

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCE BOARD
CREATING RULES

The Wisconsin Natural Resource Board proposes an order to create Chapter NR 854 relating to a water supply service area planning process for public water supply systems.

DG-39-10

Analysis Prepared by the Department of Natural Resources

1. **Statutes Interpreted:** Section 281.348, Stats.
2. **Statutory Authority:** Sections 227.11(2)(a), 281.346(4), 281.346(5e), and 281.348, Stats.
3. **Explanation of Agency Authority:** Section 227.11 (2)(a), Stats. expressly confers rulemaking authority on the department to promulgate rules interpreting any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute. Section 281.348 directs the Department to promulgate and administer rules to develop a continuing water supply service area planning process for persons operating public water supply systems serving populations of 10,000 or more and any person proposing a new or increased diversion from the Great Lakes basin. Section 281.348(3)(a), Stats., directs the Department to specify that persons operating a public water supply system that serve a population of 10,000 or more shall have an approved water supply service area plan by December 31, 2025. Section s. 281.346 (4)(e)em, Stats., requires that any diversion proposal be consistent with an approved water supply service area plan under s. 281.348, Stats. Section s. 281.346(5e), Stats., specifies requirements for water supply service area plans for public water supply systems in the Great Lakes basin.
4. **Related Statute or Rule:** Wisconsin Statute Section 281.346 and 281.35 and the following rules subject to approval or under development, NR 852 Water Conservation and Water Use Efficiency, NR 856 Water Use Registration and Reporting, NR 850 Water Use Fees, NR 860 Water Use Permitting, Water Use Public Involvement, and Water Loss from Consumptive Uses. Additional related rules include NR 809 Safe Drinking Water, NR 810 Requirements for the Operation and Maintenance of Public Water Systems, and NR 811 Design Requirement for Community Water Systems.
5. **Plain Language Analysis:** This board order creates a new rule under the provisions of s. 281.348, as created in 2007 Wisconsin Act 227, to establish a continuing water supply service area planning process for persons that operate public water supply systems that serve a population of 10,000 or more and any person proposing a new or increased diversion from the Great Lakes basin. The purpose of water supply service area planning is to systematically evaluate alternative means of supplying water to a delineated water supply service area and to identify a cost-effective water supply alternative for a 20-year planning period.
6. **Federal Regulatory Analysis:** There are no comparable federal regulations pertaining to Water Supply Service Area Planning for water withdrawal-related activities regulated under the Great Lakes – St. Lawrence River Basin Water Resources Compact (Compact).
7. **Comparison with Rules in Adjacent States:**
The following table compares Water Supply Service Area Planning in adjacent states.

Water Supply Service Area Planning Comparison				
Wisconsin	Michigan	Illinois	Iowa	Minnesota
<p>A water supply planning process is established for public water supply systems that serve populations of 10,000 or more or persons proposing a new or increased diversion of Great Lakes water. The planning process includes a cost-effectiveness analysis of water supply and water conservation alternatives that can sustainably supply an adequate and amount of water of sufficient quality. The water supply service area plan must include a delineation of the water supply service area, describe current and projected water demands, and describe plans to meet projected water demand. The plans shall also assess environmental impacts. The rule also establishes a public participation process, timelines for plan submittal by December 31, 2025, and a department plan approval process.</p>	<p>Publicly owned and operated community water suppliers that operate a waterworks system are required to submit a general plan that identifies water system needs for 5-year and 20-year planning periods by January 1, 2016. The general plan may include information about current reliability studies, annual pumpage reports, sample siting plan, water protection plan, water conservation and efficiency program, waterworks operation and maintenance programs, regional planning documents and relevant land use plans for the service area. Administrative rules require a public water supply system to conduct a hydrogeological study of the groundwater source to determine the availability of water and consideration of other hydrogeological conditions and water quality assessments. Administrative code also requires public water systems proposing use of a surface water supply to conduct an assessment of surface water sources including a determination of the availability of an adequate and dependable water supply source.</p>	<p>A water supply planning process is conducted for two regional planning agencies in the state that includes the Northeast Region and the East-Central Region. The establishment of the two water supply planning areas is based on population densities and establishment of priority watersheds in the state. The water supply plans include an evaluation of water use, water demand and future water demand projections through 2050. The water supply plans also evaluate future water supply options based on hydrogeology studies of the area, water conservation, and climate change through 2050.</p>	<p>A Self-Assessment Manual is used to assess Iowa water system viability. The manual is a tool for public water systems to appraise their technical, managerial, and financial capability to provide water supply to their customers. The assessment includes determining the availability and adequacy of water supply sources; treatment requirements; infrastructure needs; operation and maintenance; management and administration; finances; and future planning.</p>	<p>All public water supply systems that serve more than 1,000 people must submit a water supply plan every 10 years for approval. The water supply plans must include a description and evaluation of the water supply system that includes an analysis of water demand, water use trends, treatment and storage capacity, description of water sources, natural resource impacts, resource sustainability, proposed water sources, alternative capital improvement plan, emergency response procedures and a water conservation plan.</p>

8. Summary of the Factual Data and Analysis that Support the Proposed Rule: Staff relied on published scientific literature, industry manuals, information from other states and consultation with the Wisconsin Public Service Commission to develop the core elements of the rule. Additionally, the department considered the input from an advisory committee, which included representatives from public water supply systems, municipal and town organizations, urban planners and environmental organizations, in the development of the water supply service area planning process.

- 9. Analysis and Supporting Documentation in Support of the Determination of the Rule's Effect on Small Business:** The proposed rule is estimated to affect approximately 75 public water supply systems serving populations of 10,000 or more throughout the state. The rule will affect public water supply systems owned or operated primarily by a city, village, town, utility district or municipal water district.
- 10. Effect on Small Business:** The persons responsible for submitting a water supply service area plan are owners or operators of public water supply systems. Costs associated with the water supply service area planning process will be managed by the operator of a public water supply system. The costs may be passed on to the customers of the public water supply system through utility rate increases subject to PSC approval and those customers would include small businesses. Costs are likely to be very case specific; however, the department anticipates that any individual utility rate increase resulting from costs imposed by this rule would be relatively small since the costs would be distributed among all customers that the public water supply system serves (residential, commercial and industrial) and due to the 20-year planning period over which the costs could be distributed.
- 11. Agency Contact Person:**
Dino Tisoris DG/5
Wisconsin Department of Natural Resources
Bureau of Drinking Water & Groundwater
Water Use Section
(608) 267-4581
Email: Constantine.Tsoris@wisconsin.gov
- 12. Place where comments are to be submitted and deadline for submission:** Written comments on the proposed rule may be submitted via U.S. mail to Mr. Dino Tisoris, Bureau of Drinking Water and Groundwater, P.O. Box 7921, Madison, WI 53707-7921 or by e-mail to Constantine.Tsoris@wisconsin.gov. Comments may be submitted until December 31, 2010. Written comments, whether submitted electronically or by mail, will have the same weight and effect as oral statements presented at the public hearings. If you do not have Internet access, a personal copy of the proposed rule and supporting documents may be obtained from Dino Tisoris, Bureau of Drinking Water and Groundwater, P.O. Box 7921, Madison, WI 53707-7921 or by calling (608) 267-4581.

SECTION 1. Chapter NR 854 is created to read:

CHAPTER NR 854
WATER SUPPLY SERVICE AREA PLANS
Draft – February 23, 2011

- NR 854.01 Purpose
- NR 854.02 Applicability and Planning Period
- NR 854.03 Definitions
- NR 854.04 Plan Submittal Timelines
- NR 854.05 Responsible Parties
- NR 854.06 Content of a Water Supply Service Area Plan
- NR 854.07 Cost-Effectiveness Analyses of Water Supply Alternatives
- NR 854.08 Assessment of Environmental Impacts
- NR 854.09 Public Participation Process for Water Supply Service Area Plans
- NR 854.10 Open Records Requests
- NR 854.11 Requirements for Water Supply Service Area Plans in the
Great Lakes Basin
- NR 854.12 Department Review and Approval Process for a Water Supply
Service Area Plan
- NR 854.13 Conditional Approval of a Water Supply Service Area Plan Providing for
New or Increased Withdrawals Subject to State or Compact Decision-making
Standards
- NR 854.14 Revision of a Water Supply Service Area Plan
- NR 854.15 Enforcement

NR 854.01 Purpose. This chapter establishes procedures and requirements for a continuing water supply service area planning process for the preparation of water supply service area plans for persons operating public water supply systems. A water supply service area plan shall document long-term planning to demonstrate that a public water supply system can supply an adequate and sustainable amount of water in a cost-effective manner that meets Safe Drinking Water Act standards (42 U.S.C. s. 300f to 300j) and the requirements of s. 281.348, Stats. , and where applicable, the requirements of the Great Lakes – St. Lawrence River Basin Water Resources Compact. Persons operating a public water supply system shall ensure that the plans are consistent with applicable comprehensive plans and include an analysis of public water supply infrastructure, water supply, and capital improvements necessary to meet projected water demands.

NR 854.02 Applicability and planning period. The provisions of this chapter apply to any 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 and any person that operates a consecutive water system that receives water from a public water supply system required to prepare a plan under this chapter. The provisions of this chapter also apply to any person proposing a new or increased diversion of water from the Great Lakes basin, regardless of the size of the population proposed to be served by the diversion. The planning period of the water supply service area plan shall be 20 years.

NR 854.03 Definitions. In this chapter:

(1) “Areawide water quality planning agency” means an areawide water quality planning agency designated by the governor under ch. NR 121.

(2) “Commercial use” means water use by public water supply system customers that are business entities and non-governmental institutions that provide goods and services. Commercial customers also include multi-unit dwellings housing three or more units, churches and private schools.

(3) “Consecutive water system” means a public water supply system that receives some or all of its finished water from one or more public water supply systems through a master metering system. Consecutive water systems are connected to public water supply systems that withdraw water and that are required to prepare a water supply service area plan.

(4) “Contamination” or “contaminated” has the meaning specified in ch. NR 700.03(7).

Note: Ch. NR 700.03(7) defines “contamination” or “contaminated” to mean:

(a) “where the air, land or waters of the state have been affected by the discharge of a hazardous substance; or:

(b) Where environmental pollution exists.”

(5) “Contract supply” means water supply provided pursuant to a contract between a public water supply system and a consecutive system.

(6) “Contract supply obligation” means the amount of water a public water supply system is obligated to provide to a consecutive water system pursuant to a contract between the public water supply system and consecutive system.

(7) “Cost-effectiveness analysis” has the meaning specified in s. 281.348(1)(b), Stats.

Note: Section 281.348(1)(b), Stats., defines “cost-effectiveness analysis” to mean “a systematic comparison of alternative means of providing a water supply in order to identify alternatives that will minimize total resources costs and maximize environmental benefits over a planning period.”

(8) “Customer” means the party responsible for payment of bills issued for the use of public water supply system service at given premises or a public water supply system that purchases water from a public water supply system. Customers include residential, commercial, industrial, and public authority parties and consecutive water systems that purchase water from other public water supply systems.

(9) “Department” means the department of natural resources.

(10) “Diversion” has the meaning specified in s. 281.346(1)(h), Stats.

Note: Section 281.346(1)(h), Stats., defines “diversion” to mean “a transfer of water from the Great Lakes basin into a watershed outside the Great Lakes basin, or from the watershed of one of the Great Lakes into that of another, by any means of transfer, including a pipeline, canal, tunnel, aqueduct, channel, modification of the direction of a water course, tanker ship, tanker truck, or rail tanker except that “diversion” does not include any of the following:

1. The transfer of a product produced in the Great Lakes basin or in the watershed of one of the Great Lakes, using waters of the Great Lakes basin, out of the Great Lakes basin or out of that watershed.
2. The transmission of water within a line that extends outside the Great Lakes basin as it conveys water from one point to another within the Great Lakes basin if no water is used outside the Great Lakes basin.
3. The transfer of bottled water from the Great Lakes basin in containers of 5.7 gallons or less.”

(11) “Enforcement standard” has the meaning specified in ch. NR 140.05(7).

Note: Ch. NR 140.05(7) defines “enforcement standard” to mean a numerical value expressing the concentration of a substance in groundwater which is adopted under s. 160.07, Stats., and s. NR 140.10 or s. 160.09, Stats., and s. NR 140.12.

(12) “Existing service area” means the area in which the public water supply system provides water to the public or has accepted an obligation to provide water to the public. The existing service area of a consecutive system is not part of the existing service area of the public water supply system that provides water to the consecutive system.

(13) “Firm supply capacity” means pumping equipment and treatment capacity when the largest pumping or treatment unit is out of service.

(14) “GIS registry” has the meaning specified in s. NR 726.03(1m).

Note: s. NR 726.03(1m) defines “GIS registry” to mean “the department’s geographic information system registry of closed remediation sites.”

(15) “Great Lakes basin” has the meaning specified in s. 281.348(1)(c), Stats.

Note: Section 281.346(1)(je), Stats., defines “Great Lakes basin” to mean “the watershed of the Great Lakes and the St. Lawrence River upstream from Trois—Rivieres, Quebec.

(16) “Increased withdrawal” means a withdrawal that exceeds the baseline established in accordance with s. 281.346(2)(e), Stats., or the withdrawal amount established under s. 281.346(4g), (4s), or (5), Stats.

(17) “Industrial use” means water use by public water supply system customers that engage in the manufacture or production of goods.

(18) “Intrabasin transfer” has the meaning specified in s. 281.346(1)(jm), Stats.

Note: Section 281.346(1)(jm), Stats., defines “Intrabasin transfer” to mean “the transfer of water from the watershed of one of the Great Lakes into the watershed of another of the Great Lakes.”

(19) “New withdrawal” means a withdrawal that started on or after December 8, 2008, and averages 100,000 gallons per day or more in any 30-day period, and a withdrawal that was occurring before December 8, 2008 but was not eligible for a baseline, and that has increased so that it averages 100,000 gallons per day or more in any 30-day period.

Note: Withdrawals not eligible for a baseline include those that were withdrawing less than the minimum regulated amount of an average of 100,000 gallons per day in any 30-day period.

(20) “Owner” has the meaning specified in s. NR 811.02(46),

Note: Section s. NR 811.02(46), defines “owner” to mean “any person who owns or operates a public water system.”

(21) “Peak day withdrawal” means a public water system’s highest daily water withdrawal in a year.

(22) “Person” has the meaning specified in s. 281.346(1)(nm) Stats.

Note: Section 281.346(1)(nm), Stats., defines “person” to mean “an individual or other entity, including a government or nongovernmental organization, including any scientific, professional, business, nonprofit, or public interest organization or association that is neither affiliated with nor under the direction of a government.”

(23) “Population” means the population of a specified area as shown by the last federal census or by any subsequent population estimate under s. 16.96, Stats.

(24) “Projected growth area” means the area in which the public water supply system anticipates providing water to the public during the 20-year period covered by the water supply service area plan. The projected growth area of a consecutive water system is not part of the projected growth area of the public water supply system that provides water to the consecutive water system.

(25) “Projected water demand” means the water demand forecasted in the public water system's existing service area and projected growth area over the 20-year planning period, in addition to the public water supply system's contract supply obligations to consecutive water systems.

(26) “Public authority use” means water use by public water system customers of a tribal, local, state or federal agency or entity, including public schools.

(27) “Public water supply” has the meaning specified in s. 281.348(1)(d), Stats.

Note: Section 281.348(1)(d), Stats., defines “public water supply” to mean “water distributed to the public through a physically connected system of treatment, storage, and distribution facilities that serve a group of largely residential customers and that may also serve industrial, commercial, and other institutional customers.”

(28) “Public water supply system” means piped water for human consumption distributed to the public through a physically connected system of treatment, storage, and distribution facilities that serve a group of largely residential customers and that may also serve commercial, industrial or public authority customers, and consecutive water systems. A public water supply system is owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district, or a privately owned water utility serving the foregoing.

(29) “Residential use” means water use by public water supply system customers for residential or domestic purposes except multi-family buildings that house three or more dwelling units and that are served by a single meter.

(30) “Schematic” means a diagram that represents the elements of a public water supply system using general locations and graphic symbols rather than scaled maps.

(31) “Source” means an individual location where water is withdrawn from groundwater or surface water, including a well, spring, lake, river and pond..

(32) “Supplier of water” has the same meaning as “owner” given in sub. (20)..

(33) “System losses” means the difference between the volume of water entering the distribution system and the volume of water that is sold or otherwise authorized for public water supply system uses.

(34) “Total resources costs” has the meaning specified in s. 281.348(1)(e), Stats.

Note: Section 281.348(1)(e), Stats., defines “total resources costs” as “includes monetary costs and direct and indirect environmental as well as other nonmonetary costs.”

(35) “Water loss” has the meaning specified in s. 281.346(1)(wm), Stats.

Note: Section 281.346(1)(wm), Stats., defines “water loss” to mean “the amount of water that is withheld from or not returned to the basin from which it is withdrawn as a result of a diversion or consumptive use or both.”

(36) “Water supply service area” means a delineated area in which the public water supply system provides water or may provide water to the public or to a consecutive water system during the 20-year period covered by the water supply service

area plan. A water supply service area shall at a minimum include existing service areas and projected growth areas of the public water supply system and its consecutive water systems. The water supply service area may be limited as provided by s. 66.0813(3)(a), Stats.

(37) “Water supply service area plan” or “plan” means a document developed and approved in compliance with this chapter.

(38) “Water supply system” has the meaning specified in s. 281.346(1)(wp), Stats.

Note: Section 281.346(1)(wp), Stats., defines “water supply system” to mean “when not preceded by ‘public,’ means one of the following: 1. Except as provided in subd. 2., the equipment handling water from the point of intake of the water to the first point at which the water is used. 2. For a system for providing a public water supply, the equipment from the point of intake of the water to the first point at which the water is distributed.”

(39) “Waters of the state” has the meaning specified in s. 281.01(18), Stats.

Note: Section 281.01(18), Stats., defines “waters of the state” to include “those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.”

(40) “Waterworks” or “water system” has the meaning specified in s. 281.01(20), Stats.

Note: Section 281.01(20), Stats., defines “waterworks” or “water system” to mean “all structures, conduits and appurtenances by means of which water is delivered to consumers except piping and fixtures inside buildings served, and service pipes from buildings to street mains.”

(41) “Well” has the meaning specified in s. 281.34(1)(h), Stats.

Note: Section 281.34(1)(h), Stats., defines “well” to mean “any drillhole or other excavation or opening deeper than it is wide and extends more than 10 feet below the ground surface and is constructed for the purpose of obtaining groundwater.”

(42) “Withdraw” has the meaning specified in s. 281.348(1)(f), Stats.

Note: Section 281.348(1)(f), Stats., defines “withdraw” to mean “to take water from surface water or groundwater.”

(43) “Withdrawal” has the meaning specified in s. 281.348(1)(g), Stats.

Note: Section 281.348(1)(g), Stats., defines “withdrawal” to mean “the taking of water from surface water or groundwater, including the taking of surface water or groundwater for the purpose of bottling the water.”

Note: Section. 281.348(2)(b), Stats., specifies that for the purposes of water supply service area planning under this section, the withdrawal of water from more than one source within the Great Lakes basin to supply a common distribution system is considered one withdrawal.

NR 854.04 Plan submittal timelines. (1) Unless otherwise specified in subs. (2) or (3), a person operating a public water supply system that serves a population of 10,000 or more, or is projected to serve a population of 10,000 or more by December 31, 2025, and that withdraws water from the waters of the state shall obtain department approval for a water supply service area plan on or before December 31, 2025. A person subject to this subsection shall submit a complete water supply service area plan to the department for approval according to the following requirements:

(a) A person that owns or operates a public water supply system with a peak day withdrawal that has reached 90 percent of its system's firm supply capacity shall submit a plan by December 31, 2023;

(b) A person that owns or operates a public water supply system that proposes a change in the source of water supply shall submit a plan by December 31, 2023;

(c) A person operating a public water supply system that serves a population greater than 50,000 shall submit a plan by December 31, 2023;

(d) A person operating a public water supply system that serves a population of 10,000 to 50,000, but which is not subject to par. (a) or (b), shall submit a plan by December 31, 2024.

(2) A person operating a public water supply system that serves a population of 10,000 or more shall obtain department approval for a water supply service area plan before the department may grant approval to the public water supply for a new or increased withdrawal from a Great Lakes basin source.

(3) A person operating a public water supply system who requests a new or increased diversion of Great Lakes water under s. 281.346(4), Stats., shall obtain department approval for a water supply service area plan before the department may grant approval of any new or increased diversion, regardless of the size of the population served by the public water system.

(4) A person operating a consecutive water supply system shall submit a water supply service area plan concurrently with the connected public water supply system that serves water to the consecutive water system. A consecutive water system shall follow the time limits for application as specified in this section.

(5) A person operating a public water supply system that has an approved water supply service area plan shall submit a new complete water supply service area plan at least 180 calendar days before the existing approval expires.

(6) After December 31, 2025, any person operating a public water supply system that serves a population of less than 10,000, but is projected to serve a population of

10,000 or more in the future, based on federal census data or any subsequent population estimate under s. 16.96, Stats., shall submit a complete application for approval of a water supply service area plan at least 180 calendar days before the date when the public water supply system is projected to serve a population of 10,000 or more.

NR 854.05 Responsible parties. (1) Except as provided under sub. (2), the person responsible for preparing a water supply service area plan under this chapter is the owner of a public water system that withdraws water.

(2) An owner of a consecutive water system is responsible for preparing a water supply service area plan under this chapter that includes the delineation of the consecutive water system's water supply service area. An owner of a consecutive water system shall include in its water supply service area plan the contents specified in s. NR 854.06, with the exception of s. NR 854.06(10) and (11).

NR 854.06 Content of a water supply service area plan. The proposed water supply service area plan shall be submitted in the form and manner prescribed by the department and shall include all of the following:

(1) DELINEATION OF THE WATER SUPPLY SERVICE AREA. The water supply service area plan shall include a delineation of the water supply service area, which shall include all areas to which water from the public water supply system may be provided over the 20-year planning period, including the water supply service areas of consecutive water systems.

(a) An areawide water quality planning agency designated by the governor under ch. NR 121, shall delineate the water supply service area for all public water supply systems in the planning area for which the agency is designated.

(b) For areas where no planning agency is designated, the owner shall delineate the water supply service area.

(c) A water supply service area plan shall include a map showing the delineated water supply area, the public water supply system's existing service area and projected growth area, and the existing service areas and projected growth areas for the consecutive water systems served. Identifying an area as a projected growth area for planning purposes does not extend the public water supply system's obligation to provide water to the projected growth area.

(2) DESCRIPTION OF PUBLIC WATER SUPPLY SYSTEM. A water supply service area plan shall include a description of the complete public water supply system using schematics as appropriate. The description of the public water supply system of a consecutive water system shall be included in the water supply service area plan of the consecutive water system and shall be submitted in accordance with s. NR 854.04(4).

The description shall include all of the following:

(a) A description and schematic of the existing water storage and distribution facilities, including the location of water mains and any water pressure booster stations, water pressure reducing stations, metering stations, storage reservoirs, and any connections with other water utilities.

(b) A schematic identifying the general location of the existing water withdrawal facilities, including all wells and surface water intakes.

(c) A description and schematic identifying the general location of existing water treatment facilities, including chemical feed equipment. A description of the type and size of the treatment facilities and related equipment shall be included. The description shall also indicate the final disposition of the wastewater and sludge from the treatment processes.

(d) For water supply service area plans that include a diversion, a schematic showing the location of the Great Lakes basin surface water divide in relation to the existing and planned water withdrawal facilities.

Note: A map of the Great Lakes basin surface water divide can be found by using the department's Internet site available at http://dnr.wi.gov/org/water/data_viewer.htm

(3) DESCRIPTION OF WATER SOURCES AND WITHDRAWALS. A water supply service area plan shall describe the existing water sources and withdrawals used by the public water supply system. The description of the water source and withdrawals shall include all of the following:

(a) For public water supply systems withdrawing water, an inventory of the sources and quantities of the existing water supply described and presented in a table that includes all of the following:

1. The number, identification and general location of wells used in supplying water.
2. The average daily withdrawal of each well for each of the last ten years.
3. The maximum withdrawal capacity of each well.
4. The number, identification and general location of any surface water intake

sources.

5. The average daily withdrawal of each surface water intake for each of the last ten years.

6. The maximum withdrawal capacity of each intake.

(b) For consecutive water systems with a contract supply, an inventory of the sources and quantities of the consecutive water system's existing water supply described and presented in a table that includes all of the following;

1. A description of the consecutive water system's contracts or other arrangements for water supply, including any limits on the amount of supply to which it is contractually entitled.

2. The consecutive water system's average daily water supply obtained from each water supplier for each of the last ten years.

3. A description of any additional water supply sources, as specified in par. (a), for a consecutive water system that withdraws water to meet any portion of their projected water demand.

(c) A table showing the public water supply system's existing total water withdrawal rates and amounts, system loss amounts, diversion amounts, and return flow amounts, if applicable, including a list of approved or permitted withdrawals, water losses, and diversions. A consecutive water system shall include a table showing the consecutive water system's existing total water amounts, rates of use, system loss amounts, diversion amounts, and return flow amounts, if applicable, including a list of approved or permitted withdrawals, water losses and diversions.

(d) A description of the methods used to measure and report the withdrawal rates and the amounts of withdrawal, the use rates and amount of use, system loss, and diversion and return flow as identified under par. (c).

(e) A description and schematic of the location and method of return flow to the Great Lakes basin, for any plan that includes a diversion of water out of the Great Lakes basin.

(f) Identification and description of water quality treatment required or expected to be required to meet Safe Drinking Water Act standards (42 U.S.C. s. 300f to 300j) relating to existing water supply sources.

(g) A description and schematic showing the location of any significant identified or documented sources of contamination relative to sources of water. Significant identified or documented sources of contamination includes groundwater contamination which exceeds ch. NR 140 enforcement standards; soil contamination which exceeds ch. NR

720 soil cleanup standards and closed remediation sites placed on the department's GIS registry.

(4) DESCRIPTION OF WATER USE BY CUSTOMERS. A water supply service area plan shall describe the water use of existing customers within the existing service area, and shall include all of the following:

- (a) The population and population density of the public water supply system's existing service area.
- (b) A table and summary of the number of customers purchasing water for residential use, commercial use, industrial use, and public authority use for each of the last ten years.
- (c) A table and summary of sales of water for residential use, commercial use, industrial use, and public authority use for each of the last ten years.
- (d) A list of the public water supply system's ten largest customers, other than consecutive water systems, and their water use for each of the last ten years.
- (e) An estimate or actual amount of water loss from consumptive use for each of the last ten years.
- (f) A table and summary of sales of water to consecutive water systems and the names of the consecutive water systems to which the water is sold, if applicable.

(5) PROJECTED WATER DEMAND. The water supply service area plan shall project water demands for the 20-year planning period to include the projected water demand for the existing service area and proposed growth area of the public water supply system, and the contract supply obligations to consecutive water systems served by the public water supply system. The plan shall include all of the following:

- (a) Forecasts of the expected population in the existing service area and projected growth area during the 20-year planning period based on population projections for the existing service area and projected growth area and municipally planned population densities. Population projections for purposes of water supply service area planning shall be in conformance with those pursuant to s. 16.96, Stats., and shall consider any applicable approved regional or areawide water supply plans or regional water needs assessments, and other regional water supply information. If such projections are not available, the owner shall project future population growth based on trends in the last ten years. The plan shall include a description of the methods used to derive the population forecasts.
- (b) The projected water demand over the 20-year planning period. The projected water demand shall be divided into 5-year increments. The plan shall address the water

supply sources needed to meet the projected water demand for the 20-year planning period. The plan shall include all of the following:

1. A table showing the projection of total annual daily average and total peak daily water needs, including total pumpage, for the existing service area and projected growth area of the public water supply system, categorized by residential, commercial, industrial, and public authority uses.

2. An estimate of the water loss from consumptive use over the planning period. Water loss or consumptive use calculations shall follow the procedures set forth in ch. NR 142.

3. A table and summary of contract supply obligations and projected sales of water to consecutive water systems consistent with the consecutive water systems plans and the names of the systems to which the water is sold, if applicable. A public water supply system is not required to supply more than its contract supply obligation to a consecutive system.

(c) The projected water demand, as determined under par. (b), shall be estimated assuming the implementation of the public water system's water conservation alternatives identified under sub. 9 and, if applicable, implementation of the water conservation plan adopted under ch. NR 852.

(6) PLAN TO MEET PROJECTED WATER DEMAND WITH NEW SOURCES. The water supply service area plan shall determine the public water supply system's capacity to meet the projected water demand for the 20-year planning period. A public water supply system unable to meet the projected water demand for the 20-year planning period using existing sources shall include all of the following in the plan, as applicable:

- (a) An identification of the need for new sources and a description and schematic of the following:

1. The proposed water withdrawal facilities including the number of wells and surface water intakes, general locations and capacity.

2. The water supply transmission facilities including the general locations of transmission mains, and any water pressure booster stations, water pressure reducing stations, metering stations and storage reservoirs needed as a result of new or enlarged water withdrawal facilities.

3. Any connections with other water utilities.

- (b) A description and schematic identifying the general location of any proposed water treatment facilities, including chemical feed equipment. The designed or anticipated type and size of the treatment facilities and equipment shall be included in

the description. The description shall also indicate the anticipated final disposition of the wastewater and sludge from the treatment processes.

(c) A list of current approved or permitted withdrawals, water losses, and diversions, and the additional approvals or permits required to construct the facilities described in par. (a) and (b).

(d) A table showing the public water supply system's anticipated water withdrawal rates and the applicable amounts for water withdrawal, system loss, diversion, and return flow, if applicable, if the facilities described in par. (a) and (b) are built.

(e) A description of the methods to be used to measure and report the withdrawal rates and the amounts identified under par. (d).

(f) A demonstration that the plan will effectively utilize the existing water supply system, water storage, treatment, and distribution facilities and wastewater infrastructure, to the extent practicable.

(g) A description and schematic of the location and method of return flow to the Great Lakes basin, if the plan includes an approved or proposed diversion of water out of the Great Lakes basin.

(h) A description and schematic showing the location of any significant identified or documented sources of contamination relative to sources of water. Significant identified or documented sources of contamination includes groundwater contamination which exceeds ch. NR 140 enforcement standards; soil contamination which exceeds ch. NR 720 soil cleanup standards and closed remediation sites placed on the department's GIS registry.

(i) For consecutive water systems, documentation of the consecutive water system's ability to contract for increased water supply over the 20-year planning period.

Documentation shall include a copy of the contract or letters or resolutions that provide evidence of support from the public water supply system that will provide water to the consecutive water system.

(7) PLAN TO MEET PROJECTED WATER DEMAND WITH EXISTING WATER SOURCES. The water supply service area plan shall provide a description of the public water supply system's ability to meet the projected water demand for the 20-year planning period using existing sources, wastewater infrastructure and available water supply. A public water supply system proposing to meet the projected water demand over the 20-year planning period using existing sources as described in subs. (2) and (3) shall include all of the following as applicable:

(a) A demonstration that the water supply will be sustainable over the 20-year planning period. The demonstration shall include an evaluation of all of the following, as applicable:

1. Aquifer drawdown conditions and groundwater quality and quantity conditions, and surface water quality and quantity conditions, relative to projected water demands, as applicable.

2. The ability of existing wells or intakes to sustain projected withdrawal rates.

3. Consistency or compliance with conditions of any groundwater management areas.

(b) A statement on current approved or permitted withdrawals, water losses, and diversions.

(c) A table showing the public water supply system's anticipated water withdrawal rates and the applicable amounts for water withdrawal, system loss, diversion, and return flow.

(d) A description of the methods to be used to measure and report the withdrawal rates and the amounts identified under par. (c).

(e) For consecutive water systems, documentation of the consecutive water system's ability to contract for the projected water demand water supply needs over the 20-year planning period. Documentation shall include a copy of the contract or letters or resolutions that provide evidence of support from the public water supply system that will provide water to the consecutive water system.

(8) CONSISTENCY WITH OTHER PLANS. The water supply service area plan shall be consistent with applicable approved areawide water quality management plans under s. 283.83, Stats., and applicable comprehensive plans defined in s. 66.1001(1)(a), Stats. In addition, the water supply service area plan shall identify groundwater management areas, as designated in s. 281.34(9), Stats., and wellhead protection areas as referenced in ch. NR 811. The water supply service area plan shall include all of the following, as applicable:

(a) A description and analysis of the consistency of the water supply service area plan with approved comprehensive plans. The analysis shall demonstrate how the water supply service area plan supports and is consistent with any applicable comprehensive planning, as defined in s. 66.1001 (1) (a), Stats. At a minimum, the analysis shall document that the water supply service area plan is consistent with the following elements of the applicable approved comprehensive plans:

1. Utilities and community facilities.

2. Housing.
3. Natural resources.
4. Economic development.
5. Land use.
6. Implementation.

(b) A description and analysis of the consistency of the water supply service area plan with any applicable approved areawide water quality management plans under s. 283.83, Stats., and ch. NR 121.

(c) A description and analysis of the consistency of the water supply service area plan with all of the following, if applicable:

1. Wellhead protection plans.
2. Existing stormwater plans.
3. Existing wastewater facilities plans.
4. Approved regional or areawide water quality planning agency water supply plans or regional water needs assessments.
5. Other existing applicable planning efforts.
6. Any integral planning objectives associated with a municipality designated as a Green Tier participant under ch. 299.83, Stats., if a Green Tier municipality is addressed in the plan.

(9) DESCRIPTION OF WATER CONSERVATION ALTERNATIVES. A water supply service area plan shall include an evaluation of water conservation alternatives. The plan shall also provide an analysis that identifies how future water demands may be offset by implementing the water conservation alternatives. The plan shall include a description of water conservation and water use efficiency measures to be implemented during the term of the plan including implementation timelines. An owner of a public water supply system that is required to have a water conservation and water use efficiency plan under ch. NR 852 shall include the approved plan as part of the water supply service area plan.

(10) COST-EFFECTIVENESS ANALYSES OF WATER SUPPLY ALTERNATIVES. If it is expected that a public water supply system will be unable to meet the projected water demand for the 20-year planning period using existing sources, the water supply service area plan shall include a cost-effectiveness analysis of water supply alternatives identified in s. NR 854.07.

(11) ASSESSMENT OF ENVIRONMENTAL IMPACTS OF WATER SUPPLY ALTERNATIVES. If it is expected that a public water supply system will be unable to

meet the forecasted water use for the 20-year planning period using existing sources, the water supply service area plan shall include an assessment of the environmental impacts of implementing the water supply alternatives as identified in s. NR 854.08.

(12) INTERGOVERNMENTAL AGREEMENTS AND APPROVALS. The water supply service area plan shall reflect intergovernmental cooperation and contain applicable intergovernmental agreements and approvals with supporting documentation and shall include all of the following:

(a) Approvals of the plan by the governing body of each city, village, and town whose public water supply is addressed by the plan. A governing body's approval only covers those portions of the plan specifically applicable to that governing body's city, village, or town. If a governing body does not grant approval, documentation of that governing body's refusal or inaction shall be included with the water supply service area plan.

(b) Existing land use agreements between the owner of a public water supply system and any city, village and town addressed by the water supply service area plan.

(c) Existing wholesale or retail sales agreements between the owner of the public water supply system and any city, village and town included within the water supply service area.

(d) Any other existing approvals obtained from a governing body to implement the water supply service area.

(e) Plans proposing a new or increased diversion to a straddling community, intrabasin transfers within a straddling community, and diversions to a community in a straddling county under s. 281.346(4), Stats., shall include documentation specified under s. 281.346(4)(b)4m, Stats., and s. 281.346(4)(b)4p., Stats.

Note: Section 281.246(4), Stats., regulates diversions to a straddling community, intrabasin transfers within a straddling community and diversions to a community in a straddling county. Section 281.346(4)(b)4m, Stats., refers to letters or resolutions that provide evidence of support from entities that may withdraw water from the Great Lakes basin that is proposed to be diverted to a straddling community or to a community in a straddling county. Section 281.346(4)(b)4p, Stats., refers to letters or resolutions to a straddling community or community within a straddling county from entities that may return water to the Great Lakes basin as part of a new or increased diversion.

(13) PUBLIC PARTICIPATION. The plan shall include a description of the public participation process implemented in accordance with s. NR 854.09 including a summary of the comments received.

(14) PROCEDURES FOR IMPLEMENTING AND ENFORCING THE PLAN. The plan shall identify procedures to be used to implement and enforce the plan and a commitment to using those procedures

NR 854.07 Cost-effectiveness analyses of water supply alternatives. (1) If an owner of a public water supply system will be unable to meet the projected water demand for the 20-year planning period using existing sources, the water supply service area plan shall include the requirements specified under subs. (2) and (3).

(2) The water supply service area plan shall identify alternatives for supplying water to meet the projected water demand for the 20-year planning period.

(3) The water supply service area plan shall provide for a water supply based on a cost-effectiveness analysis and evaluation of identified regional and individual water supply and water conservation alternatives. The analysis shall include all of the following:

(a) An evaluation of existing regional water demand assessments, pertinent studies, and other regional water supply planning information.

(b) An evaluation of water conservation alternatives for each water supply alternative. The evaluation shall estimate the water demand reduction and cost savings associated with implementing water conservation alternatives including, at a minimum, the water conservation alternatives identified in s. NR 854.06(9) and the water conservation and efficiency measures specified in ss. NR 852.04(2) and NR 852.05(2).

(c) A description of the dependability of each water supply alternative and the extent to which each alternative is consistent with existing plans specified in s. NR 854.06(8).

(d) An evaluation of existing and anticipated costs associated with construction and maintenance of wells, surface water intakes, treatment plants, chemical feed equipment, pumping facilities, water mains, storage facilities, and purchase of water from an existing supplier.

(e) An evaluation of whether each water supply alternative will meet the water quality, operation, and design requirements of chs. NR 809, NR 810 and NR 811. The evaluation shall include an assessment of any contamination identified in s. NR 854.06(6)(h) for existing or new sources of water and an assessment of any requirements for water treatment due to the quality of the water supply source.

(f) If water treatment is required or anticipated, the cost to treat, handle, and dispose of water treatment plant residuals, including sludge, shall be evaluated to determine the most cost-effective option for each water supply alternative.

(g) An evaluation of any wastewater treatment and disposal system modifications required as a result of each proposed water supply alternative system design or expansion.

(h) An assessment of the expected costs associated with the environmental impacts resulting from the each water supply alternative prepared in accordance with s. NR 854.08.

(4) As a result of the cost-effectiveness analysis under sub. (3), the public water supply system shall identify all water supply options determined to be cost-effective. The water supply service area plan shall describe the public water supply system's analysis and conclusions of the indentified water supply options and include the following:

(a) An evaluation of the present value for the capital and costs, operation and maintenance costs for each identified water supply alternative.

(b) A description of the water supply alternatives based on a comparative analysis of the water supply alternatives considering economic impacts including fiscal costs and total resource costs, environmental impacts, physical, legal or institutional constraints, and compliance with regulatory requirements.

(5) If a person operating a public water supply system selects a water supply alternative to implement, the selected alternative shall be identified in the water supply service area plan and the plan shall include an assessment of the environmental impacts associated with implementing the selected alternative under s. NR 854.08(3). If a person operating a public water supply system does not select an alternative to implement at the time of plan submittal under the timelines specified in s. NR 854.04, the plan shall list the option or options most likely to be selected, as identified through the alternatives analysis conducted under this section, and the person may receive a conditional approval of the water supply service area plan under s. NR 854.13(2). Under s. 854.08(4), a person operating a public water supply system must submit an assessment of environmental impacts associated with implementing a selected alternative prior to implementing the selected alternative as a condition of receiving final approval of a water supply service area plan.

NR 854.08 Assessment of environmental impacts. **(1)** If a public water supply system will be unable to meet the projected water demand for the 20-year planning period using existing sources, the water supply service area plan shall include an assessment of environmental impacts from implementing the water supply alternatives.

The assessment of environmental impacts shall include the requirements specified in subs. (2) and (3).

(2) A water supply service area plan shall include an initial assessment of environmental impacts from all the water supply alternatives identified in s. NR 854.07(4) with an evaluation of the following:

(a) Aquifer drawdown conditions and identification of groundwater quality and quantity conditions relative to the projected groundwater withdrawals.

(b) Identification of surface water quality and quantity conditions relative to the projected surface water withdrawals.

(3) The water supply service area plan shall include an assessment of environmental impacts from the implementation of the selected water supply alternative identified from the options in s. NR 854.07(4). The information submitted in the assessment of environmental impacts of the selected water supply alternative will be used by the department to determine whether an environmental analysis specified under ch. NR 150 is necessary. The assessment of environmental impacts of the selected water supply alternative shall include all of the following:

Note: A person preparing a water supply service area plan who is required to submit an environmental assessment described under sub. (3) shall submit the assessment in accordance with the timelines specified in sub. (4).

(a) A description of the existing environmental conditions for the water supply service area and environmental conditions relevant to the analysis of environmental impacts of implementing the selected water supply alternative. This description shall include, at a minimum, all of the following, as applicable:

1. Surface and groundwater quality and quantity.
2. Water supply and use.
3. Aquifer storage or drawdown conditions.
4. Water treatment residual and waste disposal.
5. Geologic setting, including any unique geologic formations or conditions.
6. Energy use and consumption.
7. Land use trends.
8. Population projections.
9. Wetlands.
10. Floodplains.
11. Coastal zones.
12. Environmentally sensitive areas.

13. Historic and archeological sites.

14. Plant and animal communities that may be affected.

(b) A description of the environmental impacts of the proposed water supply alternatives. Primary and secondary impacts of the proposed water supply alternatives shall be described with consideration to all of the following:

1. Unavoidable impacts.

2. Steps to mitigate adverse impacts.

3. Any irreversible or irretrievable commitments of resources resulting from implementation of the water supply alternative.

4. The significance of land use impacts shall be evaluated based on the existing population of the planning area; population of the water supply service area at the end of the planning period; percentage of the existing service area currently undeveloped or unoccupied; and plans for constructing the facilities.

(c) A description of the steps to minimize adverse environmental effects. The description shall include physical and regulatory measures, if any, to mitigate or eliminate significant adverse effects on the human and natural environments. Physical measures include changes in facility design, size, and location. Regulatory measures include developing and enforcing land use regulations and environmentally protective regulations including implementation of water conservation and efficiency measures.

(d) A summary list of references documenting information used to describe the existing and anticipated environmental conditions and to assess future environmental impacts. These sources should include regional, state and federal agencies with responsibilities or interests in the types of impacts listed in par. (a).

(4) A person operating a public water supply system who is required to prepare an assessment of environmental impacts required under sub. (1) as part of the water supply service area plan shall submit the assessment in accordance with the following:

(a) A person operating a public water supply system who submits a water supply service area plan under sub. (1) that proposes to implement the selected water supply alternative within two years of department approval of the plan shall provide an assessment of environmental impacts specified under this section at the time of submittal of the plan, as specified in s. NR 854.04.

(b) A person operating a public water supply system who submits a water supply service area plan under sub. (1) that proposes to implement a selected water supply alternative two years beyond the department plan approval date shall submit an assessment of environmental impacts specified under this section four years prior to the

plan's selected water supply alternative implementation date, unless otherwise allowed by the department to accommodate situations when four years is not practicable or possible.

(c) A person operating a public water supply system who submits a water supply service area plan under sub. (1) that proposes to implement a selected water supply alternative two years beyond the department plan approval date as described in par. (b) may receive a conditional plan approval from the department as specified in s. NR 854.13(2) provided that the submitted plan follows the required plan approval timelines specified in s. NR 854.04.

NR 854.09 Public participation process for water supply service area plans. (1)

Owners of a public water supply system preparing a water supply service area plan shall hold at least one public hearing prior to approval of the plan by the governing body of each city, village, and town whose public water supply is addressed before the plan is submitted to the department for approval.

(2) The owner of the public water supply system shall provide notice of the public hearing at least 14 calendar days before the scheduled date of the hearing. The notice shall be published in a newspaper of general circulation in the area affected by the water supply service area plan and shall contain all of the following information:

- (a) The date, time and location of the hearing.
- (b) The name of the entity responsible for developing the water supply service area plan.
- (c) A summary of the contents of the water supply service area plan.
- (d) A location where the proposed plan is available for review or the manner in which a copy of the plan may be obtained.
- (e) Provide information that identifies a location where the public is assured access to all documents relevant to the water supply service area plan, including public comments received.
- (f) Procedures for commenting on the water supply service area plan.
- (g) A description of the procedures for finalizing the water supply service area plan before it is submitted to the department for approval.

(3) The owner of the public water supply system shall hold a public hearing at the date, time and place designated in the notice of hearing. The person conducting the hearing shall do all of the following:

- (a) Explain the purpose of the hearing and describe how testimony will be received.
- (b) At the beginning of the hearing, present a summary of the factual information pertaining to development of the water supply service area plan.
- (c) Afford each interested person or representative the opportunity to present facts, opinions or arguments either orally or in written form.
- (d) Keep a record of the hearing in a manner the owner of the public water supply system considers desirable and feasible.

(4) The owner of the public water supply system in the Great Lakes basin shall make the record of decision regarding significant recommendations of the water supply service area plan available for public inspection, including comments, objections responses and approvals, approvals with conditions and disapprovals as specified in s. 281.348(3)(b)1.

NR 854.10 Open records requests. (1) The locations of withdrawals, diversions and infrastructure provided as part of a water supply service area plan are sensitive information that may impact domestic security.

(2) Open records requests received by the department under ss. 19.21 to 19.39, Stats., that request information on the locations of withdrawals, diversions and other infrastructure may be subject to greater scrutiny by the department because of domestic security concerns, as allowed under s. 281.346(3)(cm), Stats. The department may request any of the following with respect to open records requests seeking information on the locations of withdrawals, diversions, and infrastructure in order to address domestic security concerns:

- (a) That the request be put in writing.
- (b) The name, mailing address, telephone number, and email address of the party requesting information and the name of the company or organization that the party represents.
- (c) The specific information requested.
- (d) The reason the information is requested and how it will be used.

(3) In considering the public's interest in domestic security when reviewing requests submitted under sub. (2), the department may consider guidance and information from state and federal agencies and organizations with responsibility for domestic security and may place conditions on the use of the information, or may provide the requested information in a different format, when necessary to protect

the public's interest in domestic security. The department shall explain its reasons for why conditions or special formats are necessary to protect the public's interest in domestic security in its response to the requester.

(4) Information provided by the department shall not include information at a scale more specific than the public land survey section level.

NR 854.11 Requirements for water supply service area plans in the Great Lakes Basin.

(1) Beginning on December 8, 2011, the department may not approve a water supply service area plan under this chapter that provides for a new or increased withdrawal from the Great Lakes basin that totals at least 1,000,000 gallons per day for any 30 consecutive days or for any modification of an existing withdrawal not covered by a general permit under s. 281.346(4s), Stats., that equals at least 1,000,000 gallons per day for any 30 consecutive days unless the withdrawal meets state decision-making standard under s. 281.346(5m), Stats.

(2) Beginning on December 8, 2011, the department may not approve a water supply service area plan under this chapter that provides for a new or increased withdrawal from the Great Lakes basin that totals at least 10,000,000 gallons per day in any 30 consecutive days or for modification of an existing withdrawal that is not covered by a general permit under s. 281.346(4s), Stats., that equals at least 10,000,000 gallons per day for any 30 consecutive days unless the withdrawal meets compact decision-making standard under s. 281.346(6), Stats.

(3) A person who submits a water supply service area plan under this chapter that proposes a new withdrawal to which sub. (2) applies may choose to quantify the water loss from consumptive use using the procedures specified in ch. NR 142. If the person demonstrates that the water loss would average less than 5,000,000 gallons per day in every 90-day period, the state decision-making standard applies under s. 281.346(5m), Stats., rather than the compact decision-making standard under s. 281.346(6), Stats.

NR 854.12 Department review and approval process for a water supply service area plan.

(1) The department shall issue a written decision on a plan within 90 calendar days of receipt of a complete plan.

(2) The department may not approve a water supply service area plan unless the plan provides for a public water supply system that is approvable under this chapter and s. 281.348, Stats.

(3) If the department determines that a plan is incomplete and additional information is necessary, the department shall provide the person submitting the plan with written notification of the additional information necessary for a complete plan. The person shall submit a revised plan no later than 90 calendar days after receiving the notification from the department.

(4) If a plan includes a withdrawal from the Great Lakes basin, the department shall specify a withdrawal amount for the public water supply system that is equal to the greater of the following:

(a) The amount needed to provide a public water supply in the water supply service area during the period of the plan, as determined using population and related service projections in the plan.

(b) If the withdrawal is covered by an individual permit issued under s. 281.344(5) and s. 281.346(5), Stats., the withdrawal amount in that permit when the department approves the plan, or if the withdrawal is covered by a general permit under s. 281.344(4s) and s. 281.346(4s), Stats., the withdrawal amount in the database when the department approves the plan.

(5) 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.

(6) The department's approval of a water supply service area plan shall not constitute department approval of the final design of new or enlarged water withdrawal facilities, water supply treatment facilities, or water supply distribution system facilities, including any water pressure booster stations, water pressure reducing stations, or storage reservoirs, identified or discussed in the plan. Department approval of new or enlarged facilities must be obtained in accordance with other applicable statutes and regulations. The plan shall comply with applicable requirements in statutes and rules for withdrawals of water from the waters of the state including ss. 281.34, 281.346, and 281.35., Stats., before the department may approve the plan, except for persons submitting plans that propose withdrawals subject to the provisions under s. NR 854.11, who may receive a conditional plan approval as specified in s. NR 854.13.

NR 854.13 Conditional approval of a water supply service area plan. The department may issue a conditional approval to an owner of a public water supply system who submits a water supply service area plan under the following circumstances:

(1) When a water supply service area plan proposes a new or increased withdrawal subject to the state or compact decision-making standard. The owner shall comply with the state or compact decision-making standard, public participation, and water use permitting processes. Following a public water supply system's compliance with the state or compact decision-making standard, the department may issue final approval for the water supply service area plan.

(2) When a person operating a public water supply system does not select a water supply alternative to implement at the time of plan submittal under the timelines specified in s. NR 854.04. The owner shall submit an assessment of environmental impacts associated with implementing a selected alternative under s. NR 854.08(3) four years prior to implementing the selected alternative as a condition of receiving final approval of a water supply service area plan, unless otherwise allowed by the department to accommodate situations when four years is not practicable or possible.

NR 854.14 Revision of a water supply service area plan. (1) Revisions to a water supply service area plan shall be submitted in an application for review and approval by the department. Revisions that require department approval include modifications to the delineated water supply service area, water source alternatives, projected water demands, and environmental assessments. The department shall review and approve the revisions based on new information or amendments to the water supply service area plan. Proposed plan revisions are subject to the public participation process under s. NR 854.09.

(2) The department may reopen or reconsider a previously approved water supply service area plan or plan element if such action is deemed necessary to reflect state law or rules or changes therein; or when the department finds the plan or plan element conflicts with the department's responsibility to protect, maintain, and improve the quality and management of the waters of the state, ground or surface, public and private; or where the plan or plan element is found otherwise not to be in the public interest.

NR 854.15 Enforcement (1) Violations of this chapter may be prosecuted by the department under ch. 281, Stats

(2) Any violation of this chapter shall be treated as a violation of the statutes they interpret or under which they are promulgated.

(3) Violations may result in forfeitures, abatement of nuisance, and restoration.

(4) Failure to comply with the conditions of a permit or approval issued in accordance with this chapter may result in cancellation of the permit or approval.

SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2) (intro.), Stats.

SECTION 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated in Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL
RESOURCES

By

Cathy Stepp, Secretary

(SEAL)