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Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	Primary Action: 9VAC25-920
VAC Chapter title(s)	9VAC25-920 - General Permit For The Use Of Irrigation Withdrawals From The Surficial Aquifer Greater Than 300,000 Gallons In Any One Month
Action title	Creation of a General Permit for Use of the Surficial Aquifer in a Groundwater Management Area
Date this document prepared	November 19, 2021

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), 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 intent of this new regulation is to conserve groundwater in the confined aquifers within the Groundwater Management Areas for potable needs. This regulatory proposal will create a new general permit to promote use of the surficial aquifer in any Groundwater Management Areas.

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.

"Act" means the Ground Water Management Act of 1992 (§62.1-254 of the Code of Virginia)

"Board" means the State Water Control Board

“Groundwater management area” means a geographically defined groundwater area in which the board has deemed the levels, supply, or quality of groundwater to be adverse to public welfare, health, and safety.

“Groundwater” means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water wholly or partially within the boundaries of this Commonwealth, whatever the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

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 Executive Order 14 (as amended, July 16, 2018), “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.”

Chapter 670 of the 2020 Acts of the Assembly (new §§62.1-258.1, 62.1-266 H and I) directs the Board to address the impacts of the non-agricultural irrigation on the confined aquifer system by prohibiting the use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.

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.

Section 62.1-256 of the Code of Virginia authorizes the Board to adopt such regulations, as it deems necessary to administer and enforce the provision of this chapter. Chapter 670 of the 2020 Acts of the Assembly (new §§ 62.1-258.1, 62.1-266 H and I) directs the Board to address the impacts of non-agricultural irrigation on the confined aquifer system by prohibiting the use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use. The development of regulations to address this legislative objective are authorized.

Section 62.1-258.1 of the Code of Virginia provides that unless the Department of Environmental Quality had determined that the quantity and quality of the groundwater in the surficial aquifer is not adequate to supply the proposed beneficial use, it shall be unlawful in a ground water management area for any person to construct a well for nonagricultural irrigation purposes except in the surficial aquifer. Section 62.1-266 H provides the Board may adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month.

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’s intended to solve.

The development of a general permit is necessary to protect the health, safety, and welfare of citizens by providing for sustainability of the confined aquifers for future uses. There is significant non-potable groundwater use from the confined aquifer system for non-agricultural irrigation purposes, such as golf courses and community green space. Increasing the use of the surficial aquifer or water table aquifer for

non-potable non-agricultural irrigation achieves greater long term confined aquifer sustainability. This regulatory proposal will create a new general permit to promote use of the surficial aquifer for non-agricultural withdrawal in any Ground Water Management Area.

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 new general permit for non-agricultural irrigation from the surficial aquifer will include the establishment of permit terms, withdrawal limits, reporting requirements and criteria for determining adequate quality and quantity from the surficial aquifer necessary to permit withdrawals.

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.

The advantages to the public and the agency of creating a general permit is that it will be available to facilities with eligible withdrawals to withdraw groundwater in a manner that is protective of the confined aquifers without the increased cost and more complex application process associated with issuing an individual permit. There are no known disadvantages.

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 applicable federal law. Management of groundwater sustainability is required by state law.

Agencies, Localities, and Other Entities Particularly Affected

Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "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

9VAC25-920 General Permit. State agencies that require a permit to withdraw 300,000 gallons in a month or more of groundwater for non-agricultural irrigation within a groundwater management area may save time and money by withdrawing from the surficial aquifer and choosing to use the General Permit.

Localities Particularly Affected

9VAC25-920 General Permit. Localities that require a permit to withdraw 300,000 gallons in a month or more of groundwater for non-agricultural irrigation may save time and money by withdrawing from the surficial aquifer and choosing to use the general permit.

Other Entities Particularly Affected

9VAC25-920 General Permit. Other entities that require a permit to withdraw 300,000 gallons in a month or more of groundwater for non-agricultural irrigation may save time and money by withdrawing from the surficial aquifer and choosing to use the general permit.

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

It is not expected that any locality will bear a disproportionate material impact not experienced by other localities. Currently all entities proposing to withdraw 300,000 in a month of groundwater from any aquifer, including the surficial aquifer, must obtain an individual permit to do so.

Economic Impact

Pursuant to § 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 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:</p> <ul style="list-style-type: none"> 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><u>9VAC25-920 General Permit.</u> There is not currently a general permit for groundwater withdrawals. Anticipating the number of prospective users of this permit is uncertain. The most likely users of this permit are non-agricultural irrigation users.</p> <p>There are currently a total of 467 individual permits within the groundwater management areas (231 water systems, 23 power, 106 commercial/industrial, and 107 agricultural).</p> <p>The Water Withdrawal Permitting Program is primarily general funded with a small portion of permit fees. The potential permittees (users with only non-agricultural irrigation use) would be subject to a \$600 general permit fee which may result in a loss of fee revenue compared to the \$9000 individual permit. DEQ expects that staff time allocated to the processing of these general permits can be absorbed.</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><u>9VAC25-920 General Permit.</u> Agencies, like the Department of Veteran Services, which has a facility with non-agricultural irrigation use in Suffolk, may be able to meet their water needs through the use of this general permit saving them time and money. The potential savings include the reduced permit fees and not having to pay fees to publish public notices. Depending on the properties of the surficial aquifer and its water quality at the project location it is possible that more than one well will need to be drilled in the</p>

	<p>surficial aquifer to achieve the same yield as a well drilled in the confined aquifer. Since the costs of drilling are typically charges per foot of depth, the possible increase in cost from drilling more than one well may be insignificant. The permit term is 15 years so the permit fee and publication charges are ongoing savings at the 15 year frequency, the drilling savings on drilling costs is a one time savings.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p><u>9VAC25-920 General Permit.</u> The regulatory change provides a lower cost and faster permit option for those agencies needing groundwater. It is believed that conservation of the groundwater within confined aquifers in the groundwater management areas will result by creating a streamlined general permit process for using the surficial aquifer. Greater use of the surficial aquifer is believed to result in keeping confined aquifers available for potable use over a longer period.</p>

Impact on Localities

<p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p>	<p><u>9VAC25-920 General Permit.</u> Localities may be able to meet their water needs through the use of this general permit saving them the cost of amending their individual permit saving time and expense. There is no fee currently associated with this general permit.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p><u>9VAC25-920 General Permit.</u> The regulatory change provides a lower cost and faster permit option for those localities needing groundwater. It is believed that conservation of the groundwater within confined aquifers in the groundwater management areas will result by creating a streamlined general permit process for using the surficial aquifer. Greater use of the surficial aquifer is believed to result in keeping confined aquifers available for potable use over a longer period. If successful in promoting greater use of the surficial aquifer this action would delay new capital investments a locality may need to make to secure surface water due to declines in groundwater availability.</p>

Impact on Other Entities

<p>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.</p>	<p><u>9VAC25-920 General Permit.</u> Any individual, business, or other entity choosing to withdrawal 300,000 gallons in a month or more of groundwater from the surficial aquifer in a groundwater management area for non-</p>
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	<p>agricultural irrigation would potentially be impacted.</p>
<p>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:</p> <ul style="list-style-type: none"> 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. 	<p><u>9VAC25-920 General Permit</u>. There is not currently a general permit for groundwater withdrawals so anticipating the number of prospective users of this permit is uncertain. The most likely users of this permit are commercial users for non-agricultural-irrigation needs. There are currently a total of 106 commercial individual permits within the groundwater management areas, however, only those commercial users utilizing groundwater for maintaining greenspace (for example, golf courses and home owners associations) would be considered prospective users.</p>
<p>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:</p> <ul style="list-style-type: none"> 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. 	<p><u>9VAC25-920 General Permit</u>. The proposed general permit regulation contains a number of specific instances of regulatory streamlining that may result in cost reductions. They include 1) simplified reporting, including reducing the reporting frequency from quarterly to annually; 2) the use of a water conservation and management checklist form for annual reporting instead of a customized applicant conservation plan and reporting; 3) a simplified mitigation approach for impacts to other existing groundwater users; 4) reduced permit application fees; and 5) the elimination of publishing charges for public notices.</p> <p>Nonagricultural entities would be subject to a \$600 general permit fee compared to the current \$9000 individual permit fee. Meters that measure the amount of groundwater withdrawn from each well are required and cost between \$500-\$1000 for a mechanical meter and several thousand dollars for a digital meter including installation costs. Mechanical meters are acceptable. It is expected that conducting the meter reading and assessing the conservation measures, filling out the form, and providing it to DEQ will involve 10-12 hours per year.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p><u>9VAC25-920 General Permit</u>. The regulatory change provides a lower cost and faster permit option for those users needing groundwater for non-agricultural irrigation purposes. It is believed that conservation of the groundwater within confined aquifers in the groundwater management areas will result by creating a streamlined general permit process for using the surficial aquifer. Greater use of the surficial aquifer is believed to result in keeping confined</p>

	aquifers available for potable use over a longer period.
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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 to the proposal have been considered by the Department. The Department has determined that the proposed regulation (the first alternative) is appropriate, as it is the least burdensome, least intrusive and least costly alternative that fully meets statutory requirements and the purpose of the regulation. The alternatives considered by the Department, along with the reasoning by which the Department has rejected any of the alternatives considered, are discussed below.

1. Adopt the proposed regulation without amendment. This option is being selected because the proposed regulation provides the least onerous means of complying with the minimum requirements of the legal mandates.
2. Make alternative regulatory changes to those required by the provisions of the legally binding state and federal mandates, and associated regulations and policies. This option was not selected because it does not meet the state mandate, which could result in the imposition of requirements that place unreasonable hardships on the regulated community without justifiable benefits to public health and welfare.
3. Adopt none of the proposed regulatory requirements. This option was not selected because it does not meet the requirements of the state mandate.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B 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 establishment of a general permit for withdrawal of groundwater from the surficial aquifer for non-agricultural irrigation is expected to provide an incentive for use of this more sustainable aquifer instead of the confined aquifers. The action minimizes the costs to a small business owner and simplifies the application process. Without the general permit, a small business owner would be required to obtain an individual permit which would increase the complexity of the permit application and increase costs. The proposed general permit regulation contains a number of specific instances of regulatory streamlining that may result in cost reductions. They include 1) simplified reporting, including reducing the reporting frequency from quarterly to annually; 2) the use of a water conservation and management checklist form for annual reporting instead of a customized applicant conservation plan and reporting; 3) a simplified mitigation approach for impacts to other existing groundwater users; 4) reduced permit application fees; and 5) the elimination of publishing charges for public notices.

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 Executive Order 14 (as amended, July 16, 2018), 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 the 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.

This is the proposal of a new regulation. A periodic review was not 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 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.

Commenter	Comment	Agency response
Curtis Consolvo, GeoResources, Inc.	Asked how groundwater withdrawal permittees with non-surficial wells would be affected, such as golf courses with existing permits and those which renewal applications were already in process.	These questions were considered by the Technical Advisory Committee (TAC) when developing the proposed regulation.
Robert T. Bohannon, Virginia Golf Course Superintendents Association (VGCSA)	VGCSA was grateful that the legislature saw fit to include an expedited review process for golf courses seeking a determination regarding the quantity or quality of groundwater in a surficial aquifer. VGCSA believes that this regulatory process must take into consideration both the yield demands for extended drought periods, as well as the water quality needs of golf course irrigation in order to ensure the best management of groundwater resources. VGCSA requests that Brent Graham, Director of Golf Maintenance at Two Rivers County Club in Williamsburg participate.	VGCSA interest is noted. (Mr. Graham was selected for the TAC)

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 Board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the 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 Joseph Grist, Water Withdrawal Permitting and Compliance Manager, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia, 23218, fax (804) 698-4178, email joseph.grist@deq.virginia.gov. In order to be considered, all comments submitted by fax must include the first and last names of the intended recipient, the sender's name, and the sender's personal contact phone number. 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 be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

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.

Promulgating 9VAC25-920 (General Permit For The Use Of Irrigation Withdrawals From The Surficial Aquifer Greater Than 300,000 Gallons In Any One Month):

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
920-10	Definitions, specifically for the following terms: "Adverse impact," "Agricultural irrigation," "Applicant," "Area of impact," "Beneficial use," "Board," "Department," "Eastern Shore Groundwater	§§ 62.1-44.2 et seq., 62.1-254 et seq., and 62.1-256 of the Code of Virginia and 9VAC25-610 (Groundwater Withdrawal Regulation).	Specifies that the definitions in the Groundwater Management Act and Groundwater Withdrawal Regulation apply, but adds more specific definitions applicable to this proposed regulation. Intent is to facilitate implementation of the new general permit requirements by being clear about what the terms used in 9VAC25-920 mean.

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
	Management Area," "Easter Virginia Groundwater Management Area," "Groundwater," "Groundwater Management Area," "Irrigation," "Mitigate," "Nonagricultural irrigation," "Permit," "Permittee," "Person," "Surface water and groundwater conjunctive use system," "Virginia Drought Evaluation Regions"		Necessary for clarity in implementing the proposed 9VAC25-920 general permit requirements. Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.
920-20	Information requirements.	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610-380.	Specifies that the requirements of 9VAC25-610-380 apply, and specifies that the board may require additional information pertinent to the review of an application and requires that the owner provide that information. Intent is to facilitate implementation of the new general permit requirements by requiring that owners provide such information that the board deems necessary to determine the impact of the withdrawals. Necessary to ensure that sufficient information is available for proper review of the general permit application. Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.
920-30	Purpose.	Code of Virginia § 62.1-44.2 et	Specifies the purpose for the general permit, application processing by the board, final

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
		<p>seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>action by the board, and how the processing of the general permit is different from procedures for individual permits.</p> <p>Intent is to provide information about application review and processing requirements, and to require board action according to those requirements.</p> <p>Necessary to ensure that the board action process is clear to applicants and that board action follows statutory requirements for review and final action.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-40.	Delegation of authority.	<p>Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>Specifies that the Director and his staff are delegated authority assigned to the board under this proposed chapter.</p> <p>Intent is to enable prompt review of a general permit application and to facilitate a quick final action without a formal review and decision by the board.</p> <p>Necessary to ensure that the general permit application review and final action processes are as simple and prompt as staff resources allow.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-50.	Effective date of the permit.	<p>Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management</p>	<p>Specifies the effective date of the general permit (based upon the effective date of the General Permit Regulation), and the expiration date of the general permit, 15 years later. Coverage would be provided under the general permit until expiration of the</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
		Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>general permit unless terminated or revoked earlier.</p> <p>Intent is to have coverage under the general permit extend to the expiration date for all approved users regardless of when coverage is granted, and to provide as much of 15 years of coverage that remains before that expiration date.</p> <p>Necessary to ensure that the general permit term is a maximum of 15 years.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-60.	Authorization to withdraw groundwater from the surficial aquifer of a Groundwater Management Area	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that persons granted coverage may withdraw water from the surficial aquifer provided that an application is submitted in accordance with this chapter, any required application fee is paid, the applicant receives coverage from the department, the applicant complies with the requirements of the general permit and other applicable laws and regulations, and the applicant is not required to obtain an individual permit for the proposed withdrawals. An eligible applicant may instead apply for an individual permit at his discretion.</p> <p>Intent is to authorize withdrawals after application review and the applicant is granted coverage under the general permit, as long as the applicant remains compliant with the general permit and is not otherwise required to obtain an individual permit.</p> <p>Necessary to authorize and facilitate compliant withdrawals from the surficial aquifer under the permit terms.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
920-70.	Reasons to deny coverage	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that it shall deny application for coverage under this general permit if the proposed withdrawal is outside a groundwater management area, in an aquifer other than the surficial aquifer of a groundwater management area, or the activity causes, or may contribute to causing more than minimal water level declines in the underlying confined aquifer system or degradation of water quality, stream or wetland hydrology, or other instream beneficial uses. The Board may require an individual permit in accordance with 9VAC25-610-95 B rather than granting coverage under this general permit.</p> <p>Necessary to ensure that withdrawals under the general permit are limited to the surficial aquifer without adverse groundwater or surface water impacts.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-80 A	Prohibitions and Exclusions	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that it shall be unlawful for any person to construct a well for nonagricultural irrigation withdrawal purposed greater than 300,000 gallons in any one month in a groundwater management area except in the surficial aquifer, unless the Department has determined the quantity or quality of the groundwater in the surficial aquifer is not adequate to supply the proposed beneficial use.</p> <p>Intent is to allow groundwater withdrawals to the surficial aquifer in a groundwater management area without requiring applicants to do expensive testing and monitoring.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
			aquifer is insufficient for the proposed beneficial use.
920-80 B	Prohibitions and Exclusions. Criteria	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that any person may construct a well for nonagricultural irrigation purposes in a groundwater management area outside of the surficial aquifer if either: a ratio of greater than one surficial well per acre would be required to support the proposed beneficial use water withdrawal volume; or that any two surficial aquifer water quality sample tests, analysis, measurements, or monitoring results, at the proposed or existing water withdrawal site exceeds specific water quality values.</p> <p>Intent is to establish criteria for not using the surficial aquifer for nonagricultural irrigation use.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-80 C	Prohibitions and Exclusions. Individual Permits	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that any person who satisfied 920-80 B may construct a well for nonagricultural irrigation purposes outside of the surficial aquifer but shall be required to apply for an individual permit prior to for the purposes of withdrawing 300,000 gallons or more of groundwater in any month rather than obtaining coverage under this general permit.</p> <p>Intent is to establish criteria for not using the surficial aquifer for nonagricultural irrigation use.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
920-90 A.	Application requirements. Requirement to file a complete application.	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Requires the applicant to file a complete application for coverage in accordance with the requirements of the rest of this section.</p> <p>Intent is to ensure that the application requirements and application process are clearly provided.</p> <p>Necessary to ensure that sufficient information is included with the application to allow proper review of the application by the department and to ensure timely final action on the application.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-90 B.	Application requirements. Application content.	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies certain minimum information be provided in the application for coverage in accordance with subdivisions 1 through 11, including: the permit fee, if applicable; signature; well construction reports, well descriptions, well locations on certain USGS maps; information on conjunctive use systems, if applicable; the certification of compliance notification from the local governing body; justification of the groundwater withdrawal volume requested; geophysical logs; and requirements for a plan to mitigate.</p> <p>Intent is to ensure that application requirements are clear and are the minimum necessary requirements to complete the review process.</p> <p>Necessary to ensure that sufficient information is included with the application to allow proper review of the application by the department and ensure timely final action on the application.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
			the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.
920-90 C.	Application requirements. Board waiver.	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that the board may waive the minimum information requirements of subsection B if it has access to substantially identical information that is accurate and relevant.</p> <p>Intent is to ensure that the application requirements are the minimum necessary to complete the review process.</p> <p>Necessary to ensure that sufficient information is available to the department without the applicant having to provide information identical to information already available.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-90 D.	Application requirements. Requiring the submission of additional information.	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that the board shall require the applicant to submit additional information if the application is determined to be incomplete.</p> <p>Intent is to ensure that the application requirements necessary to complete the review process are met according to established processes.</p> <p>Necessary to ensure that sufficient information is available to the department.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-90 E.	Application requirements. Procedures for administrative	Code of Virginia § 62.1-44.2 et seq., Code of Virginia §	Specifies that the board may administratively withdraw an incomplete application for failure to provide the additional information required by the

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
	<p>withdrawal of an incomplete application.</p>	<p>62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>board within 60 calendar days of the board's last request. Provisions are made for an applicant requesting that the application review process be suspended, and for additional application fees being required from the applicant when resubmitting an application that was administratively withdrawn by the board.</p> <p>Intent is to provide processes for withdrawing applications, suspending review of applications, and resubmitting withdrawn applications.</p> <p>Necessary to specify and clarify processes necessary for management of incomplete applications.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
<p>920-100.</p>	<p>General Permit. Coverage and authorization for withdrawals.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>Coverage granted to the applicant for the remaining term of the general permit, and compliance with the requirements of the general permit and 9VAC25-610 is required for owners whose application is accepted by the board. Withdrawals are authorized in accordance with the application, the general permit provisions for operating conditions, and the general conditions applicable to all groundwater withdrawal permits.</p> <p>Intent is to provide the authorization for withdrawals from the surficial aquifer consistent with the application and general permit conditions.</p> <p>Necessary to implement the withdrawal of groundwater from the surficial aquifer.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
			aquifer is insufficient for the proposed beneficial use.
920-100. Part I. Subsection A.	General Permit. Operating Conditions. Authorized withdrawal.	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>The withdrawal of groundwater is specified to be limited to the wells identified in the application.</p> <p>Intent is to provide the authorization for withdrawals from the surficial aquifer consistent with the application.</p> <p>Necessary to implement the withdrawal of groundwater from the superficial aquifer.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-100. Part I. Subsection B.	General Permit. Operating Conditions. Reporting.	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>The withdrawal of groundwater is required to be recorded at the end of each month and reported to the department by July 10th of each year for the previous 12 months. Records of water use are required to be maintained by the permittee in accordance with conditions specified in Part II of the general permit. Reporting of any excess in the monthly permitted withdrawal is required to be reported by the 5th day of the month following the month of the excess withdrawal.</p> <p>Intent is to provide the minimum recordkeeping and reporting requirements that are necessary to demonstrate compliance with the general permit.</p> <p>Necessary to implement the withdrawal of groundwater from the superficial aquifer.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
<p>920-100. Part I. Subsection C.</p>	<p>General Permit. Operating Conditions. Water Conservation and Management Plan.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>An annual water audit is required that quantifies the flows of water in the system and shall include a documented review of water use compared with expected need, documentation of changes to the water saving equipment, procedures or improvements or water saving processes, implementation and evaluation of a leak detection and repair process changes to the system implemented in the previous year, and a completed department-provided Audit Form. Results of the audit must be maintained onsite and provided to the department on request. Also, when a drought emergency is declared by the Commonwealth of Virginia in the permittee's Virginia Drought Evaluation Region, the permittee is required to implement the most restrictive of the state emergency provisions or the local drought management ordinance measures and maintain a record of the actions taken.</p> <p>Intent is to require that the permittee implement water conservation measures that are appropriate for use of the surficial aquifer.</p> <p>Necessary to conserve the superficial aquifer while using it.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
<p>920-100. Part I. Subsection D.</p>	<p>General Permit. Operating Conditions. Mitigation plan.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater</p>	<p>Specifies mitigation measures to be taken when an applicant's proposed well has an area of impact beyond the permittee's property and existing groundwater withdrawers are included within that area of impact.</p> <p>Intent is to provide the processes for mitigation and resolution of claims of adverse impacts from a well's area of impacts.</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
		Withdrawal Regulation).	<p>Necessary to mitigate disputes over adverse impacts affecting the withdrawal of groundwater from the superficial aquifer.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-100. Part I. Subsection E.	General Permit. Operating Conditions. Property Rights.	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies issuance of coverage under this general permit does not convey property rights in either real or personal property or exclusive privileges, nor does it authorize injury to personal property, an invasion of personal property rights, or an infringement of federal, state or local laws or regulations.</p> <p>Necessary to identify that an owner who obtains coverage under this general permit shall not constitute a defense in a civil action involving private rights.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-100. Part I. Subsection F.	General Permit. Operating Conditions. Well tags.	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that well tags shall be affixed to the well casing in a prominent place with specific minimum information on the tag in a format specified by the board.</p> <p>Intent is to provide the means of easily identifying the well.</p> <p>Necessary to identify the well for compliance, recordkeeping and reporting purposes.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
<p>920-100. Part I. Subsection G.</p>	<p>General Permit. Operating Conditions. Well abandonment.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>Specifies certain permittee actions required prior to abandonment of out of service wells, including complying with Department of Health regulations concerning abandonment, notification to the Department of Environmental Quality 2 weeks prior to abandonment, and submitting documentation of the abandonment to the department within 30 calendar days after abandonment.</p> <p>Intent is to ensure compliance with regulation requirements for abandonment of out of service wells.</p> <p>Necessary to ensure compliance with regulatory requirements.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
<p>920-100. Part II. Subsection A.</p>	<p>General Permit. Conditions Applicable to All Groundwater Withdrawal Permits Duty to comply.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>Specifies that compliance with all permit conditions is required and noncompliance is a violation of law and grounds for enforcement action, permit termination, revocation, permit modification, and denial of an application. Nothing in the permit will be construed to relieve the permittee of the duty to comply with all applicable statutes, regulations, and prohibitions.</p> <p>Intent is to ensure compliance with all permit, regulation, and statutory requirements.</p> <p>Necessary to ensure compliance with all applicable requirements.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
<p>920-100. Part II.</p>	<p>General Permit.</p>	<p>Code of Virginia § 62.1-254 et</p>	<p>Specifies that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
Subsection B.	<p>Conditions Applicable to All Groundwater Withdrawal Permits</p> <p>Duty to cease or confine activity.</p>	<p>seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>halt or reduce the activity for which a permit has been granted in order to maintain compliance with the conditions of the permit.</p> <p>Intent is to ensure compliance with all permit, regulation, and statutory requirements.</p> <p>Necessary to ensure compliance with all applicable requirements.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
<p>920-100.</p> <p>Part II.</p> <p>Subsection C.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits</p> <p>Duty to mitigate.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>Specifies that the permittee shall take all reasonable steps to avoid all adverse impacts that may result from this withdrawal as defined in 9VAC25-610-10 and provide mitigation of the adverse impact</p> <p>Intent is ensure that the permittee is responsible for avoiding all adverse impacts from the withdrawals.</p> <p>Necessary to ensure that any potential adverse impacts resulting from withdrawal are avoided or resolved.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
<p>920-100.</p> <p>Part II.</p> <p>Subsection D.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Inspection, Entry, and Information Requests.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater</p>	<p>Specifies that the permittee shall allow the board's duly authorized agents under reasonable times and circumstances, to enter the permittee's property to have access to, inspect and copy records, inspect facilities, systems, operations, and practices regulated or required under the general permit.</p> <p>Times for inspections are reasonable during regular business hours and during emergencies.</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
		Withdrawal Regulation).	<p>Intent is to ensure that the agency personnel have access to permitted facilities, systems, operations, and practices, and the records required by the general permit, for inspection at reasonable times.</p> <p>Necessary to ensure that inspections and other reasonable compliance determinations may occur.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-100. Part II. Subsection E.	<p>General Permit. Conditions Applicable to All Groundwater Withdrawal Permits. Duty to provide information.</p>	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that the permittee shall furnish any information requested by the board necessary to determine if cause exists for making changes to the permit or determining compliance with the permit and shall provide copies or records required to be kept by the permit or regulation.</p> <p>Intent is ensure that the permittee complies with information requests necessary to determine compliance.</p> <p>Necessary to ensure that compliance can be determined.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-100. Part II. Subsection F.	<p>General Permit. Conditions Applicable to All Groundwater Withdrawal Permits. Water withdrawal volume records requirements.</p>	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater	Specifies that the permittee shall maintain and provide copies of the permit on request; take measurements representative of metered activity; retain records of metering information, required reports, and data used to complete the permit application for three years after the expiration of coverage under the permit, which period may be extended by the board. It also specifies that metering records shall include the measurement date,

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
		Withdrawal Regulation).	<p>place, and time; names of individuals performing the measurements, and the results of such measurements.</p> <p>Intent is ensure that the permittee is responsible for retaining metering information for a sufficient time after the expiration of coverage.</p> <p>Necessary to ensure that all metering records necessary for compliance determinations are available beyond the permit expiration.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-100. Part II. Subsection G.	<p>General Permit. Conditions Applicable to All Groundwater Withdrawal Permits. Water withdrawal volume metering and equipment requirements.</p>	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that the permittee's well, impoundment, or impoundment system shall have in in-line totalizer flow meter accurate to plus or minus 10% of actual flows, installed prior to use, and that any defective meters shall be repaired or replaced within 30 business days of discovery. Withdrawal measurements are still required if there are defective meters, with volumes reported based upon generally accepted engineering methods. Periods in which the meter is defective shall be clearly identified in required reports and an alternative method for determining flow may be approved by the board on a case-by-case basis.</p> <p>Intent is ensure that the permittee is responsible for measuring water flow accurately, maintaining the measuring devices, and reporting accurate flows regardless of defective metering..</p> <p>Necessary to ensure compliance with permitted well withdrawals.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
			aquifer is insufficient for the proposed beneficial use.
<p>920-100. Part II. Subsection H.</p>	<p>General Permit. Conditions Applicable to All Groundwater Withdrawal Permits. Well construction.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>Specifies that the applicant shall notify the department of a well's construction timetable at least 30 days before the scheduled construction begins and receive approval and a well number from the department. Wells must have a construction permit or approval letter from the Department of Health prior to construction. Permittees with wells with a maximum depth greater than 80 feet must submit a complete suite of geophysical logs to the department with the completion report. The permittee's determination of surficial aquifer depth shall be submitted to the department for review and approval prior to installing the well pump and a completed GW-2 form and other well construction documents shall be submitted to the department within 30 calendar days of the completion of the well and prior to the initiation of any withdrawal.</p> <p>Intent is ensure that the well construction process is compliant and that the required reports demonstrate that the maximum well depth is within the surficial aquifer.</p> <p>Necessary to ensure that the wells constructed under this general permit are still eligible for coverage after the well is constructed.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
<p>920-100. Part II. Subsection I.</p>	<p>General Permit. Conditions Applicable to All Groundwater Withdrawal Permits. Transfer of permits.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of</p>	<p>Specifies that the permittee notify the department before any transfer of the permit coverage, and that coverage under the general permit may be automatically transferred if three conditions are met: timely notice of property title transfer 30 business days beforehand; written agreement of the</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
		Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>date of transfer of responsibility, coverage and liability; and the board does not notify the permittees of its intent to deny the new permittee coverage under the general permit.</p> <p>Intent is ensure that the permittees agree to the particulars of the transfer, that they also transfer responsibilities under the permit, and that the department has sufficient notice of the transfer to object if there are grounds to do so.</p> <p>Necessary to ensure that any all parties are informed and agree to any transfer of permit coverage.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-100. Part II. Subsection J.	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Notice of planned change.</p>	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that the permittee is required to give the department 30 business days prior notice of any planned physical alterations or additions to the permitted water withdrawal system.</p> <p>Intent is ensure that the department is aware of any change that might affect the permit coverage of the well system or the quality of groundwater withdrawn from the surficial aquifer.</p> <p>Necessary to ensure valid permit coverage and avoid adverse impacts resulting from changes to the covered well system.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
920-100. Part II. Subsection K.	General Permit.	Code of Virginia § 62.1-254 et seq. (Ground	Specifies that coverage under the general permit may be revoked by the department in accordance with the provisions of 9VAC25-610. The

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
	<p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Revocation and termination of coverage.</p>	<p>Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>permittee may terminate coverage under the general permit under certain specific conditions by filing a notice of termination with the department. The notice of termination shall contain specified information, a completed termination agreement form, the basis for submitting the notice of termination, the specific certification statement contained in the regulation, and a signature of a responsible party in accordance with 9VAC25-610.</p> <p>Intent is ensure that revocation of the general permit coverage follows established regulatory procedures and termination of the general permit coverage by the permittee follows established regulatory procedures.</p> <p>Necessary to ensure that withdrawals previously covered under the general permit either cease, are covered by an individual permit, or coverage is transferred to another owner.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
<p>920-100. Part II. Subsection L.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Continuation of coverage.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>Specifies that permit coverage expires at the end of the term of the general permit. Exceptions are provided if the owner has provided a complete application 90 calendar days prior to expiration, in which case the owner may continue to withdraw until the board either issues coverage under a succeeding general permit or notifies the owner that the withdrawal is not eligible for coverage under a general permit.</p> <p>Intent is ensure that the permittee has the ability to continue to be covered beyond the term of the permit until provision is made for coverage under an effective general permit or until</p>

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements
			<p>notified that coverage is not available under a general permit.</p> <p>Necessary to ensure that there is continued coverage available under certain specified circumstances.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>
<p>920-100. Part II. Subsection M.</p>	<p>General Permit. Conditions Applicable to All Groundwater Withdrawal Permits. Duty to reapply.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>Specifies that if the permittee wishes to continue a permitted activity after the expiration of the permit, that it is the permittee's responsibility to apply for and obtain coverage under a new permit. Permittees covered by an effective general permit shall submit a new application at least 90 calendar days prior to expiration of the effective permit unless the board has granted permission for a later submission date in writing. The board is prohibited from granting permission for that new application to be submitted later than the expiration date of the existing permit.</p> <p>Intent is to make it clear that it is the permittee's responsibility to reapply for coverage under the new general permit as the expiration date of the existing general permit approaches, and under what circumstances that application must be made in order to be continuously covered.</p> <p>Necessary to ensure that there is continued coverage available to existing permittees if they apply under the specified circumstances.</p> <p>Impact to non-agricultural irrigation use of the confined aquifer system, prohibiting use of these aquifers unless the quality and quantity of the surficial aquifer is insufficient for the proposed beneficial use.</p>

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.