



## Ohio Administrative Code

### Rule 1501-2-12 Coordination with the federal great lakes diversion statute and the great lakes charter.

Effective: November 12, 2000

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(A) Within ninety days of accepting a completed application for a diversion which is subject to the provisions of section 1109 of the "Water Resources Development Act of 1986," 100 Stat. 4230 42 U.S.C.A. 1962d-20, the director shall either:

(1) Deny the permit in accordance with the provisions set forth in rule 1501-2-06 of the Administrative Code; or

(2) Formulate a recommendation to approve the diversion proposal and transmit it, along with the completed application and other relevant materials, to the governor of Ohio for consideration pursuant to section 1109 of the "Water Resource Development Act of 1986," 100 Stat. 4230, 42 U.S.C.A. 1962d-20.

(B) Upon being notified that the governor of Ohio has denied permission for the diversion proposal pursuant to section 1109 of the "Water Resources Development Act of 1986," 100 Stat. 4230, 42 U.S.C.A. 1962d-20, the director shall deny the permit consistent with the provisions of rule 1501-2-07 of the Administrative Code.

(C) Upon being notified that the governor of Ohio has indicated that the diversion proposal is approvable pursuant to section 1109 of the "Water Resources Development Act of 1986," 100 Stat. 4230, 42 U.S.C.A. 1962d-20, the director shall:

(1) Notify the governors and appropriate water management agencies of the other great lakes states and request the approval of the governors for the diversion proposal pursuant to section 1109 of the "Water Resources Development Act of 1986," 100 Stat. 4230, 42 U.S.C.A. 1962d-20.

(2) Notify the premiers and appropriate water management agencies of the Canadian provinces of Quebec and Ontario and request their comments on the diversion proposal pursuant to the prior notice and consultation provisions of the great lakes charter.



(3) If the diversion proposal directly involves the waters of lake Erie, consult the international joint commission to determine whether the proposed diversion is subject to the Boundary Waters Treaty of 1909.

(4) The notification shall include a copy of the completed diversion application and any other relevant information not contained in the application.

(5) The director shall make a reasonable effort to provide any additional information requested by the parties listed in paragraphs (C)(1), (C)(2), and (C)(3) of this rule. If necessary, the director shall request the applicant to provide the information requested.

(6) If requested by any of the parties listed in paragraphs (C)(1), (C)(2), and (C)(3) of this rule, the director shall convene a consultation meeting with the other great lakes states and provinces, providing at least a thirty day notice of the meeting.

(D) If one or more of the great lakes states' governors indicate that they are unwilling to approve the diversion proposal without modifications, the director shall provide the applicant the opportunity to amend the diversion application. If the applicant does so amend the application, the director will notify the parties listed in paragraphs (C)(1), (C)(2), and (C)(3) of this rule about the amendment and will request the great lakes states' governors to approve the diversion proposal as amended.

(E) Upon being notified that any of the great lakes states' governors has denied permission for the diversion proposal pursuant to section 1109 of the "Water Resources Development Act of 1986," 100 Stat. 4230, 42 U.S.C.A. 1962d-20, the director shall deny the permit application consistent with the provisions of rule 1501-2-07 of the Administrative Code.

(F) Upon being notified that all the great lakes states' governors have approved the diversion proposal pursuant to section 1109 of the "Water Resources Development Act of 1986," 100 Stat. 4230, 42 U.S.C.A. 1962d-20, the director shall approve the permit application consistent with the provisions of rule 1501-2-07 of the Administrative Code. Upon issuing the diversion permit, the director will notify the other great lakes states and the Canadian provinces of Quebec and Ontario of such issuance.



(G) Within ninety days of accepting a completed application for a diversion which is not subject to the provisions of section 1109 of the "Water Resources Development Act of 1986," 100 Stat. 4230 42 U.S.C.A. 1962d-20 but is subject to the provisions of the great lakes charter, the director shall either:

(1) Deny the permit in accordance with the provisions set forth in rule 1501-2-06 of the Administrative Code; or

(2) Notify the governors and appropriate water management agencies of the great lakes states and the premiers and appropriate water management agencies of the Canadian provinces of Quebec and Ontario and request their comments on the diversion proposal pursuant to the prior notice and consultation provisions of the great lakes charter.