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Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	Primary Action: 9VAC25-910 Secondary Action: 9VAC25-610
VAC Chapter title(s)	9VAC25-910 - General Permit for Use of Surficial Aquifer on the Eastern Shore, and 9VAC25-610 - Groundwater Withdrawal Regulations
Action title	Creation of a General Permit for Use of the Surficial Aquifer on the Eastern Shore
Date this document prepared	

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.

There is significant non-potable groundwater use from the confined aquifer system for agricultural activities such as irrigation and cooling for poultry houses. Various parties on the Eastern Shore, including the Eastern Shore Groundwater Committee propose that use of the surficial aquifer or water table aquifer for non-potable uses achieves greater long-term aquifer sustainability. This regulatory proposal amends the existing groundwater withdrawal regulation to authorize the development of a general permit and creates a new general permit regulation to promote use of the surficial aquifer on the Eastern Shore.

Acronyms and Definitions

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

Board - State Water Control Board

ESGMA – Eastern Shore Groundwater Management Area

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.”

This regulatory action is in response to a mandate created by Chapter 755 of the 2019 Acts of Assembly that requires the Board to adopt regulations to provide incentives for the withdrawal of groundwater from the surficial aquifer in the Eastern Shore Groundwater Management Area rather than from the deep aquifer in that management area.

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.

The promulgating agency is the State Water Control Board.

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 provisions of this chapter.

Section 62.1-262.1 of the Code of Virginia requires the Board to adopt regulations to provide incentives for the withdrawal of groundwater from the surficial aquifer in the Eastern Shore Groundwater Management Area (ESGMA) rather than from the deep aquifer.

Chapter 755 of the 2019 Acts of Assembly requires the Board to adopt regulations to provide incentives for the withdrawal of groundwater from the surficial aquifer in the ESGMA rather than from the deep aquifer.

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 purpose of these regulatory actions is to provide incentives in the form of an accelerated permit process for the use of the surficial aquifer on the Eastern Shore for non-potable purposes through the creation of a general permit. The adoption of a general permit protects the health, safety or welfare of citizens by providing incentives for non-potable water needs to be met by the surficial aquifer, thus conserving groundwater in the deep aquifers for potable needs.

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.

Amendments to the Groundwater Withdrawal Regulations will establish the framework for the issuance of a general permit under the Groundwater Withdrawal Regulation. The new general permit regulation will include the establishment of permit terms, withdrawal limitations, and reporting requirements 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 in the ESGMA 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

9VAC25-610 amendments. No agencies are affected by authorizing the development of a general permit.

9VAC25-910 General Permit. State agencies that require a permit to withdraw 300,000 gallons in a month or more of groundwater within the ESGMA may save time and money by withdrawing from the surficial aquifer and choosing to use the General Permit.

Localities Particularly Affected

9VAC25-610 amendments. No localities are affected by authorizing the development of a general permit.

9VAC25-910 General Permit. Localities that require a permit to withdraw 300,000 gallons in a month or more of groundwater within the ESGMA may save time and money by withdrawing from the surficial aquifer and choosing to use the general permit.

Other Entities Particularly Affected

9VAC25-610 amendments. No entities are affected by authorizing the development of a general permit.

9VAC25-910 General Permit. Other entities that require a permit to withdraw 300,000 gallons in a month or more of groundwater within the ESGMA may save time and money by withdrawing from the surficial aquifer and choosing to use the general permit. A primary driver this legislation was the modernization of the poultry industry on the Eastern Shore and concerns about the long-term sustainability of the confined aquifers that are the only source of potable drinking water in the ESGMA. The most likely users affected by this permit are agricultural, irrigation, and commercial entities.

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>9VAC25-610 amendments.</u> There will be no change resulting from the adding of authority to create a general permit.</p> <p><u>9VAC25-910 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 agricultural, irrigation, and commercial entities. There are currently a total of 91 individual permits within the ESGMA that fall into those categories of use: 58 agricultural, 23 irrigation, and 10 commercial. The Water Withdrawal Permitting Program is primarily general funded with a small portion of permit fees. The vast majority of these potential permittees (agriculture and irrigation) will be considered "agriculture" under the fee regulation and not subject to permit fees. This does not change under these two proposed regulatory actions. DEQ expects that staff time allocated to the processing of these general permits can be absorbed. Nonagricultural entities would be subject to a \$600 general permit fee which may result in a loss of fee revenue compared to the \$9000 individual permit fee.</p>
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<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>9VAC25-610 amendments.</u> There will be no change resulting from the adding of authority to create a general permit.</p> <p><u>9VAC25-910 General Permit.</u> Agencies, like the Department of Conservation and Recreation, which has a state park in the area, 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, the avoidance of detailed geotechnical studies as part of the individual permit application, 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 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>9VAC25-610 amendments.</u> This change allows the agency to develop a streamlined permit option for a specific category of groundwater withdrawals.</p> <p><u>9VAC25-910 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 ESGMA 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>9VAC25-610 amendments.</u> There will be no change resulting from the adding of authority to create a general permit.</p> <p><u>9VAC25-910 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>
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<p>Benefits the regulatory change is designed to produce.</p>	<p><u>9VAC25-610 amendments</u>. This change allows the agency to develop a streamlined permit option for a specific category of groundwater withdrawals.</p> <p><u>9VAC25-910 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 ESGMA 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>
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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>9VAC25-610 amendments</u>. There will be no change resulting from the adding of authority to create a general permit.</p> <p><u>9VAC25-910 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 the ESGMA.</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> <p>a) is independently owned and operated and;</p> <p>b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p><u>9VAC25-610 amendments</u>. There will be no change resulting from the adding of authority to create a general permit.</p> <p><u>9VAC25-910 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 agricultural, irrigation, and commercial entities. There are currently a total of 91 individual permits within the ESGMA that fall into those categories of use: 58 agricultural, 23 irrigation, and 10 commercial.</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> <p>a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;</p>	<p><u>9VAC25-610 amendments</u>. There will be no change resulting from the adding of authority to create a general permit.</p> <p><u>9VAC25-910 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</p>

<p>b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;</p> <p>c) fees;</p> <p>d) purchases of equipment or services; and</p> <p>e) time required to comply with the requirements.</p>	<p>checklist form for annual reporting instead of a customized applicant conservation plan and reporting; 3) reduced permit application fees; 4) the elimination of publishing charges for public notices; and 5) accelerated permit processing times. The vast majority of these potential permittees (agriculture and irrigation) will be considered "agriculture" under the fee regulation and not subject to permit fees. This does not change under the proposed regulatory action. 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 for most facilities.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p><u>9VAC25-610 amendments.</u> This change allows the agency to develop an accelerated and streamlined permit option for a specific category of groundwater withdrawals.</p> <p><u>9VAC25-910 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 ESGMA 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>

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 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) reduced permit application fees; 4) the elimination of publishing charges for public notices; and 5) accelerated permit processing times.

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
Elaine N. K. Meil, Accomack- Northampton Planning District Commission	Wells with a depth of 80’ or less should be considered Columbia wells and regulated under the general permit. Applicants should estimate the withdrawal amount and the justification kept as simple as possible. The permit term should be 15 years or 30 years. There should be a general permit quarterly reporting schedule based upon a meter reading. Applicants should be able to elect to receive prompts from DEQ by email or mail. Applicants should be prompted by DEQ on a quarterly basis to read their meters and receive DEQ follow up when applicants fail to report back. No other reporting should be required. An automated technical evaluation should be completed by DEQ based	These comments will be provided to the Regulatory Advisory Panel (RAP) for discussion.

	on a latitude and longitude description of the well. The general permit should be issued upon completion of the application within 60 days.	
Holly Porter, Delmarva Poultry Industry, Inc. (DPI)	Delmarva Poultry Industry, Inc. was supportive of the legislation, has a vested interest in the regulation, and would like to be part of the conversation. DPI nominates Holly Porter for participation on the RAP.	DPI's support and interest is noted. (Ms. Porter was selected to participate on the RAP.)
Hobey Bauhan, Virginia Poultry Federation (VPF)	VPF's strongly supports Delmarva's request that Ms. Holly Porter participate on the regulatory advisory panel.	VPF's support is noted. (Ms. Porter was selected to participate on the RAP.)
Andrea Wortzel, Mission H2O Virginia	Requested that a Mission H2O Virginia representative be invited to participate on the Regulatory Advisory Panel.	One or more current or former members of Mission H2O Virginia were selected to participate on the RAP.
Nick Thomas	As an Eastern Shore poultry grower with new GWPs and a grain farmer that uses surface water, Mr. Thomas feels that he can assist with real solutions to protect the groundwater supply and volunteers to participate on the RAP.	Mr. Thomas's interest in participating is noted. (Mr. Thomas was not selected to participate on the RAP.)
Shannon Alexander, Accomack-Northampton Planning District Commission	The Ground Water Committee would like extensive representation on the RAP and requests that all voting members of the Committee and the Committee Consultant, Britt McMillan, be included in the RAP. Additionally, the RAP should meet on the Eastern Shore, since it is an Eastern Shore specific topic.	The Planning District Commission's interest and request for representation are noted. Ms. Alexander's request that RAP meetings take place on the Eastern Shore is also taken under advisement. (Paul Muhly, John Coker, Jessica Steelman, and Britt McMillan from the Planning District Commission were all selected to participate on the RAP.)
Sue Mastyl, Virginia Eastern Shore Clean Water Council	Virginia Eastern Shore Clean Water Council is interested in having Ms. Mastyl participate on the regulatory advisory panel to develop the regulation for incentivizing folks to use the surficial aquifer on the Eastern Shore.	The Council's interest in participating on the RAP is noted. (Ms. Mastyl was selected to participate on the RAP.)

Public Participation

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

In addition to any other comments, the 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 Gary Graham, Regulatory Analyst, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia, 23218, fax (804) 698-4178, email gary.graham@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.

Changes to 9VAC25-610:

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
610-10.	N/A.	Definitions.	Amends section to add definitions of "General permit," "Instream beneficial uses, and "Surface water." Intent is to facilitate implementation of the new general permit requirements by being clear about what terms used in groundwater general permits mean. Necessary for clarity in implementing the proposed 9VAC25-910 general permit requirements. Impact is to incentivize the use of the surficial aquifer through the use of a general permit.

Promulgating Sections in 9VAC25-610:

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
610-95	General Permits (requirements).	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992).	Adds a new section to Chapter 610 that authorizes general permits. Intent is to facilitate implementation of the new general permit requirements of 9VAC25-910. Necessary to implement the new 9VAC25-910 general permit requirements under the current permit authority of 9VAC25-610 and to

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>describe and limit the use of that permit type.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
610-95 A.	General requirements authorizing the issuance of general permits.	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992).	<p>Adds a new subsection that authorizes general permit regulations and specifies general requirements for general permit regulations. Subdivision 1 specifies when a general permit may be used. Subdivision 2 requires that the general permit must clearly identify the permit conditions. Subdivision 3 allows certain uses to be excluded from the general permit.</p> <p>Intent is to facilitate implementation of the new general permit requirements of the proposed 9VAC25-910.</p> <p>Necessary to implement the proposed 9VAC25-910 general permit requirements under the permit authority of 9VAC25-610 and to describe and specify the use of that permit type.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
610-95 B.	Exceptions to the authorization for general permits.	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992).	<p>Adds a new subsection that authorizes the board to require individual permits when a case-by-case determination indicates that the coverage by a general permit does not address aquifer, water quality or ecosystem service concerns. Subdivisions 1-5 specify some cases where an individual permit may be required, such as interfering wells, impacts on available groundwater or surface water, polluted groundwater or surface water in the area, noncompliance with the general permit conditions, and the user no longer qualifying for coverage under the general permit. The listed examples are not intended to be the only cases requiring individual permits.</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>Intent is to facilitate implementation of the new general permit requirements of the proposed 9VAC25-910.</p> <p>Necessary to implement the proposed 9VAC25-910 general permit requirements under the permit authority of 9VAC25-610 and to describe and specify the use of that permit type.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
610-95 C.	Authorization for revoking general permits.	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992).	<p>Adds a new subsection that authorizes the board to revoke general permit coverage in certain cases after a public hearing.</p> <p>Intent is to facilitate implementation of the new general permit requirements of the proposed 9VAC25-910.</p> <p>Necessary to implement the proposed 9VAC25-910 general permit requirements under the permit authority of 9VAC25-610 and to describe and specify the use of that permit type.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
610-95 D.	Authorization for activities are limited to the term of the general permits.	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992).	<p>Adds a new subsection that authorizes activities under the general permit only for the permit term specified by the general permit regulation.</p> <p>Intent is to facilitate implementation of the new general permit requirements of the proposed 9VAC25-910.</p> <p>Necessary to implement the proposed 9VAC25-910 general permit requirements under the permit authority of 9VAC25-610 and to describe and specify the use of that permit type.</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
610-95 E.	Automatic termination of general permits.	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992).	<p>Adds a new subsection that specifies that the general permit coverage for a use automatically terminates on the date that coverage under an individual permit for that use becomes effective.</p> <p>Intent is to facilitate implementation of the new general permit requirements of the proposed 9VAC25-910.</p> <p>Necessary to implement the proposed 9VAC25-910 general permit requirements under the permit authority of 9VAC25-610 and to describe and specify the use of that permit type.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
610-95 F.	Authorization for requesting exclusion from a general permit.	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992).	<p>Adds a new subsection that allows a permittee operating under an individual permit that becomes subject to a general permit regulation when it becomes effective, to request exclusion from the general permit regulation and continue coverage under the individual permit.</p> <p>Intent is to facilitate implementation of the new general permit requirements of the proposed 9VAC25-910.</p> <p>Necessary to implement the proposed 9VAC25-910 general permit requirements under the permit authority of 9VAC25-610 and to describe and specify the use of that permit type.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
610-95 G.	Process for promulgating general permit regulations.	Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992).	<p>Adds a new subsection that specifies that general permits may be issued, modified, revoked, reissued or terminated in accordance with Virginia’s Administrative Process Act, (Code of Virginia §2.2-4000 et seq.)</p> <p>Intent is to facilitate implementation of the new general permit requirements of the proposed 9VAC25-910.</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>Necessary to implement the proposed 9VAC25-910 general permit requirements under the permit authority of 9VAC25-610 and to describe and specify the use of that permit type.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>

Promulgating 9VAC25-910 (General Permit for Use of Surficial Aquifer on the Eastern Shore):

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
910-10	<p>Definitions, specifically for the following terms: "Act," "Adverse impact," "Applicant," "Area of impact," "Beneficial use," "Board," "Department," "Director," "Eastern Shore Groundwater Management Area," "Groundwater," "Mitigate," "Permit," "Permittee," "Person," "Surface water and groundwater conjunctive use system," "Surficial aquifer," "Well," and "Withdrawal system."</p>	<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 definitions in the Groundwater Management Act and Groundwater Withdrawal Regulation apply, but adds more specific definitions applicable to this proposed regulation.</p> <p>Intent is to facilitate implementation of the new general permit requirements by being clear about what the terms used in 9VAC25-910 mean.</p> <p>Necessary for clarity in implementing the proposed 9VAC25-910 general permit requirements.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-20	<p>Information requirements.</p>	<p>Code of Virginia § 62.1-44.2 et seq., Code of Virginia §</p>	<p>Specifies that the requirements of 9VAC25-610-380 apply, and specifies that the board may require additional information pertinent to the review of an</p>

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		62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610-380.	<p>application and requires that the owner provide that information.</p> <p>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.</p> <p>Necessary to ensure that sufficient information is available for proper review of the general permit application.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-30	Purpose.	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 the purpose for the general permit, application processing by the board, final 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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-40.	Delegation of authority.	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	<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>

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		(Groundwater Withdrawal Regulation).	Impact is to incentivize the use of the surficial aquifer through the use of a general permit.
910-50.	Effective date of the permit.	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 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 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 the 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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-60.	Authorization to withdraw groundwater from the surficial aquifer of the Eastern Shore.	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).	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, the applicant is not required to obtain an individual permit for the proposed withdrawals, the withdrawal activity is not otherwise prohibited by law or regulation, and the activity is not contravened by applicable Groundwater Withdrawal Regulations. It also specifies that coverage is not required if the activity is excluded from permitting requirements. An eligible applicant may instead apply for an individual permit at his discretion.

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			<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>
910-70.	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 coverage under the general permit shall be denied by the board if the withdrawals cause, contribute to, or may be expected to cause or contribute to more than minimal water level declines, degradation of water quality, hydrology, or other instream beneficial uses. Coverage is limited to activities within the Eastern Shore Groundwater Management Area (ESGMA), activities in the surficial aquifer, and wells with a maximum depth of 80 feet unless logs are provided with the application that demonstrate that the maximum depth is still within the surficial aquifer of the ESGMA as determined by the department. The board may also require an individual permit rather than granting coverage under the general permit.</p> <p>Intent is to allow groundwater withdrawals to the surficial aquifer in the ESGMA without causing or contributing to adverse groundwater or surface water impacts, and without requiring unnecessary testing and monitoring expenses in order to apply for the 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>

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			<p>and without requiring applicants to do expensive testing and monitoring.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-80 A.	<p>Application requirements. Requirement to file a complete application.</p>	<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>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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-80 B.	<p>Application requirements. Application content.</p>	<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 certain minimum information be provided in the application for coverage in accordance with subdivisions 1 through 10, 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; and certain geophysical logs that are required if the wells are deeper than 80 feet.</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</p>

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			<p>ensure timely final action on the application.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-80 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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-80 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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-80 E.	Application requirements. Procedures for administrative withdrawal of an incomplete application.	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water	Specifies that the board may administratively withdraw an incomplete application for failure to provide the additional information required by the board within 60 calendar days of the board's last request. Provisions are made for an applicant requesting that

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		<p>Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90.</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 superficial aquifer.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90. Part I. Subsection A.</p>	<p>General Permit. Operating Conditions. Authorized withdrawal.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of</p>	<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>

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		Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Necessary to implement the withdrawal of groundwater from the surficial aquifer.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-90. 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 surficial aquifer.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-90. Part I. Subsection C.	General Permit. Operating Conditions. Water Conservation and Management Plan.	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>A water conservation and management plan is required and implemented through an annual water audit 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</p>

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			<p>department on request. Also, when a drought emergency is declared for the Eastern Shore, 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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90. 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 Withdrawal Regulation).</p>	<p>Specifies that where the area of impact does not remain on the applicant's property or existing withdrawers will be included in the proposed well's area of impact, the applicant shall provide and implement a plan to mitigate all adverse impacts on existing groundwater users. The mitigation plan, at a minimum, shall include certain features and the plan shall be included as enforceable general permit conditions: (i) the rebuttable presumption that water level declines to existing wells within the area of impact are due to the proposed withdrawal; (ii) a commitment that the applicant will mitigate undisputed adverse impacts in a timely fashion; (iii) a speedy, nonexclusive, low-cost process to resolve disputed adverse impacts; and (iv) requirements that the claimant provide certain information and documentation and the reasons that the claimant believes that the applicant's withdrawals have caused an adverse impact on the claimant's well.</p> <p>Intent is to provide a low-cost, timely process for mitigation and resolution of claims of adverse impacts from a well's area of impact.</p>

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			<p>Necessary to mitigate disputes over adverse impacts affecting the withdrawal of groundwater from the surficial aquifer.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90 Part I Subsection E</p>	<p>General Permit. Operating Conditions. Property rights.</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 issuance of a general permit does not convey property rights; does not authorize any injury to private property, invasion of personal property rights, or infringement of laws or regulations; and does not constitute a defense in any civil action involving property rights.</p> <p>Intent is to ensure that the applicant knows that the issuance of a general permit does not convey property rights or provide a defense in any civil action involving property rights.</p> <p>Necessary to ensure that the general permit is not construed to affect property rights.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90. Part I. Subsection F.</p>	<p>General Permit. Operating Conditions. Well tags.</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 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. The tag is provided by the department.</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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90. Part I.</p>	<p>General Permit. Operating Conditions.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground</p>	<p>Specifies certain permittee actions required prior to abandonment of out of service wells, including complying with Department of Health regulations</p>

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Subsection G.	Well abandonment.	Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-90. Part II. Subsection A.	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits</p> <p>Duty to comply.</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 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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-90. Part II. Subsection B.	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits</p> <p>Duty to cease or confine activity.</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>Specifies that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to 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>

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		Withdrawal Regulation).	Impact is to incentivize the use of the surficial aquifer through the use of a general permit.
910-90. Part II. Subsection C.	General Permit. Conditions Applicable to All Groundwater Withdrawal Permits Duty to mitigate.	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).	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 Intent is ensure that the permittee is responsible for avoiding all adverse impacts from the withdrawals. Necessary to ensure that any potential adverse impacts resulting from withdrawal are avoided or resolved. Impact is to incentivize the use of the surficial aquifer through the use of a general permit.
910-90. Part II. Subsection D.	General Permit. Conditions Applicable to All Groundwater Withdrawal Permits. Inspection, Entry, and Information Requests.	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).	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. Times for inspections are reasonable during regular business hours and during emergencies. 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. Necessary to ensure that inspections and other reasonable compliance determinations may occur. Impact is to incentivize the use of the surficial aquifer through the use of a general permit.
910-90. Part II.	General Permit.	Code of Virginia § 62.1-254 et	Specifies that the permittee shall furnish any information requested by the board necessary to determine if cause exists

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Subsection E.	<p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Duty to provide information.</p>	<p>seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90. Part II. Subsection F.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Water withdrawal volume records requirements.</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 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, 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 recording and 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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90. Part II. Subsection G.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Water withdrawal</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management</p>	<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</p>

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	<p>volume metering and equipment requirements.</p>	<p>Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</p>	<p>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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90. 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</p>

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			<p>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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90. 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 Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).</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 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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90. Part II. Subsection J.</p>	<p>General Permit. Conditions Applicable to All Groundwater Withdrawal Permits. Notice of planned change.</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</p>	<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>

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
		(Groundwater Withdrawal Regulation).	<p>Necessary to ensure valid permit coverage and avoid adverse impacts resulting from changes to the covered well system.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90. Part II. Subsection K.</p>	<p>General Permit. Conditions Applicable to All Groundwater Withdrawal Permits. Revocation and termination 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 coverage under the general permit may be revoked by the department in accordance with the provisions of 9VAC25-610. The 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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
<p>910-90. Part II. Subsection L.</p>	<p>General Permit. Conditions Applicable to All Groundwater Withdrawal Permits. Continuation of coverage.</p>	<p>Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia §</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</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
		62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>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 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 is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
910-90. Part II. Subsection M.	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Duty to reapply.</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 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>

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
			Impact is to incentivize the use of the surficial aquifer through the use of a general permit.

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.