

To: Owners of Significant Water Withdrawal Facilities located within the boundaries of the Great Lakes Basin

From: Ron McAhron; Deputy Director, Indiana Department of Natural Resources

Subject: Emergency Rule for the Implementation of the Great Lakes_St. Lawrence River Basin Water Resources Compact under IC 14-25-15

On December 13, 2005, the Governors of the eight states located within the Great Lakes Basin, along with the Premiers of Quebec and Ontario, signed the Great Lakes Water Management Agreement pledging that each respective legislative body would pursue enactment of the Great Lakes_St. Lawrence River Basin Water Resources Compact. During 2007 and 2008 each of the Great Lakes State Legislatures ratified the Compact, as well as the U.S. Senate and the House of Representatives. The final step of the approval process occurred on October 2, 2008, when President Bush signed a joint resolution of Congress providing consent to the Compact. The provisions of the Great Lakes-St. Lawrence River Basin Water Resources Compact became effective on December 8, 2008, to ensure the protection and sustainable use of the Great Lakes for future generations.

The State of Indiana's implementation of the Great Lakes Compact was signed into law as Indiana Code 14-25-15 by Governor Daniels in February of 2008. **Except as provided for in Section 8 of the law (which allows for withdrawals not exceeding the amount of the baseline status determination), a person must, under rules established under Section 5(4), obtain a permit from the Department for a daily withdrawal of water in excess of any of the following, calculated on average over any ninety (90) day period:**

- 1) Five million (5,000,000) gallons from Lake Michigan surface water.**
- 2) Subject to subsection (b), one hundred thousand (100,000) gallons from a salmonid stream.**
- 3) For any other surface water or groundwater source, one million (1,000,000) gallons.**

Rules established under section 5(4) of IC 14-25-15 must address the implementation, administration, and enforcement of the Compact, including the permitting of water withdraws within the Great Lakes Basin that exceed the established thresholds. **Please be aware that the Department of Natural Resources has developed Emergency Rule LSA Document #11-677(E) that temporarily provides for the permitting of these water withdrawals and governs the:** 1) sale or transfer of a facility with a baseline volume; 2) registration of a withdrawal, consumptive use or diversion; 3) issuance of an individual permit for a withdrawal, consumptive use, or diversion; and 4) issuance of a general permit for a withdrawal or a consumptive use. This Emergency Rule will remain in place for a maximum of two years from the November 1, 2011, effective date or until permanent rules promulgated by the Indiana Natural Resources Commission become effective prior to the expiration of the Emergency Rule. For a copy of Emergency Rule LSA Document #11-677(E), please visit the Great Lakes Compact webpage at <http://www.in.gov/dnr/water/5216.htm> and click on the associated link located near the bottom of the page. If you have questions concerning the Emergency Rule or other provisions of the Great Lakes Compact, please contact the Division of Water by e-mail at Great_Lakes_Compact@dnr.in.gov or Mark Basch at (317) 232-0154.