



## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 12

**TO:** MEMBERS OF THE SUBCOMMITTEE ON WATER CONSERVATION AND BOTTLED WATER OF THE SPECIAL COMMITTEE ON GREAT LAKES WATER RESOURCES COMPACT

**FROM:** John Stolzenberg, Chief of Research Services, and Rachel Letzing, Senior Staff Attorney

**RE:** Drafting Instructions from the Subcommittee on Water Conservation and Bottled Water – Version 2

**DATE:** January 9, 2007 (Revised January 18, 2007)

This Memo lists the drafting instructions provided by your subcommittee at its January 5 and 10, 2007 meetings. The Memo will be revised to include additional drafting instructions developed by the subcommittee at subsequent meetings.

The second to last page of the Memo contains the proposed sequence of issues for consideration by the subcommittee that we presented at the subcommittee's January 5 meeting. The organization of these issues has been modified to reflect the subcommittee's discussion of the water conservation framework in the Great Lakes-St. Lawrence River Basin Water Resources Compact (the compact) at that meeting.

The last page of the Memo contains the flowchart of the water conservation framework in the compact discussed at the subcommittee's January 5 meeting.

### *DRAFTING INSTRUCTIONS*

- I. State requirements under a statewide water conservation framework.
  - A. Apply the water conservation framework in the basin under the compact.
    1. For purposes of complying with the compact, limit reporting, assessment and interaction with the council to the Great Lakes basin portion of the state.
    2. Condition reporting and other interaction with the council and other states and provinces on water conservation programs in the Great Lakes basin on the compact becoming effective.

3. Require agencies administering water conservation programs to tailor program requirements based upon characteristics of regulated water users (i.e. avoid “one size fits all” type regulations).

4. Require the Department of Natural Resources (DNR), when developing state water conservation and efficiency goals and objectives applicable in the Great Lakes basin, to coordinate that process with the pilot program for establishing these goals and objectives that DNR will be implementing later this year in cooperation with the Council of Great Lakes Governors.

B. Specify that DNR shall be the lead agency for implementing the framework. Direct DNR to consult with the Public Service Commission (PSC) and the Department of Commerce in implementing the framework.

C. Establish an advisory committee to assist DNR in implementing the framework statewide.

1. Base the committee composition on the Act 310 Groundwater Advisory Committee; with additional representation of federally recognized American Indian tribes and bands in this state.

*Comment:* Should this committee be permanent or of limited duration, such as operating during development of the initial goals and objectives and initial rulemaking? If the subcommittee recommends that this advisory committee be permanent, then it will be labeled a “council.”

II. Water conservation programs for new or increased diversions authorized under the exception standard in the compact.

A. Direct DNR, with input from PSC, to specify a tier (or group) of water conservation measures applicable to diversion proposals from which an applicant must select and evaluate which water conservation measures are environmentally sound and economically feasible under item B.

B. Require an applicant for a diversion under the compact to demonstrate that the applicant:

1. Has engaged in water conservation planning prior to submitting the application that does all of the following:

a. Evaluates present and future water uses.

b. Sets a baseline for its waters use.

c. Evaluates which water conservation measures in the applicable tier are environmentally sound and economically feasible for the applicant.

2. Has implemented or commits to implementing the environmentally sound and economically feasible water conservation measures identified under item B.1. c.

*Comment:* Should DNR, while reviewing and acting on an application, be authorized to require the implementation of other water conservation measures in the applicable tier if it determines that the additional measures are environmentally sound and economically

feasible and are necessary for the applicant to meet other requirements in the exception standard?

*Subcommittee on Water Conservation and Bottled Water*

*Proposed Sequence of Issues\**

*[Citations to applicable provisions in LRB-0058/P1 in brackets]*

1. State portion of the water conservation framework in the Compact.
  - a. State water conservation and efficiency goals and objectives. [s. 281.343 (4b) (b).]
  - b. Development and implementation of state program. [s. 281.343 (4b) (b) and (e).]
  - c. Promotion of “environmentally sound and economically feasible water conservation measures.” [s. 281.343 (4b) (d).]
  - d. State water conservation program annual assessment and report to the Council and Regional Body. [s. 281.343 (4b) (b).]
  - e. Adjustment of water conservation programs. [s. 281.343 (4b) (e).]
2. State water conservation regulations.
  - a. Water conservation programs for new diversions authorized under the compact (straddling communities, intra-basin transfers, and communities within a straddling county), including, where applicable, incorporation of “environmentally sound and economically feasible water conservation measures.” [s. 281.343 (4n) (b) 2. b., and 3. b., (c) 1. d., and (d) 1. and 5.]
  - b. Water conservation programs for new withdrawals and consumptive uses subject to the compact's decision-making standard, including incorporation of “environmentally sound and economically feasible water conservation measures.” [s. 281.343 (4r) (c).]
  - c. Water conservation programs for other new withdrawals and consumptive uses not subject to the Compact’s decision-making standard. [s. 281.343 (4b) (e).]
  - d. Water conservation programs for existing withdrawals, consumptive uses and diversions. [s. 281.343 (4b) (e).]
3. Bottled water.
4. Other issues.

---

\* Includes applicable definitions in the compact.

*Water Conservation Framework in the Compact*

*Based on Proposed s. 281.343 (4b) in LRB-0058/P1*

