



Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC25-600
Regulation title	Eastern Virginia Groundwater Management Regulations
Action title	Amend the Eastern Virginia Groundwater Management Area
Date this document prepared	May 22, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The Eastern Virginia Groundwater Management Area regulation is being amended to include the following additional localities in the groundwater management area: the counties of Essex, Gloucester, King George, King and Queen, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland, and the areas of Arlington, Caroline, Fairfax, Prince William, Spotsylvania, and Stafford counties east of Interstate 95.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency or board taking the action, and (3) the title of the regulation.

On June 17, 2013, the State Water Control Board adopted the Eastern Virginia Groundwater Regulations 9VAC25-600 as final regulations.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. The identification should include a reference to the agency/board/person's overall regulatory authority, as well as a specific provision authorizing the promulgating entity to regulate this specific subject or program; and a description of the extent to which the authority is mandatory or discretionary.

The basis for this regulatory action is provided for in § 62.1-256.8 of the Code of Virginia. The designation process is outlined in 9VAC25-610-70 and 9VAC25-610-80.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

Groundwater levels in the undesignated portion of Virginia's coastal plain are continuing to decline. Impacts from groundwater withdrawals are propagating along the fall line into the undesignated portion of Virginia's coastal plain and have the potential to interfere with wells in these areas without assigned mitigation responsibilities. Given current groundwater declines, the entire coastal plain aquifer system must be managed to maintain a sustainable future supply of groundwater for the protection of the health, safety or welfare of the citizens in the Eastern Virginia Groundwater Management Area.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The regulations are being amended to expand the groundwater management area to include localities in Virginia's Coastal plain, whose boundary extends westward to Interstate 95. The term "ground water" is being revised in the regulation to the term "groundwater" to be consistent with common usage and the use of the term by United States Geological Survey (USGS).

Issues

Please identify the issues associated with the proposed regulatory action, 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 the regulatory action poses no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage to the public will be that these regulations manage groundwater use throughout the Coastal Aquifer System to maintain resource availability for future Virginians. There may be financial savings and processing time benefits for some applicants. Withdrawers of greater than 300,000 gallons of water per month will be required to obtain a permit for this activity if they are not already permitted for such activity. Costs associated with obtaining a permit may be passed on to end users if the permittee is a public water supply. This would be a possible disadvantage to the public from managing the groundwater resource.

The primary advantage to the Commonwealth is that groundwater resources will be comprehensively managed. There are no disadvantages to the Commonwealth from managing the groundwater resource holistically.

With the expansion of the groundwater management area, additional withdrawers of groundwater will be required to obtain groundwater withdrawal permits. Historical permits will be issued based on previous documented groundwater withdrawals. Future permits will be issued based on demonstrated need for groundwater, will require water conservation and mitigation of impacts, and specify maximum amounts of groundwater that may be withdrawn. All withdrawers of groundwater in a management area have to meet additional regulatory requirements that others may not.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

No changes are being proposed to the regulation since the proposed stage.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
Mr. Frank Fletcher, Ph.D.	Supports expansion of the current Ground Water Management Area (GWMA) to include the Northern Neck and Middle Peninsula. Urges amendment to be adopted as soon as possible. Also submitted a summary of the groundwater	The agency appreciates the commenter's support of the proposed regulations.

	conditions of the Virginia coastal plain.	
James Shelton, citizen	Supports inclusion of the City of Richmond and Chesterfield Co. in the Eastern Virginia Groundwater Management Area.	Chesterfield County is already included in the Eastern Virginia groundwater Management Area. The City of Richmond is not being included in the Groundwater Management Area due to its distance from the Coastal Aquifer System.
Barbara Jacocks, Richmond Regional Planning District Commission	Supports the expansion of the Eastern Virginia Groundwater Management Area	The agency appreciates the commenter's support of the proposed regulations.
Ms. Trudy Feigum, citizen	Does not support the expansion of the proposed regulations to expand the groundwater management. Commenter believes expansion of the groundwater management area reduces private property rights of citizens.	All significant withdrawals on the Coastal Aquifer System must be managed to slow the rate of water level decline. Expansion of the groundwater management area will allow all significant users to come under management. Current estimates indicate that groundwater is being withdrawn from the aquifers at a rate that is twice the recharge rate. If changes are not made in how groundwater is used, this will lead to groundwater availability problems. Not including the additional localities in the management area will exclude them from receiving mitigation protection provided to those localities within the management area.
Mr. Tom Feigum, citizen	Middlesex Co. news paper not listed as the paper in which publication occurred of meetings. Found out about public hearing at Middle Peninsula PDC meeting less than 2 weeks ago.	The agency exceeded state law in providing public notice of this regulatory process. The hearings were advertised in 4 major daily newspapers throughout the Virginia Coastal Plain. Additionally, localities and planning district commissions were contacted individually by the agency to make them aware of these proposed regulations. Notices were placed in the Virginia Register, on the Virginia Regulatory Town Hall website and were emailed to registered users of the town hall website. Mailings were also sent to interested parties on the State Water Control Board's mailing list. Members of the House of Delegates Agriculture, Chesapeake and Natural Resource Committee, the Senate Agriculture, Conservation and Natural Resources Committee, and Members of the State Water Commission were also notified concerning the proposed regulations.
Mr. Tom Feigum, citizen	Expressed concern with delays in permitting of withdrawals. Jobs are needed. Groundwater permitting delays may cause companies to locate elsewhere instead of here. One county waiting for approval for well for two years- still waiting.	Adequate staffing will allow the agency to issue permits in a timely manner. Operational changes have been made to the groundwater permitting program that has improved review time of permits. Previously there was a long wait for groundwater modeling to be conducted and this issue has been resolved, allowing the

		<p>permitting process to proceed faster. Often, long delays reflect an inadequate application or a well that was not constructed properly.</p>
<p>Mr. Tom Feigum, citizen</p>	<p>In residential development application approved for 2 replacement GW wells, the wells drilled, pumps and pipes installed with restrictors installed completed and one year passed before those wells were allowed to be placed online. Replacement wells were needed due to mineralization of the original wells, thus reducing the flow below the groundwater withdrawal level permitted and needed.</p>	<p>Middlesex County is not currently in the groundwater management area and a permit could not be required from the Board for the activity described by the commenter.</p>
<p>Mr. Tom Feigum, citizen</p>	<p>Questioned timing of hearing-complained about time of day meeting held. Concern with needing to defend their property rights. Fails to see anyone in attendance at the meeting reflecting his rights as a taxpayer.</p>	<p>The agency scheduled a third public hearing for Warsaw, VA that was held in the evening, and extended the comment period until January 30, 2013. This allowed citizens an additional opportunity to attend a meeting in person to submit their comments in lieu of submitting them in writing.</p>
<p>Mr. Tom Feigum, citizen</p>	<p>Water rights were not addressed by the 13 original states. Regulating groundwater may be a tougher decision than the Commonwealth is ready to address.</p>	<p>The Commonwealth has been regulating groundwater in some form since the 1950s. Virginia court decisions have generally followed the "American Rule" which states that a property owner has a right to reasonable use of groundwater provided the impact does not extend beyond the borders of his own property.</p>
<p>Mr. Tom Feigum, citizen</p>	<p>Believes that the regulation of water will cause those in the management area to be unable to obtain water without paying a high premium for water. Believes it will destroy property value, and will require relocation of citizens to cities where water can be provided by the government.</p>	<p>Groundwater has been regulated on the Eastern Shore and in rural areas south of the James River since the 1970s. The negative impacts described by the commenter have not happened in these areas over the last 40 years.</p>
<p>Mr. Tom Feigum, citizen</p>	<p>Opposes the proposed regulation. Give more thinking to the proposal, to make sure it serves the needs of the taxpayer, not the need of government.</p>	<p>The goal of the regulation is to manage groundwater for all users so that the resource will be available and productive for the long-term. This supports the public health, safety and welfare of all Virginians.</p>
<p>Mr. Matt Walker, Middlesex Co. Administrator</p>	<p>Asked if the proposed regulations would allow counties divided by interstate 95 to pump water to the areas east of 95 to avoid being regulated.</p>	<p>The proposed regulations impact those areas east of interstate 95. The fall line of Virginia (which interstate 95 generally follows) divides the piedmont and the coast plain of Virginia. Coastal Plain aquifers extend to the fall line. If a locality wanted to install a well west of the fall line they would not be withdrawing water from the aquifers being regulated by this regulation and would not be regulated. However, these piedmont sources of groundwater yield far less water than the coastal plain aquifers so it is</p>

		difficult to see how such a plan would meet the local water needs and be cost effective.
Mr. Matt Walker, Middlesex Co. Administrator	Inquired how long it would take for DEQ to review a permit application for a groundwater withdrawal. Have heard there have been 2 year delays.	On average it takes the agency 12 to 18 months to issue a groundwater withdrawal permit. This time period would be greatly reduced for historical permits issued as a result of the groundwater management area being expanded because no modeling, aquifer studies, water conservation plans, or mitigation plans are part of the review.
Mr. Matt Walker, Middlesex Co. Administrator	Requested DEQ to hold an additional hearing in either Warsaw or Tappahannock in order to hold a meeting in the center of the proposed new boundaries of the groundwater management area. Requested DEQ/Water Board to consider expanding the comment period to March or April to allow more time for public comment and avoid conflicts with the holidays.	The agency scheduled a third public hearing for Warsaw, VA, that was held in the evening, and extended the comment period until January 30, 2013.
Lewis Lawrence, Middle Peninsula Planning District Commission	The General Assembly should provide adequate staffing levels and adequate funding so that DEQ staff can issue timely water withdrawal permits. Without assurance of certainty, consistency and timeliness for permit issuance, future Middle Peninsula economic development projects that require significant groundwater withdrawal (over 300,000 gallons per month) may experience permit issuance delays upwards or exceeding two years of time.	Adequate staffing will allow the agency to issue permits in a timely manner. Operational changes have been made to the groundwater permitting program that has improved review time of permits. Previously there was a long wait for groundwater modeling to be conducted and this issue has been resolved, allowing the permitting process to proceed faster. Often, long delays reflect an inadequate application or a well that was not constructed properly.
Lewis Lawrence, Middle Peninsula Planning District Commission	DEQ needs to be provided with the resources needed to study groundwater on the Middle Peninsula to protect the resource while not stifling economic development.	DEQ will work with available resources to obtain further information about aquifers under the Middle Peninsula. A study funded by DEQ of the Piney Point Aquifer in the Middle Peninsula and Northern Neck is scheduled for FY14.
Gayl Fowler, citizen	Supports the expansion of the Eastern Virginia Groundwater Management Area	Thank you for your support.
Andrew Arnold, citizen	Wants information on how the proposed regulations will impact his local water system with 115 users in Fairfax County, and how the existing user will be grandfathered once the groundwater management area is.	DEQ provided information to this local water system concerning the groundwater management program and how existing users will be regulated if management areas are expanded. This special meeting was held in Fairfax County on January 17, 2013.
Pat Roth, citizen	Opposed to expansion of the Groundwater Management Area. Does not believe that this program will benefit Essex County. Believes	The goal of the regulation is to manage groundwater for all users so that the resource will be available and productive for the long-term. This supports the public health, safety

	that this program is capturing personal water supplies.	and welfare of all Virginians. These regulations do not eliminate anyone’s right to a well. These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted by this regulation.
Stan Balderson, citizen	Opposed to expansion of the Groundwater Management Area. Does not believe that this program will benefit Essex County. Believes that this program is capturing personal water supplies.	The goal of the regulation is to manage groundwater for all users so that the resource will be available and productive for the long-term. This supports the public health, safety and welfare of all Virginians. These regulations do not eliminate anyone’s right to a well. These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted by this regulation.
Bernie Buchanan, citizen	Opposed to the expansion of the Groundwater Management Area. Does not believe Essex County should give away their control of groundwater to DEQ. Believes this regulation is a measure by which Richmond and Hampton Roads are using to satisfy their own water needs. Continue restrictions of groundwater usage in the existing Groundwater Management Area.	Individual localities are not authorized to control groundwater resources. State law directs the State Water Control Board to regulate groundwater withdrawals of 300,000 gallons per month. Groundwater withdrawals in the current groundwater management area have received permits for their withdrawals. Prior to approvals being received for groundwater withdrawals, information on impacts to aquifers, available alternative water sources, water reuse, and water conservation measures and the need for groundwater usage are all considered. This has assisted with managing the groundwater resource for future generations. Withdrawals occurring outside of the management area have not undergone these evaluations.
Curtis Smith, Director of Planning, Accomack Northampton Planning District Commission	Concerned that DEQ is not adequately staffed and funded to handle the expanded area. Without additional staff and funding, delays would potentially negatively impact current residents and businesses on the Shore.	Adequate staffing will allow the agency to issue permits in a timely manner. Operational changes have been made to the groundwater permitting program that has improved review time of permits. Previously there was a long wait for groundwater modeling to be conducted and this issue has been resolved, allowing the permitting process to proceed faster. Often, long delays reflect an inadequate application or a well that was not constructed properly.
Betty Lucas, citizen	Opposed to expansion of Groundwater management area. Does not believe Essex county or Tappahannock should turn over control of their groundwater to the state of Virginia.	Individual localities are not authorized to control groundwater resources. State law directs the State Water Control Board to regulate groundwater withdrawals of 300,000 gallons per month.
Nicholas Ferriter	Supports expansion of the Groundwater Management area to include the Northern Neck.	Thank you for your support.
William Lucas, citizen	Opposed to expansion of Groundwater management area to include Essex county or	All significant withdrawals on the Coastal Aquifer System must be managed to slow the rate of water level decline. Expansion of the

	Tappahannock.	groundwater management area will allow all significant users to come under management. Current estimates indicate that groundwater is being withdrawn from the aquifers at a rate that is twice the recharge rate. If changes are not made in how groundwater is used, this will lead to groundwater availability problems. Not including the additional localities in the management area will exclude them from receiving mitigation protection provided to those localities within the management area.
William Lucas, citizen	States Essex County and Tappahannock do not have and will not have a ground water shortage now or in the foreseeable future. Submitted a graph from the Middle Peninsula Planning District Commission Regional Water Supply Plan demonstrating Essex County Water Usage and current amount available.	All significant withdrawals on the Coastal Aquifer System must be managed to slow the rate of water level decline. Expansion of the groundwater management area will allow all significant users to come under management. Current estimates indicate that groundwater is being withdrawn from the aquifers at a rate that is twice the recharge rate. If changes are not made in how groundwater is used, this will lead to groundwater availability problems. Not including the additional localities in the management area will exclude them from receiving mitigation protection provided to those localities within the management area.
John Paul Jones, citizen	Has a private well and he strongly opposes the proposed expansion of the Eastern Virginia Ground Water Management Area and the proposed Amendments to the Groundwater Withdrawal Regulations.	These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted from this regulation. Individual property owners may withdraw groundwater. All significant withdrawals on the Coastal Aquifer System must be managed to slow the rate of water level decline. Expansion of the groundwater management area will allow all significant users to come under management. Current estimates indicate that groundwater is being withdrawn from the aquifers at a rate that is twice the recharge rate. If changes are not made in how groundwater is used, this will lead to groundwater availability problems. Not including the additional localities in the management area will exclude them from receiving mitigation protection provided to those localities within the management area.
Shirley Jones, citizen	I urge you to stop this Agenda 21 control of our water supplies. We have perfectly good wells and we do not need any control of Regional Commission's interference anywhere in our state.	These regulations do not eliminate anyone's right to a well. These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted by this regulation.
Catherine Crabill, citizen	More evidence of Sustainable Development's UN AG21 water control initiative. VA LEADERS must stop this DEQ government	These regulations do not eliminate anyone's right to a well or force anyone to connect to municipal supplies. These regulations apply to groundwater withdrawals of 300,000 gallons of

	control of water use in VA. PLEASE HELP and delay or STOP the actions of Middle Peninsula Planning District Commissions attempts to make everyone dependent on MUNICIPAL costly water! Save our wells that work fine at our expense! Urgent need for your intervention,	water per month. Individual single family wells are exempted by this regulation.
Arlene Jacovelli	Opposed to the expansion of the Eastern Virginia Ground Water management Area	The goal of the regulation is to manage groundwater for all users so that the resource will be available and productive for the long-term. This supports the public health, safety and welfare of all Virginians.
Cary Nunnally	Opposed to the expansion of the Eastern Virginia Ground Water management Area	The goal of the regulation is to manage groundwater for all users so that the resource will be available and productive for the long-term. This supports the public health, safety and welfare of all Virginians.
Dale Swanson	Does not support initiatives depleting our right to have a well in the DEQ/MPPDC scheme to control water use in VA.	These regulations do not eliminate anyone's right to a well or force anyone to connect to municipal supplies. These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted by this regulation.
Dale Swanson	Requests the public comment period be extended until after session ends.	The public comment period began October 22, 2012 and was originally scheduled to end January 11, 2013. The comment period was extended until January 30, 2013 as a result of an additional hearing being scheduled. The comment period for a proposal is normally 60 days. The comment period for this regulation was 100 days, with the majority of the comment period occurring prior to the start of the 2013 Virginia General Assembly session. The agency significantly exceeded normal timeframes for public comment and the comment period will not be extended.
Dave Rector	Opposed to the expansion of the Groundwater management Area.	The goal of the regulation is to manage groundwater for all users so that the resource will be available and productive for the long-term. This supports the public health, safety and welfare of all Virginians.
Dave Rector	Believes this regulation would deprive private community well owners and private residential well owners of control of their own water usage	These regulations do not eliminate anyone's right to a well. These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted by this regulation.
Dave Rector	Believes Essex County and the Town of Tappahannock have great water resources, which will sustain their growth far into the future, and do not need to be included in the Groundwater Management Area.	The goal of the regulation is to manage groundwater for all users so that the resource will be available and productive for the long-term. Due to the interconnectivity of Virginia's aquifers, the cumulative withdrawal of all users is causing long term groundwater level declines. Managing the groundwater resource

		comprehensively supports the public health, safety and welfare of all Virginians.
Dave Rector	It is unacceptable to me to be faced with having my water sources be diverted to Northern Virginia and the Norfolk area, because they have not had the forethought to establish a viable reuse water program to meet their needs.	Due to the interconnectivity of Virginia's aquifers, the cumulative withdrawal of all users is causing long term groundwater level declines. This includes withdrawals outside major pumping centers like Hampton Roads. Northern Virginia is primarily supplied by surface water sources.
June Byrd	Does not support expansion of the Groundwater Management Area. Does not believe that counties that have private well water should be regulated.	These regulations do not eliminate anyone's right to a well or force anyone to connect to municipal supplies. These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted by this regulation.
Jane Stuczynski	Does not support initiatives depleting an individual's right to have a well in order for the DEQ or Middle Peninsula Planning District Commission to control water use in VA.	These regulations do not eliminate anyone's right to a well or force anyone to connect to municipal supplies. These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted by this regulation.
Jane Stuczynski	Opposed to government control of water rights.	The goal of the regulation is to manage groundwater for all users so that the resource will be available and productive for the long-term. This supports the public health, safety and welfare of all Virginians.
Jean Casanave	Does not support expansion of the Groundwater Management Area.	The goal of the regulation is to manage groundwater for all users so that the resource will be available and productive for the long-term. This supports the public health, safety and welfare of all Virginians.
Jean Casanave	Believes that Gloucester County should NOT be included in the list of counties that make public water and sewer hookup mandatory.	These regulations do not eliminate anyone's right to a well or force anyone to connect to municipal supplies. These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted by this regulation.
Monica Sanders	Recommends DEQ only regulate water usage from large commercial users, not individual homeowners. Water use from personal use does not deplete the groundwater system.	These regulations do not eliminate anyone's right to a well or force anyone to connect to municipal supplies. These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted by this regulation.
Sharon Slaughter	Opposed to the expansion of the Groundwater management Area.	The goal of the regulation is to manage groundwater for all users so that the resource will be available and productive for the long-term. This supports the public health, safety and welfare of all Virginians.
Sharon Slaughter	Does not believe DEQ has an authority over water usage on private property.	The Ground Water Management Act of 1992 (§62.1-254 thru 62.1-270 of the Code of Va.) establishes the criteria for regulations concerning the withdrawal of groundwater. These regulations are consistent with state law. These regulations apply to groundwater

		withdrawals of 300,000 gallons of water per month. Individual single family wells are not regulated by this regulation. Due to the interconnectivity of Virginia's aquifers, the cumulative withdrawal of all users is causing long term groundwater level declines. Managing the groundwater resource comprehensively supports the public health, safety and welfare of all Virginians.
Ted Williams	DEQ discourage any initiatives regulating/restricting residential well use where such use already exists and meets health codes.	These regulations do not eliminate anyone's right to a well or force anyone to connect to municipal supplies. These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted by this regulation.
Ted Williams	Requests that DEQ act to block attempts at charging non-user fees and penalties to those who did not ask for municipal water/sewer and do not want it.	These regulations do not eliminate anyone's right to a well or force anyone to connect to municipal supplies. These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted by this regulation.
Tricia Stall	Does not support initiatives depleting an individual's right to have a well in order for the DEQ or Middle Peninsula Planning District Commission to control water use in VA.	These regulations do not eliminate anyone's right to a well or force anyone to connect to municipal supplies. These regulations apply to groundwater withdrawals of 300,000 gallons of water per month. Individual single family wells are exempted by this regulation.
Tricia Stall	Requests the public comment period be extended until after session ends.	The public comment period began October 22, 2012 and was originally scheduled to end January 11, 2013. The comment period was extended until January 30, 2013 as a result of an additional hearing being scheduled. The comment period for a proposal is normally 60 days. The comment period for this regulation was 100 days, with the majority of the comment period occurring prior to the start of the 2013 Virginia General Assembly session. The agency significantly exceeded normal timeframes for public comment and the comment period will not be extended.

All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if	Current requirement	Proposed change and rationale
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	applicable		
10		Definition of terms included in regulation	Definitions are being revised to be consistent with definitions in statute.
20		Identification of localities included in the management area.	The following localities are proposed to be added to the Eastern Virginia Groundwater Management Area: the counties of Caroline, Essex, Gloucester, King George, King and Queen, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland, and the areas of Arlington, Fairfax, Prince William, Spotsylvania, and Stafford counties east of Interstate 95.

Regulatory flexibility analysis

Please 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) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of 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 proposed regulation.

This regulation only establishes the groundwater management areas. In developing the areas of localities to be included in the expanded groundwater management area, the agency considered how to minimize the area that needed to be included in the expanded Eastern Virginia Groundwater Management area and to provide a definitive way in which to divide parts of localities not needing to be regulated. The agency selected interstate 95 as a dividing point since the geography located west of the fall line differs from geology located east of the fall line. Interstate 95 was selected since it is the approximate area in which the fall line occurs within Virginia.

Family impact

Please assess the 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.

This regulatory action is not anticipated to have any impact on the family or family stability.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

GWMA- Ground Water Management Act
USGS- United States Geological Survey