
PRELIMINARY DRAFT
No. 4106

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2024 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 14-8-2; IC 14-25.

Synopsis: Major ground water withdrawal facilities. Defines a facility as a "major ground water withdrawal facility" if: (1) the facility includes one or more wells that have the capability of withdrawing at least 10,000,000 gallons of ground water from one or more aquifers in one day; and (2) the facility is connected, or plans provide for the facility to be connected, to pipeline facilities through which at least 10,000,000 gallons of ground water withdrawn by the facility's well or wells could be transported in one day to a destination located at least 20 miles from the facility. Provides that, after June 30, 2024, a person may not establish a major ground water withdrawal facility if the ground water withdrawn by the facility will be used primarily for: (1) commercial purposes; (2) industrial purposes; or (3) a combination of commercial purposes and industrial purposes; unless the person has obtained a permit from the natural resources commission (commission). Establishes the following prerequisites to the commission's issuance of a permit: (1) Public notice of the permit application must be provided through publication on the website of the department of natural resources (department). (2) Public notice of the permit application must be provided by first class mail to the executive of the county and to the executives of certain cities or towns. (3) At least two public hearings concerning the proposed major ground water withdrawal facility must be held. (4) A written feasibility study
(Continued next page)

Effective: July 1, 2024.



Digest Continued

concerning the proposed major ground water withdrawal facility must be prepared. (5) The written feasibility study must be peer reviewed. (6) The feasibility study and the written results of the peer review must be published on the website of the department. Provides that the commission shall issue the permit if: (1) all of the prerequisites are satisfied; and (2) the commission determines that the establishment of the major ground water withdrawal facility, if permitted, will fulfill the health, economic, environmental, and other needs of present and future generations of Indiana citizens. Provides that, depending on the determinations of the feasibility study and the peer review, the permit may limit the maximum amount that the major ground water withdrawal facility may withdraw and transfer per year. Provides that a permit, if issued, must require the permit holder to regularly monitor the aquifer or aquifers from which the major ground water withdrawal facility withdraws ground water and must report the monitoring data to the department. Provides that the owner of a major ground water withdrawal facility may be ordered to provide timely and reasonable compensation to the owner of a nonsignificant ground water withdrawal facility or significant ground water withdrawal facility if water withdrawals by the major ground water withdrawal facility cause the nonsignificant ground water withdrawal facility or significant ground water withdrawal facility to fail to furnish the supply of water it normally furnishes or to fail to furnish potable water.



A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-13 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. "Aquifer":

3 **(1) for purposes of IC 14-25-3.5, has the meaning set forth in**
4 **IC 14-25-3.5-2; and**

5 **(2) for purposes of IC 14-25-7, has the meaning set forth in**
6 **IC 14-25-7-1.**

7 SECTION 2. IC 14-8-2-157.7 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2024]: **Sec. 157.7. "Major ground water**
10 **withdrawal facility", for purposes of IC 14-25-3.5 and IC 14-25-4,**
11 **has the meaning set forth in IC 14-25-3.5-4.**

12 SECTION 3. IC 14-8-2-199, AS AMENDED BY P.L.214-2014,
13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2024]: Sec. 199. **(a) "Permit", for purposes of IC 14-25-3.5,**
15 **means a permit for a major ground water withdrawal facility.**

16 **(a) (b) "Permit", for purposes of IC 14-28-1-38, has the meaning set**
17 **forth in IC 14-28-1-38(a).**

18 **(b) (c) "Permit", for purposes of IC 14-34, means a permit issued**
19 **under IC 14-34 to conduct a surface coal mining and reclamation**
20 **operation.**

21 SECTION 4. IC 14-8-2-202, AS AMENDED BY P.L.39-2018,
22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2024]: Sec. 202. (a) "Person" means, except as provided in
24 subsections (b) through ~~(i)~~; **(j)**, an individual, a partnership, an
25 association, a fiduciary, an executor or administrator, a limited liability
26 company, or a corporation.

27 (b) "Person", for purposes of IC 14-12-2, has the meaning set forth
28 in IC 14-12-2-3.

29 (c) "Person", for purposes of IC 14-16, IC 14-22-28, IC 14-24,
30 IC 14-26-2, IC 14-28-1, and IC 14-38-2, means an individual, a
31 partnership, an association, a fiduciary, an executor or administrator,



1 a limited liability company, a corporation, other legal entity, the state,
2 or an agency, a political subdivision, or another instrumentality of the
3 state.

4 (d) "Person", for purposes of IC 14-12-1, IC 14-12-2, IC 14-21,
5 IC 14-25 through IC 14-29, except as otherwise provided in this
6 section, IC 14-33, IC 14-34, and IC 14-37, means an individual, a
7 partnership, an association, a fiduciary, an executor or administrator,
8 a limited liability company, a corporation, or a governmental entity.

9 (e) "Person", for purposes of IC 14-22-31.5, has the meaning set
10 forth in IC 14-22-31.5-2.

11 (f) "Person", for purposes of IC 14-25-3, has the meaning set forth
12 in IC 14-25-3-1.

13 **(g) "Person", for purposes of IC 14-25-3.5, has the meaning set
14 forth in IC 14-25-3.5-5.**

15 ~~(g)~~ **(h) "Person", for the purposes of IC 14-25-7, has the meaning set
16 forth in IC 14-25-7-5.**

17 ~~(h)~~ **(i) "Person", for purposes of IC 14-34, means an individual, a
18 partnership, a limited liability company, an association, a society, a
19 joint stock company, a firm, a company, a corporation, or other
20 business organization.**

21 ~~(i)~~ **(j) "Person", for purposes of IC 14-38-1, has the meaning set
22 forth in IC 14-38-1-2.**

23 SECTION 5. IC 14-8-2-305.5 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2024]: **Sec. 305.5. "Water expert", for
26 purposes of IC 14-25-3.5, has the meaning set forth in
27 IC 14-25-3.5-6.**

28 SECTION 6. IC 14-25-3.5 IS ADDED TO THE INDIANA CODE
29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2024]:

31 **Chapter 3.5. Major Ground Water Withdrawal Facilities**

32 **Sec. 1. (a) This chapter applies to a major ground water
33 withdrawal facility only if the ground water withdrawn by and
34 transported from the major ground water withdrawal facility is or
35 will be used primarily for:**

- 36 **(1) commercial purposes;**
37 **(2) industrial purposes; or**
38 **(3) a combination of commercial purposes and industrial
39 purposes.**

40 **(b) As used in this section, "commercial purposes" do not
41 include the supplying of water to residential properties for
42 domestic use.**

43 **Sec. 2. As used in this chapter, "aquifer" means an underground
44 geologic formation that:**

- 45 **(1) is consolidated or unconsolidated; and**
46 **(2) has the ability to receive and contain ground water.**



1 **Sec. 3. As used in this chapter, "ground water" has the meaning**
2 **set forth in IC 14-8-2-118(a).**

3 **Sec. 4. As used in this chapter, "major ground water withdrawal**
4 **facility" means a facility that meets all of the following conditions:**

5 **(1) The facility includes:**

6 **(A) one (1) well; or**

7 **(B) two (2) or more wells under common ownership or**
8 **control.**

9 **(2) The well or wells to which subdivision (1) refers have, in**
10 **the aggregate, from all sources and by all methods, the**
11 **capability of withdrawing at least ten million (10,000,000)**
12 **gallons of ground water from one (1) or more aquifers in one**
13 **(1) day.**

14 **(3) Either:**

15 **(A) the facility is connected to existing pipeline facilities: or**

16 **(B) plans for the facility include the connection of the**
17 **facility to pipeline facilities:**

18 **through which at least ten million (10,000,000) gallons of**
19 **ground water withdrawn by the well or wells to which**
20 **subdivision (1) refers could be transported in one (1) day to a**
21 **destination located at least twenty (20) miles from the well or**
22 **wells.**

23 **Sec. 5. As used in this chapter, "person" means any of the**
24 **following:**

25 **(1) An individual.**

26 **(2) A corporation, including a body corporate and politic**
27 **exercising public functions.**

28 **(3) A limited liability company, partnership, trust, or**
29 **unincorporated association.**

30 **(4) The state.**

31 **(5) A unit (as defined in IC 36-1-2-23).**

32 **(6) A board, a bureau, a commission, a division, a department,**
33 **an officer, an agency, an authority, or an instrumentality of**
34 **the state or of a unit.**

35 **(7) Two (2) or more of the persons identified in subdivisions**
36 **(1) through (6) acting in concert.**

37 **Sec. 6. As used in this chapter, "water expert" means an**
38 **individual who meets the qualifications set forth in at least one (1)**
39 **of the following subdivisions:**

40 **(1) Is certified as a hydrologist by the American Institute of**
41 **Hydrology.**

42 **(2) Is a licensed professional geologist (as defined in**
43 **IC 25-17.6-1-6.5) and has one (1) of the following:**

44 **(A) A doctorate degree related to hydrology.**

45 **(B) A master's degree in hydrology.**

46 **(C) A master's degree in environmental science or**



1 geoscience with a concentration in hydrology.

2 (D) More than three (3) years of professional experience
3 related to hydrology.

4 (3) Is a professional engineer registered under IC 25-31-1 and
5 has one (1) of the following:

6 (A) A doctorate degree related to hydrology.

7 (B) A master's degree in hydrology.

8 (C) A master's degree in environmental science or
9 geoscience with a concentration in hydrology.

10 (D) More than three (3) years of professional experience
11 related to hydrology.

12 **Sec. 7. (a) After June 30, 2024, a person may not establish a
13 major ground water withdrawal facility unless the person obtains
14 a permit from the commission under this chapter.**

15 **(b) After June 30, 2024, if:**

16 **(1) a major ground water withdrawal facility has been
17 established; and**

18 **(2) a person other than the person to which the permit
19 authorizing the establishment of the major ground water
20 withdrawal facility was issued intends to assume the operation
21 of the major ground water withdrawal facility;**

22 **the person that intends to assume the operation of the major
23 ground water withdrawal facility must present to the commission
24 detailed plans concerning the person's proposed operation of the
25 facility. If, in the determination of the commission, the person's
26 operation would differ significantly from the operation conducted
27 under the permit previously issued in the amount of ground water
28 withdrawn or the use of the ground water, the person intending to
29 operate the major ground water withdrawal facility may not
30 assume the operation of the major ground water withdrawal
31 facility unless the person obtains a permit from the commission
32 under this chapter. However, a person that intends to assume the
33 operation of a major ground water withdrawal facility is not
34 required under this subsection to obtain a permit from the
35 commission if the person's operation of the major ground water
36 withdrawal facility would differ from the operation conducted
37 under the permit previously issued only in the destination to which
38 the ground water would be transported by pipeline.**

39 **Sec. 8. Before the commission may issue a permit for a major
40 ground water withdrawal facility under this chapter, all of the
41 following prerequisites must be satisfied:**

42 **(1) Public notice of:**

43 **(A) the application for the permit, including the identity of
44 all applicants;**

45 **(B) the proposed location of the major ground water
46 withdrawal facility, including an identification of the**



1 aquifer or aquifers from which the major ground water
 2 withdrawal facility would draw ground water;
 3 (C) the purpose of the proposed major ground water
 4 withdrawal facility, including the proposed use of the
 5 ground water that would be withdrawn;
 6 (D) the maximum daily ground water withdrawal
 7 capability of the major ground water withdrawal facility;
 8 and
 9 (E) the time, date, and location of the public hearings to be
 10 held under subdivision (4);
 11 must be provided through publication on the department's
 12 website at least forty-five (45) days before the commission
 13 begins to consider the permit application.
 14 (2) Public notice of each public hearing to be held under
 15 subdivision (4) shall be published on the department's website
 16 at least thirty (30) days before the date of the public hearing.
 17 (3) Public notice of the information described in subdivision
 18 (1)(A) through (1)(E) must also be provided by the
 19 department by first class mail to:
 20 (A) the executive (as defined in IC 36-1-2-5) of the county
 21 in which the major ground water withdrawal facility
 22 would be located; and
 23 (B) the executive (as defined in IC 36-1-2-5) of a city or
 24 town if the major ground water withdrawal facility:
 25 (i) would be located within the corporate boundaries of
 26 the city or town; or
 27 (ii) would draw ground water from an aquifer from
 28 which any residence or commercial or noncommercial
 29 establishment located in the city or town is supplied
 30 water, either by a privately owned water well or a water
 31 utility.
 32 (4) At least two (2) public hearings concerning the proposed
 33 establishment or operation of the major ground water
 34 withdrawal facility must be held at the times, on the dates,
 35 and in the locations stated in the public notice provided under
 36 subdivision (1)(E). All of the public hearings must be held in
 37 the county described in subdivision (3)(A) and, if applicable,
 38 at least one (1) public hearing must be held in a city or town
 39 described in subdivision (3)(B). Each public hearing must be
 40 held in a public hearing facility suitable to accommodate all
 41 members of the public who might reasonably be expected to
 42 attend the public hearing. Representatives of the applicant or
 43 applicants seeking the issuance of the permit under this
 44 chapter must be present at the public hearings to answer
 45 questions from members of the public concerning the
 46 proposed establishment or operation of the major ground



1 water withdrawal facility. The expenses of holding a public
 2 hearing under this subdivision shall be paid by the applicant
 3 or applicants seeking the issuance of the permit. An officer or
 4 employee of the division of hearings of the commission shall,
 5 on behalf of the commission, convene and moderate a public
 6 hearing held under this subdivision, record the testimony
 7 given, and receive written comments provided. A member of
 8 the public may do any of the following:

9 (A) Attend a public hearing held under this subdivision
 10 concerning the proposed issuance of the permit.

11 (B) Speak at the public hearing about the proposed
 12 issuance of the permit.

13 (C) Submit:

14 (i) to the officer or employee of the division of hearings
 15 who moderates a public hearing; or

16 (ii) directly to the commission;

17 written comments concerning the proposed issuance of the
 18 permit.

19 At a public hearing held under this subdivision, any individual
 20 must be allowed an opportunity to be heard in the presence of
 21 others who are present to testify. However, the commission or
 22 the officer or employee of the division of hearings who
 23 moderates a public hearing may limit testimony at the public
 24 hearing to a reasonable time stated at the opening of the
 25 public hearing.

26 (5) Before the first public hearing held under subdivision (4),
 27 a written feasibility study must be prepared concerning the
 28 proposed establishment or operation of the major ground
 29 water withdrawal facility. The feasibility study must include
 30 the following:

31 (A) An assessment of the effect that the withdrawal of
 32 ground water by the major ground water withdrawal
 33 facility would have on the aquifer or aquifers from which
 34 the major ground water withdrawal facility would
 35 withdraw ground water.

36 (B) A determination of what will happen to the ground
 37 water after it is withdrawn by the major ground water
 38 withdrawal facility, including:

39 (i) how the water will be used;

40 (ii) actions, processes, and technology that will be used to
 41 minimize the amount of water used, as through
 42 conservation or reclamation, or why the use of such
 43 actions, processes, and technology are impossible or not
 44 feasible; and

45 (iii) what will be done with the water after it is used.

46 (C) An assessment of how the withdrawal of ground water



- 1 by the major ground water withdrawal facility would
2 affect users of ground water from the aquifer or aquifers
3 from which the major ground water withdrawal facility
4 would withdraw ground water.
- 5 (D) A determination of whether the natural replenishment
6 of ground water in the aquifer or aquifers from which the
7 major ground water withdrawal facility would withdraw
8 ground water is likely to diminish due to the major ground
9 water withdrawal facility.
- 10 (E) An assessment of how the withdrawal of ground water
11 by the major ground water withdrawal facility would
12 affect the health and best interests of the public.
- 13 (F) An evidence based forecast of whether the demand for
14 ground water from the aquifer or aquifers from which the
15 major ground water withdrawal facility would withdraw
16 ground water is likely to increase in the future.
- 17 (G) Based upon:
- 18 (i) the assessments, determinations, and forecast of
19 demand made under clauses (A) through (F);
20 (ii) the need to maintain sufficient ground water for
21 drinking, cooking, personal hygiene, clothes washing,
22 and sanitation and waste disposal; and
23 (iii) the objective of balancing demands upon ground
24 water for agricultural use and for business and
25 commercial uses;
- 26 a determination of the maximum amount of ground water
27 that the major ground water withdrawal facility should be
28 allowed to withdraw from the aquifer or aquifers per year.
- 29 The cost of preparing the feasibility study required under this
30 subdivision shall be paid by the applicant or applicants
31 seeking the issuance of the permit. The feasibility study must
32 be prepared by an individual who is a water expert. The
33 individual who prepares the feasibility study shall be
34 compensated by the applicant or applicants seeking the
35 issuance of the permit but may not be an employee, owner, or
36 officer of an applicant seeking the issuance of the permit.
- 37 (6) After the written feasibility study is prepared under
38 subdivision (5) but before the first public hearing is held
39 under subdivision (4), the feasibility study must be peer
40 reviewed by an individual who is a water expert and is
41 authorized by the commission to conduct the peer review of
42 the feasibility study. The individual who conducts the peer
43 review under this subdivision must not have been involved in
44 the preparation of the feasibility study and must not be:
- 45 (A) a partner of an individual; or
46 (B) an employee of the same employer that employs an



1 **individual;**
 2 **who prepared the feasibility study. The individuals who**
 3 **conduct the peer review under this subdivision must**
 4 **determine whether the feasibility study's assessments,**
 5 **determinations, forecast of demand, and determination of the**
 6 **maximum amount that the major ground water withdrawal**
 7 **facility should be allowed to withdraw per year are**
 8 **reasonably supported by the information and scientific**
 9 **principles on which they are based. The cost of the peer**
 10 **review required under this subdivision shall be paid by the**
 11 **applicant or applicants seeking the issuance of the permit. The**
 12 **individual who conducts the peer review shall be compensated**
 13 **by the applicant or applicants seeking the issuance of the**
 14 **permit but may not be an employee, owner, or officer of an**
 15 **applicant seeking the issuance of the permit.**

16 **(7) The written feasibility study required under subdivision**
 17 **(5) and the written results of the peer review required under**
 18 **subdivision (6):**

19 **(A) must be published on the department's website before**
 20 **the date of the first public hearing held under subdivision**
 21 **(4); and**

22 **(B) must remain accessible on the department's website for**
 23 **at least two (2) years after the decision of the commission**
 24 **whether to issue the permit.**

25 **Sec. 9. (a) If an application for a permit to establish or operate**
 26 **a major ground water withdrawal facility under this chapter is**
 27 **submitted to the commission after June 30, 2024, the commission**
 28 **shall issue the permit if:**

29 **(1) all of the prerequisites set forth in section 8 of this chapter**
 30 **are satisfied; and**

31 **(2) the commission determines, based upon:**

32 **(A) the information and comments presented through the**
 33 **public hearings held under section 8(4) of this chapter;**

34 **(B) the contents of the written feasibility study prepared**
 35 **under section 8(5) of this chapter;**

36 **(C) the written results of the peer review of the feasibility**
 37 **study conducted under section 8(6) of this chapter;**

38 **(D) any analysis and recommendations provided to the**
 39 **commission by the department; and**

40 **(E) the interpretation of the information described in**
 41 **clauses (A) through (D) by the members of the commission;**

42 **that the establishment or operation of the major ground water**
 43 **withdrawal facility, if permitted, will fulfill the health,**
 44 **economic, environmental, and other needs of present and**
 45 **future generations of Indiana citizens, including Indiana**
 46 **citizens who reside or earn their living in the area of the**



1 aquifer or aquifers from which the major ground water
2 withdrawal facility would withdraw ground water.

3 (b) If:

4 (1) the commission decides to issue a permit for a major
5 ground water withdrawal facility; and

6 (2) the individuals who conduct the peer review under section
7 8(6) of this chapter determine that the maximum amount that
8 the major ground water withdrawal facility should be allowed
9 to withdraw and transfer per year, as set forth in the written
10 feasibility study under section 8(5)(G) of this chapter, is
11 reasonably supported by the information and scientific
12 principles on which it is based;

13 the permit issued by the commission must limit the maximum
14 amount that the major ground water withdrawal facility may
15 withdraw and transfer per year to the amount set forth in the
16 written feasibility study under section 8(5)(G) of this chapter.

17 Sec. 10. If the commission does not make a determination to
18 issue or to deny a permit in response to an application described in
19 section 8 of this chapter not later than ninety (90) days after the
20 day on which the permit application was submitted to the
21 commission, the commission shall report in writing to the general
22 assembly the reason or reasons why the commission has not made
23 a determination. A report made to the general assembly under this
24 section must be submitted in an electronic format under IC 5-14-6.

25 Sec. 11. If the area in which a major ground water withdrawal
26 facility is located is designated by the department under
27 IC 14-25-3-4 as a restricted use area, having obtained a permit for
28 the major ground water withdrawal facility under this chapter:

29 (1) exempts the owner or operator of the major ground water
30 withdrawal facility from the requirement to obtain a permit
31 from the department under IC 14-25-3-6; but

32 (2) does not exempt the owner or operator of the major
33 ground water withdrawal facility from:

34 (A) the potential imposition by the department, under
35 IC 14-25-3-9, of:

36 (i) conditions or stipulations necessary to conserve the
37 ground water of the restricted use area and prevent
38 waste, exhaustion, or impairment of the ground water;
39 or

40 (ii) the requirement that ground water withdrawn in the
41 restricted use area be returned to the ground through
42 wells, pits, or spreading grounds;

43 (B) the requirement under IC 14-25-3-11 to file with the
44 department a certified statement of the average daily
45 amount of ground water used before the area was
46 designated as a restricted use area;



- 1 (C) the requirement under IC 14-25-3-12 to file with the
 2 department a complete record of each new well drilled
 3 within a restricted use area;
 4 (D) the requirement under IC 14-25-3-14, if imposed by the
 5 department, to install a meter to measure ground water
 6 withdrawals in the restricted use area;
 7 (E) the requirement under IC 14-25-3-15(a), if imposed by
 8 the department, to return water to the ground in the
 9 restricted use area; or
 10 (F) the requirement under IC 14-25-3-15(c), if imposed by
 11 the department, to install controls necessary to diminish
 12 the amount of ground water withdrawn in the restricted
 13 use area by the major ground water withdrawal facility.

14 **Sec. 12.** If the director, under IC 14-25-4-10, declares a ground
 15 water emergency in the area in which a major ground water
 16 withdrawal facility is located, having obtained a permit for the
 17 major ground water withdrawal facility under this chapter does
 18 not exempt the owner or operator of the major ground water
 19 withdrawal facility from:

- 20 (1) a restriction, if imposed by the director under
 21 IC 14-25-4-12, of the quantity of ground water that may be
 22 extracted by the major ground water withdrawal facility;
 23 (2) a requirement, if imposed under IC 14-25-4, to provide
 24 timely and reasonable compensation to the owner of a
 25 nonsignificant ground water withdrawal facility or significant
 26 ground water withdrawal facility for causing the
 27 nonsignificant ground water withdrawal facility or significant
 28 ground water withdrawal facility to fail to furnish potable
 29 water or to fail to furnish the supply of water it normally
 30 furnishes; or
 31 (3) a requirement, if imposed by the director under
 32 IC 14-25-4-20, to temporarily provide an adequate supply of
 33 potable water to owners of nonsignificant ground water
 34 withdrawal facilities affected by the ground water emergency.

35 **Sec. 13.** An action of the commission to issue or deny a permit
 36 under this chapter is subject to judicial review under IC 4-21.5-5.

37 **Sec. 14. (a)** A major ground water withdrawal facility permit
 38 issued by the commission under this chapter must include a
 39 condition requiring the permit holder to regularly monitor the
 40 aquifer or aquifers from which the major ground water
 41 withdrawal facility withdraws ground water.

42 (b) The condition included in a permit under this section must
 43 require the use of one (1) or more of the following:

- 44 (1) Monitoring wells that:
 45 (A) measure an aquifer's water level directly; or
 46 (B) measure pore pressure in the aquifer, allowing an



- 1 inference of the ground water level.
- 2 (2) Satellite data indicating changes in surface features
- 3 resulting from changes in ground water levels.
- 4 (3) Analysis of seismic wave velocities to calculate changes in
- 5 ground water levels.
- 6 (c) The permit holder shall report the data obtained under
- 7 subsection (b) to the department:
- 8 (1) at intervals; and
- 9 (2) in a form and format;
- 10 determined by the department to ensure that the effects of the
- 11 major ground water withdrawal facility on the aquifer or aquifers
- 12 are continuously monitored.
- 13 (d) The reports made to the department under subsection (c) are
- 14 public records subject to IC 5-14-3.
- 15 (e) The duty of a permit holder to report under subsection (c) is
- 16 in addition to the duty to report the amounts of ground water
- 17 withdrawn by the major ground water withdrawal facility under
- 18 IC 14-25-7-15(e).

19 **Sec. 15.** The commission may adopt rules under IC 4-22-2 that

20 are necessary to administer this chapter.

21 **Sec. 16. (a)** This chapter does not in any way supersede or affect

22 the Great Lakes—St. Lawrence River Basin Water Resources

23 Compact under IC 14-25-15-1 or any:

- 24 (1) restrictions, obligations, powers, rights, duties,
- 25 prohibitions, immunities, privileges, organizations, or
- 26 procedures established;
- 27 (2) actions taken; or
- 28 (3) supplemental or concurring legislation enacted or rules
- 29 adopted;

30 under IC 14-25-15-1 or the Great Lakes—St. Lawrence River

31 Basin Water Resources Compact.

- 32 (b) This chapter does not:
- 33 (1) apply to a ground water withdrawal from; or
- 34 (2) authorize the diversion of water from;
- 35 the drainage basin of the Great Lakes.

36 SECTION 7. IC 14-25-4-2.8 IS ADDED TO THE INDIANA CODE

37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

38 1, 2024]: **Sec. 2.8.** As used in this chapter, "major ground water

39 withdrawal facility" has the meaning set forth in IC 14-25-3.5-4.

40 SECTION 8. IC 14-25-4-8 IS AMENDED TO READ AS

41 FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 8. (a)** Within

42 twenty-four (24) hours after receiving a written complaint from the

43 owner of a nonsignificant ground water withdrawal facility that a water

44 well on property in the owner's possession the nonsignificant ground

45 water withdrawal facility has:

- 46 (1) failed to furnish the well's normal supply of water; or



1 (2) failed to furnish potable water;
 2 the director shall cause an onsite investigation to be made.

3 **(b) Within twenty-four (24) hours after receiving a written**
 4 **complaint from the owner of a significant ground water**
 5 **withdrawal facility located not more than ten (10) miles from a**
 6 **major ground water withdrawal facility stating that the significant**
 7 **ground water withdrawal facility has:**

8 **(1) failed to furnish the supply of water it normally furnishes;**
 9 **or**

10 **(2) failed to furnish potable water;**

11 **the director shall cause an onsite investigation to be made.**

12 SECTION 9. IC 14-25-4-9 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. If an investigation
 14 **conducted** under ~~section 8~~ of this chapter discloses:

15 (1) that the ~~well~~ **nonsignificant ground water withdrawal**
 16 **facility to which section 8(a) of this chapter applies or the**
 17 **significant ground water withdrawal facility to which section**
 18 **8(b) of this chapter applies** has:

19 (A) failed to furnish ~~the well's~~ **its** normal supply of water; or

20 (B) based upon reasonable evidence of prior potability
 21 supplied by the owner, failed to furnish potable water;

22 (2) that there has been a substantial lowering of the level of
 23 ground water in the area that has resulted in the failure of the ~~well~~
 24 **nonsignificant ground water withdrawal facility or significant**
 25 **ground water withdrawal facility** to:

26 (A) furnish the ~~well's~~ **normal** supply of water **it normally**
 27 **furnishes; or**

28 (B) furnish potable water, if the failure is caused by natural
 29 variations in the potability of water in the source aquifer;

30 (3) that the ~~well~~ **nonsignificant ground water withdrawal**
 31 **facility or significant ground water withdrawal facility** and the
 32 ~~well's~~ **its** equipment were functioning properly at the time of the
 33 failure;

34 (4) that the failure of the ~~well~~ **nonsignificant ground water**
 35 **withdrawal facility or significant ground water withdrawal**
 36 **facility** was caused by the lowering of the ground water level in
 37 the area;

38 (5) that the lowering of the ground water level is such that the
 39 ground water level:

40 (A) exceeds normal seasonal water level fluctuations; and

41 (B) substantially impairs continued use of the ground water
 42 resource in the area; and

43 (6) that the lowering of the ground water level was caused by at
 44 least one (1) significant ground water withdrawal facility **or**
 45 **major ground water withdrawal facility;**

46 the director shall, by temporary order, declare a ground water



1 emergency.

2 SECTION 10. IC 14-25-4-10 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. If the director has
 4 reasonable evidence that indicates that continued ground water
 5 withdrawals from a significant ground water withdrawal facility **or**
 6 **major ground water withdrawal facility** will exceed the recharge
 7 capability of the ground water resource of the area, the director shall,
 8 by temporary order, declare a ground water emergency.

9 SECTION 11. IC 14-25-4-12 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) Except as
 11 provided in subsection (b), the director may restrict the quantity of
 12 ground water that may be extracted from **the source aquifer by a**
 13 **significant ground water withdrawal facility or major ground water**
 14 **withdrawal facility** when the director declares a ground water
 15 emergency under section 9 or 10 of this chapter if:

16 (1) the:

17 (A) **significant ground water withdrawal facility or major**
 18 **ground water withdrawal** facility is reasonably believed to
 19 have caused the failure of the complainant's ~~water well~~;
 20 **nonsignificant ground water withdrawal facility or**
 21 **significant ground water withdrawal facility**; and

22 (B) immediate temporary provision of an adequate supply of
 23 potable water required under sections 18(1) and 20(a) of this
 24 chapter is not carried out; or

25 (2) there is a reasonable belief that continued ground water
 26 withdrawals ~~from~~ **by the significant ground water withdrawal**
 27 **facility or major ground water withdrawal** facility will exceed
 28 the recharge capability of the ground water resource of the area.

29 (b) If ~~an~~ **the operator of a the significant ground water withdrawal**
 30 **facility or major ground water withdrawal facility** withdraws water
 31 by a means other than pumping, the director may temporarily restrict
 32 the quantity of ground water that may be extracted ~~from the source~~
 33 **aquifer by the significant ground water withdrawal facility or**
 34 **major ground water withdrawal facility** only if the provisions of
 35 subsection (a)(1) have not been met.

36 SECTION 12. IC 14-25-4-14, AS AMENDED BY P.L.32-2011,
 37 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2024]: Sec. 14. (a) A declaration of a ground water emergency
 39 under this chapter is effective when a copy of a declaration is served
 40 under IC 4-21.5-3-1 upon a person who owns the significant ground
 41 water withdrawal facility **or major ground water withdrawal facility**
 42 that is reasonably believed to have caused the failure of the
 43 complainant's ~~water well~~ **nonsignificant ground water withdrawal**
 44 **facility or significant ground water withdrawal facility**.

45 (b) As soon as possible after a declaration of a ground water
 46 emergency has been made, copies of the declaration shall be given to



1 the newspapers of general circulation located in the affected county.
 2 The notification to newspapers required by this subsection:

3 **(1)** is in addition to the minimum procedural duties required of
 4 the department under IC 4-21.5; and

5 **(2)** does not satisfy service of process by publication under
 6 IC 4-21.5-3-1(f).

7 **(c) If ~~the~~ a ground water emergency declared under this chapter**
 8 **requires action before service can be completed under subsection (a),**
 9 **oral notification in person by a representative of the department and**
 10 **authorized by the director is sufficient until service as described in**
 11 **subsection (a) can be completed. Oral notification provided under**
 12 **this subsection is effective for not more than ninety-six (96) hours.**

13 SECTION 13. IC 14-25-4-17 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 17. The owner of a
 15 significant ground water withdrawal facility shall, subject to an order
 16 issued under section 20 of this chapter, ~~or under IC 13-2-2.5-11 (before~~
 17 ~~its repeal)~~, provide timely and reasonable compensation to ~~persons who~~
 18 ~~own the owner of an affected~~ nonsignificant ground water withdrawal
 19 ~~facilities facility~~ if: ~~there is failure or substantial impairment of those~~
 20 ~~facilities as set forth in section 8 of this chapter if both of the following~~
 21 ~~conditions exist:~~

22 **(1) the affected nonsignificant ground water withdrawal**
 23 **facility:**

24 **(A) has failed to furnish the supply of water it normally**
 25 **furnishes; or**

26 **(B) has failed to furnish potable water; and**

27 **(2) both of the following conditions are met:**

28 **(A) A determination is made under this chapter that ~~(1)~~ the**
 29 **failure or substantial impairment existence of either of the**
 30 **conditions set forth in subdivision (1) was caused by the**
 31 **ground water withdrawals of the significant ground water**
 32 **withdrawal facility.**

33 **~~(2) Either: (A) (B) The affected nonsignificant ground water~~**
 34 **withdrawal facility:**

35 **(i) was in existence before January 1, 1986; ~~or (B) if~~**
 36 **constructed after December 31, 1985, the facility conforms**
 37 **to the rules of the department issued under section 13 of this**
 38 **chapter.**

39 **(ii) ~~Water wells~~ if constructed after December 31, 1985, but**
 40 **before the adoption of rules under this chapter, ~~must~~**
 41 **conform conforms to the Recommended Guidelines of the**
 42 **department in Information Bulletin No. 3 published at 9 IR**
 43 **1242; or**

44 **(iii) if constructed after the adoption of rules under**
 45 **section 13 of this chapter, conforms to those rules.**

46 SECTION 14. IC 14-25-4-17.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2024]: **Sec. 17.5. The owner of a major**
 3 **ground water withdrawal facility shall, subject to an order issued**
 4 **under section 20 of this chapter, provide timely and reasonable**
 5 **compensation to the owner of a nonsignificant ground water**
 6 **withdrawal facility or significant ground water withdrawal facility**
 7 **if:**

8 **(1) the nonsignificant ground water withdrawal facility or**
 9 **significant ground water withdrawal facility has:**

10 **(A) failed to furnish the supply of water it normally**
 11 **furnishes; or**

12 **(B) failed to furnish potable water; and**

13 **(2) both of the following conditions are met:**

14 **(A) A determination is made under this chapter that the**
 15 **existence of either of the conditions set forth in subdivision**
 16 **(1) was caused by the ground water withdrawals of the**
 17 **major ground water withdrawal facility.**

18 **(B) The affected nonsignificant ground water withdrawal**
 19 **facility or significant ground water withdrawal facility:**

20 **(i) was in existence before January 1, 1986;**

21 **(ii) if constructed after December 31, 1985, but before**
 22 **the adoption of rules under this chapter, conforms to the**
 23 **Recommended Guidelines of the department in**
 24 **Information Bulletin No. 3 published at 9 IR 1242; or**

25 **(iii) if constructed after the adoption of rules under**
 26 **section 13 of this chapter, conforms to those rules.**

27 SECTION 15. IC 14-25-4-18 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 18. Timely and**
 29 **reasonable compensation, ~~under for the purposes of section~~ sections**
 30 **17, 17.5, and 19** of this chapter, consists of and is limited to the
 31 following:

32 **(1) The immediate temporary provision at the prior point of use**
 33 **of an adequate supply of potable water.**

34 **(2) Reimbursement of expenses reasonably incurred by the**
 35 **complainant to do the following:**

36 **(A) Obtain an immediate temporary provision at the prior**
 37 **point of use of an adequate supply of potable water.**

38 **(B) Provide timely and reasonable compensation as provided**
 39 **in subdivision (3)(A) and (3)(B).**

40 **(3) Either:**

41 **(A) the restoration of the affected nonsignificant ground water**
 42 **withdrawal facility to the facility's former relative capability;**

43 **(B) the permanent provision at the point of use of an**
 44 **alternative potable supply of equal quantity; or**

45 **(C) the permanent restriction or scheduling of the ground**
 46 **water withdrawals of the significant ground water withdrawal**



1 facility so that the affected water well continues to produce:

2 (i) the well's normal supply of water; or

3 (ii) the normal supply of potable water if the well normally
4 furnishes potable water.

5 SECTION 16. IC 14-25-4-19 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 19. **(a)** The refusal of
7 an owner of an affected nonsignificant ground water withdrawal facility
8 **or significant ground water withdrawal facility** to accept timely and
9 reasonable compensation **provided or offered under section 17 or**
10 **17.5 of this chapter** is sufficient grounds for the department to
11 terminate an order imposed on a responsible significant ground water
12 withdrawal facility **or major ground water withdrawal facility**
13 **under section 20 of this chapter.**

14 **(b)** An owner of a nonsignificant ground water withdrawal
15 **facility or significant ground water withdrawal facility** may request
16 a hearing under IC 4-21.5 if the owner does not believe **that**
17 **compensation was provided under section 17 or 17.5 of this chapter**
18 **is** timely or reasonable.

19 SECTION 17. IC 14-25-4-20 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 20. (a) Upon the
21 declaration of a ground water emergency under section 9 of this
22 chapter, the director shall, by temporary order, require the immediate
23 temporary provision at the prior point of use of an adequate supply of
24 potable water. A temporary order **declaring a ground water**
25 **emergency** under section 9 or 10 of this chapter remains in effect for
26 ninety (90) days unless:

27 (1) terminated by the director before the expiration of ninety (90)
28 days; or

29 (2) extended under IC 4-21.5-4-5(b) during the pendency of a
30 proceeding **concerning the provision of timely and reasonable**
31 **compensation** under section 18(2) and 18(3) of this chapter.

32 **(b)** The commission shall ~~implement~~ **require the provision of**
33 **timely and reasonable compensation under** section 18(2) and 18(3)
34 of this chapter by order. Before the commission enters an initial
35 determination of the order, the department shall conduct an
36 investigation and provide affected persons with an informal opportunity
37 to contribute to the investigation. All final orders of the commission
38 **under this subsection** shall be issued under IC 4-21.5-3.

