



WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

Great Lakes Compact Law (2007 Wisconsin Act 227): Water Supply Planning

Under a new statewide requirement created by 2007 Wisconsin Act 227 (the “act”), public water supply systems serving a population of 10,000 or more must prepare water supply plans by 2026. These and specified smaller systems must also prepare a plan as a condition of receiving approval for certain new or increased withdrawals, or interbasin transfers or diversions, from the Great Lakes Basin. This memorandum summarizes these planning provisions.

This memorandum is one of a series of memoranda summarizing Act 227. Other memoranda in this series address the following topics:

- IM-2008-03: *Executive Summary of the Act.*
- IM-2008-04: *Summary of the Compact.*
- IM-2008-05: *New State Water Use Regulations.*
- IM-2008-07: *Water Loss, Legislative Oversight, and Other Provisions.*
- IM-2008-08: *DNR Rule-Making.*

2007 Wisconsin Act 227 (the “act”) requires the Department of Natural Resources (DNR) to establish by rule and administer a water supply planning process for public water supply systems statewide. A plan may cover a period of not more than 20 years. The act requires a public water supply system that serves a population of 10,000 or more and that withdraws water from the waters of the state to be covered by a plan approved by DNR no later than December 31, 2025, but public water supply systems may obtain approval of plans before that date. For example, a proposal from a public water supply system serving any size of population for an interbasin transfer or a diversion of Great Lakes basin water must be consistent with an approved water supply plan.¹ The act authorizes regional planning commissions to prepare water supply plans for public water supply systems.

¹ These and other water use regulations created by the act, including general and individual water use permits and withdrawal amounts specified in these permits, are summarized in IM-2008-05.

The DNR must include in the process for preparing a water supply plan opportunities for public review and comment on the proposed plan and the requirement that the plan be approved by the governing body of each community whose public water supply is addressed by the plan before the plan is submitted to DNR.

PLAN CONTENT AND APPROVAL

The act requires each water supply plan to delineate the proposed water service supply areas for each public water supply system making a withdrawal covered by the plan or, if applicable, use the water supply service areas delineated by an areawide water quality planning agency, as described below. A water supply plan must identify the sources and quantities of water supplies in the area for which the plan is prepared and to forecast during the planning period the expected population of the area, based on growth projections and municipally planned population densities, and the demand for water in the area. A plan must also identify alternatives for supplying water in the area and compare the costs and benefits of the alternatives.

A person preparing a water supply plan must consider existing regional water needs assessments and other regional water supply planning information.

The act prohibits DNR from approving a water supply plan unless a number of conditions are met, including that the plan:

- Provides for the water supply system that will minimize monetary costs and environmental and other nonmonetary costs and maximize environmental benefits during the planning period while complying with all other applicable legal requirements.
- Will effectively utilize existing water supply storage and distribution facilities and wastewater infrastructure to the extent practicable.
- Is consistent with any applicable local development plans or master plans and with areawide water quality management plans (which, among other provisions, specify service areas for sewage systems).
- Complies with any applicable water withdrawal requirements, if the plan covers a withdrawal from the Great Lakes basin by a public water supply system after the compact's effective date.

In approving a water supply plan, DNR must specify a water supply service area for each system making a withdrawal covered by the plan, but it may not limit these areas based upon jurisdictional boundaries, except to prevent the transfer or diversion of waters of the Great Lakes basin into a county that lies entirely outside of the Great Lakes basin.

In an approval of a plan that covers a public water supply system withdrawing water from the Great Lakes basin, DNR must specify a withdrawal amount for the system that is equal to the greater of the amount needed by the system to provide public water supply in its service area

during the period covered by the plan or, if the withdrawal is covered by a general or individual permit, the withdrawal amount under that permit.

Once the Great Lakes-St. Lawrence River Basin Water Resources Compact (the "compact") takes effect, DNR may not approve a water supply plan that covers a water supply system serving a population of more than 10,000 if the plan provides for a new withdrawal from the basin, or for the increase in an existing withdrawal from the basin, that exceeds the threshold for application of the state or compact decision-making standards, as described in IM 2008-05, unless DNR determines that the new withdrawal or increase in the existing withdrawal meets the applicable decision-making standard. In other words, for withdrawals by these public water supply systems, the decision-making standards are applied through the water supply planning process instead of through the water use permitting process for withdrawals.

A person applying for an approval of an interbasin transfer under the pre-compact implementation statute or a diversion under the post-compact implementation statute may use elements of an approved water supply plan to show compliance with the requirements for these approvals.

REGIONAL PLANNING ACTIVITIES

The act specifies that for the purposes of the water supply plans described above, an areawide water quality planning agency designated by the Governor under DNR's areawide water quality management planning rule, ch. NR 121 (which guides the planning of sewage systems, etc.), shall delineate the proposed water service supply areas for all of the public water supply systems in the planning area for which the agency is designated.

These areas must be consistent with the applicable approved areawide water quality management plan for the planning area. These agencies may also provide regional needs assessments and other regional water supply planning information to persons preparing public water supply system water supply plans. The process for conducting these regional activities may be the same as the process for regional water supply planning for a groundwater management area designated under state law governing groundwater withdrawals.

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

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