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Proposed Regulation Agency Background Document

Agency name	Department of Environmental Quality
Virginia Administrative Code (VAC) Chapter citation(s)	9 VAC25-780
VAC Chapter title(s)	Local and Regional Water Supply Planning
Action title	Amendments pursuant to Chapter 1105 of the 2020 Acts of Assembly
Date this document prepared	August 22, 2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Local and Regional Water Supply Regulation (9VAC25-780) was promulgated in 2005 in accordance with section 62.1-44.38:1.A of the Code of Virginia, which required the State Water Control Board (Board) to establish a comprehensive water supply planning process for the development of local, regional and state water supply plans (plan). This legislative action and subsequent regulation were in response to the 2001-2002 drought during which many water supplies within the Commonwealth experienced inadequate supply to meet demands.

Under the current regulation, localities can choose to develop a plan independently (local plan) or may choose to plan regionally with other localities (regional plan). In total, 48 water supply plans were submitted in 2008, of which 10 were local plans and 38 were regional plans with the majority of those consisting of one county and one or more cities or incorporates towns located within the boundaries of the

county. Planning regions were not specifically determined based on river basin or with respect to shared sources of water supply.

2020 amendments to §§ 62.1-44.36, 62.1-44.38, and 62.1-44.38:1 of the Code of Virginia direct the Board to encourage the development of cross-jurisdictional water supply projects, and to adopt regulations designating regional planning areas based primarily on river basin. The amendments also mandate that each locality in a particular regional planning area shall participate in cross-jurisdictional, coordinated water resource planning, and all localities in each area shall together develop and submit a single regional plan. The bill directs the Department of Environmental Quality (Department) to facilitate the creation of regional water plans by ensuring sufficient coordination among localities, providing planning and other assistance, and ensuring that each regional plan identifies risks and proposes cost-effective strategies in response. In 2022, further amendments to § 62.1-44.38:1 require the regulation to provide a mechanism for localities to request a change of its designated regional planning area to an adjoining planning area that is based on water supply source, river basin, or existing or planned cross-jurisdictional relationship.

This regulatory proposal is required to amend the existing Local and Regional Water Supply Plan Regulation to reflect the amendments made to the Code of Virginia and to conform the existing regulation to changes in Code.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

Board – State Water Control Board

Department – Department of Environmental Quality

Plan – Regional Water Supply Plan

RAP- Regulatory Advisory Panel

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This regulatory action is in response to the directive created by Chapter 1105 (HB524) of the 2020 Acts of Assembly and Chapter 331 (HB1297) of the 2022 Acts of Assembly that requires the Board to adopt regulations designating regional planning areas based primarily on river basin and provide a mechanism for localities to request a change in regional planning areas respectively.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the

promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Amendments to section 62.1-44.38:1 of the Code of Virginia (Chapter 1105 of the 2020 Acts of Assembly) direct the Board to adopt regulations designating regional planning areas based primarily on river basins, and state that the regulations shall identify the particular regional planning area in which each locality shall participate, and which local stakeholder groups shall or may participate in coordinated water resource planning. The amendments also require each locality to participate in cross-jurisdictional, coordinated water resources planning, and that each regional planning area submit a singly jointly produced regional water supply plan, which shall clearly identify the region's water supply risks, propose cost-effective regional strategies to address these risks, and comply with all other applicable criteria and guidelines developed by the Board. Amendments to section 62.1-44.38 direct the Board to predict the risk that each locality and region will experience water supply shortfalls, and require the Board to direct the Department in its facilitation of regional planning efforts. Additional amendments to § 62.1-44.38:1 (Chapter 331 (HB1297) of the 2022 Acts of Assembly) require the regulation to provide a mechanism for localities to request a change of its designated regional planning area to an adjoining planning area that is based on water supply source, river basin, or existing or planned cross-jurisdictional relationship.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The purpose of the proposed amendments is to designate regional planning areas based primarily on river basins and to provide a framework to facilitate improved cross-jurisdictional regional planning as directed by Chapter 1105 of the 2020 Acts of Assembly. Water supply plans submitted under the current regulation were largely submitted by a single locality or a single locality and any incorporated towns and cities within its boundaries. This approach results in localities planning within their own political boundaries, which may not represent the most efficient or effective way to address shared water sources that cross jurisdictional boundaries.

Regional planning enables localities and other water users to assess water sources in the context of their shared use with others in the region. This approach will promote a more accurate assessment of water sources to meet demands into the future, and promotes cost-effective regional projects and strategies to address water supply shortfalls and risks to water supply such as drought, while also improving the capability of localities to more efficiently pursue new economic development opportunities that often require significant water capacity.

Additionally, the statute requires localities to invite stakeholders including economic development organizations, industrial, commercial, and agricultural water users, among others to participate in plan development. While the previous regulation required a public involvement process, the proposed regulation will allow interested parties to participate more directly.

The goals of the proposed amendments are to require that localities plan regionally and identify regional planning areas for each locality while providing a process for localities to request a change in planning area, develop requirements for identification of water supply risks and strategies to address those risks, and revise the water supply plan development, submission, and review procedures to align with the new requirements including clarifying the roles and responsibilities for localities, stakeholders, and the Department.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

The proposed regulation establishes regional planning areas, identifies the particular regional planning area in which each locality shall participate, identifies a procedure for localities to request a change to its planning area, and requires localities to invite stakeholder groups to participate in coordinated resource planning. The amendments also incorporate language to address new statutory requirements that the Department facilitate regional water planning efforts, ensure localities coordinate in the development of water supply plans, prioritize allocation of funding to localities that participate in regional planning, and provide estimates of water supply shortfalls for each locality and region. The amendments also require that each regional water supply plan clearly identify the regional planning area’s water supply risks and propose regional strategies to address those risks. The proposed amendments also revise the existing water supply plan development, submission, and review procedures to accommodate regional plans and other new requirements discussed above, and clarifies the roles of localities, stakeholders, and the Department in the regional planning process.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

Advantages from the proposed regulatory change for the public, including private citizens and businesses include a regional water supply plan scope that addresses sources within a basin that cross jurisdictional boundaries, increased opportunities to participate in the water supply planning process, the potential for more resilient and efficient water supply systems that include regional projects in any evaluation of future infrastructure development, and more consideration of potential risks to water supply beyond deficits. Planning that includes coordinated evaluation of common regional water sources at the regional scale allows for improved optimization of the use of these resources and may increase water availability for future water needs.

Advantages for the agency and Commonwealth include the potential for water supply systems to be more resilient to drought and other water supply risks, requiring fewer emergency related permit modifications or variances. Planning that considers cumulative demands, water supply risks, and promotes regional strategies to addressing water supply deficits and risks establishes local certainty, allowing faster response to economic development opportunities. Effects of this could include smoother and more efficient permit application processes for water supply projects, fewer variances or emergency actions due to drought or other acute conditions, and more efficient and cost effective use of state and local resources with respect to water supply infrastructure. The proposed amendments will reduce the number of plan submittals from 48 under the current framework to 26, potentially reducing the staff time required for certain administrative tasks related to plan development and review.

Advantages to the regulated community including local governments, water authorities, self-supplied water users, and other stakeholders that elect to participate in the planning process include a more robust water supply plan that addresses shared water resources that cross local government boundaries, considers water supply risks and strategies. Clarifications to the plan development, submittal, and review process will address areas of concern or confusion identified during implementation of the existing regulation. Stakeholders that choose to participate in the plan development have more opportunities to

ensure their needs and concerns are considered. Planning regionally may also assist localities in identifying or strengthening regional partnerships to better manage new demands associated with growth or unexpected increases in demand from new economic development opportunities. Potential disadvantages to this group include eliminating the ability to plan locally for localities that prefer that approach and the potential for additional administrative complexity in plan development as a result of planning with a greater number of localities and stakeholders.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There is no federal statute or regulation for water supply planning and therefore the proposed regulation does not introduce requirements more restrictive than federal requirements. Federal law reserves water supply planning and allocation decisions to the states.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

No state agencies are expected to be particularly affected.

Localities Particularly Affected

All counties, cities, and incorporated towns will be affected by this regulatory change but none are expected to be particularly affected.

Other Entities Particularly Affected

No other entities particularly affected.

For purposes of "Locality Particularly Affected" under the Board's statutes

There is no locality particularly affected under the Board's statutes.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact,

specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources.</p>	<p>No economic impacts expected for the Department.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>No economic impacts expected for other state agencies.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>Planning based on river basin should result in a more robust plan that addresses shared resources across localities. May reduce future conflicts over shared resources, permitting challenges, and improve cost-efficiency of new projects via regional cooperation. Such outcomes are benefits to the management of the resource in a manner that meets water supply needs while minimizing impacts to other beneficial uses, which is a benefit to all agencies overall.</p>

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>No explicit change in costs are expected for localities as a result of this action but regional planning may require additional facilitation that increases staff time. This will vary significantly across localities as some localities already planned regionally or will be planning in planning areas largely overlapping existing planning structures such as PDC's.</p> <p>The original regulation included grant funding for localities to develop water supply plans. While including grant funding in this statutory change was discussed, it did not ultimately make it into the bill and therefore is not available currently.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>Planning based on river basin should result in a more robust plan that addresses shared resources across localities. May reduce future conflicts over shared resources, permitting challenges, and improve cost-efficiency of new projects via regional cooperation.</p>

	Clarifications to plan development, submission, and review processes will help localities manage these tasks.
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Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	Other groups that may be affected include the public, water users, economic and environmental groups and other stakeholders who would have the option to participate in planning process more directly than in the current regulation. There is not expected to be direct impacts outside of this new voluntary participation.
Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	As discussed above, only those who wish to participate would be affected.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	No additional mandated costs are expected for the public, businesses, or other stakeholder groups. Any impact to time or resources would be as a result of volunteering to participate.
Benefits the regulatory change is designed to produce.	The benefit to the public and stakeholders groups will be the option to participate more directly in the planning process.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

Alternatives were not considered as the General Assembly directed the development of regulations for this purpose through Chapter 1105 of the 2020 Acts of Assembly and Chapters 331 and 356 of the 2022 Acts of Assembly.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The proposed regulation is in response to the directive created by Chapter 1105 of the 2020 Acts of Assembly and Chapter 331 of the 2022 Acts of Assembly that requires the Board to adopt regulations designating regional planning areas based primarily on river basin. However, during the development of the proposed amendments, DEQ reviewed compliance requirements and the plan development, submission, and review process. While compliance requirements related to the components of a water supply plan were not changed, the process was streamlined in several ways including: 1) clarifying which requirements were to be completed by localities and which by the regional planning unit as a whole, 2) clarifying the extent and type of information that is expected to be collected (readily available) 3) incorporating new requirements for the Department in convening and facilitating the plan development process, 4) clarifying responsibility for compliance in the event of a single locality refusing to participate, and 5) clarifying public participation processes.

Changes made in response to Chapter 356 of the 2022 Acts of Assembly are mandated by that statutory change and so no alternative regulatory methods were considered.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

No periodic review was announced during the NOIRA stage.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Committer	Comment	Agency response
Alfred Scott, City of Richmond DPU	Recognizes importance of regional planning, requests that process consider existing regional partnerships, water supply risks should have clear objective criteria, requests appointment of Ross Phillips to regulatory advisory panel (RAP).	Feedback taken into consideration during RAP process. Ross Phillips was appointed to the RAP.
Timothy A Mitchell, Virginia Municipal Drinking Water Association	Requests Scott Morris, Assistant Director of Utilities, Operation and Maintenance, Chesterfield County to serve on RAP.	Scott Morris was appointed to the RAP.
Andrea Wortzel, MissionH2O	Support of regional planning in general, “risk” must be defined and highest priority should be for human consumption, requirement for inviting stakeholders should be flexible to allow regions to develop a process that reflects the region, supports appointment of Greg Prelewicz, Fairfax Water, and Whitney Katchmark, Hampton Roads Planning District Commission, to the RAP.	Feedback taken into consideration during RAP process. Greg Prelewicz and Whitney Katchmark appointed to the RAP.
Norm Goulet, Northern Virginia Regional Commission	Requests appointment to RAP.	DEQ received requests from multiple stakeholders representing the Northern Virginia region and did not appoint Mr. Goulet to the RAP to ensure that no region received significantly more representation than others.
Jamie Bain Hedges, Fairfax Water	Background on Fairfax Water and involvement with existing planning structures. Requests appointment of Greg Prelewicz to the RAP.	Greg Prelewicz was appointed to the RAP.
Whitney Katchmark, Hampton Roads Planning District Commission	Requests appointment of Whitney Katchmark to the RAP.	Whitney Katchmark was appointed to the RAP.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

In addition to any other comments, the State Water Control Board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the State Water Control Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: 1) projected reporting, recordkeeping and other administrative costs; 2) probable effect of the regulation on affected small businesses; and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Hannah Somers, Central Office, 1111 East Main St. Suite 1400, Richmond, VA, 23218; Phone: (804) - 814-2780; E-mail Hannah.Somers@deq.virginia.gov; FAX: (804) 698-4178. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
780-10 A		Application requirements	Clarification of affected entities by deleting the phrase “counties, cities, and towns”, and replacing with “local governments”, identifying the requirement for all localities to participate in regional planning and submit a single jointly produced plan, and addition of language to further clarify participants and their submission requirements.

			Changes to regulation required by statutory changes.
780-10 C	780-10 B	Application requirements.	Renumbering to reflect shift of language from 780-10 B into 780-10 A. Addition of language to clarify regulation does not alter existing contractual rights related to water supplies.
780-10 D	780-10 C	Application requirements.	Renumbering section.
780-20		Purpose of chapter.	Addition of language to reflect statutory changes with respect to the purpose of the chapter, which is to establish a comprehensive water supply planning process for the collection of certain data by localities and the development of regional and state water supply plans.
780-30		Definitions.	Revised definition of “Beneficial Use” to reference its surface water and its groundwater related definition as found in 9VAC25-210-10 and 9VAC25-610-10, respectively.
780-30		Definitions.	Deletion of term “conservation” – Replaced with more focused definition for “water conservation”.
780-30		Definitions.	Deletion of term “local program” – replaced with “regional water supply plan”. Change necessary to comply with statutory requirement for regional plans.
780-30		Definitions.	Deletion of the term “planning area” – replaced with “regional planning area”. Change necessary to comply with statutory requirement for regional plans.
780-30		Definitions.	Clarification of the term “planning period” to a 30 year time frame and to replace the term “locality” with the phrase “local governments and regional planning units”.
780-30		Definitions.	Addition of the term “regional planning area”. Change necessary to comply with statutory requirement for regional plans.
780-30		Definitions.	Clarification of the term “regional planning unit” to include references to “water authorities”; “stakeholders” and “planning district commissions” and to correct reference to the “regional water supply plan”. Change necessary to comply with statutory requirement for regional planning to allow participation of other stakeholders. Inclusion of water authorities at recommendation of RAP.
780-30		Definitions.	Revision and clarification of the original term “regional water plan”.
780-30		Definitions.	Revision of definition of “self-supplied user” to remove language stating they

			receive no water from other systems. In some cases a self-supplied user may receive water from another system while still operating their own system.
780-30		Definitions.	Addition of the term “stakeholder”.
780-30		Definitions.	Addition of term “State Water Resources and Supply Plan”. This definition clarifies the scope of an existing Department report produced using data collected from water supply plans and other sources.
780-30		Definitions.	Correction of state agency name and inclusion of the term “beneficial” in the definition of “Technical evaluation committee”.
780-30		Definitions.	Revise the term “unaccounted for losses” to “unaccounted for water” to reflect current term of use.
780-30		Definitions.	Addition of term “water authority”.
780-30		Definitions.	Replacement of term “conservation” with “water conservation”.
780-30		Definitions.	Clarification of term “water demand management” to include the concept of water use efficiency and to delete the reference to “a local program.
780-30		Definitions.	Deletion of the term “water plan” – replaced with the term “regional water supply plan. Change necessary to comply with statutory requirement for regional plans.
780-30		Definitions.	Expansion of the term “water sources” to include “springs” and “aquifers” as they are also sources that should be considered part of this definition.
780-30		Definitions.	Addition of a definition for “water supply risk”.
780-40		Program development.	Section Repealed. Requirements now included in 780-50.
	780-45	<u>Designation of Regional Planning Areas.</u>	Addition of new section entitled: “Designation of Regional Planning Areas” which identifies the regional planning areas and the members off those planning areas for purposes of this regulation and the process for a locality to request a change in the planning area. This new section was added to comply with changes made to the statute.
780-50		<u>Preparation of local information and regional water supply plan;</u> submission of a program. <u>submission of requirements for a regional water supply plan.</u>	Title of section revised to indicate the section will address both the local information and regional water supply plan requirements.

780-50 A		Preparation of <u>local information and regional water supply plan</u> ; submission of a program. <u>submission of requirements for a regional water supply plan.</u>	Clarification of local government responsibilities. Changes throughout this section are intended to clarify which responsibilities shall be completed by local governments and which shall be completed at the regional scale.
780-50 B		Preparation of <u>local information and regional water supply plan</u> ; submission of a program. <u>submission of requirements for a regional water supply plan.</u>	Removal of language related to submission deadlines that are no longer applicable. Clarification of responsibilities of regional planning units and the department including new requirements to streamline the plan development process including designation of representatives for each local government and convening “kick-off” meetings. These changes were recommended by the RAP to clarify the process. New requirements for increased stakeholder involvement as required by statutory changes also added in this section.
780-50 C		Preparation of <u>local information and regional water supply plan</u> ; submission of a program. <u>submission of requirements for a regional water supply plan.</u>	Clarification of information collection requirements for local governments and what kinds of information should be considered during plan development.
780-50 C	780-50 D	Preparation of <u>local information and regional water supply plan</u> ; submission of a program. <u>submission of requirements for a regional water supply plan.</u>	Creation of a new subsection heading for clarification. Revisions to the listed elements required to be in each regional water supply plan. Additional elements and the deletion of several elements to reflect changes elsewhere in the regulation.
	780-50 E	Preparation of <u>local information and regional water supply plan</u> ; submission of a program. <u>submission of requirements for a regional water supply plan.</u>	Added language to clarify that public process requirements must be completed and all local governments must adopt a resolution authorizing the submission of the plan prior to submitting to the Department.
	780-50 F	Preparation of <u>local information and regional water supply plan</u> ; submission of a program. <u>submission of requirements for a regional water supply plan.</u>	Added language outlining process to be followed by regional planning unit when a local government fails to adopt the resolution.
	780-50 G	Preparation of <u>local information and regional water supply plan</u> ; submission of a program. <u>submission of requirements</u>	Added language identifying consensus requirements. These changes are to address how disagreements or lack of consensus should be handled. The changes acknowledge that full

		<u>for a regional water supply plan.</u>	consensus may not always be possible in a regional scope.
	780-50 H	Preparation of <u>local information and regional water supply plan</u> ; submission of a program. <u>submission of requirements for a regional water supply plan.</u>	Added requirements for appending the identified documents and supporting materials to the regional water supply plan. These materials were previously considered part of the “local program” which as a concept has been replaced and simplified to a regional water supply plan.
780-50 D	780-50 I	Preparation of <u>local information and regional water supply plan</u> ; submission of a program. <u>submission of requirements for a regional water supply plan.</u>	Revision of numbering to account for inclusion of new subsections and clarification of 5-year review process for a regional water supply plan. Clarification that supplements to regional water supply plans submitted during 5 year review need not be public noticed.
780-50 E	780-50 J	Preparation of <u>local information and regional water supply plan</u> ; submission of a program. <u>submission of requirements for a regional water supply plan.</u>	Revision of numbering to account for inclusion of new subsections and clarification of 10-year resubmission process for a regional water supply plan. Added requirements for convening a kick-off meeting no later than 180 days prior to last compliance determination to be consistent with process for initial submission.
	780-55	<u>Public participation in regional water supply plans.</u>	Addition of new section to clarify public participation requirements previously contained in 780-50. These changes address input received that the existing requirements were unclear and also outlines how the public can participate in plan development to reflect changes in statute that require regional planning units to allow interested parties to participate more directly.
	780-55 A	<u>Public participation in regional water supply plans.</u>	Identification of public notice requirements during plan development. These changes are intended to clarify existing requirements that were unclear according to feedback received by the Department.
	780-55 B	<u>Public participation in regional water supply plans.</u>	Identification of public notice of public informational meeting requirements. These changes are intended to clarify existing requirements that were unclear according to feedback received by the Department.
	780-55 C	<u>Public participation in regional water supply plans.</u>	Public informational meeting requirements. These changes are intended to clarify existing requirements that were unclear according to feedback received by the Department.
	780-55 D	<u>Public participation in regional water supply plans.</u>	Requirements to accept additional written comments. These changes are intended

			to clarify existing requirements that were unclear according to feedback received by the Department.
	780-55 E	<u>Public participation in regional water supply plans.</u>	Requirements for handling written comments. These changes are intended to provide a process for administering public comments regionally or locally.
	780-55 F	<u>Public participation in regional water supply plans.</u>	New language requiring regional planning units to give due consideration to public comments received and clarification that any revisions to the regional water supply plan in response to comments need not be publicly noticed again.
780-60		State role in program <u>regional water supply plan preparation.</u>	Revision of Section title related to the state role in regional water supply plan preparation.
780-60		State role in program <u>regional water supply plan preparation.</u>	Clarification of the state role in the development of regional water supply plans/requirements for the department and necessary renumbering of subsections. Changes are primarily to address new language in statute identifying Department responsibilities.
780-70 A		Existing water source information.	Changes throughout section 70 are primarily to clarify whether information requirements are local or regional responsibility, and to clarify Department responsibilities. Clarification of local government requirement to provide existing water source information.
780-70 B		Existing water source information.	Clarification of the requirement for local governments to provide existing water source information for community systems using groundwater; replacement of the term “design capacity” with the term “designed related to average daily and maximum daily withdrawals as a result of feedback received by the Department that the original language was unclear.
780-70 C		Existing water source information.	Clarification of need for local governments to provide existing water source information for community water systems using surface water reservoirs and replacement of the phrase “design capacity” with the term “designed” as it relates to average daily and maximum daily withdrawals.
780-70 D		Existing water source information.	Clarification of the need for local governments to provide existing water source information for community water systems using stream intakes and the replacement of the phrase “design capacity” with the term “designed” as it

			relates to the average and maximum daily withdrawals from the stream.
780-70 E		Existing water source information.	Clarification language added related to local government review of data for self-supplied users of surface water provided by the department. Addition of numbering sequence to clarify requirements. Replacement of the phrase “design capacity” with the term “designed”.
780-70 F		Existing water source information.	Clarification language added related to local government review of data for self-supplied users of ground water provided by the department. Addition of numbering sequence to clarify requirements. Replacement of the phrase “design capacity” with the term “designed”.
780-70 G		Existing water source information.	Clarification language added related to local government review of data for existing contractual agreements provided by the department. Addition of numbering sequence to clarify requirements.
780-70 H		Existing water source information.	Clarification language added related to inclusion of an estimate of the amount of water available to be purchased from outside the regional water supply plan.
780-70 I		Existing water source information.	Clarification language added related to local government review of data for agricultural users provided by the department. Addition of numbering sequence to clarify requirements.
780-70 J		Existing water source information.	Clarification language added related to local government providing an estimate of the number of residences and business that are self-supplied by individual wells.
780-70 K		Existing water source information.	Section deleted as this requirement has now been included in section 125.
780-80 A		Existing water use information.	Changes throughout section 80 are primarily intended to clarify Department and local government responsibilities. Clarification of requirement for each local government to provide information on existing water use information.
780-80 B		Existing water use information.	Clarification of requirements for a regional water supply plan to include information for each community water system.
780-80 C		Existing water use information.	Clarifying language added related to information to be provided by the department and any additional locally identified data related to water use by self-supplied nonagricultural users of surface and ground water.
780-80 D		Existing water use information.	Clarifying language added related to information to be provided by the

			department and any additional locally identified data related to water use by self-supplied agricultural users of surface and groundwater.
780-80 E		Existing water use information.	Clarifying language added related to information to be provided by the department and any additional locally identified data related to water use by self-supplied users of groundwater.
780-90		Existing <u>water</u> resource information.	Clarification/Addition of the term “water” in title of section.
780-90 A		Existing <u>water</u> resource information.	Addition of clarifying language related to requirements of existing water resource information for local governments within a regional planning area.
780-90 B		Existing <u>water</u> resource information.	Replacement of the term “program” with the phrase “regional water supply plan”. Addition of clarifying language related to information provided by the department. Revision requirement related threats to water quality and quantity to instead focus on “instream flow” information available from the Department. Previous language was too vague and expectation was unclear.
780-100		Projected water demand information; <u>Statement of need and alternatives.</u>	Revision of section title to reflect addition of content.
780-100 A		Projected water demand information; <u>Statement of need and alternatives.</u>	Changes made in section 100 are largely to clarify local government responsibilities. Addition of clarification of requirement to provide projections of future water demand. Inclusion of the term “regional water supply plan”. Correction of reference.
780-100 B		Projected water demand information; <u>Statement of need and alternatives.</u>	Inclusion of the term “regional water supply plan”. Revision of the length of water demand estimates to 30 years instead of 30 to 50 years. Recommendations from stakeholders and program staff indicate that 30 year timelines were the most common and feasible and standardization would be appropriate.
780-100 C		Projected water demand information; <u>Statement of need and alternatives.</u>	Inclusion of the term “regional water supply plan”.
780-100 D		Projected water demand information; <u>Statement of need and alternatives.</u>	Inclusion of the term “regional water supply plan”. Deletion of the term “proposed” as it relates to service areas. Addition of requirement related to projected water demands.
780-100 E		Projected water demand information; <u>Statement of need and alternatives.</u>	Inclusion of the term “regional water supply plan” and other minor clarifications.

780-100 F		Projected water demand information; <u>Statement of need and alternatives.</u>	Inclusion of the term “regional water supply plan”. Clarification of requirements.
780-100 G		Projected water demand information; <u>Statement of need and alternatives.</u>	Inclusion of the term “regional water supply plan”. Clarification of requirements.
	780-100 H	Projected water demand information; <u>Statement of need and alternatives.</u>	Added language identifying local and regional responsibilities in the preparation of a “statement of need” and the identification of requirement for alternatives analysis for deficits to assess range of potential alternative sources of supply.
	780-100 I	Projected water demand information; <u>Statement of need and alternatives.</u>	Clarifications to requirements for an alternatives analysis and local and regional responsibilities therein. These changes were made based on recommendations by stakeholders to clarify the existing alternative analysis requirements and to reflect a regional scope.
780-100 H	780-100 J	Projected water demand information; <u>Statement of need and alternatives.</u>	Revised subsection numbering to accommodate addition of new subsections. Inclusion of the term “regional water supply plan”. Clarification of requirements.
780-100 I	780-100 K	Projected water demand information; <u>Statement of need and alternatives.</u>	Revised subsection numbering to accommodate addition of new subsections. Inclusion of the term “regional water supply plan”.
	780-110 A	Water demand management information.	Addition of new Subsection A related to local government providing information on existing water demand management plans or practices.
780-110 A	780-110 B	Water demand management information.	Renumbering of subsection to account for addition of new subsection. Inclusion of the term “regional water supply plan”. Clarification of requirements.
780-110 B	780-110 C	Water demand management information.	Renumbering of subsection to account for addition of new subsection. Clarification of requirements.
780-120 A		Drought response and contingency plans.	Addition of subsection numbering to account for addition of new subsections. Clarification of local government responsibility in developing a drought response and contingency plan.
	780-120 B	Drought response and contingency plans.	Addition of language related to conflicts between subsection A requirements and any condition of a permit. This language is intended to address that some permits require drought plans that may already be in existence and must be rectified with any plan developed in response to this chapter.

	780-120 C	Drought response and contingency plans.	Addition of language related to the development of a regional drought response and contingency plan. This language allows regional planning units to evaluate whether a regional drought plan is feasible and develop one if so.
	780-120 D	Drought response and contingency plans.	Addition of language related to the inclusion of cross-jurisdictional coordination efforts on drought response.
	780-125	<u>Identification of water supply risks and proposed regional strategies.</u>	Addition of new section related to the “identification of water supply risks and proposed regional strategies”. This new section was added to address new statutory requirements for regional plans to identify water supply risks and propose regional strategies to address them. The section includes a list of risks for regional planning units to consider, although not all risks in the list may be applicable to each regional planning unit. In addition, regional planning units or local governments may identify risks not listed in the regulation.
780-130		Statement of need and alternatives.	Section repealed. Requirements now contained in 780-100.
780-140		Review of local programs regional water supply plans.	Replacement of “local programs” with “regional water supply plans”.
780-140 A		Review of local programs regional water supply plans.	Replacement of “local programs” with “regional water supply plans”. Correction of title of “State Plan”.
780-140 B		Review of local programs regional water supply plans.	Replacement of “local programs” with “regional water supply plans”.
780-140 C		Review of local programs regional water supply plans.	Replacement of “local programs” with “regional water supply plans”: Item renumbering to accommodate additional requirements to reflect new requirements such as water supply risks. Correction of reference.
780-140 D		Review of local programs regional water supply plans.	Replacement of “local programs” with “regional water supply plans”.
780-140 E		Review of local programs regional water supply plans.	Replacement of “local programs” with “regional water supply plans”.
780-140 F		Review of local programs regional water supply plans.	Replacement of “local programs” with “regional water supply plans”.
780-140 G		Review of local programs regional water supply plans.	Replacement of “local programs” with “regional water supply plans”. Clarification of information to be developed by the department.
780-140 I		Review of local programs.	Replacement of “local programs” with “regional water supply plans”. Correction of title of “State Plan”.
780-150 A		Public notice and public comment period.	Replacement of “local programs” with “regional water supply plans”.
780-150 B		Public notice and public comment period.	Replacement of “local programs” with “regional water supply plans”. Correction

			of title of Department of Game and Inland Fisheries to Department of Wildlife Resources.
780-150 D		Public notice and public comment period.	Replacement of "local programs" with "regional water supply plans".
780-150 E		Public notice and public comment period.	Replacement of "local programs" with "regional water supply plans".
780-160 A 2		Public meetings.	Replacement of "local plan" with "regional water supply plan".
780-160 C		Public meetings.	Replacement of term "program" with "regional water supply plan".
780-180	780-180 A	Enforcement.	Numbering of subsections added to accommodate addition of new subsection.
780-180	780-180 B	Enforcement.	Numbering of subsections added to accommodate addition of new subsection. Addition of language clarifying that a local government shall not be liable if a local government within their regional planning area does not comply with requirements within this chapter.

Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that this regulation will have a direct impact on families.