purposes of plans under par. (a), an areawide water
21 quality planning agency designated by the governor under ch. NR 121, Wis. Adm.
22 Code, shall delineate the proposed water supply service areas for all of the public
23 water supply systems in the planning area for which the agency is designated. An
24 areawide water quality planning agency shall delineate proposed water supply
25 service areas that are consistent with the approved areawide water quality

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1 management plan under s. 283.83 for the planning area and that permit the
2 development of plans that are approvable under par. (d). An areawide water quality
3 planning agency may also provide regional water needs assessments and other
4 regional water supply planning information. The process for conducting regional
5 activities under this subsection may be the same as the process for regional water
6 supply planning for a groundwater management area designated under s. ~~281.34 (9)~~
7 281.341 (2).

8 **SECTION 41.** 281.348 (3) (d) 4m. of the statutes is created to read:

9 281.348 (3) (d) 4m. The plan is consistent with any applicable groundwater
10 management plans approved or developed by the department under s. 281.341 (3) (e)
11 or (f).

12 **SECTION 42. Nonstatutory provisions.**

13 (1) REPORT ON HIGH CAPACITY WELL APPROVAL PROCESS. No later than the first day
14 of the 13th month beginning after the effective date of this subsection, the
15 department of natural resources shall submit to the legislature, in the manner
16 provided in section 13.172 (2) of the statutes, a report on the approval process for high
17 capacity wells, including a description of the department's efforts to streamline the
18 process and a discussion of the feasibility of creating a process under which expedited
19 approval would be granted for approvals of certain high capacity wells, including the
20 creation of an Internet-based method of assisting the public to determine whether
21 a proposed well may qualify for expedited approval.

22 (2) PUBLIC SERVICE COMMISSION REPORT. No later than January 1, 2011, the
23 public service commission shall submit to the appropriate standing committees of
24 the legislature, in the manner provided in section 13.172 (3) of the statutes, a report
25 summarizing and evaluating the actions taken by the commission to encourage

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1 water conservation by public utilities that furnish water and by their customers,
2 including actions regarding incentive programs and rate structures.

3 **SECTION 43. Effective dates.** This act takes effect on the day after publication,
4 except as follows:

5 (1) The treatment of sections 20.370 (6) (eg), 281.34 (9), 281.344 (4s) (dm) (by
6 SECTION 33), and 281.346 (4s) (dm) (by SECTION 35) of the statutes takes effect on the
7 first day of the 25th month beginning after publication.

8 (END)