

# SENATE BILL No. 249

---

## DIGEST OF INTRODUCED BILL

**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for the facility to be connected, to pipeline facilities through which at least 10,000,000 gallons of ground water withdrawn by the facility's well or wells could be transported in one day to a destination located at least 20 miles from the facility.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that, after June 30, 2024, a person may not establish a major ground water withdrawal facility if the ground water withdrawn by the facility will be used primarily for: (1) commercial purposes; (2) industrial purposes; or (3) a combination of commercial purposes and industrial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 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  
(Continued next page)

**Effective:** July 1, 2024.

---

---

**Deery, Alting, Charbonneau, Glick,  
Doriot**

---

---

January 11, 2024, read first time and referred to Committee on Utilities.

---

---



## Digest Continued

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.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# SENATE BILL No. 249

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).



1           ~~(b)~~ (c) "Permit", for purposes of IC 14-34, means a permit issued  
2 under IC 14-34 to conduct a surface coal mining and reclamation  
3 operation.

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

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

12          (c) "Person", for purposes of IC 14-16, IC 14-22-28, IC 14-24,  
13 IC 14-26-2, IC 14-28-1, and IC 14-38-2, means an individual, a  
14 partnership, an association, a fiduciary, an executor or administrator,  
15 a limited liability company, a corporation, other legal entity, the state,  
16 or an agency, a political subdivision, or another instrumentality of the  
17 state.

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

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

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

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

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

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

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

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

42           SECTION 6. IC 14-25-3.5 IS ADDED TO THE INDIANA CODE



1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2024]:

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

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

- 8 (1) commercial purposes;
- 9 (2) industrial purposes; or
- 10 (3) a combination of commercial purposes and industrial
- 11 purposes.

12 (b) As used in this section, "commercial purposes" do not  
13 include the supplying of water to residential properties for  
14 domestic use.

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

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

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

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

- 23 (1) The facility includes:
  - 24 (A) one (1) well; or
  - 25 (B) two (2) or more wells under common ownership or
  - 26 control.

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

- 32 (3) Either:
  - 33 (A) the facility is connected to existing pipeline facilities; or
  - 34 (B) plans for the facility include the connection of the
  - 35 facility to pipeline facilities;

36 through which at least ten million (10,000,000) gallons of  
37 ground water withdrawn by the well or wells to which  
38 subdivision (1) refers could be transported in one (1) day to a  
39 destination located at least twenty (20) miles from the well or  
40 wells.

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



- 1           **(1) An individual.**  
 2           **(2) A corporation, including a body corporate and politic**  
 3           **exercising public functions.**  
 4           **(3) A limited liability company, partnership, trust, or**  
 5           **unincorporated association.**  
 6           **(4) The state.**  
 7           **(5) A unit (as defined in IC 36-1-2-23).**  
 8           **(6) A board, a bureau, a commission, a division, a department,**  
 9           **an officer, an agency, an authority, or an instrumentality of**  
 10           **the state or of a unit.**  
 11           **(7) Two (2) or more of the persons identified in subdivisions**  
 12           **(1) through (6) acting in concert.**

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

- 16           **(1) Is certified as a hydrologist by the American Institute of**  
 17           **Hydrology.**  
 18           **(2) Is a licensed professional geologist (as defined in**  
 19           **IC 25-17.6-1-6.5) and has one (1) of the following:**  
 20           **(A) A doctorate degree related to hydrology.**  
 21           **(B) A master's degree in hydrology.**  
 22           **(C) A master's degree in environmental science or**  
 23           **geoscience with a concentration in hydrology.**  
 24           **(D) More than three (3) years of professional experience**  
 25           **related to hydrology.**  
 26           **(3) Is a professional engineer registered under IC 25-31-1 and**  
 27           **has one (1) of the following:**  
 28           **(A) A doctorate degree related to hydrology.**  
 29           **(B) A master's degree in hydrology.**  
 30           **(C) A master's degree in environmental science or**  
 31           **geoscience with a concentration in hydrology.**  
 32           **(D) More than three (3) years of professional experience**  
 33           **related to hydrology.**

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

- 37           **(b) After June 30, 2024, if:**  
 38           **(1) a major ground water withdrawal facility has been**  
 39           **established; and**  
 40           **(2) a person other than the person to which the permit**  
 41           **authorizing the establishment of the major ground water**  
 42           **withdrawal facility was issued intends to assume the operation**



1           of the major ground water withdrawal facility;  
 2           the person that intends to assume the operation of the major  
 3           ground water withdrawal facility must present to the commission  
 4           detailed plans concerning the person's proposed operation of the  
 5           facility. If, in the determination of the commission, the person's  
 6           operation would differ significantly from the operation conducted  
 7           under the permit previously issued in the amount of ground water  
 8           withdrawn or the use of the ground water, the person intending to  
 9           operate the major ground water withdrawal facility may not  
 10          assume the operation of the major ground water withdrawal  
 11          facility unless the person obtains a permit from the commission  
 12          under this chapter. However, a person that intends to assume the  
 13          operation of a major ground water withdrawal facility is not  
 14          required under this subsection to obtain a permit from the  
 15          commission if the person's operation of the major ground water  
 16          withdrawal facility would differ from the operation conducted  
 17          under the permit previously issued only in the destination to which  
 18          the ground water would be transported by pipeline.

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

22           (1) Public notice of:

23           (A) the application for the permit, including the identity of  
 24           all applicants;

25           (B) the proposed location of the major ground water  
 26           withdrawal facility, including an identification of the  
 27           aquifer or aquifers from which the major ground water  
 28           withdrawal facility would draw ground water;

29           (C) the purpose of the proposed major ground water  
 30           withdrawal facility, including the proposed use of the  
 31           ground water that would be withdrawn;

32           (D) the maximum daily ground water withdrawal  
 33           capability of the major ground water withdrawal facility;  
 34           and

35           (E) the time, date, and location of the public hearings to be  
 36           held under subdivision (4);

37          must be provided through publication on the department's  
 38          website at least forty-five (45) days before the commission  
 39          begins to consider the permit application.

40          (2) Public notice of each public hearing to be held under  
 41          subdivision (4) shall be published on the department's website  
 42          at least thirty (30) days before the date of the public hearing.



1           **(3) Public notice of the information described in subdivision**  
 2 **(1)(A) through (1)(E) must also be provided by the**  
 3 **department by first class mail to:**

4           **(A) the executive (as defined in IC 36-1-2-5) of the county**  
 5 **in which the major ground water withdrawal facility**  
 6 **would be located; and**

7           **(B) the executive (as defined in IC 36-1-2-5) of a city or**  
 8 **town if the major ground water withdrawal facility:**

9           **(i) would be located within the corporate boundaries of**  
 10 **the city or town; or**

11           **(ii) would draw ground water from an aquifer from**  
 12 **which any residence or commercial or noncommercial**  
 13 **establishment located in the city or town is supplied**  
 14 **water, either by a privately owned water well or a water**  
 15 **utility.**

16           **(4) At least two (2) public hearings concerning the proposed**  
 17 **establishment or operation of the major ground water**  
 18 **withdrawal facility must be held at the times, on the dates,**  
 19 **and in the locations stated in the public notice provided under**  
 20 **subdivision (1)(E). All of the public hearings must be held in**  
 21 **the county described in subdivision (3)(A) and, if applicable,**  
 22 **at least one (1) public hearing must be held in a city or town**  
 23 **described in subdivision (3)(B). Each public hearing must be**  
 24 **held in a public hearing facility suitable to accommodate all**  
 25 **members of the public who might reasonably be expected to**  
 26 **attend the public hearing. Representatives of the applicant or**  
 27 **applicants seeking the issuance of the permit under this**  
 28 **chapter must be present at the public hearings to answer**  
 29 **questions from members of the public concerning the**  
 30 **proposed establishment or operation of the major ground**  
 31 **water withdrawal facility. The expenses of holding a public**  
 32 **hearing under this subdivision shall be paid by the applicant**  
 33 **or applicants seeking the issuance of the permit. An officer or**  
 34 **employee of the division of hearings of the commission shall,**  
 35 **on behalf of the commission, convene and moderate a public**  
 36 **hearing held under this subdivision, record the testimony**  
 37 **given, and receive written comments provided. A member of**  
 38 **the public may do any of the following:**

39           **(A) Attend a public hearing held under this subdivision**  
 40 **concerning the proposed issuance of the permit.**

41           **(B) Speak at the public hearing about the proposed**  
 42 **issuance of the permit.**





**(C) Submit:**

- (i) to the officer or employee of the division of hearings of the commission who moderates a public hearing; or**
- (ii) directly to the commission;**

written comments concerning the proposed issuance of the permit.

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

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

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

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

- (i) how the water will be used;**
- (ii) actions, processes, and technology that will be used to minimize the amount of water used, as through conservation or reclamation, or why the use of such actions, processes, and technology are impossible or not feasible; and**
- (iii) what will be done with the water after it is used.**

**(C) An assessment of how the withdrawal of ground water by the major ground water withdrawal facility would affect users of ground water from the aquifer or aquifers from which the major ground water withdrawal facility would withdraw ground water.**

**(D) A determination of whether the natural replenishment of ground water in the aquifer or aquifers from which the major ground water withdrawal facility would withdraw ground water is likely to diminish due to the major ground**



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



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

12          (7) The written feasibility study required under subdivision  
 13          (5) and the written results of the peer review required under  
 14          subdivision (6):

15                (A) must be published on the department's website before  
 16                the date of the first public hearing held under subdivision  
 17                (4); and

18                (B) must remain accessible on the department's website for  
 19                at least two (2) years after the decision of the commission  
 20                whether to issue the permit.

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

25                (1) all of the prerequisites set forth in section 8 of this chapter  
 26                are satisfied; and

27                (2) the commission determines, based upon:

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

30                    (B) the contents of the written feasibility study prepared  
 31                    under section 8(5) of this chapter;

32                    (C) the written results of the peer review of the feasibility  
 33                    study conducted under section 8(6) of this chapter;

34                    (D) any analysis and recommendations provided to the  
 35                    commission by the department; and

36                    (E) the interpretation of the information described in  
 37                    clauses (A) through (D) by the members of the commission;

38          **that the establishment or operation of the major ground water**  
 39          **withdrawal facility, if permitted, will fulfill the health,**  
 40          **economic, environmental, and other needs of present and**  
 41          **future generations of Indiana citizens, including Indiana**  
 42          **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;



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

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

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

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

41 **Sec. 14. (a)** A major ground water withdrawal facility permit  
 42 issued by the commission under this chapter must include a



1 condition requiring the permit holder to regularly monitor the  
2 aquifer or aquifers from which the major ground water  
3 withdrawal facility withdraws ground water.

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

6 (1) Monitoring wells that:

7 (A) measure an aquifer's water level directly; or

8 (B) measure pore pressure in the aquifer, allowing an  
9 inference of the ground water level.

10 (2) Satellite data indicating changes in surface features  
11 resulting from changes in ground water levels.

12 (3) Analysis of seismic wave velocities to calculate changes in  
13 ground water levels.

14 (c) The permit holder shall report the data obtained under  
15 subsection (b) to the department:

16 (1) at intervals; and

17 (2) in a form and format;

18 determined by the department to ensure that the effects of the  
19 major ground water withdrawal facility on the aquifer or aquifers  
20 are continuously monitored.

21 (d) The reports made to the department under subsection (c) are  
22 public records subject to IC 5-14-3.

23 (e) The duty of a permit holder to report under subsection (c) is  
24 in addition to the duty to report the amounts of ground water  
25 withdrawn by the major ground water withdrawal facility under  
26 IC 14-25-7-15(e).

27 Sec. 15. The commission may adopt rules under IC 4-22-2 that  
28 are necessary to administer this chapter.

29 Sec. 16. (a) This chapter does not in any way supersede or affect  
30 the Great Lakes—St. Lawrence River Basin Water Resources  
31 Compact under IC 14-25-15-1 or any:

32 (1) restrictions, obligations, powers, rights, duties,  
33 prohibitions, immunities, privileges, organizations, or  
34 procedures established;

35 (2) actions taken; or

36 (3) supplemental or concurring legislation enacted or rules  
37 adopted;

38 under the Great Lakes—St. Lawrence River Basin Water  
39 Resources Compact under IC 14-25-15-1.

40 (b) This chapter does not:

41 (1) apply to a ground water withdrawal from; or

42 (2) authorize the diversion of water from;



1 **the drainage basin of the Great Lakes.**

2 SECTION 7. IC 14-25-4-2.8 IS ADDED TO THE INDIANA CODE  
3 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 2024]: **Sec. 2.8. As used in this chapter, "major ground water  
5 withdrawal facility" has the meaning set forth in IC 14-25-3.5-4.**

6 SECTION 8. IC 14-25-4-8 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. **(a)** Within  
8 twenty-four (24) hours after receiving a written complaint from the  
9 owner of a nonsignificant ground water withdrawal facility that ~~a water  
10 well on property in the owner's possession~~ **the nonsignificant ground  
11 water withdrawal facility** has:

- 12 (1) failed to furnish the well's normal supply of water; or  
13 (2) failed to furnish potable water;

14 the director shall cause an onsite investigation to be made.

15 **(b) Within twenty-four (24) hours after receiving a written  
16 complaint from the owner of a significant ground water  
17 withdrawal facility located not more than ten (10) miles from a  
18 major ground water withdrawal facility stating that the significant  
19 ground water withdrawal facility has:**

- 20 **(1) failed to furnish the supply of water it normally furnishes;  
21 or  
22 (2) failed to furnish potable water;**

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

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

- 27 (1) that the ~~well~~ **nonsignificant ground water withdrawal  
28 facility to which section 8(a) of this chapter applies or the  
29 significant ground water withdrawal facility to which section  
30 8(b) of this chapter applies** has:

- 31 (A) failed to furnish ~~the well's~~ **its** normal supply of water; or  
32 (B) based upon reasonable evidence of prior potability  
33 supplied by the owner, failed to furnish potable water;

- 34 (2) that there has been a substantial lowering of the level of  
35 ground water in the area that has resulted in the failure of the ~~well~~  
36 **nonsignificant ground water withdrawal facility or significant  
37 ground water withdrawal facility** to:

- 38 (A) furnish the ~~well's~~ **normal** supply of water **it normally  
39 furnishes**; or

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

- 42 (3) that the ~~well~~ **nonsignificant ground water withdrawal**



1            **facility or significant ground water withdrawal facility** and ~~the~~  
2            ~~well's~~ **its** equipment were functioning properly at the time of the  
3            failure;  
4            (4) that the failure of the ~~well~~ **nonsignificant ground water**  
5            **withdrawal facility or significant ground water withdrawal**  
6            **facility** was caused by the lowering of the ground water level in  
7            the area;  
8            (5) that the lowering of the ground water level is such that the  
9            ground water level:  
10            (A) exceeds normal seasonal water level fluctuations; and  
11            (B) substantially impairs continued use of the ground water  
12            resource in the area; and  
13            (6) that the lowering of the ground water level was caused by at  
14            least one (1) significant ground water withdrawal facility **or**  
15            **major ground water withdrawal facility;**  
16            the director shall, by temporary order, declare a ground water  
17            emergency.

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

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

- 32            (1) the:
- 33            (A) **significant ground water withdrawal facility or major**  
34            **ground water withdrawal** facility is reasonably believed to  
35            have caused the failure of the complainant's ~~water well;~~  
36            **nonsignificant ground water withdrawal facility or**  
37            **significant ground water withdrawal facility;** and
  - 38            (B) immediate temporary provision of an adequate supply of  
39            potable water required under sections 18(1) and 20(a) of this  
40            chapter is not carried out; or
- 41            (2) there is a reasonable belief that continued ground water  
42            withdrawals ~~from~~ **by the significant ground water withdrawal**





1 **facility or major ground water withdrawal** facility will exceed  
 2 the recharge capability of the ground water resource of the area.

3 (b) If ~~an the~~ operator of ~~a the~~ significant ground water withdrawal  
 4 **facility or major ground water withdrawal facility** withdraws water  
 5 by a means other than pumping, the director may temporarily restrict  
 6 the quantity of ground water that may be extracted **from the source**  
 7 **aquifer by the significant ground water withdrawal facility or**  
 8 **major ground water withdrawal facility** only if the provisions of  
 9 subsection (a)(1) have not been met.

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

19 (b) As soon as possible after a declaration of a ground water  
 20 emergency has been made, copies of the declaration shall be given to  
 21 the newspapers of general circulation located in the affected county.  
 22 The notification to newspapers required by this subsection:

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

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

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

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

42 (1) **the affected nonsignificant ground water withdrawal**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

- facility:
- (A) has failed to furnish the supply of water it normally furnishes; or
- (B) has failed to furnish potable water; and
- (2) both of the following conditions are met:
  - (A) A determination is made under this chapter that ~~(1)~~ the failure or substantial impairment existence of either of the conditions set forth in subdivision (1) was caused by the ground water withdrawals of the significant ground water withdrawal facility.
  - ~~(2) Either: (A)~~ (B) The affected nonsignificant ground water withdrawal facility:
    - (i) was in existence before January 1, 1986; ~~or (B)~~ if constructed after December 31, 1985, the facility conforms to the rules of the department issued under section 13 of this chapter.
    - (ii) ~~Water wells~~ if constructed after December 31, 1985, but before the adoption of rules under this chapter, ~~must conform~~ conforms to the Recommended Guidelines of the department in Information Bulletin No. 3 published at 9 IR 1242; or
    - (iii) if constructed after the adoption of rules under section 13 of this chapter, conforms to those rules.

SECTION 14. IC 14-25-4-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 17.5. The owner of a major ground water withdrawal facility shall, subject to an order issued under section 20 of this chapter, provide timely and reasonable compensation to the owner of a nonsignificant ground water withdrawal facility or significant ground water withdrawal facility if:**

- (1) the nonsignificant ground water withdrawal facility or significant ground water withdrawal facility has:
  - (A) failed to furnish the supply of water it normally furnishes; or
  - (B) failed to furnish potable water; and
- (2) both of the following conditions are met:
  - (A) A determination is made under this chapter that the existence of either of the conditions set forth in subdivision (1) was caused by the ground water withdrawals of the major ground water withdrawal facility.
  - (B) The affected nonsignificant ground water withdrawal



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**facility or significant ground water withdrawal facility:**  
**(i) was in existence before January 1, 1986;**  
**(ii) if constructed after December 31, 1985, but before the adoption of rules under this chapter, conforms to the Recommended Guidelines of the department in Information Bulletin No. 3 published at 9 IR 1242; or**  
**(iii) if constructed after the adoption of rules under section 13 of this chapter, conforms to those rules.**

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

- (1) The immediate temporary provision at the prior point of use of an adequate supply of potable water.
- (2) Reimbursement of expenses reasonably incurred by the complainant to do the following:
  - (A) Obtain an immediate temporary provision at the prior point of use of an adequate supply of potable water.
  - (B) Provide timely and reasonable compensation as provided in subdivision (3)(A) and (3)(B).
- (3) Either:
  - (A) the restoration of the affected nonsignificant ground water withdrawal facility to the facility's former relative capability;
  - (B) the permanent provision at the point of use of an alternative potable supply of equal quantity; or
  - (C) the permanent restriction or scheduling of the ground water withdrawals of the significant ground water withdrawal facility so that the affected water well continues to produce:
    - (i) the well's normal supply of water; or
    - (ii) the normal supply of potable water if the well normally furnishes potable water.

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

**(b)** An owner of a nonsignificant ground water withdrawal



1 **facility or significant ground water withdrawal facility** may request  
 2 a hearing under IC 4-21.5 if the owner does not believe **that**  
 3 compensation ~~was provided under section 17 or 17.5 of this chapter~~  
 4 **is** timely or reasonable.

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

13 (1) terminated by the director before the expiration of ninety (90)  
 14 days; or

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

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

