

The Great Lakes-St. Lawrence River Basin Water Resources Compact



Ohio Great Lakes Compact Advisory Board

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Ohio Great Lakes Compact Advisory Board Workplan

Background: The Ohio statute ratifying the Great Lakes-St. Lawrence River Basin Water Resources Compact (the Compact), which became effective December 8, 2008, also established an Advisory Board, to be convened and chaired by the Director of the Ohio Department of Natural Resources (ODNR). Section 3 of the Act establishes the membership and purpose of the Advisory Board.

Objective: The Advisory Board’s objective is to develop recommendations for legislation & policy needed to implement the Compact, addressing but not be limited to the following: (1) the formulation of the baseline list of existing Ohio Lake Erie Basin water withdrawals, diversions, and consumptive uses; (2) the adoption of water conservation goals & objectives and the establishment of a water conservation & efficiency program; and (3) the development of a program for regulating water withdrawals and consumptive uses within the Ohio Lake Erie Basin.

Expectations: The Advisory Board is expected to reach consensus on the issues it addresses. Advisory Board members will approach their deliberations in a positive, collaborative, and problem-solving manner. The Advisory Board will conduct its work in an open and transparent manner, while using electronic means to help facilitate efficient communication and work product development.

Final Deliverable: The Advisory Board will present a report of its final recommendations to the Governor and the General Assembly by June 8, 2010.

Resources: ODNR staff will provide support in drafting Advisory Board documents, facilitating review & commentary, coordinating Committee activities, and conducting Advisory Board meetings.

Proposed Timeline: **Please see revised timeline on the Advisory Board web page.**

Activity	Comments Submission Date	Meeting Date
Advisory Board Initial Meeting Establish committees to address (1) the baseline list of existing withdrawals, diversions, & consumptive uses, (2) water conservation goals & objectives and program, and (3) the program for regulating water withdrawals & consumptive uses		March 5, 2009

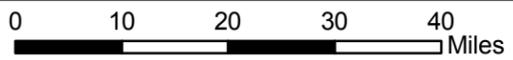
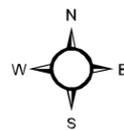
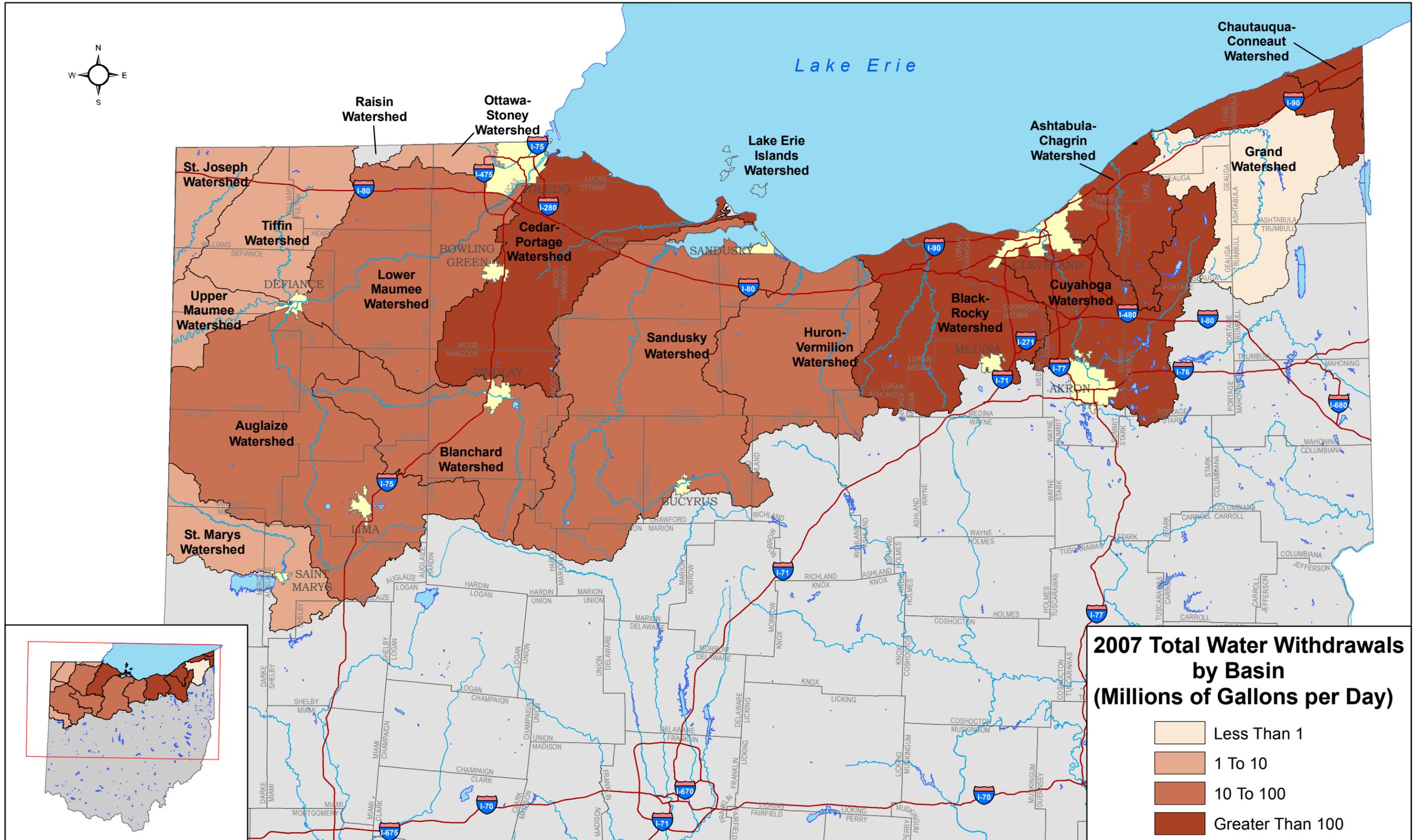
DRAFT – For Discussion Purposes ONLY

Activity	Comments Submission Date	Meeting Date
<p>Committee Work Review proposed process/procedure for formulating baseline list of existing withdrawals, diversions, & consumptive uses drafted by ODNR, provide comments and raise issues of concern</p>	March 26, 2009	April 2, 2009
<p>Committee Work Review regional (basin-wide) water conservation goals & objectives and provide comments regarding their applicability for Ohio</p>	March 26, 2009	April 2, 2009
<p>Advisory Board Meeting Review final proposed process/procedure for formulating baseline list of existing withdrawals, diversions, & consumptive uses drafted by ODNR, provide final recommendations</p> <p>Review withdrawal regulation program issue paper drafted by ODNR and provide comments regarding</p> <ul style="list-style-type: none"> (1) the type of regulatory program preferred and (2) the appropriate threshold level(s) 	April 30, 2009	May 7, 2009
<p>Committee Work Review proposed water conservation goals & objectives drafted by ODNR, provide comments and raise issues of concern</p>	May 28, 2009	June 4, 2009
<p>Advisory Board Work Review interim baseline list of existing withdrawals, diversions, and consumptive uses and raise issues of concern</p>	June 25, 2009	July 2, 2009
<p>Committee Work Review proposed withdrawal regulation recommendations drafted by ODNR, provide comments and raise issues of concern</p>	June 25, 2009	July 2, 2009
<p>Advisory Board Meeting Review final proposed water conservation goals & objectives drafted by ODNR, provide final recommendations</p>	July 30, 2009	August 6, 2009
<p>Committee Work Review revised proposed withdrawal regulation recommendations drafted by ODNR, provide comments and raise issues of concern</p>	August 27, 2009	September 3, 2009
<p>Committee Work Review proposed water conservation & efficiency program drafted by ODNR, provide comments and raise issues of concern</p>	September 24, 2009	October 1, 2009

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Activity	Comments Submission Date	Meeting Date
<p>Advisory Board Meeting Review final baseline list of existing withdrawals, diversions, & consumptive uses prior to required state submission to the Compact Council (December 8, 2009)</p> <p>Review final proposed water conservation & efficiency program drafted by ODNR, provide final recommendations</p>	<p>October 29, 2009</p>	<p>November 5, 2009</p>
<p>Advisory Board Meeting Review final proposed withdrawal regulation recommendations drafted by ODNR, provide final recommendations</p>	<p>December 28, 2009</p>	<p>January 7, 2010</p>
<p>Advisory Board Work Review proposed report of recommendations drafted by ODNR, provide comments and raise issues of concern</p>	<p>February 25, 2010</p>	<p>March 4, 2010</p>
<p>Advisory Board Meeting Review revised proposed report of recommendations drafted by ODNR, provide comments and raise issues of concern</p>	<p>March 25, 2010</p>	<p>April 1, 2010</p>
<p>Advisory Board Final Meeting: Adopt final report of recommendations</p>	<p>April 29, 2010</p>	<p>May 6, 2010</p>
<p>Submit final report of recommendations to the Governor and General Assembly</p>		<p>June 8, 2010</p>

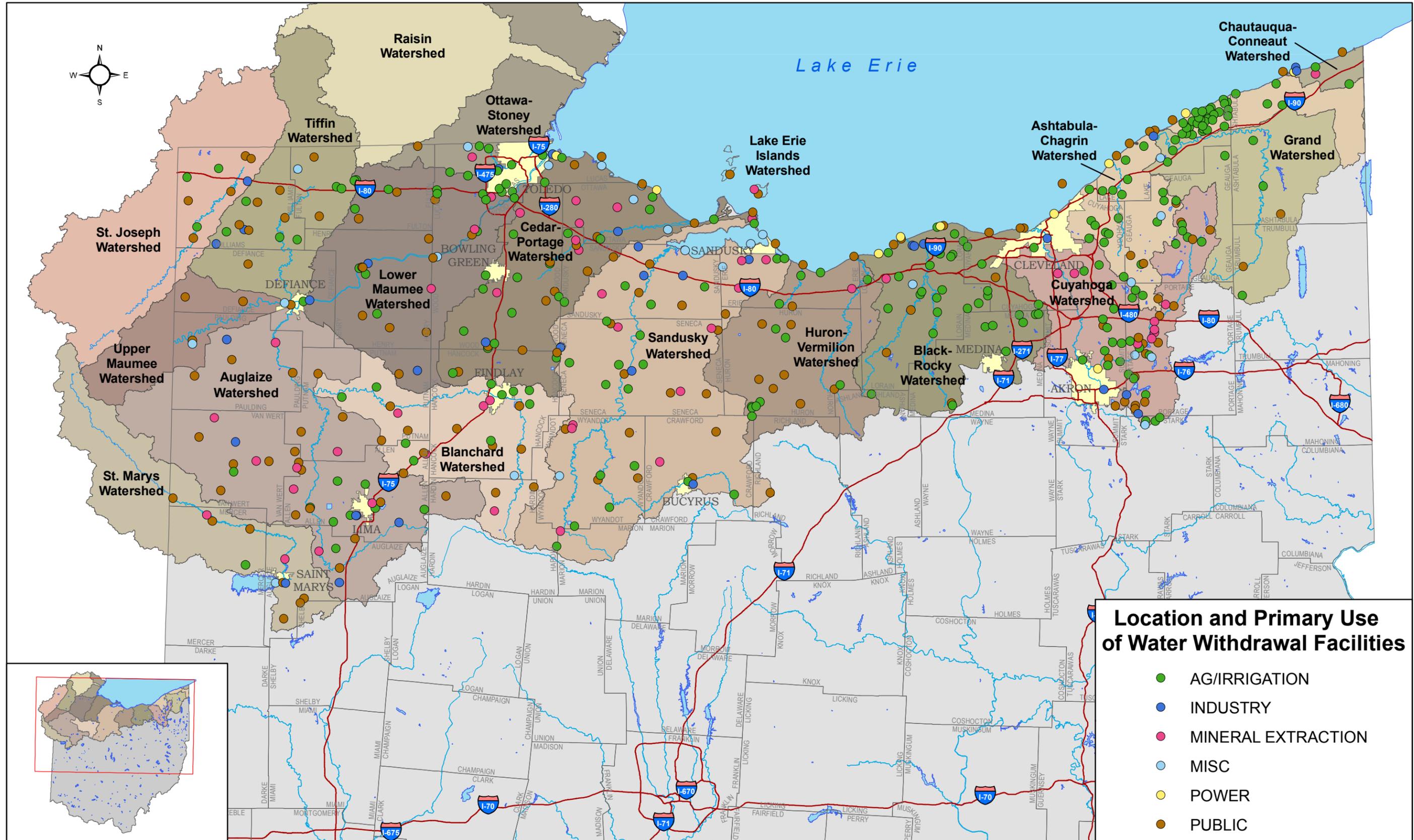
2007 Total Water Withdrawals by Basin



Ohio Department of Natural Resources, Division of Water
January 2009



Location and Primary Use of Water Withdrawal Facilities in Lake Erie Basin

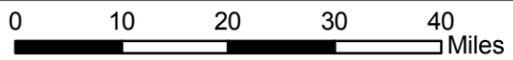
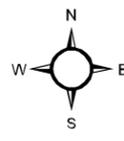
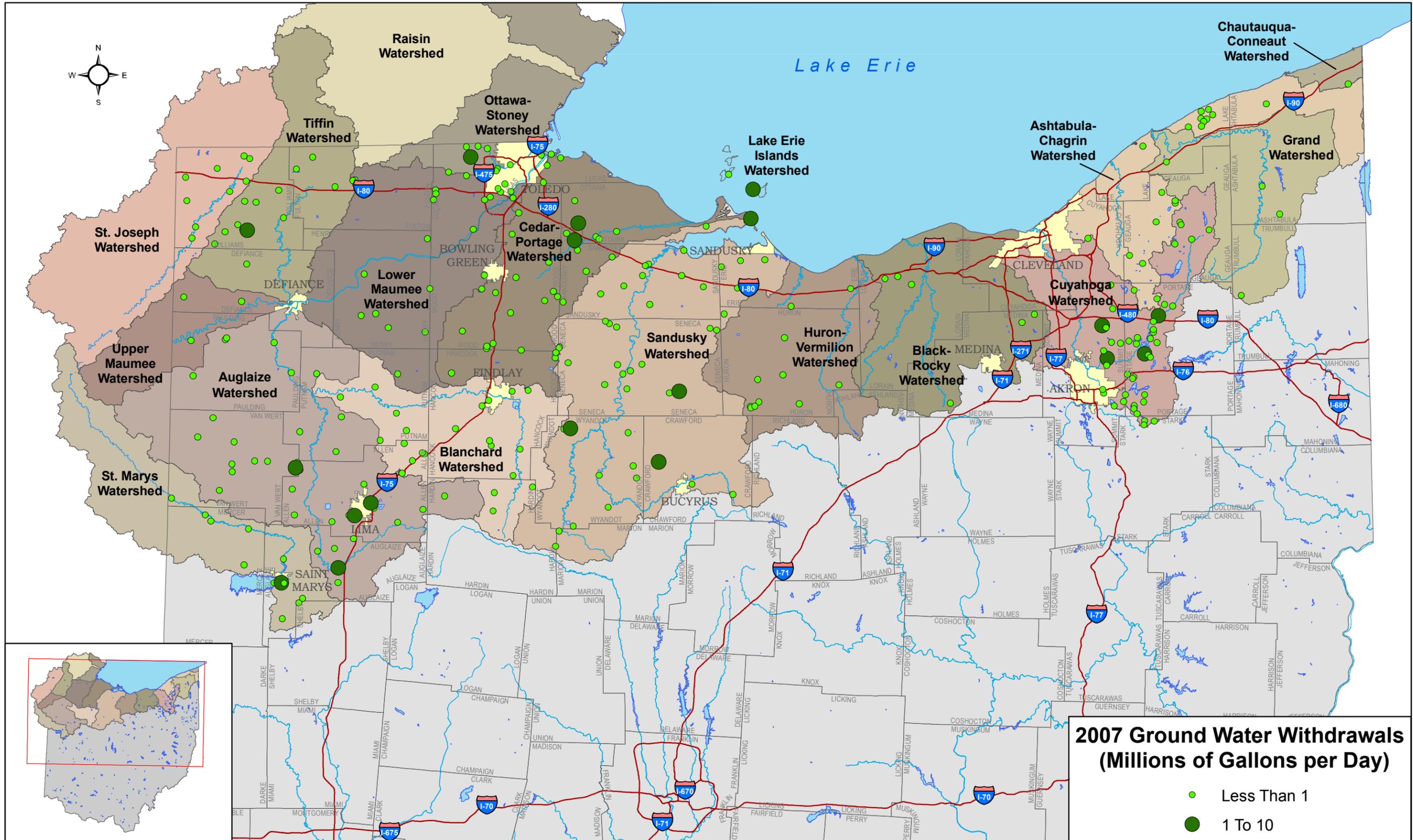


Location and Primary Use of Water Withdrawal Facilities

- AG/IRRIGATION
- INDUSTRY
- MINERAL EXTRACTION
- MISC
- POWER
- PUBLIC



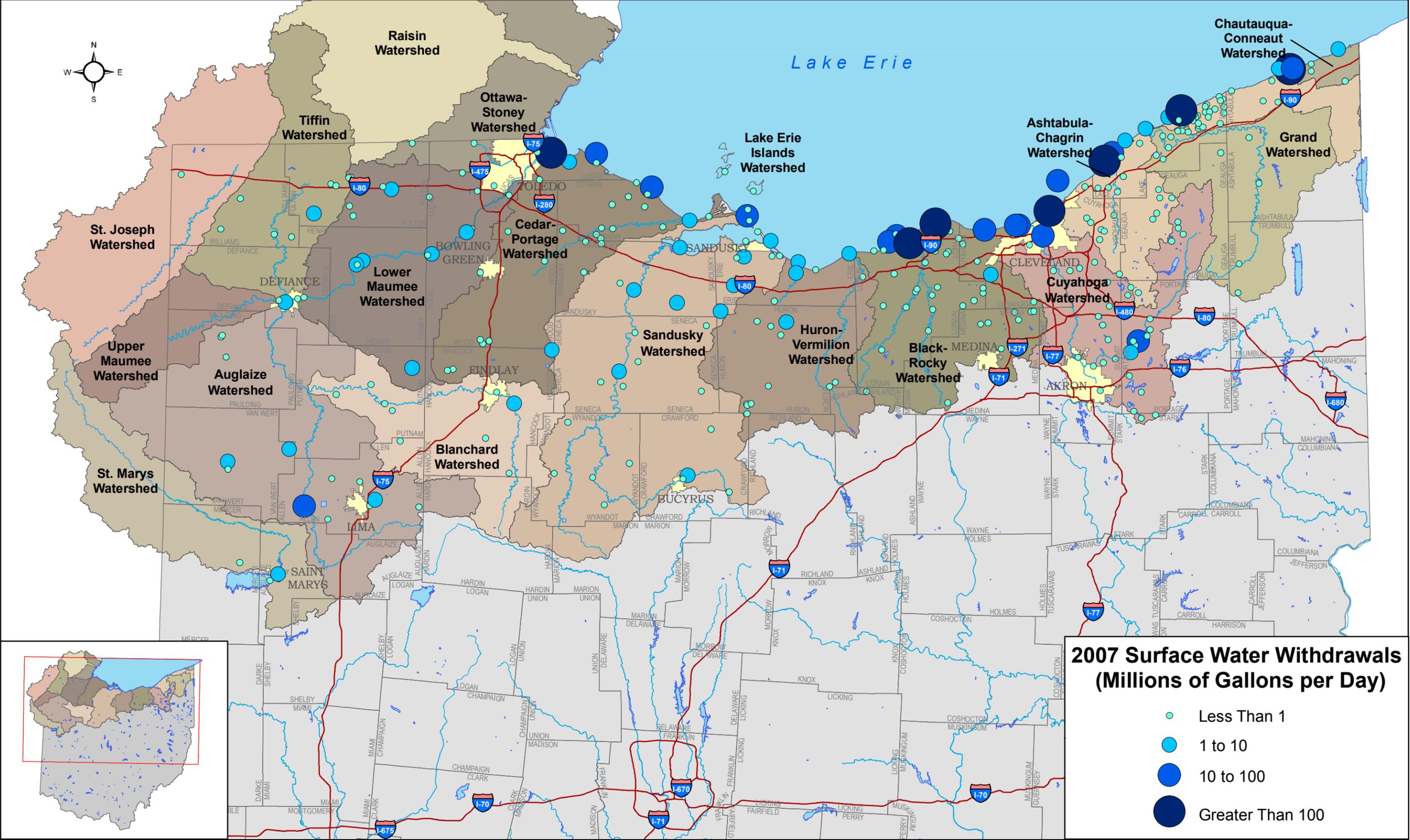
2007 Ground Water Withdrawals



Ohio Department of Natural Resources, Division of Water
January 2009



2007 Surface Water Withdrawals



0 10 20 30 40 Miles

Ohio Department of Natural Resources, Division of Water
January 2009



As Passed by the Senate

127th General Assembly

Regular Session

2007-2008

Am. H. B. No. 416

Representative Dolan

Cosponsors: Representatives Wagoner, Evans, Brown, Stebelton, Huffman, McGregor, J., Harwood, Skindell, Redfern, Webster, Yuko, Flowers, Koziura, Chandler, Combs, Szollosi, McGregor, R., Brinkman, Goodwin, Peterson, Foley, DeGeeter, Brady, Letson, Strahorn, Lundy, Oelslager, Hagan, J., Schindel, Williams, B., DeBose, Mallory, Celeste, Collier, Ujvagi, Hagan, R., Bacon, Beatty, Blessing, Bolon, Boyd, Budish, Coley, Domenick, Driehaus, Fende, Gardner, Heard, Hite, Hottinger, Hughes, Luckie, Mecklenborg, Otterman, J., Sayre, Sears, Setzer, Stewart, D., Stewart, J., Yates
Senators Niehaus, Spada, Schaffer, Goodman, Miller, D., Morano, Mason, Buehrer, Harris, Mumper, Padgett, Sawyer, Seitz, Wagoner, Wilson, Smith, Miller, R., Fedor, Coughlin, Jacobson

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A B I L L

To enact sections 1522.01, 1522.02, 1522.03, 1522.04, 1
1522.05, 1522.06, 1522.07, and 1522.08 of the 2
Revised Code to ratify the Great Lakes-St. 3
Lawrence River Basin Water Resources Compact and 4
to establish related requirements. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1522.01, 1522.02, 1522.03, 1522.04, 6
1522.05, 1522.06, 1522.07, and 1522.08 of the Revised Code be 7
enacted to read as follows: 8

Sec. 1522.01. The "great lakes-st. Lawrence river basin water resources compact," which has been negotiated by representatives of this state and the states of Illinois, Indiana, Michigan, Minnesota, New York, and Wisconsin and the commonwealth of Pennsylvania, is hereby ratified, enacted into law, and entered into by this state as a party to it as follows:

AGREEMENT

Section 1. The states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin and the Commonwealth of Pennsylvania hereby solemnly covenant and agree with each other, upon enactment of concurrent legislation by the respective state legislatures and consent by the Congress of the United States as follows:

GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

ARTICLE 1

SHORT TITLE, DEFINITIONS, PURPOSES AND DURATION

Section 1.1. Short Title.

This act shall be known and may be cited as the "Great Lakes-St. Lawrence River Basin Water Resources Compact."

Section 1.2. Definitions.

For the purposes of this Compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

Adaptive Management means a Water resources management system that provides a systematic process for evaluation, monitoring and learning from the outcomes of operational programs and adjustment of policies, plans and programs based on experience and the evolution of scientific knowledge concerning Water resources and Water Dependent Natural Resources.

Agreement means the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.

Applicant means a Person who is required to submit a Proposal that is subject to management and regulation under this Compact. 39
40

Application has a corresponding meaning. 41

Basin or Great Lakes-St. Lawrence River Basin means the watershed of the Great Lakes and the St. Lawrence River upstream from Trois-Rivieres, Quebec within the jurisdiction of the Parties. 42
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Basin Ecosystem or Great Lakes-St. Lawrence River Basin Ecosystem means the interacting components of air, land, Water and living organisms, including humankind, within the Basin. 45
46
47

Community within a Straddling County means any incorporated city, town or the equivalent thereof, that is located outside the Basin but wholly within a County that lies partly within the Basin and that is not a Straddling Community. 48
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Compact means this Compact. 52

Consumptive Use means that portion of the Water Withdrawn or withheld from the Basin that is lost or otherwise not returned to the Basin due to evaporation, incorporation into Products or other processes. 53
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55
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Council means the Great Lakes-St. Lawrence River Basin Water Resources Council, created by this Compact. 57
58

Council Review means the collective review by the Council members as described in Article 4 of this Compact. 59
60

County means the largest territorial division for local government in a State. The County boundaries shall be defined as those boundaries that exist as of December 13, 2005. 61
62
63

Cumulative Impacts mean the impact on the Basin Ecosystem that results from incremental effects of all aspects of a Withdrawal, Diversion or Consumptive Use in addition to other past, present and reasonably foreseeable future Withdrawals, Diversions and Consumptive Uses regardless of who undertakes the other 64
65
66
67
68

Withdrawals, Diversions and Consumptive Uses. Cumulative Impacts 69
can result from individually minor but collectively significant 70
Withdrawals, Diversions and Consumptive Uses taking place over a 71
period of time. 72

Decision-Making Standard means the decision-making standard 73
established by Section 4.11 for Proposals subject to management 74
and regulation in Section 4.10. 75

Diversion means a transfer of Water from the Basin into another 76
watershed, or from the watershed of one of the Great Lakes into 77
that of another by any means of transfer, including but not 78
limited to a pipeline, canal, tunnel, aqueduct, channel, 79
modification of the direction of a water course, a tanker ship, 80
tanker truck or rail tanker but does not apply to Water that is 81
used in the Basin or a Great Lake watershed to manufacture or 82
produce a Product that is then transferred out of the Basin or 83
watershed. Divert has a corresponding meaning. 84

Environmentally Sound and Economically Feasible Water Conservation 85
Measures mean those measures, methods, technologies or practices 86
for efficient water use and for reduction of water loss and waste 87
or for reducing a Withdrawal, Consumptive Use or Diversion that i) 88
are environmentally sound, ii) reflect best practices applicable 89
to the water use sector, iii) are technically feasible and 90
available, iv) are economically feasible and cost effective based 91
on an analysis that considers direct and avoided economic and 92
environmental costs and v) consider the particular facilities and 93
processes involved, taking into account the environmental impact, 94
age of equipment and facilities involved, the processes employed, 95
energy impacts and other appropriate factors. 96

Exception means a transfer of Water that is excepted under Section 97
4.9 from the prohibition against Diversions in Section 4.8. 98

Exception Standard means the standard for Exceptions established 99

<u>in Section 4.9.4.</u>	100
<u>Intra-Basin Transfer means the transfer of Water from the</u>	101
<u>watershed of one of the Great Lakes into the watershed of another</u>	102
<u>Great Lake.</u>	103
<u>Measures means any legislation, law, regulation, directive,</u>	104
<u>requirement, guideline, program, policy, administrative practice</u>	105
<u>or other procedure.</u>	106
<u>New or Increased Diversion means a new Diversion, an increase in</u>	107
<u>an existing Diversion or the alteration of an existing Withdrawal</u>	108
<u>so that it becomes a Diversion.</u>	109
<u>New or Increased Withdrawal or Consumptive Use means a new</u>	110
<u>Withdrawal or Consumptive Use or an increase in an existing</u>	111
<u>Withdrawal or Consumptive Use.</u>	112
<u>Originating Party means the Party within whose jurisdiction an</u>	113
<u>Application or registration is made or required.</u>	114
<u>Party means a State party to this Compact.</u>	115
<u>Person means a human being or a legal person, including a</u>	116
<u>government or a non-governmental organization, including any</u>	117
<u>scientific, professional, business, nonprofit or public interest</u>	118
<u>organization or association that is neither affiliated with, nor</u>	119
<u>under the direction of a government.</u>	120
<u>Product means something produced in the Basin by human or</u>	121
<u>mechanical effort or through agricultural processes and used in</u>	122
<u>manufacturing, commercial or other processes or intended for</u>	123
<u>intermediate or end use consumers. (i) Water used as part of the</u>	124
<u>packaging of a Product shall be considered to be part of the</u>	125
<u>Product. (ii) Other than Water used as part of the packaging of a</u>	126
<u>Product, Water that is used primarily to transport materials in or</u>	127
<u>out of the Basin is not a Product or part of a Product. (iii)</u>	128
<u>Except as provided in (i) above, Water which is transferred as</u>	129

part of a public or private supply is not a Product or part of a 130
Product. (iv) Water in its natural state such as in lakes, rivers, 131
reservoirs, aquifers or water basins is not a Product. 132

Proposal means a Withdrawal, Diversion or Consumptive Use of Water 133
that is subject to this Compact. 134

Province means Ontario or Quebec. 135

Public Water Supply Purposes means water distributed to the public 136
through a physically connected system of treatment, storage and 137
distribution facilities serving a group of largely residential 138
customers that may also serve industrial, commercial and other 139
institutional operators. Water Withdrawn directly from the Basin 140
and not through such a system shall not be considered to be used 141
for Public Water Supply Purposes. 142

Regional Body means the members of the Council and the Premiers of 143
Ontario and Quebec or their designee as established by the 144
Agreement. 145

Regional Review means the collective review by the Regional Body 146
as described in Article 4 of this Compact. 147

Source Watershed means the watershed from which a Withdrawal 148
originates. If Water is Withdrawn directly from a Great Lake or 149
from the St. Lawrence River, then the Source Watershed shall be 150
considered to be the watershed of that Great Lake or the watershed 151
of the St. Lawrence River, respectively. If Water is Withdrawn 152
from the watershed of a stream that is a direct tributary to a 153
Great Lake or a direct tributary to the St. Lawrence River, then 154
the Source Watershed shall be considered to be the watershed of 155
that Great Lake or the watershed of the St. Lawrence River, 156
respectively, with a preference to the direct tributary stream 157
watershed from which it was Withdrawn. 158

Standard of Review and Decision means the Exception Standard, 159
Decision-Making Standard and reviews as outlined in Article 4 of 160

<u>this Compact.</u>	161
<u>State</u> means one of the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio or Wisconsin or the Commonwealth of Pennsylvania.	162 163 164
<u>Straddling Community</u> means any incorporated city, town or the equivalent thereof, wholly within any County that lies partly or completely within the Basin, whose corporate boundary existing as of the effective date of this Compact, is partly within the Basin or partly within two Great Lakes watersheds.	165 166 167 168 169
<u>Technical Review</u> means a detailed review conducted to determine whether or not a Proposal that requires Regional Review under this Compact meets the Standard of Review and Decision following procedures and guidelines as set out in this Compact.	170 171 172 173
<u>Water</u> means ground or surface water contained within the Basin.	174
<u>Water Dependent Natural Resources</u> means the interacting components of land, Water and living organisms affected by the Waters of the Basin.	175 176 177
<u>Waters of the Basin or Basin Water</u> means the Great Lakes and all streams, rivers, lakes, connecting channels and other bodies of water, including tributary groundwater, within the Basin.	178 179 180
<u>Withdrawal</u> means the taking of water from surface water or groundwater. <u>Withdraw</u> has a corresponding meaning.	181 182
<u>Section 1.3. Findings and Purposes.</u>	183
<u>The legislative bodies of the respective Parties hereby find and declare:</u>	184 185
<u>1. Findings:</u>	186
<u>a. The Waters of the Basin are precious public natural resources shared and held in trust by the States;</u>	187 188
<u>b. The Waters of the Basin are interconnected and part of a single</u>	189

<u>hydrologic system;</u>	190
<u>c. The Waters of the Basin can concurrently serve multiple uses.</u>	191
<u>Such multiple uses include municipal, public, industrial,</u>	192
<u>commercial, agriculture, mining, navigation, energy</u>	193
<u>development and production, recreation, the subsistence,</u>	194
<u>economic and cultural activities of native peoples, Water</u>	195
<u>quality maintenance and the maintenance of fish and wildlife</u>	196
<u>habitat and a balanced ecosystem. And, other purposes are</u>	197
<u>encouraged, recognizing that such uses are interdependent and</u>	198
<u>must be balanced;</u>	199
<u>d. Future Diversions and Consumptive Uses of Basin Water resources</u>	200
<u>have the potential to significantly impact the environment,</u>	201
<u>economy and welfare of the Great Lakes-St. Lawrence River</u>	202
<u>region;</u>	203
<u>e. Continued sustainable, accessible and adequate Water supplies</u>	204
<u>for the people and economy of the Basin are of vital</u>	205
<u>importance; and,</u>	206
<u>f. The Parties have a shared duty to protect, conserve, restore,</u>	207
<u>improve and manage the renewable but finite Waters of the</u>	208
<u>Basin for the use, benefit and enjoyment of all their</u>	209
<u>citizens, including generations yet to come. The most</u>	210
<u>effective means of protecting, conserving, restoring,</u>	211
<u>improving and managing the Basin Waters is through the joint</u>	212
<u>pursuit of unified and cooperative principles, policies and</u>	213
<u>programs mutually agreed upon, enacted and adhered to by all</u>	214
<u>Parties.</u>	215
<u>2. Purposes:</u>	216
<u>a. To act together to protect, conserve, restore, improve and</u>	217
<u>effectively manage the Waters and Water Dependent Natural</u>	218
<u>Resources of the Basin under appropriate arrangements for</u>	219
<u>intergovernmental cooperation and consultation because</u>	220

<u>current lack of full scientific certainty should not be used</u>	221
<u>as a reason for postponing measures to protect the Basin</u>	222
<u>Ecosystem;</u>	223
<u>b. To remove causes of present and future controversies;</u>	224
<u>c. To provide for cooperative planning and action by the Parties</u>	225
<u>with respect to such Water resources;</u>	226
<u>d. To facilitate consistent approaches to Water management across</u>	227
<u>the Basin while retaining State management authority over</u>	228
<u>Water management decisions within the Basin;</u>	229
<u>e. To facilitate the exchange of data, strengthen the scientific</u>	230
<u>information base upon which decisions are made and engage in</u>	231
<u>consultation on the potential effects of proposed Withdrawals</u>	232
<u>and losses on the Waters and Water Dependent Natural</u>	233
<u>Resources of the Basin;</u>	234
<u>f. To prevent significant adverse impacts of Withdrawals and</u>	235
<u>losses on the Basin's ecosystems and watersheds;</u>	236
<u>g. To promote interstate and State-Provincial comity; and,</u>	237
<u>h. To promote an Adaptive Management approach to the conservation</u>	238
<u>and management of Basin Water resources, which recognizes,</u>	239
<u>considers and provides adjustments for the uncertainties in,</u>	240
<u>and evolution of, scientific knowledge concerning the Basin's</u>	241
<u>Waters and Water Dependent Natural Resources.</u>	242
<u>Section 1.4. Science.</u>	243
<u>1. The Parties commit to provide leadership for the development of</u>	244
<u>a collaborative strategy with other regional partners to</u>	245
<u>strengthen the scientific basis for sound Water management</u>	246
<u>decision making under this Compact.</u>	247
<u>2. The strategy shall guide the collection and application of</u>	248
<u>scientific information to support:</u>	249
<u>a. An improved understanding of the individual and Cumulative</u>	250

<u>Impacts of Withdrawals from various locations and Water</u>	251
<u>sources on the Basin Ecosystem and to develop a mechanism by</u>	252
<u>which impacts of Withdrawals may be assessed;</u>	253
b. <u>The periodic assessment of Cumulative Impacts of Withdrawals,</u>	254
<u>Diversions and Consumptive Uses on a Great Lake and St.</u>	255
<u>Lawrence River watershed basis;</u>	256
c. <u>Improved scientific understanding of the Waters of the Basin;</u>	257
d. <u>Improved understanding of the role of groundwater in Basin</u>	258
<u>Water resources management; and,</u>	259
e. <u>The development, transfer and application of science and</u>	260
<u>research related to Water conservation and Water use</u>	261
<u>efficiency.</u>	262

ARTICLE 2 263

ORGANIZATION 264

Section 2.1. Council Created. 265

The Great Lakes-St. Lawrence River Basin Water Resources Council 266
is hereby created as a body politic and corporate, with succession 267
for the duration of this Compact, as an agency and instrumentality 268
of the governments of the respective Parties. 269

Section 2.2. Council Membership. 270

The Council shall consist of the Governors of the Parties, ex 271
officio. 272

Section 2.3. Alternates. 273

Each member of the Council shall appoint at least one alternate 274
who may act in his or her place and stead, with authority to 275
attend all meetings of the Council and with power to vote in the 276
absence of the member. Unless otherwise provided by law of the 277
Party for which he or she is appointed, each alternate shall serve 278
during the term of the member appointing him or her, subject to 279
removal at the pleasure of the member. In the event of a vacancy 280

in the office of alternate, it shall be filled in the same manner 281
as an original appointment for the unexpired term only. 282

Section 2.4. Voting. 283

1. Each member is entitled to one vote on all matters that may 284
come before the Council. 285

2. Unless otherwise stated, the rule of decision shall be by a 286
simple majority. 287

3. The Council shall annually adopt a budget for each fiscal year 288
and the amount required to balance the budget shall be 289
apportioned equitably among the Parties by unanimous vote of 290
the Council. The appropriation of such amounts shall be 291
subject to such review and approval as may be required by the 292
budgetary processes of the respective Parties. 293

4. The participation of Council members from a majority of the 294
Parties shall constitute a quorum for the transaction of 295
business at any meeting of the Council. 296

Section 2.5. Organization and Procedure. 297

The Council shall provide for its own organization and procedure, 298
and may adopt rules and regulations governing its meetings and 299
transactions, as well as the procedures and timeline for 300
submission, review and consideration of Proposals that come before 301
the Council for its review and action. The Council shall organize, 302
annually, by the election of a Chair and Vice-Chair from among its 303
members. Each member may appoint an advisor, who may attend all 304
meetings of the Council and its committees, but shall not have 305
voting power. The Council may employ or appoint professional and 306
administrative personnel, including an Executive Director, as it 307
may deem advisable, to carry out the purposes of this Compact. 308

Section 2.6. Use of Existing Offices and Agencies. 309

It is the policy of the Parties to preserve and utilize the 310

functions, powers and duties of existing offices and agencies of 311
government to the extent consistent with this Compact. Further, 312
the Council shall promote and aid the coordination of the 313
activities and programs of the Parties concerned with Water 314
resources management in the Basin. To this end, but without 315
limitation, the Council may: 316

1. Advise, consult, contract, assist or otherwise cooperate with 317
any and all such agencies; 318

2. Employ any other agency or instrumentality of any of the 319
Parties for any purpose; and, 320

3. Develop and adopt plans consistent with the Water resources 321
plans of the Parties. 322

Section 2.7. Jurisdiction. 323

The Council shall have, exercise and discharge its functions, 324
powers and duties within the limits of the Basin. Outside the 325
Basin, it may act in its discretion, but only to the extent such 326
action may be necessary or convenient to effectuate or implement 327
its powers or responsibilities within the Basin and subject to the 328
consent of the jurisdiction wherein it proposes to act. 329

Section 2.8. Status, Immunities and Privileges. 330

1. The Council, its members and personnel in their official 331
capacity and when engaged directly in the affairs of the 332
Council, its property and its assets, wherever located and by 333
whomsoever held, shall enjoy the same immunity from suit and 334
every form of judicial process as is enjoyed by the Parties, 335
except to the extent that the Council may expressly waive its 336
immunity for the purposes of any proceedings or by the terms 337
of any contract. 338

2. The property and assets of the Council, wherever located and by 339
whomsoever held, shall be considered public property and 340

shall be immune from search, requisition, confiscation, 341
expropriation or any other form of taking or foreclosure by 342
executive or legislative action. 343

3. The Council, its property and its assets, income and the 344
operations it carries out pursuant to this Compact shall be 345
immune from all taxation by or under the authority of any of 346
the Parties or any political subdivision thereof; provided, 347
however, that in lieu of property taxes the Council may make 348
reasonable payments to local taxing districts in annual 349
amounts which shall approximate the taxes lawfully assessed 350
upon similar property. 351

Section 2.9. Advisory Committees. 352

The Council may constitute and empower advisory committees, which 353
may be comprised of representatives of the public and of federal, 354
State, tribal, county and local governments, water resources 355
agencies, water-using industries and sectors, water-interest 356
groups and academic experts in related fields. 357

ARTICLE 3 358

GENERAL POWERS AND DUTIES 359

Section 3.1. General. 360

The Waters and Water Dependent Natural Resources of the Basin are 361
subject to the sovereign right and responsibilities of the 362
Parties, and it is the purpose of this Compact to provide for 363
joint exercise of such powers of sovereignty by the Council in the 364
common interests of the people of the region, in the manner and to 365
the extent provided in this Compact. The Council and the Parties 366
shall use the Standard of Review and Decision and procedures 367
contained in or adopted pursuant to this Compact as the means to 368
exercise their authority under this Compact. 369

The Council may revise the Standard of Review and Decision, after 370
consultation with the Provinces and upon unanimous vote of all 371

Council members, by regulation duly adopted in accordance with 372
Section 3.3 of this Compact and in accordance with each Party's 373
respective statutory authorities and applicable procedures. 374

The Council shall identify priorities and develop plans and 375
policies relating to Basin Water resources. It shall adopt and 376
promote uniform and coordinated policies for Water resources 377
conservation and management in the Basin. 378

Section 3.2. Council Powers. 379

The Council may: plan; conduct research and collect, compile, 380
analyze, interpret, report and disseminate data on Water resources 381
and uses; forecast Water levels; conduct investigations; institute 382
court actions; design, acquire, construct, reconstruct, own, 383
operate, maintain, control, sell and convey real and personal 384
property and any interest therein as it may deem necessary, useful 385
or convenient to carry out the purposes of this Compact; make 386
contracts; receive and accept such payments, appropriations, 387
grants, gifts, loans, advances and other funds, properties and 388
services as may be transferred or made available to it by any 389
Party or by any other public or private agency, corporation or 390
individual; and, exercise such other and different powers as may 391
be delegated to it by this Compact or otherwise pursuant to law, 392
and have and exercise all powers necessary or convenient to carry 393
out its express powers or which may be reasonably implied 394
therefrom. 395

Section 3.3. Rules and Regulations. 396

1. The Council may promulgate and enforce such rules and 397
regulations as may be necessary for the implementation and 398
enforcement of this Compact. The Council may adopt by 399
regulation, after public notice and public hearing, 400
reasonable Application fees with respect to those Proposals 401
for Exceptions that are subject to Council review under 402

Section 4.9. Any rule or regulation of the Council, other than one which deals solely with the internal management of the Council or its property, shall be adopted only after public notice and hearing. 403
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2. Each Party, in accordance with its respective statutory authorities and applicable procedures, may adopt and enforce rules and regulations to implement and enforce this Compact and the programs adopted by such Party to carry out the management programs contemplated by this Compact. 407
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Section 3.4. Program Review and Findings. 412

1. Each Party shall submit a report to the Council and the Regional Body detailing its Water management and conservation and efficiency programs that implement this Compact. The report shall set out the manner in which Water Withdrawals are managed by sector, Water source, quantity or any other means, and how the provisions of the Standard of Review and Decision and conservation and efficiency programs are implemented. The first report shall be provided by each Party one year from the effective date of this Compact and thereafter every five years. 413
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2. The Council, in cooperation with the Provinces, shall review its Water management and conservation and efficiency programs and those of the Parties that are established in this Compact and make findings on whether the Water management program provisions in this Compact are being met, and if not, recommend options to assist the Parties in meeting the provisions of this Compact. Such review shall take place: 423
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a. Thirty days after the first report is submitted by all Parties; and, 430
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b. Every five years after the effective date of this Compact; and, 432

c. At any other time at the request of one of the Parties.

3. As one of its duties and responsibilities, the Council may 433
recommend a range of approaches to the Parties with respect 434
to the development, enhancement and application of Water 435
management and conservation and efficiency programs to 436
implement the Standard of Review and Decision reflecting 437
improved scientific understanding of the Waters of the Basin, 438
including groundwater, and the impacts of Withdrawals on the 439
Basin Ecosystem. 440

ARTICLE 4 441

WATER MANAGEMENT AND REGULATION 442

Section 4.1. Water Resources Inventory, Registration and 443
Reporting. 444

1. Within five years of the effective date of this Compact, each 445
Party shall develop and maintain a Water resources inventory 446
for the collection, interpretation, storage, retrieval, 447
exchange and dissemination of information concerning the 448
Water resources of the Party, including, but not limited to, 449
information on the location, type, quantity and use of those 450
resources and the location, type and quantity of Withdrawals, 451
Diversions and Consumptive Uses. To the extent feasible, the 452
Water resources inventory shall be developed in cooperation 453
with local, State, federal, tribal and other private agencies 454
and entities, as well as the Council. Each Party's agencies 455
shall cooperate with that Party in the development and 456
maintenance of the inventory. 457

2. The Council shall assist each Party to develop a common base of 458
data regarding the management of the Water resources of the 459
Basin and to establish systematic arrangements for the 460
exchange of those data with other States and Provinces. 461

3. To develop and maintain a compatible base of Water use 462
information, within five years of the effective date of this 463
Compact any Person who Withdraws Water in an amount of 464

100,000 gallons per day or greater average in any 30-day 465
period (including Consumptive Uses) from all sources, or 466
Diverts Water of any amount, shall register the Withdrawal or 467
Diversion by a date set by the Council unless the Person has 468
previously registered in accordance with an existing State 469
program. The Person shall register the Withdrawal or 470
Diversion with the Originating Party using a form prescribed 471
by the Originating Party that shall include, at a minimum and 472
without limitation: the name and address of the registrant 473
and date of registration; the locations and sources of the 474
Withdrawal or Diversion; the capacity of the Withdrawal or 475
Diversion per day and the amount Withdrawn or Diverted from 476
each source; the uses made of the Water; places of use and 477
places of discharge; and, such other information as the 478
Originating Party may require. All registrations shall 479
include an estimate of the volume of the Withdrawal or 480
Diversion in terms of gallons per day average in any 30-day 481
period. 482

4. All registrants shall annually report the monthly volumes of 483
the Withdrawal, Consumptive Use and Diversion in gallons to 484
the Originating Party and any other information requested by 485
the Originating Party. 486

5. Each Party shall annually report the information gathered 487
pursuant to this Section to a Great Lakes-St. Lawrence River 488
Water use data base repository and aggregated information 489
shall be made publicly available, consistent with the 490
confidentiality requirements in Section 8.3. 491

6. Information gathered by the Parties pursuant to this Section 492
shall be used to improve the sources and applications of 493
scientific information regarding the Waters of the Basin and 494
the impacts of the Withdrawals and Diversions from various 495
locations and Water sources on the Basin Ecosystem, and to 496

better understand the role of groundwater in the Basin. The 497
Council and the Parties shall coordinate the collection and 498
application of scientific information to further develop a 499
mechanism by which individual and Cumulative Impacts of 500
Withdrawals, Consumptive Uses and Diversions shall be 501
assessed. 502

Section 4.2. Water Conservation and Efficiency Programs. 503

1. The Council commits to identify, in cooperation with the 504
Provinces, Basin-wide Water conservation and efficiency 505
objectives to assist the Parties in developing their Water 506
conservation and efficiency program. These objectives are 507
based on the goals of: 508

a. Ensuring improvement of the Waters and Water Dependent Natural 509
Resources; 510

b. Protecting and restoring the hydrologic and ecosystem integrity 511
of the Basin; 512

c. Retaining the quantity of surface water and groundwater in the 513
Basin; 514

d. Ensuring sustainable use of Waters of the Basin; and, 515

e. Promoting the efficiency of use and reducing losses and waste 516
of Water. 517

2. Within two years of the effective date of this Compact, each 518
Party shall develop its own Water conservation and efficiency 519
goals and objectives consistent with the Basin-wide goals and 520
objectives, and shall develop and implement a Water 521
conservation and efficiency program, either voluntary or 522
mandatory, within its jurisdiction based on the Party's goals 523
and objectives. Each Party shall annually assess its programs 524
in meeting the Party's goals and objectives, report to the 525
Council and the Regional Body and make this annual assessment 526

<u>available to the public.</u>	527
<u>3. Beginning five years after the effective date of this Compact,</u>	528
<u>and every five years thereafter, the Council, in cooperation</u>	529
<u>with the Provinces, shall review and modify as appropriate</u>	530
<u>the Basin-wide objectives, and the Parties shall have regard</u>	531
<u>for any such modifications in implementing their programs.</u>	532
<u>This assessment will be based on examining new technologies,</u>	533
<u>new patterns of Water use, new resource demands and threats</u>	534
<u>and Cumulative Impact assessment under Section 4.15.</u>	535
<u>4. Within two years of the effective date of this Compact, the</u>	536
<u>Parties commit to promote Environmentally Sound and</u>	537
<u>Economically Feasible Water Conservation Measures such as:</u>	538
<u>a. Measures that promote efficient use of Water;</u>	539
<u>b. Identification and sharing of best management practices and</u>	540
<u>state of the art conservation and efficiency technologies;</u>	541
<u>c. Application of sound planning principles;</u>	542
<u>d. Demand-side and supply-side Measures or incentives; and,</u>	543
<u>e. Development, transfer and application of science and research.</u>	544
<u>5. Each Party shall implement in accordance with Paragraph 2 above</u>	545
<u>a voluntary or mandatory Water conservation program for all,</u>	546
<u>including existing, Basin Water users. Conservation programs</u>	547
<u>need to adjust to new demands and the potential impacts of</u>	548
<u>cumulative effects and climate.</u>	549
Section 4.3. Party Powers and Duties.	550
<u>1. Each Party, within its jurisdiction, shall manage and regulate</u>	551
<u>New or Increased Withdrawals, Consumptive Uses and</u>	552
<u>Diversions, including Exceptions, in accordance with this</u>	553
<u>Compact.</u>	554
<u>2. Each Party shall require an Applicant to submit an Application</u>	555
<u>in such manner and with such accompanying information as the</u>	556

<u>Party shall prescribe.</u>	557
<u>3. No Party may approve a Proposal if the Party determines that</u>	558
<u>the Proposal is inconsistent with this Compact or the</u>	559
<u>Standard of Review and Decision or any implementing rules or</u>	560
<u>regulations promulgated thereunder. The Party may approve,</u>	561
<u>approve with modifications or disapprove any Proposal</u>	562
<u>depending on the Proposal's consistency with this Compact and</u>	563
<u>the Standard of Review and Decision.</u>	564
<u>4. Each Party shall monitor the implementation of any approved</u>	565
<u>Proposal to ensure consistency with the approval and may take</u>	566
<u>all necessary enforcement actions.</u>	567
<u>5. No Party shall approve a Proposal subject to Council or</u>	568
<u>Regional Review, or both, pursuant to this Compact unless it</u>	569
<u>shall have been first submitted to and reviewed by either the</u>	570
<u>Council or Regional Body, or both, and approved by the</u>	571
<u>Council, as applicable. Sufficient opportunity shall be</u>	572
<u>provided for comment on the Proposal's consistency with this</u>	573
<u>Compact and the Standard of Review and Decision. All such</u>	574
<u>comments shall become part of the Party's formal record of</u>	575
<u>decision, and the Party shall take into consideration any</u>	576
<u>such comments received.</u>	577
<u>Section 4.4. Requirement for Originating Party Approval.</u>	578
<u>No Proposal subject to management and regulation under this</u>	579
<u>Compact shall hereafter be undertaken by any Person unless it</u>	580
<u>shall have been approved by the Originating Party.</u>	581
<u>Section 4.5. Regional Review.</u>	582
<u>1. General.</u>	583
<u>a. It is the intention of the Parties to participate in Regional</u>	584
<u>Review of Proposals with the Provinces, as described in this</u>	585
<u>Compact and the Agreement.</u>	586

- b. Unless the Applicant or the Originating Party otherwise requests, it shall be the goal of the Regional Body to conclude its review no later than 90 days after notice under Section 4.5.2 of such Proposal is received from the Originating Party. 587
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- c. Proposals for Exceptions subject to Regional Review shall be submitted by the Originating Party to the Regional Body for Regional Review, and where applicable, to the Council for concurrent review. 592
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- d. The Parties agree that the protection of the integrity of the Great Lakes-St. Lawrence River Basin Ecosystem shall be the overarching principle for reviewing Proposals subject to Regional Review, recognizing uncertainties with respect to demands that may be placed on Basin Water, including groundwater, levels and flows of the Great Lakes and the St. Lawrence River, future changes in environmental conditions, the reliability of existing data and the extent to which Diversions may harm the integrity of the Basin Ecosystem. 596
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- e. The Originating Party shall have lead responsibility for coordinating information for resolution of issues related to evaluation of a Proposal, and shall consult with the Applicant throughout the Regional Review process. 605
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- f. A majority of the members of the Regional Body may request Regional Review of a regionally significant or potentially precedent setting Proposal. Such Regional Review must be conducted, to the extent possible, within the time frames set forth in this Section. Any such Regional Review shall be undertaken only after consulting the Applicant. 609
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2. Notice from Originating Party to the Regional Body. 615
- a. The Originating Party shall determine if a Proposal is subject to Regional Review. If so, the Originating Party shall 616
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- provide timely notice to the Regional Body and the public. 618
- b. Such notice shall not be given unless and until all 619
information, documents and the Originating Party's Technical 620
Review needed to evaluate whether the Proposal meets the 621
Standard of Review and Decision have been provided. 622
- c. An Originating Party may: 623
- i. Provide notice to the Regional Body of an Application, even if 624
notification is not required; or, 625
- ii. Request Regional Review of an application, even if Regional 626
Review is not required. Any such Regional Review shall be 627
undertaken only after consulting the Applicant. 628
- d. An Originating Party may provide preliminary notice of a 629
potential Proposal. 630
3. Public Participation. 631
- a. To ensure adequate public participation, the Regional Body 632
shall adopt procedures for the review of Proposals that are 633
subject to Regional Review in accordance with this Article. 634
- b. The Regional Body shall provide notice to the public of a 635
Proposal undergoing Regional Review. Such notice shall 636
indicate that the public has an opportunity to comment in 637
writing to the Regional Body on whether the Proposal meets 638
the Standard of Review and Decision. 639
- c. The Regional Body shall hold a public meeting in the State or 640
Province of the Originating Party in order to receive public 641
comment on the issue of whether the Proposal under 642
consideration meets the Standard of Review and Decision. 643
- d. The Regional Body shall consider the comments received before 644
issuing a Declaration of Finding. 645
- e. The Regional Body shall forward the comments it receives to the 646
Originating Party. 647

4. Technical Review. 648
- a. The Originating Party shall provide the Regional Body with its Technical Review of the Proposal under consideration. 649
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- b. The Originating Party's Technical Review shall thoroughly analyze the Proposal and provide an evaluation of the Proposal sufficient for a determination of whether the Proposal meets the Standard of Review and Decision. 651
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- c. Any member of the Regional Body may conduct their own Technical Review of any Proposal subject to Regional Review. 655
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- d. At the request of the majority of its members, the Regional Body shall make such arrangements as it considers appropriate for an independent Technical Review of a Proposal. 657
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- e. All Parties shall exercise their best efforts to ensure that a Technical Review undertaken under Sections 4.5.4.c and 4.5.4.d does not unnecessarily delay the decision by the Originating Party on the Application. Unless the Applicant or the Originating Party otherwise requests, all Technical Reviews shall be completed no later than 60 days after the date the notice of the Proposal was given to the Regional Body. 660
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5. Declaration of Finding. 668
- a. The Regional Body shall meet to consider a Proposal. The Applicant shall be provided with an opportunity to present the Proposal to the Regional Body at such time. 669
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- b. The Regional Body, having considered the notice, the Originating Party's Technical Review, any other independent Technical Review that is made, any comments or objections including the analysis of comments made by the public, First Nations and federally recognized Tribes, and any other information that is provided under this Compact shall issue a 672
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<u>Declaration of Finding that the Proposal under consideration:</u>	678
<u>i. Meets the Standard of Review and Decision;</u>	679
<u>ii. Does not meet the Standard of Review and Decision; or,</u>	680
<u>iii. Would meet the Standard of Review and Decision if certain</u>	681
<u>conditions were met.</u>	682
<u>c. An Originating Party may decline to participate in a</u>	683
<u>Declaration of Finding made by the Regional Body.</u>	684
<u>d. The Parties recognize and affirm that it is preferable for all</u>	685
<u>members of the Regional Body to agree whether the Proposal</u>	686
<u>meets the Standard of Review and Decision.</u>	687
<u>e. If the members of the Regional Body who participate in the</u>	688
<u>Declaration of Finding all agree, they shall issue a written</u>	689
<u>Declaration of Finding with consensus.</u>	690
<u>f. In the event that the members cannot agree, the Regional Body</u>	691
<u>shall make every reasonable effort to achieve consensus</u>	692
<u>within 25 days.</u>	693
<u>g. Should consensus not be achieved, the Regional Body may issue a</u>	694
<u>Declaration of Finding that presents different points of view</u>	695
<u>and indicates each Party's conclusions.</u>	696
<u>h. The Regional Body shall release the Declaration of Finding to</u>	697
<u>the public.</u>	698
<u>i. The Originating Party and the Council shall consider the</u>	699
<u>Declaration of Finding before making a decision on the</u>	700
<u>Proposal.</u>	701
<u>Section 4.6. Proposals Subject to Prior Notice.</u>	702
<u>1. Beginning no later than five years from the effective date of</u>	703
<u>this Compact, the Originating Party shall provide all Parties</u>	704
<u>and the Provinces with detailed and timely notice and an</u>	705
<u>opportunity to comment within 90 days on any Proposal for a</u>	706

New or Increased Consumptive Use of 5 million gallons per day 707
or greater average in any 90-day period. Comments shall 708
address whether or not the Proposal is consistent with the 709
Standard of Review and Decision. The Originating Party shall 710
provide a response to any such comment received from another 711
Party. 712

2. A Party may provide notice, an opportunity to comment and a 713
response to comments even if this is not required under 714
Paragraph 1 of this Section. Any provision of such notice and 715
opportunity to comment shall be undertaken only after 716
consulting the Applicant. 717

Section 4.7 Council Actions. 718

1. Proposals for Exceptions subject to Council Review shall be 719
submitted by the Originating Party to the Council for Council 720
Review, and where applicable, to the Regional Body for 721
concurrent review. 722

2. The Council shall review and take action on Proposals in 723
accordance with this Compact and the Standard of Review and 724
Decision. The Council shall not take action on a Proposal 725
subject to Regional Review pursuant to this Compact unless 726
the Proposal shall have been first submitted to and reviewed 727
by the Regional Body. The Council shall consider any findings 728
resulting from such review. 729

Section 4.8. Prohibition of New or Increased Diversions. 730

All New or Increased Diversions are prohibited, except as provided 731
for in this Article. 732

Section 4.9. Exceptions to the Prohibition of Diversions. 733

1. Straddling Communities. A Proposal to transfer Water to an area 734
within a Straddling Community but outside the Basin or 735
outside the Source Great Lake Watershed shall be excepted 736

- from the prohibition against Diversions and be managed and 737
regulated by the Originating Party provided that, regardless 738
of the volume of Water transferred, all the Water so 739
transferred shall be used solely for Public Water Supply 740
Purposes within the Straddling Community, and: 741
- a. All Water Withdrawn from the Basin shall be returned, either 742
naturally or after use, to the Source Watershed less an 743
allowance for Consumptive Use. No surface water or 744
groundwater from outside the Basin may be used to satisfy any 745
portion of this criterion except if it: 746
- i. Is part of a water supply or wastewater treatment system that 747
combines water from inside and outside of the Basin; 748
- ii. Is treated to meet applicable water quality discharge 749
standards and to prevent the introduction of invasive species 750
into the Basin; 751
- iii. Maximizes the portion of water returned to the Source 752
Watershed as Basin Water and minimizes the surface water or 753
groundwater from outside the Basin; 754
- b. If the Proposal results from a New or Increased Withdrawal of 755
100,000 gallons per day or greater average over any 90-day 756
period, the Proposal shall also meet the Exception Standard; 757
and, 758
- c. If the Proposal results in a New or Increased Consumptive Use 759
of 5 million gallons per day or greater average over any 760
90-day period, the Proposal shall also undergo Regional 761
Review. 762
2. Intra-Basin Transfer. A Proposal for an Intra-Basin Transfer 763
that would be considered a Diversion under this Compact, and 764
not already excepted pursuant to Paragraph 1 of this Section, 765
shall be excepted from the prohibition against Diversions, 766
provided that: 767

- a. If the Proposal results from a New or Increased Withdrawal of less than 100,000 gallons per day average over any 90-day period, the Proposal shall be subject to management and regulation at the discretion of the Originating Party. 768
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- b. If the Proposal results from a New or Increased Withdrawal of 100,000 gallons per day or greater average over any 90-day period and if the Consumptive Use resulting from the Withdrawal is less than 5 million gallons per day average over any 90-day period: 772
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- i. The Proposal shall meet the Exception Standard and be subject to management and regulation by the Originating Party, except that the Water may be returned to another Great Lake watershed rather than the Source Watershed; 777
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- ii. The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the Water will be transferred, including conservation of existing water supplies; and, 781
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- iii. The Originating Party shall provide notice to the other Parties prior to making any decision with respect to the Proposal. 786
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- c. If the Proposal results in a New or Increased Consumptive Use of 5 million gallons per day or greater average over any 90-day period: 789
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- i. The Proposal shall be subject to management and regulation by the Originating Party and shall meet the Exception Standard, ensuring that Water Withdrawn shall be returned to the Source Watershed; 792
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- ii. The Applicant shall demonstrate that there is no feasible, cost effective, and environmentally sound water supply alternative within the Great Lake watershed to which the 796
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<u>Water will be transferred, including conservation of existing</u>	799
<u>water supplies;</u>	800
<u>iii. The Proposal undergoes Regional Review; and,</u>	801
<u>iv. The Proposal is approved by the Council. Council approval</u>	802
<u>shall be given unless one or more Council members vote to</u>	803
<u>disapprove.</u>	804
<u>3. Straddling Counties. A Proposal to transfer Water to a</u>	805
<u>Community within a Straddling County that would be considered</u>	806
<u>a Diversion under this Compact shall be excepted from the</u>	807
<u>prohibition against Diversions, provided that it satisfies</u>	808
<u>all of the following conditions:</u>	809
<u>a. The Water shall be used solely for the Public Water Supply</u>	810
<u>Purposes of the Community within a Straddling County that is</u>	811
<u>without adequate supplies of potable water;</u>	812
<u>b. The Proposal meets the Exception Standard, maximizing the</u>	813
<u>portion of water returned to the Source Watershed as Basin</u>	814
<u>Water and minimizing the surface water or groundwater from</u>	815
<u>outside the Basin;</u>	816
<u>c. The Proposal shall be subject to management and regulation by</u>	817
<u>the Originating Party, regardless of its size;</u>	818
<u>d. There is no reasonable water supply alternative within the</u>	819
<u>Basin in which the community is located, including</u>	820
<u>conservation of existing water supplies;</u>	821
<u>e. Caution shall be used in determining whether or not the</u>	822
<u>Proposal meets the conditions for this Exception. This</u>	823
<u>Exception should not be authorized unless it can be shown</u>	824
<u>that it will not endanger the integrity of the Basin</u>	825
<u>Ecosystem;</u>	826
<u>f. The Proposal undergoes Regional Review; and,</u>	827
<u>g. The Proposal is approved by the Council. Council approval shall</u>	828

be given unless one or more Council members vote to 829
disapprove. 830

A Proposal must satisfy all of the conditions listed above. 831
Further, substantive consideration will also be given to whether 832
or not the Proposal can provide sufficient scientifically based 833
evidence that the existing water supply is derived from 834
groundwater that is hydrologically interconnected to Waters of the 835
Basin. 836

4. Exception Standard. Proposals subject to management and 837
regulation in this Section shall be declared to meet this 838
Exception Standard and may be approved as appropriate only 839
when the following criteria are met: 840

a. The need for all or part of the proposed Exception cannot be 841
reasonably avoided through the efficient use and conservation 842
of existing water supplies; 843

b. The Exception will be limited to quantities that are considered 844
reasonable for the purposes for which it is proposed; 845

c. All Water Withdrawn shall be returned, either naturally or 846
after use, to the Source Watershed less an allowance for 847
Consumptive Use. No surface water or groundwater from outside 848
the Basin may be used to satisfy any portion of this 849
criterion except if it: 850

i. Is part of a water supply or wastewater treatment system that 851
combines water from inside and outside of the Basin; 852

ii. Is treated to meet applicable water quality discharge 853
standards and to prevent the introduction of invasive species 854
into the Basin; 855

d. The Exception will be implemented so as to ensure that it will 856
result in no significant individual or cumulative adverse 857
impacts to the quantity or quality of the Waters and Water 858

<u>Dependent Natural Resources of the Basin with consideration</u>	859
<u>given to the potential Cumulative Impacts of any</u>	860
<u>precedent-setting consequences associated with the Proposal;</u>	861
<u>e. The Exception will be implemented so as to incorporate</u>	862
<u>Environmentally Sound and Economically Feasible Water</u>	863
<u>Conservation Measures to minimize Water Withdrawals or</u>	864
<u>Consumptive Use;</u>	865
<u>f. The Exception will be implemented so as to ensure that it is in</u>	866
<u>compliance with all applicable municipal, State and federal</u>	867
<u>laws as well as regional interstate and international</u>	868
<u>agreements, including the Boundary Waters Treaty of 1909;</u>	869
<u>and,</u>	870
<u>g. All other applicable criteria in Section 4.9 have also been</u>	871
<u>met.</u>	872
<u>Section 4.10. Management and Regulation of New or Increased</u>	873
<u>Withdrawals and Consumptive Uses.</u>	874
<u>1. Within five years of the effective date of this Compact, each</u>	875
<u>Party shall create a program for the management and</u>	876
<u>regulation of New or Increased Withdrawals and Consumptive</u>	877
<u>Uses by adopting and implementing Measures consistent with</u>	878
<u>the Decision-Making Standard. Each Party, through a</u>	879
<u>considered process, shall set and may modify threshold levels</u>	880
<u>for the regulation of New or Increased Withdrawals in order</u>	881
<u>to assure an effective and efficient Water management program</u>	882
<u>that will ensure that uses overall are reasonable, that</u>	883
<u>Withdrawals overall will not result in significant impacts to</u>	884
<u>the Waters and Water Dependent Natural Resources of the</u>	885
<u>Basin, determined on the basis of significant impacts to the</u>	886
<u>physical, chemical, and biological integrity of Source</u>	887
<u>Watersheds, and that all other objectives of the Compact are</u>	888
<u>achieved. Each Party may determine the scope and thresholds</u>	889

of its program, including which New or Increased Withdrawals 890
and Consumptive Uses will be subject to the program. 891

2. Any Party that fails to set threshold levels that comply with 892
Section 4.10.1 any time before ten years after the effective 893
date of this Compact shall apply a threshold level for 894
management and regulation of all New or Increased Withdrawals 895
of 100,000 gallons per day or greater average in any 90-day 896
period. 897

3. The Parties intend programs for New or Increased Withdrawals 898
and Consumptive Uses to evolve as may be necessary to protect 899
Basin Waters. Pursuant to Section 3.4, the Council, in 900
cooperation with the Provinces, shall periodically assess the 901
Water management programs of the Parties. Such assessments 902
may produce recommendations for the strengthening of the 903
programs, including without limitation, establishing lower 904
thresholds for management and regulation in accordance with 905
the Decision-Making Standard. 906

Section 4.11. Decision-Making Standard. 907

Proposals subject to management and regulation in Section 4.10 908
shall be declared to meet this Decision-Making Standard and 909
may be approved as appropriate only when the following 910
criteria are met: 911

1. All Water Withdrawn shall be returned, either naturally or 912
after use, to the Source Watershed less an allowance for 913
Consumptive Use; 914

2. The Withdrawal or Consumptive Use will be implemented so as to 915
ensure that the Proposal will result in no significant 916
individual or cumulative adverse impacts to the quantity or 917
quality of the Waters and Water Dependent Natural Resources 918
and the applicable Source Watershed; 919

3. The Withdrawal or Consumptive Use will be implemented so as to 920

<u>incorporate Environmentally Sound and Economically Feasible</u>	921
<u>Water Conservation Measures;</u>	922
<u>4. The Withdrawal or Consumptive Use will be implemented so as to</u>	923
<u>ensure that it is in compliance with all applicable</u>	924
<u>municipal, State and federal laws as well as regional</u>	925
<u>interstate and international agreements, including the</u>	926
<u>Boundary Waters Treaty of 1909;</u>	927
<u>5. The proposed use is reasonable, based upon a consideration of</u>	928
<u>the following factors:</u>	929
<u>a. Whether the proposed Withdrawal or Consumptive Use is planned</u>	930
<u>in a fashion that provides for efficient use of the Water,</u>	931
<u>and will avoid or minimize the waste of Water;</u>	932
<u>b. If the Proposal is for an increased Withdrawal or Consumptive</u>	933
<u>Use, whether efficient use is made of existing water</u>	934
<u>supplies;</u>	935
<u>c. The balance between economic development, social development</u>	936
<u>and environmental protection of the proposed Withdrawal and</u>	937
<u>use and other existing or planned withdrawals and water uses</u>	938
<u>sharing the Water source;</u>	939
<u>d. The supply potential of the Water source, considering quantity,</u>	940
<u>quality and reliability and safe yield of hydrologically</u>	941
<u>interconnected water sources;</u>	942
<u>e. The probable degree and duration of any adverse impacts caused</u>	943
<u>or expected to be caused by the proposed Withdrawal and use</u>	944
<u>under foreseeable conditions, to other lawful consumptive or</u>	945
<u>non-consumptive uses of water or to the quantity or quality</u>	946
<u>of the Waters and Water Dependent Natural Resources of the</u>	947
<u>Basin, and the proposed plans and arrangements for avoidance</u>	948
<u>or mitigation of such impacts; and,</u>	949
<u>f. If a Proposal includes restoration of hydrologic conditions and</u>	950

functions of the Source Watershed, the Party may consider 951
that. 952

Section 4.12. Applicability. 953

1. Minimum Standard. This Standard of Review and Decision shall be 954
used as a minimum standard. Parties may impose a more 955
restrictive decision-making standard for Withdrawals under 956
their authority. It is also acknowledged that although a 957
Proposal meets the Standard of Review and Decision it may not 958
be approved under the laws of the Originating Party that has 959
implemented more restrictive Measures. 960

2. Baseline. 961

a. To establish a baseline for determining a New or Increased 962
Diversion, Consumptive Use or Withdrawal, each Party shall 963
develop either or both of the following lists for their 964
jurisdiction: 965

i. A list of existing Withdrawal approvals as of the effective 966
date of the Compact; 967

ii. A list of the capacity of existing systems as of the effective 968
date of this Compact. The capacity of the existing systems 969
should be presented in terms of Withdrawal capacity, 970
treatment capacity, distribution capacity, or other capacity 971
limiting factors. The capacity of the existing systems must 972
represent the state of the systems. Existing capacity 973
determinations shall be based upon approval limits or the 974
most restrictive capacity information. 975

For all purposes of this Compact, volumes of Diversions, 976
Consumptive Uses, or Withdrawals of Water set forth in the 977
list(s) prepared by each Party in accordance with this 978
Section, shall constitute the baseline volume. 979

c. The list(s) shall be furnished to the Regional Body and the 980

<u>Council within one year of the effective date of this</u>	981
<u>Compact.</u>	982
<u>3. Timing of Additional Applications. Applications for New or</u>	983
<u>Increased Withdrawals, Consumptive Uses or Exceptions shall</u>	984
<u>be considered cumulatively within ten years of any</u>	985
<u>application.</u>	986
<u>4. Change of Ownership. Unless a new owner proposes a project that</u>	987
<u>shall result in a Proposal for a New or Increased Diversion</u>	988
<u>or Consumptive Use subject to Regional Review or Council</u>	989
<u>approval, the change of ownership in and of itself shall not</u>	990
<u>require Regional Review or Council approval.</u>	991
<u>5. Groundwater. The Basin surface water divide shall be used for</u>	992
<u>the purpose of managing and regulating New or Increased</u>	993
<u>Diversions, Consumptive Uses or Withdrawals of surface water</u>	994
<u>and groundwater.</u>	995
<u>6. Withdrawal Systems. The total volume of surface water and</u>	996
<u>groundwater resources that supply a common distribution</u>	997
<u>system shall determine the volume of a Withdrawal,</u>	998
<u>Consumptive Use or Diversion.</u>	999
<u>7. Connecting Channels. The watershed of each Great Lake shall</u>	1000
<u>include its upstream and downstream connecting channels.</u>	1001
<u>8. Transmission in Water Lines. Transmission of Water within a</u>	1002
<u>line that extends outside the Basin as it conveys Water from</u>	1003
<u>one point to another within the Basin shall not be considered</u>	1004
<u>a Diversion if none of the Water is used outside the Basin.</u>	1005
<u>9. Hydrologic Units. The Lake Michigan and Lake Huron watersheds</u>	1006
<u>shall be considered to be a single hydrologic unit and</u>	1007
<u>watershed.</u>	1008
<u>10. Bulk Water Transfer. A Proposal to Withdraw Water and to</u>	1009
<u>remove it from the Basin in any container greater than 5.7</u>	1010

gallons shall be treated under this Compact in the same 1011
manner as a Proposal for a Diversion. Each Party shall have 1012
the discretion, within its jurisdiction, to determine the 1013
treatment of Proposals to Withdraw Water and to remove it 1014
from the Basin in any container of 5.7 gallons or less. 1015

Section 4.13. Exemptions. 1016

Withdrawals from the Basin for the following purposes are exempt 1017
from the requirements of Article 4: 1018

1. To supply vehicles, including vessels and aircraft, whether for 1019
the needs of the persons or animals being transported or for 1020
ballast or other needs related to the operation of the 1021
vehicles. 1022

2. To use in a non-commercial project on a short-term basis for 1023
firefighting, humanitarian, or emergency response purposes. 1024

Section 4.14. U.S. Supreme Court Decree: *Wisconsin et al. v.* 1025
Illinois et al. 1026

1. Notwithstanding any terms of this Compact to the contrary, with 1027
the exception of Paragraph 5 of this Section, current, New or 1028
Increased Withdrawals, Consumptive Uses and Diversions of 1029
Basin Water by the State of Illinois shall be governed by the 1030
terms of the United States Supreme Court decree in *Wisconsin* 1031
et al. v. Illinois et al. and shall not be subject to the 1032
terms of this Compact nor any rules or regulations 1033
promulgated pursuant to this Compact. This means that, with 1034
the exception of Paragraph 5 of this Section, for purposes of 1035
this Compact, current, New or Increased Withdrawals, 1036
Consumptive Uses and Diversions of Basin Water within the 1037
State of Illinois shall be allowed unless prohibited by the 1038
terms of the United States Supreme Court decree in *Wisconsin* 1039
et al. v. Illinois et al. 1040

2. The Parties acknowledge that the United States Supreme Court 1041

decree in *Wisconsin et al. v. Illinois et al.* shall continue 1042
in full force and effect, that this Compact shall not modify 1043
any terms thereof and that this Compact shall grant the 1044
parties no additional rights, obligations, remedies or 1045
defenses thereto. The Parties specifically acknowledge that 1046
this Compact shall not prohibit or limit the State of 1047
Illinois in any manner from seeking additional Basin Water as 1048
allowed under the terms of the United States Supreme Court 1049
decree in *Wisconsin et al. v. Illinois et al.*, any other 1050
party from objecting to any request by the State of Illinois 1051
for additional Basin Water under the terms of said decree, or 1052
any party from seeking any other type of modification to said 1053
decree. If an application is made by any party to the Supreme 1054
Court of the United States to modify said decree, the Parties 1055
to this Compact who are also parties to the decree shall seek 1056
formal input from the Canadian Provinces of Ontario and 1057
Quebec, with respect to the proposed modification, use best 1058
efforts to facilitate the appropriate participation of said 1059
Provinces in the proceedings to modify the decree, and shall 1060
not unreasonably impede or restrict such participation. 1061

3. With the exception of Paragraph 5 of this Section, because 1062
current, New or Increased Withdrawals, Consumptive Uses and 1063
Diversions of Basin Water by the State of Illinois are not 1064
subject to the terms of this Compact, the State of Illinois 1065
is prohibited from using any term of this Compact, including 1066
Section 4.9, to seek New or Increased Withdrawals, 1067
Consumptive Uses or Diversions of Basin Water. 1068

4. With the exception of Paragraph 5 of this Section, because 1069
Sections 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12 1070
(Paragraphs 1, 2, 3, 4, 6 and 10 only) and 4.13 of this 1071
Compact all relate to current, New or Increased Withdrawals, 1072
Consumptive Uses and Diversions of Basin Waters, said 1073

provisions do not apply to the State of Illinois. All other 1074
provisions of this Compact not listed in the preceding 1075
sentence shall apply to the State of Illinois, including the 1076
Water Conservation Programs provision of Section 4.2. 1077

5. In the event of a Proposal for a Diversion of Basin Water for 1078
use outside the territorial boundaries of the Parties to this 1079
Compact, decisions by the State of Illinois regarding such a 1080
Proposal would be subject to all terms of this Compact, 1081
except Paragraphs 1, 3 and 4 of this Section. 1082

6. For purposes of the State of Illinois' participation in this 1083
Compact, the entirety of this Section 4.14 is necessary for 1084
the continued implementation of this Compact and, if severed, 1085
this Compact shall no longer be binding on or enforceable by 1086
or against the State of Illinois. 1087

Section 4.15. Assessment of Cumulative Impacts. 1088
1089

1. The Parties in cooperation with the Provinces shall 1090
collectively conduct within the Basin, on a Great Lake 1091
watershed and St. Lawrence River Basin basis, a periodic 1092
assessment of the Cumulative Impacts of Withdrawals, 1093
Diversions and Consumptive Uses from the Waters of the Basin, 1094
every five years or each time the incremental Basin Water 1095
losses reach 50 million gallons per day average in any 90-day 1096
period in excess of the quantity at the time of the most 1097
recent assessment, whichever comes first, or at the request 1098
of one or more of the Parties. The assessment shall form the 1099
basis for a review of the Standard of Review and Decision, 1100
Council and Party regulations and their application. This 1101
assessment shall: 1102

a. Utilize the most current and appropriate guidelines for such a 1103
review, which may include but not be limited to Council on 1104

- Environmental Quality and Environment Canada guidelines; 1105
- b. Give substantive consideration to climate change or other 1106
significant threats to Basin Waters and take into account the 1107
current state of scientific knowledge, or uncertainty, and 1108
appropriate Measures to exercise caution in cases of 1109
uncertainty if serious damage may result; 1110
- c. Consider Adaptive Management principles and approaches, 1111
recognizing, considering and providing adjustments for the 1112
uncertainties in, and evolution of science concerning the 1113
Basin's Water resources, watersheds and Ecosystems, including 1114
potential changes to Basin-wide processes, such as lake level 1115
cycles and climate. 1116
2. The Parties have the responsibility of conducting this 1117
Cumulative Impact assessment. Applicants are not required to 1118
participate in this assessment. 1119
3. Unless required by other statutes, Applicants are not required 1120
to conduct a separate Cumulative Impact assessment in 1121
connection with an Application but shall submit information 1122
about the potential impacts of a Proposal to the quantity or 1123
quality of the Waters and Water Dependent Natural Resources 1124
of the applicable Source Watershed. An Applicant may, 1125
however, provide an analysis of how their Proposal meets the 1126
no significant adverse Cumulative Impact provision of the 1127
Standard of Review and Decision. 1128

ARTICLE 5 1129

TRIBAL CONSULTATION 1130

- Section 5.1. Consultation with Tribes.** 1131
1. In addition to all other opportunities to comment pursuant to 1132
Section 6.2, appropriate consultations shall occur with 1133
federally recognized Tribes in the Originating Party for all 1134
Proposals subject to Council or Regional Review pursuant to 1135

this Compact. Such consultations shall be organized in the 1136
manner suitable to the individual Proposal and the laws and 1137
policies of the Originating Party. 1138

2. All federally recognized Tribes within the Basin shall receive 1139
reasonable notice indicating that they have an opportunity to 1140
comment in writing to the Council or the Regional Body, or 1141
both, and other relevant organizations on whether the 1142
Proposal meets the requirements of the Standard of Review and 1143
Decision when a Proposal is subject to Regional Review or 1144
Council approval. Any notice from the Council shall inform 1145
the Tribes of any meeting or hearing that is to be held under 1146
Section 6.2 and invite them to attend. The Parties and the 1147
Council shall consider the comments received under this 1148
Section before approving, approving with modifications or 1149
disapproving any Proposal subject to Council or Regional 1150
Review. 1151

3. In addition to the specific consultation mechanisms described 1152
above, the Council shall seek to establish mutually agreed 1153
upon mechanisms or processes to facilitate dialogue with, and 1154
input from federally recognized Tribes on matters to be dealt 1155
with by the Council; and, the Council shall seek to establish 1156
mechanisms and processes with federally recognized Tribes 1157
designed to facilitate on-going scientific and technical 1158
interaction and data exchange regarding matters falling 1159
within the scope of this Compact. This may include 1160
participation of tribal representatives on advisory 1161
committees established under this Compact or such other 1162
processes that are mutually-agreed upon with federally 1163
recognized Tribes individually or through duly-authorized 1164
intertribal agencies or bodies. 1165

ARTICLE 6 1166

PUBLIC PARTICIPATION 1167

Section 6.1. Meetings, Public Hearings and Records. 1168

1. The Parties recognize the importance and necessity of public participation in promoting management of the Water Resources of the Basin. Consequently, all meetings of the Council shall be open to the public, except with respect to issues of personnel. 1169
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2. The minutes of the Council shall be a public record open to inspection at its offices during regular business hours. 1174
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Section 6.2. Public Participation. 1176

It is the intent of the Council to conduct public participation processes concurrently and jointly with processes undertaken by the Parties and through Regional Review. To ensure adequate public participation, each Party or the Council shall ensure procedures for the review of Proposals subject to the Standard of Review and Decision consistent with the following requirements: 1177
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1. Provide public notification of receipt of all Applications and a reasonable opportunity for the public to submit comments before Applications are acted upon. 1183
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2. Assure public accessibility to all documents relevant to an Application, including public comment received. 1186
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3. Provide guidance on standards for determining whether to conduct a public meeting or hearing for an Application, time and place of such a meeting(s) or hearing(s), and procedures for conducting of the same. 1188
1189
1190
1191

4. Provide the record of decision for public inspection including comments, objections, responses and approvals, approvals with conditions and disapprovals. 1192
1193
1194

ARTICLE 7 1195

DISPUTE RESOLUTION AND ENFORCEMENT 1196

Section 7.1. Good Faith Implementation. 1197

Each of the Parties pledges to support implementation of all 1198
provisions of this Compact, and covenants that its officers and 1199
agencies shall not hinder, impair or prevent any other Party 1200
carrying out any provision of this Compact. 1201

Section 7.2. Alternative Dispute Resolution. 1202

1. Desiring that this Compact be carried out in full, the Parties 1203
agree that disputes between the Parties regarding 1204
interpretation, application and implementation of this 1205
Compact shall be settled by alternative dispute resolution. 1206

2. The Council, in consultation with the Provinces, shall provide 1207
by rule procedures for the resolution of disputes pursuant to 1208
this section. 1209

Section 7.3. Enforcement. 1210

1. Any Person aggrieved by any action taken by the Council 1211
pursuant to the authorities contained in this Compact shall 1212
be entitled to a hearing before the Council. Any Person 1213
aggrieved by a Party action shall be entitled to a hearing 1214
pursuant to the relevant Party's administrative procedures 1215
and laws. After exhaustion of such administrative remedies, 1216
(i) any aggrieved Person shall have the right to judicial 1217
review of a Council action in the United States District 1218
Court for the District of Columbia or the District Court in 1219
which the Council maintains offices, provided such action is 1220
commenced within 90 days; and, (ii) any aggrieved Person 1221
shall have the right to judicial review of a Party's action 1222
in the relevant Party's court of competent jurisdiction, 1223
provided that an action or proceeding for such review is 1224
commenced within the time frames provided for by the Party's 1225
law. For the purposes of this paragraph, a State or Province 1226
is deemed to be an aggrieved Person with respect to any Party 1227
action pursuant to this Compact. 1228

<u>2.a. Any Party or the Council may initiate actions to compel</u>	1229
<u>compliance with the provisions of this Compact, and the rules</u>	1230
<u>and regulations promulgated hereunder by the Council.</u>	1231
<u>Jurisdiction over such actions is granted to the court of the</u>	1232
<u>relevant Party, as well as the United States District Court</u>	1233
<u>for the District of Columbia and the District Court in which</u>	1234
<u>the Council maintains offices. The remedies available to any</u>	1235
<u>such court shall include, but not be limited to, equitable</u>	1236
<u>relief and civil penalties.</u>	1237
<u>b. Each Party may issue orders within its respective jurisdiction</u>	1238
<u>and may initiate actions to compel compliance with the</u>	1239
<u>provisions of its respective statutes and regulations adopted</u>	1240
<u>to implement the authorities contemplated by this Compact in</u>	1241
<u>accordance with the provisions of the laws adopted in each</u>	1242
<u>Party's jurisdiction.</u>	1243
<u>3. Any aggrieved Person, Party or the Council may commence a civil</u>	1244
<u>action in the relevant Party's courts and administrative</u>	1245
<u>systems to compel any Person to comply with this Compact</u>	1246
<u>should any such Person, without approval having been given,</u>	1247
<u>undertake a New or Increased Withdrawal, Consumptive Use or</u>	1248
<u>Diversion that is prohibited or subject to approval pursuant</u>	1249
<u>to this Compact.</u>	1250
<u>a. No action under this subsection may be commenced if:</u>	1251
<u>i. The Originating Party or Council approval for the New or</u>	1252
<u>Increased Withdrawal, Consumptive Use or Diversion has been</u>	1253
<u>granted; or,</u>	1254
<u>ii. The Originating Party or Council has found that the New or</u>	1255
<u>Increased Withdrawal, Consumptive Use or Diversion is not</u>	1256
<u>subject to approval pursuant to this Compact.</u>	1257
<u>b. No action under this subsection may be commenced unless:</u>	1258
<u>i. A Person commencing such action has first given 60 days' prior</u>	1259

<u>notice to the Originating Party, the Council and Person</u>	1260
<u>alleged to be in noncompliance; and,</u>	1261
<u>ii. Neither the Originating Party nor the Council has commenced</u>	1262
<u>and is diligently prosecuting appropriate enforcement actions</u>	1263
<u>to compel compliance with this Compact.</u>	1264
<u>The available remedies shall include equitable relief, and the</u>	1265
<u>prevailing or substantially prevailing party may recover the costs</u>	1266
<u>of litigation, including reasonable attorney and expert witness</u>	1267
<u>fees, whenever the court determines that such an award is</u>	1268
<u>appropriate.</u>	1269
<u>4. Each of the Parties may adopt provisions providing additional</u>	1270
<u>enforcement mechanisms and remedies including equitable</u>	1271
<u>relief and civil penalties applicable within its jurisdiction</u>	1272
<u>to assist in the implementation of this Compact.</u>	1273
<u>ARTICLE 8</u>	1274
<u>ADDITIONAL PROVISIONS</u>	1275
<u>Section 8.1. Effect on Existing Rights.</u>	1276
<u>1. Nothing in this Compact shall be construed to affect, limit,</u>	1277
<u>diminish or impair any rights validly established and</u>	1278
<u>existing as of the effective date of this Compact under State</u>	1279
<u>or federal law governing the Withdrawal of Waters of the</u>	1280
<u>Basin.</u>	1281
<u>2. Nothing contained in this Compact shall be construed as</u>	1282
<u>affecting or intending to affect or in any way to interfere</u>	1283
<u>with the law of the respective Parties relating to common law</u>	1284
<u>Water rights.</u>	1285
<u>3. Nothing in this Compact is intended to abrogate or derogate</u>	1286
<u>from treaty rights or rights held by any Tribe recognized by</u>	1287
<u>the federal government of the United States based upon its</u>	1288
<u>status as a Tribe recognized by the federal government of the</u>	1289
<u>United States.</u>	1290

4. An approval by a Party or the Council under this Compact does 1291
not give any property rights, nor any exclusive privileges, 1292
nor shall it be construed to grant or confer any right, 1293
title, easement or interest in, to or over any land belonging 1294
to or held in trust by a Party; neither does it authorize any 1295
injury to private property or invasion of private rights, nor 1296
infringement of federal, State or local laws or regulations; 1297
nor does it obviate the necessity of obtaining federal assent 1298
when necessary. 1299

Section 8.2. Relationship to Agreements Concluded by the United 1300
States of America. 1301

1. Nothing in this Compact is intended to provide nor shall be 1302
construed to provide, directly or indirectly, to any Person 1303
any right, claim or remedy under any treaty or international 1304
agreement nor is it intended to derogate any right, claim or 1305
remedy that already exists under any treaty or international 1306
agreement. 1307

2. Nothing in this Compact is intended to infringe nor shall be 1308
construed to infringe upon the treaty power of the United 1309
States of America, nor shall any term hereof be construed to 1310
alter or amend any treaty or term thereof that has been or 1311
may hereafter be executed by the United States of America. 1312

3. Nothing in this Compact is intended to affect nor shall be 1313
construed to affect the application of the Boundary Waters 1314
Treaty of 1909 whose requirements continue to apply in 1315
addition to the requirements of this Compact. 1316

Section 8.3. Confidentiality. 1317

1. Nothing in this Compact requires a Party to breach 1318
confidentiality obligations or requirements prohibiting 1319
disclosure, or to compromise security of commercially 1320
sensitive or proprietary information. 1321

2. A Party may take measures, including but not limited to 1322
deletion and redaction, deemed necessary to protect any 1323
confidential, proprietary or commercially sensitive 1324
information when distributing information to other Parties. 1325
The Party shall summarize or paraphrase any such information 1326
in a manner sufficient for the Council to exercise its 1327
authorities contained in this Compact. 1328

Section 8.4. Additional Laws. 1329

Nothing in this Compact shall be construed to repeal, modify or 1330
qualify the authority of any Party to enact any legislation or 1331
enforce any additional conditions and restrictions regarding the 1332
management and regulation of Waters within its jurisdiction. 1333

Section 8.5. Amendments and Supplements. 1334

The provisions of this Compact shall remain in full force and 1335
effect until amended by action of the governing bodies of the 1336
Parties and consented to and approved by any other necessary 1337
authority in the same manner as this Compact is required to be 1338
ratified to become effective. 1339

Section 8.6. Severability. 1340

Should a court of competent jurisdiction hold any part of this 1341
Compact to be void or unenforceable, it shall be considered 1342
severable from those portions of the Compact capable of continued 1343
implementation in the absence of the voided provisions. All other 1344
provisions capable of continued implementation shall continue in 1345
full force and effect. 1346

Section 8.7. Duration of Compact and Termination. 1347

Once effective, the Compact shall continue in force and remain 1348
binding upon each and every Party unless terminated. 1349

This Compact may be terminated at any time by a majority vote of 1350
the Parties. In the event of such termination, all rights 1351

established under it shall continue unimpaired. 1352

ARTICLE 9 1353

EFFECTUATION 1354

Section 9.1. Repealer. 1355

All acts and parts of acts inconsistent with this act are to the 1356
extent of such inconsistency hereby repealed. 1357

Section 9.2. Effectuation by Chief Executive. 1358

The Governor is authorized to take such action as may be necessary 1359
and proper in his or her discretion to effectuate the Compact and 1360
the initial organization and operation thereunder. 1361

Section 9.3. Entire Agreement. 1362

The Parties consider this Compact to be complete and an integral 1363
whole. Each provision of this Compact is considered material to 1364
the entire Compact, and failure to implement or adhere to any 1365
provision may be considered a material breach. Unless otherwise 1366
noted in this Compact, any change or amendment made to the Compact 1367
by any Party in its implementing legislation or by the U.S. 1368
Congress when giving its consent to this Compact is not considered 1369
effective unless concurred in by all Parties. 1370

Section 9.4. Effective Date and Execution. 1371

This Compact shall become binding and effective when ratified 1372
through concurring legislation by the states of Illinois, Indiana, 1373
Michigan, Minnesota, New York, Ohio and Wisconsin and the 1374
Commonwealth of Pennsylvania and consented to by the Congress of 1375
the United States. This Compact shall be signed and sealed in nine 1376
identical original copies by the respective chief executives of 1377
the signatory Parties. One such copy shall be filed with the 1378
Secretary of State of each of the signatory Parties or in 1379
accordance with the laws of the state in which the filing is made, 1380
and one copy shall be filed and retained in the archives of the 1381

Council upon its organization. The signatures shall be affixed and 1382
attested under the following form: 1383

In Witness Whereof, and in evidence of the adoption and enactment 1384
into law of this Compact by the legislatures of the signatory 1385
parties and consent by the Congress of the United States, the 1386
respective Governors do hereby, in accordance with the authority 1387
conferred by law, sign this Compact in nine duplicate original 1388
copies, attested by the respective Secretaries of State, and have 1389
caused the seals of the respective states to be hereunto affixed 1390
this _____ day of (month), (year). 1391

Sec. 1522.02. The governor, ex officio, shall serve as this 1392
state's administrator of the great lakes-st. Lawrence river basin 1393
water resources compact. The governor shall appoint the director 1394
of natural resources as the governor's alternate for purposes of 1395
attending all meetings of the great lakes-st. Lawrence river basin 1396
water resources council and voting on matters before the council 1397
in the governor's absence. 1398

The governor shall do all of the following as administrator: 1399

(A) Receive copies of all agreements that are entered into 1400
pursuant to the compact by this state or its political 1401
subdivisions and other states or their political subdivisions; 1402

(B) Consult with, advise, and aid this state, other states, 1403
and political subdivisions in the formulation of such agreements; 1404

(C) Make any recommendations to the general assembly, 1405
legislatures of other states, governmental agencies, and political 1406
subdivisions that the governor considers desirable in order to 1407
effectuate the purposes of the compact; 1408

(D) Consult with and cooperate with the compact 1409
administrators of other states that are parties to the compact. 1410

Sec. 1522.03. (A) Subject to the limitations established in 1411
division (B) of section 1522.05 of the Revised Code, the director 1412
of natural resources shall do both of the following: 1413

(1) Adopt rules in accordance with Chapter 119. of the 1414
Revised Code for the implementation, administration, and 1415
enforcement of this chapter; 1416

(2) Enforce the great lakes-st. Lawrence river basin water 1417
resources compact and take appropriate actions to effectuate its 1418
purposes and intent. 1419

(B) Subject to the limitations established in division (B) of 1420
section 1522.05 of the Revised Code, any appropriate state agency 1421
or governmental officer shall enforce the compact and take 1422
appropriate actions to effectuate its purpose and intent. 1423

Sec. 1522.04. (A) Prior to casting a vote under Section 3.1 1424
of the great lakes-st. Lawrence river basin water resources 1425
compact with respect to any regulation that amends or revises the 1426
standard of review and decision, the governor or the governor's 1427
alternate shall obtain authorization from the general assembly for 1428
the vote. The governor or the governor's alternate shall obtain 1429
the authorization via a concurrent resolution adopted or bill 1430
enacted by the general assembly. The governor or the governor's 1431
alternate shall exercise the vote consistent with the terms of the 1432
general assembly's authorization. The procedures established in 1433
this section are material requirements for adoption of any such 1434
regulation in accordance with Section 3.1 of the compact and 1435
Ohio's respective statutory authority and procedures. 1436

(B) No regulation duly adopted as provided for in Section 3.1 1437
of the compact that amends or revises the standard of review and 1438
decision as set forth in the compact may be adopted by the 1439
director of natural resources unless the regulation is first 1440

approved by the general assembly in the same manner as a statutory 1441
enactment. 1442

Sec. 1522.05. (A) Pursuant to Section 9.2 of the great 1443
lakes-st. Lawrence river basin water resources compact, the 1444
governor may take such actions as are necessary for the initial 1445
organization and operation of the great lakes-st. Lawrence river 1446
basin water resources council created in Section 2.1 of the 1447
compact. Agencies of the state are hereby authorized to cooperate 1448
with the council. 1449

(B)(1) The governor, the department of natural resources, or 1450
any other agency of the state shall not adopt rules or implement 1451
any program regulating the use, withdrawal, consumptive use, or 1452
diversion of water pursuant to Sections 4.10 and 4.12.2 of the 1453
compact unless the general assembly enacts legislation after the 1454
effective date of this section authorizing the implementation of 1455
the program or adoption of rules. 1456

In addition, the governor, the department of natural 1457
resources, or any other agency of the state shall not adopt rules 1458
or implement any mandatory program governing water conservation 1459
and efficiency pursuant to Section 4.2 of the compact unless the 1460
general assembly enacts legislation after the effective date of 1461
the compact authorizing the implementation of the program or 1462
adoption of rules. However, the governor, the department of 1463
natural resources, or any other agency of the state may adopt 1464
rules concerning and may implement voluntary water conservation 1465
and efficiency programs without authorization from the general 1466
assembly. Such voluntary programs shall not include any mandatory 1467
requirements. 1468

(2) Division (B)(1) of this section does not prohibit the 1469
effectuation of Sections 4.8 and 4.9 of the compact after the 1470
effective date of the compact or prohibit the continued 1471

implementation and enforcement by the governor or applicable 1472
agencies of this state of laws, rules, or programs regulating the 1473
use, withdrawal, consumptive use, or diversion of water that are 1474
in effect on or before the effective date of this section. 1475

Sec. 1522.06. It is the intent of the general assembly that 1476
any incorporation of water into a product that is produced within 1477
the great lakes-st. Lawrence river basin and packaged and intended 1478
for intermediate or end-use consumers, whether distributed inside 1479
or outside the basin, is a consumptive use and does not constitute 1480
a diversion for purposes of the great lakes-st. Lawrence river 1481
basin water resources compact. A proposal to withdraw water and 1482
remove it from the basin in a container greater than five and 1483
seven-tenths gallons in capacity shall be treated as a proposal 1484
for a diversion as provided under Section 4.12.10 of the great 1485
lakes-st. Lawrence river basin water resources compact. 1486

Sec. 1522.07. (A)(1) It is the intent of the general assembly 1487
that for purposes of establishing the baseline for determining a 1488
new or increased diversion, consumptive use, or withdrawal 1489
pursuant to Section 4.12.2 of the great lakes-st. Lawrence river 1490
basin water resources compact, the amount of each existing 1491
diversion, consumptive use, or withdrawal shall be the larger of 1492
either of the following: 1493

(a) The applicable limitation specified in a permit issued 1494
under section 1501.32, 1501.33, or 1501.34 of the Revised Code or 1495
another permit issued by an agency of the state that specifically 1496
regulates and limits the amount of a water diversion, consumptive 1497
use, or withdrawal; 1498

(b) The physical capacity of the withdrawal system of the 1499
applicable facility as of the effective date of the great 1500
lakes-st. Lawrence river basin water resources compact. 1501

(2) For purposes of division (A)(1) of this section, both of 1502
the following apply: 1503

(a) A wastewater discharge permit issued under Chapter 6111. 1504
of the Revised Code or the Federal Water Pollution Control Act as 1505
defined in section 6111.01 of the Revised Code shall not be 1506
considered a permit that regulates or limits the amount of an 1507
existing diversion, consumptive use, or withdrawal. 1508

(b) Approval of a public water supply system under Chapter 1509
6109. of the Revised Code shall not be considered a permit that 1510
regulates or limits the amount of an existing diversion, 1511
consumptive use, or withdrawal unless the approval contains a 1512
specific and legally enforceable limitation on the amount of the 1513
diversion, consumptive use, or withdrawal. 1514

(B)(1) It is the understanding and intent of the general 1515
assembly that Section 4.11.2 of the great lakes-st. Lawrence river 1516
basin water resources compact as enacted in section 1522.01 of the 1517
Revised Code shall be interpreted to require that a withdrawal or 1518
consumptive use will be implemented so as to ensure that the 1519
withdrawal or consumptive use will result in no significant 1520
individual or cumulative adverse impacts on the quantity or 1521
quality of the waters and water dependent natural resources of 1522
either of the following: 1523

(a) The basin considered as a whole; 1524

(b) The applicable source watershed of lake Erie considered 1525
as a whole. 1526

(2) In addition, it is the understanding and intent of the 1527
general assembly that impacts of a withdrawal or consumptive use 1528
on the quantity or quality of waters and water dependent natural 1529
resources of more localized areas that affect less than the basin 1530
or an applicable source watershed as a whole are to be considered 1531
a part of the evaluation of reasonable use as provided in Section 1532

4.11.5 of the compact. 1533

The governor and the governor's alternate on the great lakes-st. Lawrence river basin water resources council shall advise the council, the other states that are proposed parties to the compact, and the United States congress with respect to the understanding and statement of legislative intent set forth in division (B) of this section and shall inform them that such understanding and intent are a material consideration to the general assembly's concurrence in the great lakes-st. Lawrence river basin water resources compact. Prior to seeking the consent of the United States congress to the compact, the governor and the governor's alternate on the council shall actively seek the concurrence of the council and the other state parties to the compact with respect to the understanding and legislative intent set forth in division (B) of this section, and the governor shall report to the general assembly periodically concerning those efforts. 1534
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Sec. 1522.08. (A) It is the intent and understanding of the general assembly that the enactment of the great lakes-st. Lawrence river basin water resources compact and its implementation in this state do not and shall not in any manner abrogate any private property rights established under the Revised Code or the common law of this state. In addition, it is the intent and understanding of the general assembly that the enactment of the great lakes-st. Lawrence river basin water resources compact does not confer or extend any public trust rights and does not confer any proprietary ownership rights to the state or any public entity over the ground water or surface water in the great lakes-st. Lawrence river basin in this state. 1550
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(B) It is the intent and understanding of the general assembly that the great lakes-st. Lawrence river basin water 1562
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resources compact does not create any cause of action that may be 1564
brought against any person beyond those causes of action that are 1565
specifically authorized under Section 7.3 of the compact. 1566

Section 2. It is the intent of the General Assembly that on 1567
the effective date of the Great Lakes-St. Lawrence River Basin 1568
Water Resources Compact, as that date is specified in Section 9.4 1569
of the Compact as enacted in section 1522.01 of the Revised Code 1570
by this act, both of the following apply: 1571

(A) All provisions of the Revised Code that were inconsistent 1572
with the Compact prior to the effective date of the Compact shall 1573
have been amended or repealed in order to conform with the Compact 1574
in accordance with section 9.1 of the Compact. 1575

(B) Sections 1521.15 and 1521.16 of the Revised Code, as they 1576
exist on the effective date of this act or as subsequently 1577
amended, shall be used to implement Section 4.1 of the Compact. 1578

Section 3. (A) Not later than three months after the 1579
effective date of this section, the Director of Natural Resources 1580
shall convene an advisory board consisting of the following 1581
persons with an interest in the Great Lakes-St. Lawrence River 1582
Basin Water Resources Compact: 1583

(1) The Director of Natural Resources or the Director's 1584
designee, who shall serve as chairperson of the advisory board; 1585

(2) The Director of Environmental Protection or the 1586
Director's designee; 1587

(3) The Director of Development or the Director's designee; 1588

(4) The following members appointed by the Governor: 1589

(a) One water quality expert from the faculty or staff of an 1590
Ohio college or university; 1591

(b) One representative of a statewide environmental advocacy 1592

organization;	1593
(c) One representative of a local environmental advocacy organization in the Lake Erie Basin;	1594 1595
(d) One representative of a sustainable economic development organization in the Lake Erie Basin;	1596 1597
(e) One representative of the travel and tourism industry;	1598
(f) One representative of the electric utility industry;	1599
(g) One representative of a county government in the Lake Erie Basin.	1600 1601
(5) The following members appointed by the President of the Senate:	1602 1603
(a) Two members of the Senate who shall not be members of the same political party;	1604 1605
(b) One representative of the bottled water industry;	1606
(c) One representative of a statewide land conservation advocacy organization;	1607 1608
(d) One representative of agricultural interests in the Lake Erie Basin;	1609 1610
(e) One representative of the aggregates industry;	1611
(f) One representative of the pulp and paper industry;	1612
(g) One representative of a large manufacturer with a facility located within the Lake Erie Basin;	1613 1614
(h) One member of the public.	1615
(6) The following members appointed by the Speaker of the House of Representatives:	1616 1617
(a) Two members of the House of Representatives who shall not be members of the same political party;	1618 1619
(b) One representative of a municipal government in the Lake	1620

Erie Basin;	1621
(c) One expert in hydrogeology from the faculty or staff of an Ohio college or university;	1622 1623
(d) One representative of a locally based organization in the Lake Erie Basin that assists in the development and implementation of a plan for the protection and management of surface and ground water resources in a watershed;	1624 1625 1626 1627
(e) One representative of a fish and wildlife advocacy organization;	1628 1629
(f) One representative of residential developers;	1630
(g) One representative of the chemical industry;	1631
(h) One representative of the petroleum industry with a facility located within the Lake Erie Basin.	1632 1633
All appointments shall be made to the advisory board not later than thirty days after the effective date of this section. The advisory board shall meet on a regular basis. Vacancies on the advisory board shall be filled in the manner provided for original appointments. Members of the advisory board shall receive no compensation for serving on the board. The Department of Natural Resources shall provide technical support to the advisory board.	1634 1635 1636 1637 1638 1639 1640
(B) The advisory board shall be convened for the purpose of developing recommendations for legislation that is necessary to implement and effectuate the requirements and purposes of the Great Lakes-St. Lawrence River Basin Water Resources Compact. The recommendations shall address, but not be limited to, the following:	1641 1642 1643 1644 1645 1646
(1) The evaluation and recommendation of the threshold levels to be included in the implementing legislation for regulating new or increased water withdrawals in the state, considering at least all of the following:	1647 1648 1649 1650

(a) The number of withdrawals that will be regulated;	1651
(b) The relative impact of those withdrawals;	1652
(c) The practicality of regulating those withdrawals;	1653
(d) The alternatives that are available in the establishment of a permitting program in order to meet the water management objectives of this state.	1654 1655 1656
(2) The establishment of requirements regarding the review of lists of existing water users in the portion of the Great Lakes-St. Lawrence River Basin that is in this state;	1657 1658 1659
(3) The establishment of a process for use by persons that wish to appeal their inclusion in the list of existing water users;	1660 1661 1662
(4) The establishment of conservation objectives with respect to the Great Lakes-St. Lawrence River Basin Water Resources Compact and the development of the state's water conservation and efficiency programs;	1663 1664 1665 1666
(5) The method for determining the capacity of existing facilities as required in Section 4.12.2 of the Great Lakes-St. Lawrence River Basin Water Resources Compact.	1667 1668 1669
(C) The advisory board shall present its final recommendations to the Governor and the General Assembly not later than eighteen months after the effective date of this section. It is the intent of the General Assembly that the recommendations of the advisory board will represent a consensus of the board's members regarding the issues presented to and discussed by the board. However, if a consensus cannot be reached on any or all of the issues before the board, one or more minority opinions may accompany the recommendations of the board.	1670 1671 1672 1673 1674 1675 1676 1677 1678
(D) Upon submission of its recommendations under division (C) of this section, the advisory board shall cease to exist.	1679 1680

Section 4. If the state of Illinois, Indiana, Michigan, 1681
Minnesota, New York, or Wisconsin or the commonwealth of 1682
Pennsylvania fails to enact the Great Lakes-St. Lawrence River 1683
Basin Water Resources Compact not later than three years after the 1684
effective date of this section, Ohio reserves the right to 1685
reconsider its enactment of the Compact and, if necessary, repeal 1686
the Compact in its entirety. 1687

Section 5. Text that is italicized in the Great Lakes-St. 1688
Lawrence River Basin Water Resources Compact as presented in this 1689
act shall not be italicized but rather underlined in publications 1690
of the Compact. 1691

Section 6. Sections 1, 2, 3, 4, and 5 of this act take effect
December 8, 2008.

Summary of Water Withdrawal Registration Program

The Water Withdrawal Facilities Registration Program, as established in H.B. 662 by the Ohio General Assembly in 1988, requires the owner of a facility with the capacity to withdraw surface or ground water at a quantity greater than 100,000 gallons per day to register that facility with the Ohio Department of Natural Resources, Division of Water. Facilities that are not self-supplied (i.e. receive their water from an outside supplier) are exempt from reporting.

Facilities that meet the reporting requirement must fill-out a registration form provided by the Division of Water. In addition, registered facilities are mailed reporting forms for providing actual withdrawal volumes and return flows on a calendar year basis.

Data collection for this program began in 1990. These data are maintained as both paper files and as a MS Access Database. Any interested person may request copies of this information for review.

Companies, government agencies, consulting firms, and the general public use data from the Water Withdrawal Facility Reporting Program database for many purposes including:

- Identifying large water users and evaluating impact to their water supplies from construction dewatering projects, new or expanded wellfields, and quarry dewatering
- Conflict resolution between large water withdrawers
- Identifying areas of overuse or potential overuse
- Identifying ground water stress areas
- Identifying large water supplies that may be available in times of emergency or drought.
- Defining areas where wetlands or sensitive streams may experience detrimental impacts from continued or expanded surface water withdrawals
- Evaluating inter-basin diversions
- Plan for new or the expansion of existing water withdrawal facilities/systems.

Some Statistics of the Water Withdrawal Program (As of January 1, 2009)

- 1711 active water withdrawal facilities in Ohio
- 521 active facilities located in the Ohio Lake Erie Basin
- 29 new facilities were registered in Ohio during 2008
- 4 new facilities were registered in the Ohio Lake Erie Basin in 2008
- 11,225 million gallons/day withdrawn by registered facilities in Ohio in 2007
- 3,377 million gallons/day withdrawn by registered facilities in Lake Erie Basin in 2007

Applicable Portions of the Ohio Revised Code Water Withdrawal Facility Registration Program

1521.16 Registering facilities capable of withdrawing more than 100,000 gallons a day . .

(A) Any person who owns a facility that has the capacity to withdraw waters of the state in an amount greater than one hundred thousand gallons per day from all sources and whose construction is completed before January 1, 1990, shall register the facility by January 1, 1991, with the chief of the division of water, and any person who owns a facility that has the capacity to withdraw waters of the state in such an amount and whose construction is completed on or after January 1, 1990, shall register the facility with the chief within three months after the facility is completed. The person shall register the facility using a form prescribed by the chief that shall include, without limitation, the name and address of the registrant and date of registration; the locations and sources of the facility's water supply; the facility's withdrawal capacity per day and the amount withdrawn from each source; the uses made of the water, places of use, and places of discharge; and such other information as the chief may require by rule.

(C) Any person who owns a facility registered under division (A) or (B) of this section shall file a report annually with the chief listing the amount of water withdrawn per day by the facility, the return flow per day, and any other information the chief may require by rule. Any person who, under Chapter 6109 of the Revised Code, provides such information to the Ohio environmental protection agency is exempt from reporting under this division. The director of environmental protection shall provide the chief any such reported information upon his request.

**Great Lakes – St. Lawrence River Basin
Water Resources Compact Becomes Law and
Will Impact Future Water Withdrawals**
December 2008

Dear Lake Erie Basin Water Withdrawer:

As you may already have heard, the Great Lakes-St. Lawrence River Basin Water Resources Compact was recently passed by Congress and signed into law by President Bush. This interstate compact prohibits new and increased diversions of water out of the Great Lakes Basin and requires each of the eight Great Lakes states to regulate new or increased withdrawals within the Basin. Existing withdrawals will not be regulated under the Compact and your current withdrawal will, therefore, not be impacted.

To fully protect existing water withdrawals, the Ohio Department of Natural Resources is developing a list of existing Lake Erie Basin withdrawals and their capacities. This list will serve as the baseline for existing withdrawals and capacities that will be “grandfathered” and not subjected to future regulation as a new or increased withdrawal.

On the table on the reverse side of this page, we have listed the existing wells and/or intakes that are included on your water withdrawal facility registration, along with the withdrawal capacities that you have provided. **To assure that we have your complete withdrawal capacity for inclusion on the list of existing withdrawals, we are requesting that you review these listed wells and/or intakes and their capacities to make sure they are still current and accurate.**

Please revise the table on the reverse side of this page and return it with your annual withdrawal report in the enclosed envelope.

Thank you for your cooperation in this important matter. If you have questions, please call Mike Hallfrisch at 614-265-6745 or e-mail him at: mike.hallfrisch@dnr.state.oh.us

Instructions for Completing the Baseline Capacity Reporting Form

In determining withdrawal capacities, be sure to include those wells and/or intakes that are operable or could be readily made operable (e.g., by adding pumping capacity), even if they may not currently be in regular use. Also, if the withdrawal quantities of existing wells and/or intakes could readily be increased (e.g., again, by adding pumping capacity), list the well and/or intake capacity rather than the current pumping capacity.

Well or Intake ID: This is the well/intake identification number that your facility assigned to the well/intake and listed on the registration form sent to the Ohio Department of Natural Resources, Division of Water.

- If the well/intake identification has changed, please note those changes on this form.
- Please add any wells or intakes at the facility that are not on this list.

Well or Intake Capacity: This is the capacity of each individual well or intake (in millions of gallons per day) that was listed on the registration form sent to the Ohio Department of Natural Resources, Division of Water.

Changes or Modifications to Well or Intake Capacity: If the well/intake capacity in the “Registered Well Capacity” or “Registered Intake Capacity” column is incorrect, please make changes in this column.

Additional Comments: Please add any additional comments that you feel are appropriate.

Please complete form on back

<p style="text-align: center;">Surface Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008</p>

Registration Number	Facility Name	County	Total* Intake Capacity (million gallons/day)
00297	GOECKE, KENNETH	ALLEN	0.3
00374	TROYER, FREDERICK	ALLEN	2.592
00622	SPRINGBROOK GOLF CLUB	ALLEN	0.1
00937	LOST CREEK COUNTRY CLUB	ALLEN	0.122
01295	SUTER PRODUCE	ALLEN	2.59
01320	LIMA CITY PWS-AUGLAIZE	ALLEN	60
01321	LIMA CITY PWS-METZGER & LOST CREEK	ALLEN	174
01398	COLONIAL GOLFERS CLUB	ALLEN	11.52
01448	OAKS GOLF COURSE, THE	ALLEN	
02218	NATIONAL LIME & STONE-BLOOMLOCK	ALLEN	
00431	ROLLING ACRES GOLF CLUB	ASHLAND	0.058
00056	CHAPEL HILLS GOLF COURSE-ASHTABULA	ASHTABULA	0.72
00062	NORTH RIDGE MATERIALS	ASHTABULA	0.1
00084	VILLAGE GREEN GOLF COURSE	ASHTABULA	0.734
00344	CONNEAUT CITY PWS	ASHTABULA	3
00464	FE-ASHTABULA ELECTRIC GENERATING STATION-A/B	ASHTABULA	995
00520	HEMLOCK SPRINGS GOLF COURSE	ASHTABULA	0.672
00604	OAWC PWS-ASHTABULA	ASHTABULA	10
00986	PRAXAIR	ASHTABULA	11.88
00992	GRAND RIVER JERSEY FARM	ASHTABULA	0.33
01278	HARBOR GOLF CLUB	ASHTABULA	0.23
01557	SAYBROOK STATION FARMS	ASHTABULA	0.01
01628	WINDY HILL GOLF CLUB	ASHTABULA	0.36
01724	DEER LAKE GOLF CLUB	ASHTABULA	1.9
02181	ASHTABULA COUNTY PORT AUTHORITY-PLANT C	ASHTABULA	200
00339	ST MARYS FISH HATCHERY	AUGLAIZE	0.75
01346	SAINT MARYS CITY POWER PLANT	AUGLAIZE	23
00105	VALLEY VIEW GOLF CLUB	CRAWFORD	0.1
00886	BUCYRUS CITY PWS	CRAWFORD	13
01294	CELERYVILLE CONSERVANCY DISTRICT	CRAWFORD	14.4
01678	BUCYRUS GOLF COURSE	CRAWFORD	0.3
01716	NEW WASHINGTON VILLAGE PWS	CRAWFORD	2.02
00255	ARCELORMITTAL CLEVELAND INC.	CUYAHOGA	343.42
00264	BRIARWOOD GOLF COURSE	CUYAHOGA	1.22
00453	BEECHMONT COUNTRY CLUB	CUYAHOGA	0.2
00648	FE-LAKE SHORE ELECTRIC GENERATING STATION	CUYAHOGA	666
00663	COUNTRY CLUB, THE	CUYAHOGA	1.296
00680	SPRINGDALE GOLF COURSE	CUYAHOGA	0.135
00740	CLEVELAND CITY PWS-KIRTLAND PUMP STATION	CUYAHOGA	200
00741	CLEVELAND CITY PWS-CROWN PLANT	CUYAHOGA	140
00742	CLEVELAND CITY PWS-NOTTINGHAM PLANT	CUYAHOGA	200
00743	CLEVELAND CITY PWS-GARRETT MORGAN PLANT	CUYAHOGA	200
01082	SHAWNEE GOLF COURSE	CUYAHOGA	1.476
01113	HYDRAULIC PRESS BRICK-HAYDITE PLANT	CUYAHOGA	2.5
01403	GRANTWOOD GOLF COURSE	CUYAHOGA	0.3

<p style="text-align: center;">Surface Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008</p>

Registration Number	Facility Name	County	Total* Intake Capacity (million gallons/day)
01409	CHAGRIN VALLEY NURSERIES	CUYAHOGA	1.172
01412	LAKEWOOD COUNTRY CLUB-WESTLAKE	CUYAHOGA	3
01516	MAYFIELD COUNTRY CLUB	CUYAHOGA	2.28
01591	BRIADALE GREENS GOLF COURSE	CUYAHOGA	0.25
01622	PEPPER PIKE GOLF CLUB	CUYAHOGA	0.72
01630	HAWTHORNE VALLEY COUNTRY CLUB	CUYAHOGA	0.65
01663	ACACIA COUNTRY CLUB	CUYAHOGA	0.35
01740	BEREA CITY PWS	CUYAHOGA	10.8
02126	BIG MET GOLF COURSE	CUYAHOGA	1.25
02163	MESCKO PRODUCING AND OPERATING CO	CUYAHOGA	0.007
00034	DEFIANCE CITY PWS	DEFIANCE	23.5
00260	KETTENRING COUNTRY CLUB	DEFIANCE	1
01160	GM POWERTRAIN DIVISION	DEFIANCE	35
02174	US ROUTE 24 CONSTRUCTION	DEFIANCE	
00209	KELLEYS ISLAND VILLAGE PWS	ERIE	0.2
00397	CEDAR POINT AMUSEMENT PARK	ERIE	0.5
00416	VERMILION CITY PWS	ERIE	6.4
00549	HURON CITY PWS	ERIE	10
00558	BITTERSWEET FARMS	ERIE	0.36
00726	HANSON AGGREGATES-SANDUSKY CRUSHED STONE	ERIE	6.05
00796	WILLOWAY NURSERIES-1	ERIE	0.1
01021	PLUM BROOK COUNTRY CLUB	ERIE	1
01038	GOLF INC	ERIE	3.45
01340	AUTOMOTIVE COMPONENTS HOLDINGS, LLC-SANDUSKY	ERIE	12.24
01543	ERIE MATERIALS	ERIE	
01685	SANDUSKY CITY OF PWS	ERIE	18
01855	SANDUSKY DOCK CORP	ERIE	6.69
02091	BARNES NURSERY	ERIE	1.58
00145	WAUSEON CITY PWS-1	FULTON	23.85
00250	ARCHBOLD VILLAGE PWS	FULTON	24.56
00551	METAMORA VILLAGE PWS	FULTON	1.4
00841	DELTA VILLAGE PWS	FULTON	1
00952	DENNIS POTATO FARM (H)	FULTON	0.8
01064	DENNIS POTATO FARM (MRS)-1	FULTON	0.253
01065	DENNIS POTATO FARM (MRS)-2	FULTON	1.6
01305	IRONWOOD GOLF COURSE-WAUSEON	FULTON	2.448
01588	WANEMACHER	FULTON	0.2
02021	McDONNALL FARMS	FULTON	4
00274	LEGEND LAKE GOLF CLUB	GEAUGA	0.198
00346	SAINT DENNIS GOLF COURSE	GEAUGA	0.9
01020	GEAUGA HIDDEN VALLEY COUNTRY CLUB	GEAUGA	0.288
01047	SIX FLAGS WORLDS OF ADVENTURE	GEAUGA	8.17
01098	TANGLEWOOD COUNTRY CLUB-CHAGRIN FALLS	GEAUGA	1.36
01117	FOWLER'S MILL GOLF COURSE	GEAUGA	2.6
01309	SUNRISE FARM	GEAUGA	1.584

<p style="text-align: center;">Surface Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008</p>

Registration Number	Facility Name	County	Total* Intake Capacity (million gallons/day)
01312	PUNDERSON STATE PARK	GEAUGA	1.3
01372	PLEASANT HILL GOLF COURSE	GEAUGA	0.03
01373	CHARDON LAKES GOLF COURSE	GEAUGA	0.07
01505	ALPINE VALLEY-SYCAMORE LAKE	GEAUGA	0.288
01570	PLEASANT VIEW GOLF COURSE	GEAUGA	0.57
02160	CHELSEA FLOWER GARDEN AND MARKET	GEAUGA	0.213
00176	McCOMB VILLAGE PWS	HANCOCK	4.32
00869	FINDLAY COUNTRY CLUB	HANCOCK	1.58
01049	FINDLAY CITY PWS-BLANCHARD RIVER & RES 1&2	HANCOCK	154
01127	SYCAMORE SPRINGS GOLF COURSE	HANCOCK	0.1
01217	SHADY ACRES GOLF CLUB	HANCOCK	0.13
01343	FOSTORIA CITY PWS	HANCOCK	84
02153	US ROUTE 30 CONSTRUCTION	HANCOCK	4.1
00035	NAPOLEON GOLF COURSE	HENRY	1.044
00076	CAMPBELL SOUP COMPANY	HENRY	15
00876	NAPOLEON CITY PWS	HENRY	4.5
02066	WAUSEON CITY PWS-NAPOLEON INTAKE	HENRY	5
00010	MONROEVILLE VILLAGE PWS	HURON	0.5
00155	WILLARD CITY PWS	HURON	50
00308	NEW LONDON VILLAGE PWS	HURON	14
00345	NORWALK CITY PWS	HURON	13.32
00608	BELLEVUE CITY PWS	HURON	48
00898	SYCAMORE HILLS GOLF CLUB-NORWALK	HURON	1
01265	BUURMA FARMS	HURON	10.42
01287	HOLTHOUSE FARMS OF OHIO	HURON	2.794
01291	WIERS FARM-1	HURON	10.84
01333	MILLSTONE HILLS GOLF COURSE	HURON	0.92
01405	EAGLE CREEK GOLF CLUB	HURON	1.13
00026	GREEN RIDGE GOLF COURSE	LAKE	0.27
00039	FAIRPORT HARBOR VILLAGE PWS	LAKE	5
00081	PAINESVILLE COUNTRY CLUB	LAKE	0.4
00089	AGORA GARDENS	LAKE	0.23
00115	LAKE COUNTY-EAST WATER DISTRICT	LAKE	11
00195	MADISON COUNTRY CLUB	LAKE	0.25
00198	KIRTLAND COUNTRY CLUB	LAKE	1.08
00293	PAINESVILLE CITY PWS	LAKE	15
00372	PEPPERIDGE TREE GOLF COURSE	LAKE	0.72
00407	MANAKIKI GOLF COURSE	LAKE	1.728
00433	LAKE COUNTY-WEST WATER DISTRICT	LAKE	36
00496	ERIE SHORES GOLF COURSE	LAKE	0.432
00548	FE-EASTLAKE ELECTRIC GENERATING STATION	LAKE	1134
00783	AQUA OHIO, INC. - MENTOR	LAKE	22
00795	POWDERHORN GOLF COURSE	LAKE	1.08
00865	SUNLEAF NURSERY	LAKE	0.225
00879	RIDGE MANOR NURSERIES-CHAPEL FARM	LAKE	1.2

<p style="text-align: center;">Surface Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008</p>

Registration Number	Facility Name	County	Total* Intake Capacity (million gallons/day)
00882	CAMEUSE LIME INC GRAND RIVER	LAKE	4.3
00908	COTTAGE GARDENS, THE-1	LAKE	3.98
00920	KLYN NURSERIES	LAKE	12
00932	RIDGE MANOR NURSERIES-3	LAKE	2.3
01068	ROEMER NURSERY	LAKE	2.419
01085	LAKE COUNTY NURSERY-CHAMPION	LAKE	4.93
01086	LAKE COUNTY NURSERY-MAIN	LAKE	1.954
01087	LAKE COUNTY NURSERY-FULLER	LAKE	1.3
01106	KINGWOOD NURSERIES-MAIN	LAKE	
01111	TURKENBURG NURSERIES (J)-1	LAKE	0.75
01155	KINGWOOD NURSERIES-MIDDLE RIDGE	LAKE	0.13
01201	HERMAN LOSELY & SON-SHEPARD	LAKE	0.05
01202	HERMAN LOSELY & SON-RT 20	LAKE	0.42
01203	HERMAN LOSELY & SON-BRICK POND	LAKE	0.067
01204	HERMAN LOSELY & SON-RED MILL-RM	LAKE	0.54
01205	HERMAN LOSELY & SON-MIDDLE RIDGE	LAKE	0.101
01206	HERMAN LOSELY & SON-STH	LAKE	0.252
01207	HERMAN LOSELY & SON-KOHANKIE	LAKE	1.135
01208	HERMAN LOSELY & SON-LOC #1	LAKE	0.3
01235	WARNER NURSERIES-2	LAKE	0.648
01418	LOST NATION GOLF COURSE	LAKE	0.864
01478	BLACK BROOK COUNTRY CLUB	LAKE	0.576
01483	FE-PERRY ELECTRIC GENERATING STATION	LAKE	167
01497	QUAIL HOLLOW COUNTRY CLUB	LAKE	3.53
01550	MORETTI NURSERY	LAKE	0.28
01566	PENN OHIO WHOLESALE	LAKE	0.29
01730	ARCOLA MILLER FARM	LAKE	1
01745	C M BROWN NURSERIES	LAKE	1.056
02104	NIEDZIALEK, JOHN & APRIL	LAKE	0.346
00059	OBERLIN CITY PWS-PUMP STATION 1	LORAIN	9
00121	AVON LAKE CITY PWS	LORAIN	24
00125	LORAIN CITY PWS	LORAIN	17
00205	BOB-O-LINK GOLF COURSE-AVON	LORAIN	0.72
00280	WELLINGTON VILLAGE PWS	LORAIN	30
00286	AVON OAKS COUNTRY CLUB	LORAIN	0.72
00291	OBERLIN GOLF CLUB	LORAIN	0.6
00369	FOREST HILLS GOLF CENTER-LAGRANGE	LORAIN	2.4
00437	AQUA MARINE GOLF COURSE	LORAIN	0.432
00498	ROYAL CREST GOLF CLUB	LORAIN	0.108
00517	ELYRIA CITY PWS	LORAIN	32
00653	END O'WAY FARMS	LORAIN	1.728
00712	OE-WEST LORAIN ELECTRIC GENERATING STATION	LORAIN	10.08
00716	OE-EDGEWATER ELECTRIC GENERATING STATION	LORAIN	194.99
01030	BRENTWOOD GOLF CLUB	LORAIN	0.792
01165	ELYRIA COUNTRY CLUB	LORAIN	1.728

<p style="text-align: center;">Surface Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008</p>

Registration Number	Facility Name	County	Total* Intake Capacity (million gallons/day)
01271	SWEETBRIAR GOLF CLUB	LORAIN	0.576
01415	AMHERST GOLF LINKS	LORAIN	0.15
01493	DORLON GOLF CLUB	LORAIN	0.648
01507	PINE BROOK GOLF COURSE	LORAIN	0.25
01558	EMERALD WOODS GOLF COURSES	LORAIN	0.54
01577	COLUMBIA HILLS COUNTRY CLUB	LORAIN	0.03
01650	RIVERSIDE ORCHARD	LORAIN	0.29
01651	SPRING VALLEY COUNTRY CLUB	LORAIN	0.5
01747	LORAIN COUNTRY CLUB/FOX CREEK GOLF & RACQUET	LORAIN	0.89
01805	ROYAL OAKS GOLF CLUB-GRAFTON	LORAIN	0.3
02014	WILLOWAY NURSERIES-2	LORAIN	1.95
02042	WILLOWAY NURSERIES-3	LORAIN	2.5
02053	OPM-AVON LAKE ELECTRIC GENERATING STATION	LORAIN	
02097	STEIN-SLAG MAN	LORAIN	0.14
02107	US STEEL-LORAIN PIPE MILLS	LORAIN	1.4
02128	REPUBLIC ENGINEERED PRODUCTS-INTAKES 901 & 902	LORAIN	100
00013	OREGON CITY PWS	LUCAS	40
00292	BP TOLEDO REFINERY	LUCAS	69
00323	SWANTON VILLAGE PWS	LUCAS	4.83
00328	BRANDYWINE COUNTRY CLUB	LUCAS	1.1
00357	HIGHLAND MEADOWS GOLF COURSE	LUCAS	0.24
00376	TOLEDO CITY PWS-COLLINS PLANT	LUCAS	200
00619	FE-BAYSHORE ELECTRIC GENERATING STATION	LUCAS	749
00637	HEATHER DOWNS COUNTRY CLUB	LUCAS	1.15
00671	RENO BEACH-HOWARD FARMS C D	LUCAS	25.92
00844	DETWILER GOLF COURSE	LUCAS	0.32
01069	STONE OAK COUNTRY CLUB	LUCAS	0.36
01317	ISAAC LUDWIG MILL	LUCAS	130
01646	DENNIS TOPSOIL & LANDSCAPING	LUCAS	0.43
02110	BAYPARK COMMUNITY HOSPITAL	LUCAS	0.201
00100	HINCKLEY HILLS GOLF COURSE	MEDINA	0.349
00123	PINE HILLS GOLF CLUB-HINCKLEY	MEDINA	1.728
00874	IRONWOOD GOLF COURSE-HINCKLEY	MEDINA	0.206
01270	SKYLAND GOLF COURSE	MEDINA	0.432
01292	WIERS FARM-LODI	MEDINA	1.58
01501	CHEROKEE HILLS GOLF COURSE	MEDINA	0.2
01508	WEYMOUTH VALLEY COUNTRY CLUB	MEDINA	1.368
01669	BRUNSWICK HILLS GOLF COURSE	MEDINA	4.32
01924	MEADOW GOLF COURSE	MEDINA	1
01863	FOX'S DEN GOLF CLUB	MERCER	1.43
00037	OTTAWA COUNTY REGIONAL WATER TREATMENT PLANT	OTTAWA	10
00191	BRUSH WELLMAN	OTTAWA	0.6
00598	FENCO-DAVIS BESSE NUCLEAR POWER STATION	OTTAWA	50
00759	LITTLE PORTAGE WILDLIFE AREA	OTTAWA	5.76
00760	TOUSSAINT WILDLIFE AREA	OTTAWA	9.36

<p style="text-align: center;">Surface Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008</p>

Registration Number	Facility Name	County	Total* Intake Capacity (million gallons/day)
00767	MAGEE MARSH WILDLIFE AREA	OTTAWA	32
00825	LAFARGE-MARBLEHEAD PLANT	OTTAWA	23.74
00957	STONECO-ROCKY RIDGE PLANT 4	OTTAWA	0.1
01048	MARBLEHEAD VILLAGE PWS	OTTAWA	0.576
01150	CATAWBA WILLOWS GOLF COURSE	OTTAWA	1.26
01349	WITTS ORCHARDS-RUSHA CREEK	OTTAWA	1
01360	WITTS ORCHARDS-TOUSSAINT RIVER	OTTAWA	0.72
01363	BAY POINT GOLF COURSE	OTTAWA	0.6
01390	KLICKMAN FARMS-ELMORE TWP	OTTAWA	2.16
01391	KLICKMAN FARMS-HARRIS TWP	OTTAWA	4.32
01393	KLICKMAN FARMS-WOLFE CREEK	OTTAWA	4.32
01499	PUT-IN-BAY VILLAGE PWS	OTTAWA	0.173
02217	CARROLL WATER AND SEWAR DISTIRCT WATER PLANT	OTTAWA	2
00631	PAULDING VILLAGE PWS	PAULDING	10.8
00700	LAFARGE-PAULDING PLANT	PAULDING	1.2
00362	AKRON CITY PWS	PORTAGE	90
00443	PARADISE LAKE COUNTRY CLUB	PORTAGE	0.7
00633	SUNNY HILL GOLF & RECREATION	PORTAGE	1.82
00821	LAFARGE-SHALERSVILLE PLANT	PORTAGE	
00883	OAK KNOLLS GOLF COURSE	PORTAGE	0.98
01037	BECK SAND & GRAVEL	PORTAGE	
01229	TELEDYNE-PLANT 275	PORTAGE	3.452
01296	WALDEN GOLF & TENNIS	PORTAGE	0.58
01404	HUGO SAND COMPANY	PORTAGE	
01616	R A CRUISE SAND & GRAVEL	PORTAGE	0.71
01648	AURORA COUNTRY CLUB	PORTAGE	0.3
01837	BARRINGTON GOLF CLUB	PORTAGE	3.45
02122	KENT CITY-WATERFALL	PORTAGE	18.6
00099	OTTAWA VILLAGE PWS	PUTNAM	14.688
00429	PUTNAM STONE COMPANY	PUTNAM	1
00611	COUNTRY ACRES GOLF CLUB	PUTNAM	1.08
02173	LEIPSIC VILLAGE YELLOW CREEK RESERVOIR	PUTNAM	15
02199	PIKE RUN GOLF CLUB	PUTNAM	0.879
00298	CLYDE CITY PWS	SANDUSKY	21.6
00361	FREMONT CITY PWS	SANDUSKY	18
00758	PICKERAL CREEK WILDLIFE AREA	SANDUSKY	5.04
01392	KLICKMAN FARMS-WOODVILLE TWP	SANDUSKY	2.16
01394	KLICKMAN FARMS-WASHINGTON TWP	SANDUSKY	4.32
01395	KLICKMAN FARMS-GIBSONBURG	SANDUSKY	0.16
01462	SYCAMORE HILLS GOLF COURSE-FREMONT	SANDUSKY	0.3
01631	HIDDEN HILLS GOLF CLUB	SANDUSKY	1.08
00028	ATTICA VILLAGE PWS	SENECA	0.5
00606	OAWC PWS-TIFFIN	SENECA	5.4
00621	STEYER FARM	SENECA	0.504
00831	MOHAWK GOLF CLUB	SENECA	0.2

<p style="text-align: center;">Surface Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008</p>

Registration Number	Facility Name	County	Total* Intake Capacity (million gallons/day)
00977	HANSON AGGREGATES-FLAT ROCK QUARRY	SENECA	
01351	SENECA HILLS GOLF COURSE	SENECA	0.122
01708	CLINTON HEIGHTS GOLF COURSE	SENECA	0.1
01267	CONGRESS LAKE COUNTRY CLUB	STARK	2.3
01279	BRENCKLE FARMS-1	STARK	1
00674	LEISURE TIME	SUMMIT	0.408
00701	BROOKLEDGE GOLF CLUB	SUMMIT	0.547
00717	OE-GORGE ELECTRIC GENERATING STATION	SUMMIT	140
00919	LAKE FOREST COUNTRY CLUB	SUMMIT	1.44
01303	GLEN EAGLES GOLF CLUB	SUMMIT	0.936
01675	SYCAMORE VALLEY GOLF COURSE	SUMMIT	0.32
01912	COUNTRY CLUB OF HUDSON	SUMMIT	1.73
01971	ROSES RUN COUNTRY CLUB	SUMMIT	0.8
02111	ELLSWORTH MEADOWS GOLF COURSE	SUMMIT	0.022
00009	WEST FARMINGTON VILLAGE PWS	TRUMBULL	0.14
00987	FOREST OAKS GOLF CLUB	TRUMBULL	0.676
00333	VAN WERT CITY PWS	VAN WERT	48.96
00989	WOODS GOLF CLUB, THE	VAN WERT	0.86
02169	DELPHOS CITY PWS-NORTH PLANT UPGROUND RES.	VAN WERT	5
01007	SUBURBAN GOLF	WILLIAMS	0.144
01260	ORCHARD HILLS COUNTRY CLUB	WILLIAMS	1.08
01283	BUEHRER FARMS-EAST	WILLIAMS	0.342
01290	BUEHRER FARMS-WEST	WILLIAMS	0.342
01437	WINDWOOD HOLLOW GOLF COURSE	WILLIAMS	0.08
00173	RIVERBY HILLS GOLF COURSE	WOOD	0.4
00251	BOWLING GREEN CITY PWS	WOOD	10
00445	NORTH BRANCH NURSERY	WOOD	0.331
00951	BELMONT COUNTRY CLUB	WOOD	1.44
01022	NORTH BALTIMORE VILLAGE PWS	WOOD	3.9
01362	GRAND RAPIDS VILLAGE PWS	WOOD	0.35
01510	JOHNSON RUBBER COMPANY-NORTH BALTIMORE	WOOD	0.136
01534	TANGLEWOOD GOLF CLUB-PERRYSBURG	WOOD	1.84
01592	HESS FARM	WOOD	0.3
02022	STONERIDGE GOLF CLUB	WOOD	0.66
00122	UPPER SANDUSKY CITY PWS	WYANDOT	3.8
00587	KIEFFER, IRVEN	WYANDOT	0.72
00699	WYANDOT DOLOMITE	WYANDOT	0.86
00901	BOWMAN FAMRS-HICKORY GROVE GOLF CLUB	WYANDOT	0.21
02180	US ROUTE 30 CONSTRUCTION	WYANDOT	0.4

Ground Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008

Registration Number	Facility Name	County	Total* Well Capacity (million gallons/day)
00180	SPENCERVILLE VILLAGE PWS	ALLEN	1.972
00240	DELPHOS CITY PWS-SOUTH PLANT	ALLEN	0.6
00252	BLUFFTON STONE COMPANY	ALLEN	1.25
00386	LIMA REFINING COMPANY	ALLEN	3.02
00622	SPRINGBROOK GOLF CLUB	ALLEN	0.036
00937	LOST CREEK COUNTRY CLUB	ALLEN	0.145
00945	BLUFFTON VILLAGE PWS	ALLEN	2.016
01079	NATIONAL LIME & STONE-LIMA PLANT 1	ALLEN	1
01295	SUTER PRODUCE	ALLEN	0.2
01381	SHAWNEE COUNTRY CLUB	ALLEN	1.5
01396	BLUFFTON GOLF CLUB LLC	ALLEN	0.122
01398	COLONIAL GOLFERS CLUB	ALLEN	0.646
01448	OAKS GOLF COURSE, THE	ALLEN	0.202
01504	BEAVERDAM VILLAGE PWS	ALLEN	0.552
01769	PCS NITROGEN OHIO	ALLEN	5.61
01989	RUDOLPH FOODS COMPANY	ALLEN	0.34
02218	NATIONAL LIME & STONE-BLOOMLOCK	ALLEN	3
00988	ORWELL VILLAGE PWS	ASHTABULA	
00992	GRAND RIVER JERSEY FARM	ASHTABULA	0.035
01557	SAYBROOK STATION FARMS	ASHTABULA	0.02
01628	WINDY HILL GOLF CLUB	ASHTABULA	0.05
00218	NEW BREMEN VILLAGE PWS	AUGLAIZE	1.22
00335	CON-AG	AUGLAIZE	1
00339	ST MARYS FISH HATCHERY	AUGLAIZE	0.144
00387	WAPAKONETA CITY PWS	AUGLAIZE	4.348
00652	SAINT MARYS CITY PWS	AUGLAIZE	5.77
00749	NEW KNOXVILLE VILLAGE PWS	AUGLAIZE	0.432
00770	GOODYEAR-ST MARYS	AUGLAIZE	2.16
01073	NATIONAL LIME & STONE-BUCKLAND	AUGLAIZE	2.1503
01151	G A WINTZER & SON COMPANY	AUGLAIZE	1.029
01479	CRIDERSVILLE VILLAGE PWS	AUGLAIZE	1.1
01903	WAPAKONETA COUNTRY CLUB	AUGLAIZE	0.18
00105	VALLEY VIEW GOLF CLUB	CRAWFORD	0.0055
01076	NATIONAL LIME & STONE-BUCYRUS	CRAWFORD	2.857
01956	TIMKEN-BUCYRUS OPERATIONS	CRAWFORD	0.58
01118	CANTERBURY GOLF CLUB	CUYAHOGA	0.266
00146	NEY VILLAGE PWS	DEFIANCE	0.288
00392	HICKSVILLE VILLAGE PWS	DEFIANCE	2.01
01576	SHERWOOD VILLAGE PWS	DEFIANCE	0.28
00222	MILAN VILLAGE PWS	ERIE	1.335
00483	HANSON AGGREGATES-WAGNER QUARRIES	ERIE	13.7
00726	HANSON AGGREGATES-SANDUSKY CRUSHED STONE	ERIE	0.048
00757	RESTHAVEN WILDLIFE AREA	ERIE	0.45
00983	CLEVELAND QUARRIES-BIRMINGHAM	ERIE	0.7491

Ground Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008

Registration Number	Facility Name	County	Total* Well Capacity (million gallons/day)
01543	ERIE MATERIALS	ERIE	0.84
02148	LAFARGE-KELLEYS ISLAND QUARRY	ERIE	7.5
00952	DENNIS POTATO FARM (H)	FULTON	2.32
01064	DENNIS POTATO FARM (MRS)-1	FULTON	0.048
01065	DENNIS POTATO FARM (MRS)-2	FULTON	0.007
01220	FAYETTE VILLAGE PWS	FULTON	1.872
01810	4-H CAMP PALMER	FULTON	0.12
00088	CHAGRIN FALLS VILLAGE PWS	GEAUGA	1.728
00132	GEAUGA HOSPITAL	GEAUGA	0.122
00346	SAINT DENNIS GOLF COURSE	GEAUGA	0.012
00461	CHARDON CITY PWS	GEAUGA	2.51
00584	MIDDLEFIELD VILLAGE PWS	GEAUGA	1.44
01047	SIX FLAGS WORLDS OF ADVENTURE	GEAUGA	2.33
01117	FOWLER'S MILL GOLF COURSE	GEAUGA	0.028
01312	PUNDERSON STATE PARK	GEAUGA	0.754
01372	PLEASANT HILL GOLF COURSE	GEAUGA	0.06
01373	CHARDON LAKES GOLF COURSE	GEAUGA	0.07
01435	TANGLEWOOD LAKE ASSN PWS	GEAUGA	0.551
01565	BURTON VILLAGE PWS	GEAUGA	0.72
02160	CHELSEA FLOWER GARDEN AND MARKET	GEAUGA	0.237
00448	HILLCREST GOLF CLUB	HANCOCK	0.15
00745	FOSTORIA COUNTRY CLUB	HANCOCK	0.48
00784	ENELCO	HANCOCK	0.115
00904	ARLINGTON VILLAGE PWS	HANCOCK	0.56
01074	NATIONAL LIME & STONE-FINDLAY	HANCOCK	0.64
01099	WAYSIDE GOLF COURSE	HANCOCK	0.48
01127	SYCAMORE SPRINGS GOLF COURSE	HANCOCK	0.4
01140	RAWSON VILLAGE PWS	HANCOCK	0.244
01217	SHADY ACRES GOLF CLUB	HANCOCK	0.014
01343	FOSTORIA CITY PWS	HANCOCK	2.16
01446	MOUNT BLANCHARD VILLAGE PWS	HANCOCK	0.648
01533	SHADY GROVE ENTERPRISES	HANCOCK	0.14
02037	RED HAWK RUN GOLF COURSE	HANCOCK	0.69
02153	US ROUTE 30 CONSTRUCTION	HANCOCK	
00018	FOREST VILLAGE PWS	HARDIN	0.576
00188	ADA VILLAGE PWS	HARDIN	3.139
01133	SHELLY MATERIALS-HARDIN	HARDIN	1.58
01511	DUNKIRK VILLAGE PWS	HARDIN	0.24
02006	OHIO FRESH EGGS-LaRUE PULLET	HARDIN	0.6
00318	BAUGHMAN FARMS	HENRY	0.66
00526	HAMLER VILLAGE PWS	HENRY	0.288
00950	MAUMEE YOUTH CENTER	HENRY	0.23
01004	HOLGATE VILLAGE PWS	HENRY	0.8
01308	DESHLER VILLAGE PWS	HENRY	1.7
01674	LEGACY FARMS	HENRY	0.29

Ground Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008

Registration Number	Facility Name	County	Total* Well Capacity (million gallons/day)
00377	GREENWICH VILLAGE PWS	HURON	1.116
00550	NORTH FAIRFIELD VILLAGE PWS	HURON	0.52
00608	BELLEVUE CITY PWS	HURON	0.9
01214	HOLIDAY LAKES	HURON	0.118
01265	BUURMA FARMS	HURON	1.441
01272	DUTCH MAID PRODUCE-WIERS FARM	HURON	0.65
01287	HOLTHOUSE FARMS OF OHIO	HURON	0.43
01291	WIERS FARM-1	HURON	1.24
01333	MILLSTONE HILLS GOLF COURSE	HURON	0.05
01405	EAGLE CREEK GOLF CLUB	HURON	0.01
00908	COTTAGE GARDENS, THE-1	LAKE	0.98
01068	ROEMER NURSERY	LAKE	0.302
01085	LAKE COUNTY NURSERY-CHAMPION	LAKE	0.2
01106	KINGWOOD NURSERIES-MAIN	LAKE	0.145
01109	LAKE COUNTY NURSERY-KOHANKIE	LAKE	0.3
01129	TURKENBURG NURSERIES (J)-2	LAKE	1.26
01478	BLACK BROOK COUNTRY CLUB	LAKE	
01497	QUAIL HOLLOW COUNTRY CLUB	LAKE	0.5
01554	TOWNLINER NURSERY	LAKE	0.02
01745	C M BROWN NURSERIES	LAKE	0.248
00662	WHITE HOUSE ARTESIAN SPRINGS	LORAIN	0.283
00982	CLEVELAND QUARRIES-AMHERST	LORAIN	0.75
01415	AMHERST GOLF LINKS	LORAIN	
00133	SOUTH TOLEDO GOLF CLUB	LUCAS	0.864
00189	TOLEDO COUNTRY CLUB	LUCAS	0.576
00292	BP TOLEDO REFINERY	LUCAS	2.131
00294	MAPLEVIEW FARMS	LUCAS	5.184
00323	SWANTON VILLAGE PWS	LUCAS	0.5
00357	HIGHLAND MEADOWS GOLF COURSE	LUCAS	
00439	DANA CORP-TOLEDO	LUCAS	0.245
00637	HEATHER DOWNS COUNTRY CLUB	LUCAS	0.32
00691	SYLVANIA COUNTRY CLUB	LUCAS	1.322
00739	VALLEYWOOD GOLF CLUB	LUCAS	1.656
00844	DETWILER GOLF COURSE	LUCAS	0.72
00956	STONECO-MAUMEE PLANT 1	LUCAS	0.435
00974	HANSON AGGREGATES-SYLVANIA QUARRY	LUCAS	7.2
00975	HANSON AGGREGATES-WATERVILLE PLANT	LUCAS	5.9
01069	STONE OAK COUNTRY CLUB	LUCAS	0.01
01276	MEDICAL COLLEGE OF OHIO-TOLEDO	LUCAS	0.704
01302	BETTINGER FARMS	LUCAS	5.99
01377	OTTAWA PARK GOLF COURSE	LUCAS	1.224
01638	INVERNESS CLUB	LUCAS	1.58
01646	DENNIS TOPSOIL & LANDSCAPING	LUCAS	0.43
01681	ENVIROSAFE SERVICES OF OHIO	LUCAS	1.12
01891	SPARTAN CHEMICAL COMPANY	LUCAS	0.14

Ground Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008

Registration Number	Facility Name	County	Total* Well Capacity (million gallons/day)
01934	SYLVANIA PACESETTER PARK	LUCAS	0.5
01953	EAGLES LANDING GOLF CLUB	LUCAS	0.72
02110	BAYPARK COMMUNITY HOSPITAL	LUCAS	0.244
00457	TRI COUNTY LIMESTONE COMPANY	MARION	4.5
00100	HINCKLEY HILLS GOLF COURSE	MEDINA	0.6
00873	LODI VILLAGE PWS	MEDINA	1.4
01270	SKYLAND GOLF COURSE	MEDINA	0.036
00130	MENDON VILLAGE PWS	MERCER	0.619
00563	ROCKFORD VILLAGE PWS	MERCER	0.64
00850	STONECO, INC.-ROCKFORD	MERCER	1.5
01863	FOX'S DEN GOLF CLUB	MERCER	0.86
00015	ELMORE VILLAGE PWS	OTTAWA	0.554
00191	BRUSH WELLMAN	OTTAWA	0.84
00436	GRAYMONT DOLIME (OHIO) INC	OTTAWA	4.752
00825	LAFARGE-MARBLEHEAD PLANT	OTTAWA	
00840	WHITE ROCK QUARRY	OTTAWA	4.176
01499	PUT-IN-BAY VILLAGE PWS	OTTAWA	0.086
01599	BENCH FARMS (DAVID)	OTTAWA	0.58
00108	PAYNE VILLAGE PWS	PAULDING	0.58
00272	ANTWERP VILLAGE PWS	PAULDING	1.001
00634	OAKWOOD VILLAGE PWS	PAULDING	0.415
00700	LAFARGE-PAULDING PLANT	PAULDING	0.072
00959	STONECO-AUGLAIZE PLANT 5	PAULDING	0.568
02223	KOKOSING PORTABLE CONCRETE FOR U.S. 24	PAULDING	0.276
00131	MAPLECREST GOLF COURSE	PORTAGE	1.1
00404	PORTAGE COUNTY PWS-BRIMFIELD	PORTAGE	1.65
00405	PORTAGE COUNTY PWS-SHALERSVILLE	PORTAGE	5.97
00406	KENT CITY PWS-1	PORTAGE	6.432
00443	PARADISE LAKE COUNTRY CLUB	PORTAGE	0.2
00495	BIRCHWOOD MANOR PWS	PORTAGE	0.429
00624	GOODYEAR-WINGFOOT LAKE PARK	PORTAGE	0.34
00625	GOODYEAR-WINGFOOT LAKE AIRSHIP OPS	PORTAGE	0.25
00633	SUNNY HILL GOLF & RECREATION	PORTAGE	0.53
00821	LAFARGE-SHALERSVILLE PLANT	PORTAGE	1.1944
01037	BECK SAND & GRAVEL	PORTAGE	0.24
01229	TELEDYNE-PLANT 275	PORTAGE	1.29
01404	HUGO SAND COMPANY	PORTAGE	0.893
01458	BALLENTINE SAND AND GRAVEL LLC	PORTAGE	0.202
01468	MANTUA VILLAGE PWS	PORTAGE	0.842
01540	BEECHWOOD ISLAND ESTATES PWS	PORTAGE	0.14
01579	ROBIN PARK MOBILE HOMES	PORTAGE	0.1
01602	GOLF WORLD ENTERPRISES	PORTAGE	0.31
01612	SOLON SAND & GRAVEL	PORTAGE	0.44
01616	R A CRUISE SAND & GRAVEL	PORTAGE	0.01
01634	KENT STATE UNIVERSITY GOLF COURSE	PORTAGE	0.72

Ground Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008

Registration Number	Facility Name	County	Total* Well Capacity (million gallons/day)
01712	FAIRLANE WATER COMPANY	PORTAGE	0.06
01757	KENT CITY PWS-POWDER MILL ROAD	PORTAGE	1.44
01818	OMNOVA SOLUTIONS-PERFORMANCE CHEMICAL	PORTAGE	1.62
01837	BARRINGTON GOLF CLUB	PORTAGE	0.54
00200	COLUMBUS GROVE VILLAGE PWS	PUTNAM	2.016
00327	KALIDA VILLAGE PWS	PUTNAM	1.4
00429	PUTNAM STONE COMPANY	PUTNAM	0.6
00489	OTTOVILLE VILLAGE PWS	PUTNAM	0.39
00611	COUNTRY ACRES GOLF CLUB	PUTNAM	0.592
00792	LEIPSIC VILLAGE PWS	PUTNAM	2.56
01012	PANDORA VILLAGE PWS	PUTNAM	0.65
02076	CONTINENTAL VILLAGE PWS	PUTNAM	0.64
02172	NATIONAL LIME & STONE-RIMER PLANT	PUTNAM	2
02199	PIKE RUN GOLF CLUB	PUTNAM	0.432
02214	OAWC PWS WALCREST SYSTEM-5	RICHLAND	0.304
00265	SLEEPY HOLLOW GOLF COURSE	SANDUSKY	0.128
00612	GIBSONBURG VILLAGE PWS	SANDUSKY	1.414
00688	CARMEUSE LIME INC-MILLERSVILLE	SANDUSKY	0.24
00689	CARMEUSE LIME - WOODVILLE	SANDUSKY	0.1
00758	PICKERAL CREEK WILDLIFE AREA	SANDUSKY	
00927	SANDUSKY COUNTY PWS-SHOREWOOD VILLAGE	SANDUSKY	0.316
00970	WAYNE DUCK FARM	SANDUSKY	0.126
00972	WOODVILLE VILLAGE PWS	SANDUSKY	0.2184
01017	MARTIN MARIETTA MAGNESIA SPECIALTIES LLC	SANDUSKY	5.494
01209	VICKERY INTERNATIONAL-VICKERY PLANT	SANDUSKY	0.36
01211	LINDSEY VILLAGE PWS	SANDUSKY	
01462	SYCAMORE HILLS GOLF COURSE-FREMONT	SANDUSKY	0.144
01590	SACHS FARMS (HOWARD)	SANDUSKY	0.86
01629	TRW AUTOMOTIVE	SANDUSKY	0.82
01631	HIDDEN HILLS GOLF CLUB	SANDUSKY	0.57
01720	STYLE CREST MANUFACTURING	SANDUSKY	0.5
00051	BLOOMVILLE VILLAGE PWS	SENECA	0.64
00290	BARB & DICK'S BERRY FARM	SENECA	0.216
00395	FLAT ROCK CARE CENTER	SENECA	0.151
00606	OAWC PWS-TIFFIN	SENECA	2.164
00610	LOUDON MEADOWS GOLF COURSE	SENECA	0.45
00831	MOHAWK GOLF CLUB	SENECA	0.375
00887	CARMEUSE LIME-MAPLE GROVE	SENECA	0.6
00977	HANSON AGGREGATES-FLAT ROCK QUARRY	SENECA	1.356
00979	HANSON AGGREGATES-BLOOMVILLE QUARRY	SENECA	1.411
01001	BETTSVILLE VILLAGE PWS	SENECA	0.576
01039	NATIONAL MACHINERY COMPANY	SENECA	0.144
01328	HONEYWELL INTERNATIONAL-1	SENECA	0.46
01332	ROPPE CORP	SENECA	0.544
01351	SENECA HILLS GOLF COURSE	SENECA	0.147

Ground Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008

Registration Number	Facility Name	County	Total* Well Capacity (million gallons/day)
01356	NATURE TRAILS GOLF COURSE	SENECA	0.241
01708	CLINTON HEIGHTS GOLF COURSE	SENECA	0.05
01166	WAY INTERNATIONAL	SHELBY	1.152
01116	K W ZELLERS & SON FARMS	STARK	11.822
01267	CONGRESS LAKE COUNTRY CLUB	STARK	0.255
01762	LONGABERGER-HARTVILLE	STARK	0.83
00152	HUDSON CITY PWS	SUMMIT	5.58
00499	CUYAHOGA FALLS CITY PWS	SUMMIT	28.22
00674	LEISURE TIME	SUMMIT	0.17
00701	BROOKLEDGE GOLF CLUB	SUMMIT	0.23
00724	SILVER LAKE COUNTRY CLUB	SUMMIT	0.154
00864	FOX DEN FAIRWAYS	SUMMIT	0.777
01153	MAPLEWOOD MOBILE HOME PARK	SUMMIT	0.14
01303	GLEN EAGLES GOLF CLUB	SUMMIT	
01459	EDWIN SHAW HOSPITAL	SUMMIT	0.7
01795	HARWICK STANDARD DISTRIBUTION	SUMMIT	0.5
01912	COUNTRY CLUB OF HUDSON	SUMMIT	0.5
02111	ELLSWORTH MEADOWS GOLF COURSE	SUMMIT	0.4968
00987	FOREST OAKS GOLF CLUB	TRUMBULL	0.388
00184	WILLSHIRE VILLAGE PWS	VAN WERT	0.22
00241	DELPHOS CITY PWS-NORTH PLANT	VAN WERT	1.439
00333	VAN WERT CITY PWS	VAN WERT	1.152
00502	OHIO CITY VILLAGE PWS	VAN WERT	0.814
00958	STONECO-SCOTT PLANT 6	VAN WERT	0.18
00981	CONVOY VILLAGE PWS	VAN WERT	0.454
00989	WOODS GOLF CLUB, THE	VAN WERT	0.61
01259	MIDDLE POINT VILLAGE PWS	VAN WERT	0.27
01348	RIDGE TOWNSHIP QUARRY	VAN WERT	1.152
01455	NATIONAL LIME & STONE-DELPHOS	VAN WERT	0.336
02117	COOPER FARMS COOKED MEATS	VAN WERT	0.518
00030	MONTPELIER VILLAGE PWS	WILLIAMS	
00312	PIONEER VILLAGE PWS	WILLIAMS	0.692
00681	SPANGLER CANDY COMPANY	WILLIAMS	0.389
00727	CENTER CONCRETE	WILLIAMS	0.1
00737	CHASE BRASS & COPPER	WILLIAMS	1.152
00839	AQUA OHIO - SENECA	WILLIAMS	0.8
00860	WEST UNITY VILLAGE PWS	WILLIAMS	1.188
00880	STRYKER VILLAGE PWS	WILLIAMS	0.86
00899	BRYAN CITY PWS	WILLIAMS	8.062
01007	SUBURBAN GOLF	WILLIAMS	0.043
01095	EDON VILLAGE PWS	WILLIAMS	1.22
01260	ORCHARD HILLS COUNTRY CLUB	WILLIAMS	0.615
01341	AQUA OHIO-NORLICK	WILLIAMS	0.058
01342	EDGERTON VILLAGE PWS	WILLIAMS	1.512
01437	WINDWOOD HOLLOW GOLF COURSE	WILLIAMS	0.08

Ground Water Withdrawal Facilities and Capacities Lake Erie Basin 12/1/2008

Registration Number	Facility Name	County	Total* Well Capacity (million gallons/day)
01828	HILLSIDE COUNTRY LIVING	WILLIAMS	0.33
01992	BRIDGEWATER DAIRY	WILLIAMS	0.86
02093	DIETSCH'S GRAIN FARM	WILLIAMS	2.36
00117	BLOOMDALE VILLAGE PWS	WOOD	0.35
00256	BRIAR HILL COUNTRY CLUB	WOOD	0.1
00566	WAYNE VILLAGE PWS	WOOD	0.16
00594	BRADNER VILLAGE PWS	WOOD	0.58
00620	PEMBERVILLE VILLAGE PWS	WOOD	0.71
00667	DIERKSHEIDE FARMS (CARL)	WOOD	0.518
00704	OHIO STATE UNIVERSITY-OARDC NW BRANCH	WOOD	0.8
00951	BELMONT COUNTRY CLUB	WOOD	1.146
00954	STONECO-LIME CITY PLANT 3	WOOD	0.216
00955	STONECO-PORTAGE PLANT 2	WOOD	0.96
00973	CUSTAR STONE COMPANY-CUSTAR QUARRY	WOOD	0.41
01534	TANGLEWOOD GOLF CLUB-PERRYSBURG	WOOD	0.05
01583	SHAFFER, O T & E W	WOOD	0.29
01592	HESS FARM	WOOD	0.04
01593	DAVID APPLE FARM	WOOD	0.61
01911	WAGNER FARMS-WAYNE	WOOD	0.22
02022	STONERIDGE GOLF CLUB	WOOD	0.4
00050	CAREY VILLAGE PWS	WYANDOT	2.26
00509	SYCAMORE VILLAGE PWS	WYANDOT	0.25
00587	KIEFFER, IRVEN	WYANDOT	0.03
00603	NEVADA VILLAGE PWS	WYANDOT	0.648
00699	WYANDOT DOLOMITE	WYANDOT	0.04
00875	STONE CROSSING GOLF CLUB	WYANDOT	0.403
00901	BOWMAN FAMRS-HICKORY GROVE GOLF CLUB	WYANDOT	0.14
01077	NATIONAL LIME & STONE-CAREY	WYANDOT	3.708
02007	OHIO FRESH EGGS-MARSEILLES	WYANDOT	
02180	US ROUTE 30 CONSTRUCTION	WYANDOT	

Ohio Compact Advisory Board Activities Related to Formulating the Lists of Baseline Water Withdrawals, Diversions, & Consumptive Uses

Compact Commitments Related to the Baseline Lists

(from Section 4.12 of the Compact)

By December 8, 2009, each party will develop and furnish to the Compact Council & Regional Body a baseline list of existing water withdrawal approvals, indicating the withdrawal quantities approved, and/or a list of withdrawers, indicating the existing capacity of each. Quantities of consumptive use and diversion associated with each withdrawal are also to be provided.

Consistent with the water withdrawal registration and reporting requirement contained in Section 4.1 of the Compact, the Parties have agreed to include withdrawals greater than 100,000 gallons per day (i.e., withdrawers with existing capacity greater than 100,000 gallons per day) unless there are withdrawal approvals set at lower quantities.

The quantities of withdrawals, consumptive uses, and diversions set forth in the list(s) will constitute the baseline quantities (i.e., the quantities that will be considered “existing” on the effective date of the Compact and therefore not subject to regulation as a “new or increased” withdrawals, consumptive uses, or diversions).

Existing Statutory Constraints in Ohio

(from ORC Section 1522.07)

For purposes of establishing the baseline quantities, the amount of each existing diversion, consumptive use, or withdrawal shall be the larger of either the applicable limitation specified in a permit (not including permits issued for public drinking water systems or for wastewater discharges) or the physical capacity of the withdrawal system of the applicable facility.

Ohio Advisory Board Task Related to the Baseline Lists

(from SECTION 3 of Amended House Bill 416 as passed)

The Advisory Board will be convened for the purpose of developing recommendations for legislation necessary to implement and effectuate the requirements and purposes of the Compact, including the method for determining the capacity of existing facilities and the establishment of requirements regarding the review of lists of existing water users and a process for use by persons who wish to appeal their exclusion on the lists.

Ohio Compact Advisory Board Activities Related to Water Conservation

Regional (Basin-Wide) Water Conservation Goals

(from Section 4.2 of the Compact)

1. Ensure the improvement of the waters and water dependent natural resources of the Great Lakes Basin;
2. Protect and restore the hydrologic and ecosystem integrity of the Great Lakes Basin;
3. Retain the quantity of surface water and ground water in the Great Lakes Basin;
4. Ensure the sustainable use of the waters of the Great Lakes Basin;
5. Promote the efficiency of use and the reduction of losses and waste of water.

Regional (Basin-Wide) Water Conservation Objectives

(adopted by the Compact Council via Resolution 5)

Guide programs toward long-term sustainable water use.

- Use adaptive programs that are goal-based, accountable and measurable.
- Develop and implement programs openly and collaboratively, including with local stakeholders, Tribes and First Nations, governments and the public.
- Prepare and maintain long-term water demand forecasts.
- Develop long-term strategies that incorporate water conservation and efficient water use.
- Review and build upon existing planning efforts by considering practices and experiences from other jurisdictions.

Adopt and implement supply and demand management to promote efficient use and conservation of water resources.

- Maximize water use efficiency and minimize waste of water.
- Promote appropriate innovative technology for water reuse.
- Conserve and manage existing water supplies to prevent or delay the demand for and development of additional supplies.
- Provide incentives to encourage efficient water use and conservation.
- Include water conservation and efficiency in the review of proposed new or increased uses.
- Promote investment in and maintenance of efficient water infrastructure and green infrastructure.

Improve monitoring and standardize data reporting among State and Provincial water conservation and efficiency programs.

- Improve the measurement and evaluation of water conservation and water use efficiency.
- Encourage measures to monitor, account for, and minimize water loss.
- Track and report program progress and effectiveness.

Develop science, technology and research.

- Encourage the identification and sharing of innovative management practices and state of the art technologies.
- Encourage research, development and implementation of water use and efficiency and water conservation technologies.
- Seek a greater understanding of traditional knowledge and practices of Basin First Nations and Tribes.
- Strengthen scientific understanding of the linkages between water conservation practices and ecological responses.

Develop education programs and information sharing for all water users.

- Ensure equitable public access to water conservation and efficiency tools and information.
- Inform, educate and increase awareness regarding water use, conservation and efficiency and the importance of water. Promote the cost-saving aspect of water conservation and efficiency for both short-term and long-term economic sustainability.
- Share conservation and efficiency experiences, including successes and lessons learned across the Basin.
- Enhance and contribute to regional information sharing.
- Encourage and increase training opportunities in collaboration with professional or other organizations in order to increase water conservation and efficiency practices and technological applications.
- Ensure that conservation programs are transparent and that information is readily available.
- Aid in the development and dissemination of sector-based best management practices and results achieved.
- Seek opportunities for the sharing of traditional knowledge and practices of Basin First Nations and Tribes.

Statutory Commitments Related to Water Conservation

(from Section 4.2 of the Compact)

By December 8, 2010, each Party will:

- (a) develop its own water conservation and efficiency goals and objectives consistent with the basin-wide goals and objectives;
- (b) develop and implement a water conservation and efficiency program, either voluntary or mandatory, for all (including existing) water users within its jurisdiction;

Thereafter, each Party will annually assess its programs in meeting its goals and objectives, report to the Compact Council and the Regional Body, and make the annual assessment available to the public.

By December 8, 2010, the Parties commit to promote environmentally sound and economically feasible water conservation measures such as: (a) measures that promote efficient use of water; (b) identification and sharing of best management practices and state of the art conservation and efficiency technologies; (c) application of sound planning principles; (d) demand-side and supply-side measures or incentives; and, (e) development, transfer and application of science and research.

Beginning December 8, 2013 and every five years thereafter, the Compact Council (in cooperation with the Provinces) will review and modify as appropriate the basin-wide water conservation objectives, based on examining new technologies, new patterns of water use, new resource demands and threats, and cumulative impact assessment. The Parties will have regard for any such modifications in implementing their programs.

Existing Statutory Constraints in Ohio (from ORC Section 1522.05)

The governor, the department of natural resources, or any other agency of the state will not adopt rules or implement any mandatory program governing water conservation and efficiency unless the general assembly enacts legislation authorizing the implementation of the program or adoption of rules. However, the governor, the department of natural resources, or any other agency of the state may adopt rules concerning and may implement voluntary water conservation and efficiency programs without authorization from the general assembly. Such voluntary programs shall not include any mandatory requirements.

Ohio Advisory Board Task Related to Water Conservation (from SECTION 3 of Amended House Bill 416 as passed)

The Advisory Board will be convened for the purpose of developing recommendations for legislation that is necessary to implement and effectuate the requirements and purposes of the Compact, including the establishment of water conservation objectives and the development of the state's water conservation and efficiency programs.

Ohio Compact Advisory Board Activities Related to Regulation of New or Increased Withdrawals

Compact Commitments Related to Regulation of Withdrawals

(from Section 4.10 of the Compact)

By December 8, 2013, each party shall create a program for the management and regulation of new or increased water withdrawals and consumptive uses by adopting and implementing measures consistent with the decision-making standard.

Each party shall set and may modify regulatory threshold levels to assure an effective & efficient water management program that will ensure that uses overall are reasonable and that withdrawals overall will not result in significant impacts to the waters and water-dependent natural resources of the Great Lakes Basin, determined on the basis of significant impacts to the physical, chemical, and biological integrity of each Source Watershed (i.e., in Ohio, the Lake Erie Basin).

Existing Statutory Constraints in Ohio

(from ORC Section 1522.05)

The governor, the ODNR, or any other state agency shall not adopt rules or implement any new program regulating the use, withdrawal, or consumptive use of water unless the general assembly enacts legislation authorizing the implementation of the program or adoption of rules (this does not prohibit the continued implementation and enforcement of laws, rules, or programs that were in effect prior to the effective date of the Compact).

Ohio Advisory Board Task Related to Regulation of Withdrawals

(from SECTION 3 of Amended House Bill 416 as passed)

The Advisory Board will be convened for the purpose of developing recommendations for legislation necessary to implement and effectuate the requirements and purposes of the Compact, including the evaluation and recommendation of the threshold levels to be included in the implementing legislation for regulating new or increased withdrawals (considering the number of withdrawals that will be regulated, the relative impact of those withdrawals, the practicality of regulating those withdrawals, and the alternatives that are available in the establishment of a regulatory program).