

ARTICLE 6.2. GREAT LAKES BASIN WATER MANAGEMENT

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Administration

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Great Lakes-St. Lawrence River Basin Water Resources Compact in Indiana

Rule 1. Administration

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Administration by the department

312 IAC 6.2-1-1 Purposes

Authority: [IC 14-10-2-4](#); [IC 14-25](#)

Affected: [IC 14-25-1-11](#); [IC 14-25-15-1](#)

Sec. 1. The purposes of this article are to assist with each of the following:

(1) Implementation and administration of [IC 14-25-1-11](#).

(2) Execution of the state's responsibilities under subsection (d) of 42 U.S.C. 1962d-20 (the "Water Resources Development Act").

(3) Implementation of [IC 14-25-15](#).

(4) Implementation of the compact.

(Natural Resources Commission; 312 IAC 6.2-1-1; filed Jan 5, 2005, 9:45 a.m.: 28 IR 1459; filed Jan 2, 2009, 1:30 p.m.: [20090128-IR-312080531FRA](#); filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-312200179RFA](#))

312 IAC 6.2-1-2 Definitions

Authority: [IC 14-10-2-4](#); [IC 14-25](#)

Affected: [IC 14-8-2](#); [IC 14-9-3](#); [IC 14-25](#)

Sec. 2. The definitions in [IC 14-8-2](#), Section 1.2 of [IC 14-25-15-1](#), 312 IAC 1, and the following definitions apply throughout this article:

(1) "Baseline volume" refers to the amount of water approved through a status determination under [IC 14-25-15-12](#) (or approved through a modification to a status determination or another previous department order) with respect to any of the following categories:

(A) A total water withdrawal capability registered under [IC 14-25-7-15](#)(c)(3).

(B) A consumptive use attributable to a facility.

(C) A facility that diverts water outside the basin.

(2) "Baseline volume abandonment" means the voluntary and affirmative termination of a facility's baseline volume as defined in this article, but shall not include the nonuse of a facility's baseline volume unless the facility is considered discontinued by the department.

(3) "Basin" or "Great Lakes-St. Lawrence River Basin" means the watershed of the Great Lakes and the St. Lawrence River upstream from Trois-Rivières, Québec, within the jurisdiction of the parties to the compact.

(4) "Basin of Indiana" means the portion of the basin located in the state of Indiana.

(5) "Best management practices" or "BMPs" means methods or techniques found to be the most effective and practical means in achieving an objective (such as preventing or minimizing water losses) while making the optimum use of available resources.

(6) "Compact" means the Great Lakes-St. Lawrence River Basin Water Resources Compact described in [IC 14-25-15-1](#).

(7) "Deputy director" refers to the deputy director for the bureau of water and resource regulation established by [IC 14-9-3](#).

(8) "Discontinued significant water withdrawal facility" means a facility that is registered or permitted under this article and [IC 14-25-7-15](#) and meets the following conditions:

(A) The water withdrawal equipment of the facility has been removed, or is not maintained in a good state of repair, for a continuous period of more than five (5) years.

(B) The facility owner has not provided notification to the department of the intent for future use of the facility.

(9) "Division" means the division of water of the department.

(10) "Facility" means a significant water withdrawal facility as defined at [IC 14-25-7-15](#).

- (11) "Q90" means the amount of flow in a stream that was equaled or exceeded by the annual daily mean stream flow ninety percent (90%) of the time.
- (12) "Resolution 5" refers to "Resolution #5--Adoption of Basin-Wide Conservation and Efficiency Objectives", which was adopted by the council on December 8, 2008.
- (13) "Salmonid stream" refers to each of the following:
- (A) Trail Creek and its tributaries downstream to Lake Michigan.
 - (B) The Galena River and its tributaries in LaPorte County.
 - (C) East Branch of the Little Calumet River and its tributaries downstream to Lake Michigan via Burns Ditch.
 - (D) The St. Joseph River and its tributaries in St. Joseph County from the Twin Branch Dam in Mishawaka downstream to the Indiana/Michigan state line.
 - (E) Salt Creek above its confluence with the Little Calumet River.
 - (F) Kintzele Ditch (Black Ditch) from Beverly Drive downstream to Lake Michigan.
 - (G) The Indiana portion of the open waters of Lake Michigan.
 - (H) Those waters designated by the Indiana department of natural resources for put-and-take trout fishing.
- (14) "Water use audit" means a systematic framework for accurately measuring water use and water loss in a given system.
- (15) "Water withdrawal facility" refers to a system or process that:
- (A) is a diversion; or
 - (B) in the aggregate from all sources and by all methods, has the capability of withdrawing more than one hundred thousand (100,000) gallons of ground water, surface water, or ground and surface water combined, in one (1) day.
- (Natural Resources Commission; 312 IAC 6.2-1-2; filed Jan 5, 2005, 9:45 a.m.: 28 IR 1459; filed Jan 2, 2009, 1:30 p.m.: [20090128-IR-312080531FRA](#); filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; filed May 9, 2018, 10:01 a.m.: [20180606-IR-312170400FRA](#); readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-312200179RFA](#))*

312 IAC 6.2-1-3 Administration by the department

Authority: [IC 14-10-2-4](#); [IC 14-25](#)
 Affected: [IC 14-10-2-3](#); [IC 14-25-15](#)

Sec. 3. (a) The division shall:

- (1) serve as the point of contact; and
- (2) coordinate the administrative, professional, and technical functions of this article.

(b) Subject to [IC 14-10-2-3](#) and to subsection (c), the deputy director shall issue any order appropriate to the implementation of this article.

(c) This section does not delegate to the department or to the department director any authority granted to the governor under [IC 14-25-15](#). *(Natural Resources Commission; 312 IAC 6.2-1-3; filed Jan 5, 2005, 9:45 a.m.: 28 IR 1460; filed Jan 2, 2009, 1:30 p.m.: [20090128-IR-312080531FRA](#); filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-312200179RFA](#))*

Rule 2. Great Lakes-St. Lawrence River Basin Water Resources Compact in Indiana

312 IAC 6.2-2-1	Purposes of compact rule
312 IAC 6.2-2-2	Facilities exempted from permitting but subject to monitoring and reporting
312 IAC 6.2-2-3	Facility sale or transfer of all or a portion of baseline volume
312 IAC 6.2-2-4	Registration of a withdrawal, consumptive use, or diversion
312 IAC 6.2-2-5	Individual permit for a withdrawal, consumptive use, or diversion
312 IAC 6.2-2-6	General permit for a withdrawal or consumptive use
312 IAC 6.2-2-7	Voluntary conservation and efficiency
312 IAC 6.2-2-8	Conservation and planning for permit applicants
312 IAC 6.2-2-9	Reviews of conservation and efficiency objectives
312 IAC 6.2-2-10	Indiana commitment to promote environmentally sound and economically feasible measures
312 IAC 6.2-2-11	Measuring success of water conservation and efficiency measures
312 IAC 6.2-2-12	Application of former temporary rules that assisted in administration of the compact

[312 IAC 6.2-2-13](#)

Violations and enforcement

312 IAC 6.2-2-1 Purposes of compact ruleAuthority: [IC 14-10-2-4](#); [IC 14-25](#)Affected: [IC 14-25-1-11](#); [IC 14-25-15](#)

Sec. 1. (a) Under [IC 14-25-15](#) within the basin of Indiana, this rule implements and regulates the following:

- (1) A water withdrawal, diversion, or consumptive use that is subject to registration or permitting.
- (2) A voluntary program for promoting water conservation and efficiency for a person with a water withdrawal facility.
- (3) A mandatory program for promoting water conservation and efficiency for a person with a water withdrawal facility that is consistent with Section 4.2 of [IC 14-25-1-1](#) and [IC 14-25-15-5](#).

(b) This rule assists with the goal of the state of Indiana to promote and encourage environmentally sound and economically feasible water conservation measures by water users within the basin consistent with the Great Lakes-St. Lawrence basin water conservation and efficiency objectives set forth in Resolution 5. (*Natural Resources Commission*; 312 IAC 6.2-2-1; filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-312200179RFA](#))

312 IAC 6.2-2-2 Facilities exempted from permitting but subject to monitoring and reportingAuthority: [IC 14-10-2-4](#); [IC 14-25-1](#)Affected: [IC 14-25-1-11](#); [IC 14-25-15-1](#)

Sec. 2. (a) A facility is exempted from the permitting requirements of this rule, if the facility does not exceed its approved baseline volume for any category.

(b) A facility exempted under subsection (a) must satisfy the monitoring and reporting requirements of this rule. (*Natural Resources Commission*; 312 IAC 6.2-2-2; filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-312200179RFA](#))

312 IAC 6.2-2-3 Facility sale or transfer of all or a portion of baseline volumeAuthority: [IC 14-10-2-4](#); [IC 14-25](#)Affected: [IC 14-25-1-11](#); [IC 14-25-15-1](#)

Sec. 3. (a) This section applies to the sale or other transfer of a facility with a baseline volume.

(b) All or a portion of a facility's baseline volume may be sold or transferred provided that the baseline volume is based on 312 IAC 6.2-1-2(1).

(c) Not later than March 31 of the year following a sale or other transfer to another person of a right to use all or a portion of a facility's baseline volume, the facility must notify the division on a department form. The notification must include the name and contact information for the buyer or other transferee and any other information reasonably required on the form to achieve compliance with this rule.

(d) If a facility does not comply with subsections (b) and (c), the sale or transfer is ineffective under [IC 14-25-15](#) and this article. A facility violates this article if the facility authorizes another person to use all or a portion of the facility's baseline volume without complying with subsections (b) and (c). A person also violates this article by using any portion of the baseline volume of a facility unless the facility complies with subsections (b) and (c).

(e) For a sale or transfer that is effective, the buyer or transferee is beneficiary to the amount of the baseline volume that is sold or transferred. The amount of the approved baseline volume of the seller or transferor is reduced by the amount sold or transferred.

(f) A buyer or transferee must comply with any action required by Section 4.12(4) of [IC 14-25-15-1](#).

(g) A facility's baseline volume shall be relinquished when the facility is subject to baseline volume abandonment or the facility is considered to be a discontinued significant water withdrawal facility under this article. The sale or transfer of all or a portion of a facility's baseline volume pursuant to this article shall not be considered baseline volume abandonment. (*Natural Resources Commission*; 312 IAC 6.2-2-3; filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; filed May 9, 2018, 10:01 a.m.: [20180606-IR-312170400FRA](#); readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-312200179RFA](#))

312 IAC 6.2-2-4 Registration of a withdrawal, consumptive use, or diversionAuthority: [IC 14-10-2-4](#); [IC 14-25](#)Affected: [IC 14-25-7-15](#); [IC 14-25-15-1](#)

Sec. 4. (a) This section governs registration of a withdrawal, consumptive use, or diversion.

(b) A person must register a facility with the division on a department form under this section.

(c) A new facility that would withdraw less than a threshold amount described in section 5(b)(1) or 5(b)(3) of this rule must notify the department within ninety (90) days of completion of the withdrawal facility.

(d) An existing facility that would have an increased withdrawal exceeding the baseline volume, for a water withdrawal capability under [IC 14-25-7-15](#)(c)(3), which, when combined with all prior increases, does not result either in:

(1) an increase above the threshold amount described in section 5(b) of this rule; or

(2) increased total consumptive use for the facility that is five million (5,000,000) gallons or greater daily; must notify the department by March 31 of the year following the increase.

(e) An existing facility with an increased withdrawal, which exceeds the baseline and that would not satisfy subsection (c), must obtain authorization in advance under [IC 14-25-15](#) and this article.

(f) To qualify for registration, an applicant must provide the following information on a department form:

(1) The applicant's:

(A) name and mailing address;

(B) contact person's name; and

(C) contact person's telephone number and e-mail address.

(2) If an applicant authorizes another person to be responsible for implementation of a withdrawal and the return of water to the basin, and the associated reporting requirements, the authorized person must provide the following information:

(A) Name and mailing address.

(B) Contact person's name.

(C) Contact person's telephone number and e-mail address.

(3) The location and sources of any withdrawal or diversion.

(4) The capacity of any withdrawal in gallons per day.

(5) The amount withdrawn or diverted from each source in gallons per day for any thirty (30) day period.

(g) By March 31 of the following year, a person registered under this section must report each of the following to the division on a department form:

(1) Updates to registration information.

(2) Information regarding evaluation, implementation, and results of water conservation and efficiency efforts used at the facility during the year.

(3) Monthly volumes of water in gallons for each of the following:

(A) Withdrawals.

(B) Consumptive uses.

(C) Diversions.

(h) Registration under [IC 14-25-15](#) and this section also satisfies the registration requirements of [IC 14-25-7-15](#). (*Natural Resources Commission; 312 IAC 6.2-2-4; filed Jul 9, 2014, 11:14 a.m.: 20140806-IR-312130335FRA, eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: 20200617-IR-312200179RFA*)

312 IAC 6.2-2-5 Individual permit for a withdrawal, consumptive use, or diversionAuthority: [IC 14-10-2-4](#); [IC 14-25](#)Affected: [IC 14-25](#)

Sec. 5. (a) This section governs an individual permit for a withdrawal, consumptive use, or diversion.

(b) A person must obtain a permit under [IC 14-25-15](#) and this rule before implementing a new average daily withdrawal over any ninety (90) consecutive days that exceeds the following:

(1) From Lake Michigan, five million (5,000,000) gallons.

(2) From a salmonid stream, one hundred thousand (100,000) gallons.

(3) From any other source of ground water or surface water or of ground water and surface water combined, one million (1,000,000) gallons.

(c) Unless exempted under [IC 14-25-15-8](#), a person must obtain advance approval to increase in excess of the baseline, the average daily thresholds under subsection (b) of an existing withdrawal of ground or surface water or ground water and surface water combined for either:

(1) a withdrawal; or

(2) an increase in consumptive use to five million (5,000,000) gallons or greater daily.

(d) Except as provided in subsection (g), an applicant must provide each of the following:

(1) The information required for registration in section 4(f) of this rule.

(2) Identification of which of the following the applicant seeks:

(A) A new or increased withdrawal in excess of a threshold described in subsection (b).

(B) A new or increased consumptive use in excess of five million (5,000,000) gallons per day.

(C) An exception to the prohibition on diversions for any of the following:

(i) A straddling community.

(ii) A community within a straddling county.

(iii) An intra-basin transfer.

(3) The location of any source of water for a withdrawal or diversion to include the following:

(A) The applicant's sole or preferred source.

(B) Any source that is an alternative to clause (A).

(C) Any well or pump site.

(D) If a person other than the applicant would make a withdrawal, information to reasonably support a finding the person:

(i) has sufficient capacity to serve the applicant's needs; and

(ii) is willing to negotiate a purchase price with the applicant.

(E) The applicant's need for the water source.

(4) A map or photograph to assist with identification of the following:

(A) The source watershed that includes if:

(i) ground water, that the source is a confined or an unconfined aquifer; or

(ii) surface water, that the source is a river, stream, or lake (and the name of the water body).

(B) The proposed location of any withdrawal and return flow discharge.

(C) If a diversion, both of the following:

(i) The existing water supply service area.

(ii) The area that is proposed to receive the diverted water.

(5) The new or increased diversion and any associated consumptive use, which includes the following:

(A) The total proposed maximum volume of the withdrawal, diversion, or consumptive use over the planned life of the project (but not exceeding fifty (50) years) in millions of gallons per day:

(i) averaged over a calendar year;

(ii) over the peak period of ninety (90) consecutive days during a calendar year; and

(iii) monthly.

(B) Whether the use would be:

(i) continuous;

(ii) seasonal; or

(iii) temporary.

(C) Locations where the withdrawal and where the return discharge would be measured.

(D) The technical method to be used for determining the rates of flow.

(6) If within the prior ten (10) years, an application was approved to increase the baseline volume for the facility, the date of the approval and the daily volume in gallons for any of the following:

(A) Withdrawal.

(B) Consumptive use.

(C) Diversion.

(e) For an exception to the prohibition on diversions that is subject to Section 4.9 of [IC 14-25-15-1](#), an applicant must additionally satisfy the criteria in:

- (1) Section 4.9.1 of [IC 14-25-15-1](#) for a straddling community;
- (2) Section 4.9.2 of [IC 14-25-15-1](#) for an intra-basin transfer; or
- (3) Section 4.9.3 of [IC 14-25-15-1](#) for a straddling county;

as described in Section 4.9.4 of [IC 14-25-15-1](#).

(f) For a new or increased withdrawal or consumptive use that is subject to Section 4.10 of [IC 14-25-15-1](#), an applicant must additionally satisfy the criteria in the decision making standard of Section 4.11 of [IC 14-25-15-1](#).

(g) The owner of a facility is not required to register under [IC 14-25-7-15](#), or to obtain a water withdrawal permit under this rule, if the facility is installed and used exclusively for any of the following purposes:

- (1) Testing or evaluating the ground water resource for a period not greater than seventy-two (72) hours in one (1) calendar year.
- (2) A noncommercial project that continues for not more than three (3) months for firefighting, humanitarian, or emergency response purposes.
- (3) Supplying a vehicle, boat, or aircraft with respect to:
 - (A) transport of a person or animal;
 - (B) ballast; or
 - (C) operating a vehicle, boat, or aircraft.

(Natural Resources Commission; 312 IAC 6.2-2-5; filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-312200179RFA](#))

312 IAC 6.2-2-6 General permit for a withdrawal or consumptive use

Authority: [IC 14-10-2-4](#); [IC 14-25](#)

Affected: [IC 14-21.5-4](#); [IC 14-25-1-11](#); [IC 14-25-15-1](#)

Sec. 6. (a) This section establishes a general permit for a new or increased withdrawal or consumptive use not exceeding the threshold amounts set forth in [IC 14-25-15](#) and this article.

(b) A person who qualifies under this section is not required to obtain an individual permit under [IC 14-25-15](#) and section 5 of this rule.

(c) To qualify for a general permit, a person must satisfy each of the following:

- (1) Comply with all requirements for registration of a withdrawal or consumptive use under section 4 of this rule.
- (2) Limit any new or increased average daily consumptive use to less than five million (5,000,000) gallons over any period of ninety (90) consecutive days.
- (3) Unless prior written approval is obtained from the department, refrain from making a daily withdrawal of one hundred thousand (100,000) gallons from either:
 - (A) a salmonid stream; or
 - (B) a well located within one-half (1/2) mile of a salmonid stream.
- (4) Following an order issued by the department under [IC 4-21.5-4](#), cease or curtail the withdrawal as directed, if the department determines either:
 - (A) a ground water withdrawal exceeds the recharge capability of the source aquifer; or
 - (B) the withdrawal is causing a stream flow that is both:
 - (i) below Q90; and
 - (ii) likely to result in an adverse impact to fish, wildlife, or botanical resources.

(Natural Resources Commission; 312 IAC 6.2-2-6; filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-312200179RFA](#))

312 IAC 6.2-2-7 Voluntary conservation and efficiency

Authority: [IC 14-10-2-4](#); [IC 14-25](#)

Affected: [IC 14-25-7-15](#); [IC 14-25-15-1](#)

Sec. 7. (a) This section identifies voluntary conservation and efficiency objectives in the basin of Indiana as anticipated by Resolution 5, including:

- (1) guiding programs toward long-term sustainable water use;
- (2) adopting and implementing supply and demand management to promote efficient use and conservation of water resources;
- (3) improving monitoring and standardizing data reporting among state and provincial water conservation and efficiency programs;
- (4) developing science, technology, and research; and
- (5) developing education programs and information sharing for all water users.

(b) Consistent with Section 4.2 of [IC 14-25-15-1](#), all facilities registered under [IC 14-25-7-15](#) are encouraged to consider and implement measures such as the following:

- (1) The development and submission to the division for comment of a water conservation and management plan as follows:

(A) Components may include the following:

- (i) A description and quantification of current water use and reuse as identified by a water audit.
- (ii) Water conservation goals.
- (iii) Current and proposed metering activity.
- (iv) Methods to control unaccounted water.
- (v) Methods for water reuse.
- (vi) Methods for leak detection and repair.
- (vii) Other conservation or efficiency measures employed or considered.

(B) An implementation timeline.

(C) A monitoring plan.

- (2) The implementation of best management practices developed by the department for the following use categories:

(A) Industrial.

(B) Energy production.

(C) Irrigation.

(D) Public water supply.

(E) Rural and other.

- (3) The use of other recognized conservation and efficiency programs and information developed by the following:

(A) United States Environmental Protection Agency.

(B) American Ground Water Trust.

(C) Alliance for Water Efficiency.

(D) Indiana's Water Shortage Plan.

(E) Another governmental agency or nongovernmental organization.

- (4) Reporting participation in a water conservation and efficiency program. The report may include any of the following:

(A) Elements of the program.

(B) The resulting savings in water use quantified in gallons or liters. They may include financial savings from reductions to:

- (i) chemical treatments for public water supply;
- (ii) expenditures on infrastructure;
- (iii) pesticides or herbicides; or
- (iv) additives to irrigation water.

(C) Any other information supporting improved understanding of conservation and efficiency programs.

- (5) Participation in department surveys and questionnaires that seek accurate and timely data regarding conservation and efficiency programs.

(c) The department shall make an annual assessment of the extent to which conservation and efficiency programs meet goals and objectives. The department shall provide the assessment as follows:

- (1) Annually to the council and the regional body.

- (2) On the department's website and as otherwise practicable to the public.

(Natural Resources Commission; 312 IAC 6.2-2-7; filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; filed May 9, 2018, 10:01 a.m.: [20180606-IR-312170400FRA](#); readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-](#)

[312200179RFA](#))

312 IAC 6.2-2-8 Conservation and planning for permit applicants

Authority: [IC 14-10-2-4](#); [IC 14-25](#)

Affected: [IC 14-25-1-11](#); [IC 14-25-15-1](#)

Sec. 8. (a) This section governs water conservation and planning, as required under [IC 14-25-15](#), for a new or increased withdrawal, diversion, or consumptive use.

(b) As part of a permit application to the department required under section 5 of this rule, a person with a facility subject to decision making under the compact must include a water conservation plan that satisfies section 7(b)(1) of this rule.

(c) In addition to the requirements of subsection (b), an applicant for a new or increased diversion for public water supply must do each of the following:

(1) Document conservation and efficiency use of existing water supplies by providing analyses of community water use for the previous five (5) year period, including how water use has:

(A) changed over time; and

(B) changed or is anticipated to change with the implementation of a conservation and efficiency program.

(2) Include a water-use reduction goal and methods proposed to measure attainment of the goal.

(3) Document the implementation of best management practices applicable to the facility.

(d) The department shall not approve an application for a new or increased diversion or withdrawal unless the applicant demonstrates adequately the ability to perform each of the following:

(1) Measurement of water use.

(2) Adoption of BMPs.

(3) Implementation of environmentally sound and economically feasible conservation and efficiency measures.

(Natural Resources Commission; 312 IAC 6.2-2-8; filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-312200179RFA](#))

312 IAC 6.2-2-9 Reviews of conservation and efficiency objectives

Authority: [IC 14-10-2-4](#); [IC 14-25](#)

Affected: [IC 14-25-1-11](#); [IC 14-25-15-1](#)

Sec. 9. (a) This section applies to the review of conservation and efficiency objectives in the basin of Indiana.

(b) In response to a review conducted under Section 3.4.2 of [IC 14-25-15-1](#), the department shall recommend to the commission modifications to any water management and conservation and efficiency program governed by this article and which are needed to meet the provisions of the compact.

(c) The department shall consider modifying conservation and efficiency objectives in its ongoing program implementation and reviews. A determination to modify objectives shall be based on the following:

(1) New or updated technologies.

(2) New patterns in water use.

(3) New resource demands and threats.

(4) An assessment of cumulative impacts under Section 4.15 of [IC 14-25-15-1](#).

(Natural Resources Commission; 312 IAC 6.2-2-9; filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-312200179RFA](#))

312 IAC 6.2-2-10 Indiana commitment to promote environmentally sound and economically feasible measures

Authority: [IC 14-10-2-4](#); [IC 14-25](#)

Affected: [IC 14-25-7-15](#)

Sec. 10. This section identifies the commitment by the state of Indiana to promote environmentally sound and economically feasible measures such as the following:

(1) Measures to promote the efficient use of water as follows:

- (A) Education and outreach on water efficiency directed to facilities registered under [IC 14-25-7-15](#).
- (B) Regular dissemination of conservation information such as informational pieces, brochures, newsletters, updates, and similar communications.
- (2) Identification and dissemination of best management practices and state of the art conservation and efficiency technology as follows:
 - (A) Surveys to identify current water use planning and conservation components implemented or planned by registered facilities.
 - (B) Education and outreach tailored to registered facilities in all use categories.
 - (C) Public listing of potential best management practices.
 - (D) Other methods reasonably designed to implement this subdivision.
- (3) Assistance to facilities with the development and application of sound planning principles as follows:
 - (A) Documents and forms for voluntary management planning.
 - (B) Assistance with water auditing and plan development.
 - (C) Support for conservation planning, analyses, or modification.
 - (D) Other planning assistance.
- (4) Identification of demand-side or supply-side measures or incentives as follows:
 - (A) Promoting conservation pricing for public utilities.
 - (B) Promoting public education on conservation activities at all levels of water use.
 - (C) Developing a recognition program for "super conserver" awards to be posted publicly.
 - (D) Other measures and incentives reasonably designed to implement this subdivision.

(Natural Resources Commission; 312 IAC 6.2-2-10; filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-312200179RFA](#))

312 IAC 6.2-2-11 Measuring success of water conservation and efficiency measures

Authority: [IC 14-10-2-4](#); [IC 14-25](#)
 Affected: [IC 14-25-1-11](#); [IC 14-25-15-1](#)

- Sec. 11. (a) This section describes how the department evaluates the success of water conservation and efficiency measures.
- (b) For voluntary water conservation and efficiency measures, the department shall determine, record, and report the following:
- (1) The number of facilities for which conservation and efficiency planning is reported.
 - (2) The number of facilities for which documentation of conservation and efficiency programming is provided.
 - (3) Attendance at conservation and efficiency workshops.
 - (4) Other metrics that assist in determining conservation and efficiency participation.
- (c) For water conservation and efficiency measures that are subject to section 8 of this rule, the department shall develop metrics that do the following:
- (1) Summarize compliance standards for new or increased withdrawals and diversions and for consumption uses.
 - (2) Document the frequency of noncompliance with the standards as summarized in subdivision (1).
 - (3) Describe the remedies required for noncompliance with the standards.
 - (4) Document the success or failure of remediation.

(Natural Resources Commission; 312 IAC 6.2-2-11; filed Jul 9, 2014, 11:14 a.m.: [20140806-IR-312130335FRA](#), eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: [20200617-IR-312200179RFA](#))

312 IAC 6.2-2-12 Application of former temporary rules that assisted in administration of the compact

Authority: [IC 14-10-2-4](#); [IC 14-25](#)
 Affected: [IC 14-25-1-11](#); [IC 14-25-15-1](#)

- Sec. 12. The following temporary rules applied to assist with implementation of [IC 14-25-15-1](#) during the referenced periods:
- (1) LSA Document #11-677(E), posted at [20111109-IR-312110677ERA](#), from November 1, 2011, until November 1, 2012.
 - (2) LSA Document #12-119(E), posted at [20120328-IR-312120119ERA](#), from April 1, 2012, until November 1, 2012.
 - (3) LSA Document #12-586(E), posted at [20121031-IR-312120586ERA](#) from November 1, 2012, until November 1, 2013.

LSA Document #12-586(E) may be referenced as guidance from November 1, 2013, until December 1, 2013.

(4) LSA Document #13-532(E), posted at [20131204-IR-312130532ERA](#) from December 1, 2013, until September 1, 2014. (*Natural Resources Commission; 312 IAC 6.2-2-12; filed Jul 9, 2014, 11:14 a.m.: 20140806-IR-312130335FRA, eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: 20200617-IR-312200179RFA*)

312 IAC 6.2-2-13 Violations and enforcement

Authority: [IC 14-10-2-4](#); [IC 14-25](#)

Affected: [IC 14-10-2-3](#); [IC 14-25-1-11](#); [IC 14-25-15-1](#)

Sec. 13. (a) A person violates [IC 14-25-15](#) and this rule if the person does either of the following:

(1) Acts without authorization if authorization was required under:

(A) [IC 14-25-15](#);

(B) this rule; or

(C) a document described in section 12 of this rule;

when the act occurred.

(2) Violates a term or condition of a registration, an individual permit, a general permit, an exemption, or another authorization described in [IC 14-25-15](#) or this rule.

(b) Except as provided in 312 IAC 6.2-1-3(c) and subject to [IC 14-10-2-3](#), the deputy director may issue any order appropriate to licensure or a status determination under or enforcement of [IC 14-25-15](#) and this rule. (*Natural Resources Commission; 312 IAC 6.2-2-13; filed Jul 9, 2014, 11:14 a.m.: 20140806-IR-312130335FRA, eff Sep 1, 2014; readopted filed May 20, 2020, 9:55 a.m.: 20200617-IR-312200179RFA*)

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