



townhall.virginia.gov

Exempt Action: Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	Primary Action: 9 VAC25-920
VAC Chapter title(s)	9VAC25-920 - General Permit For The Use Of Irrigation Withdrawals From The Surficial Aquifer Greater Than 300,000 Gallons In Any One Month
Action title	Creation of a General Permit for Use of the Surficial Aquifer in a Groundwater Management Area
Final agency action date	June 22, 2022
Date this document prepared	May 5, 2022

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

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

The intent of this new regulation is to conserve groundwater in the confined aquifers within the Groundwater Management Areas for potable needs. This regulatory proposal will create a new general permit to promote use of the surficial aquifer in any Groundwater Management Areas.

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, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

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

Acronyms and Definitions

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

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

“Board” means the State Water Control Board. However, when used outside the promulgation of regulations, including regulations to establish general permits, “Board” means the “Department of Environmental Quality.”

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

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

Statement of Final Agency Action

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 taking the action; and 3) the title of the regulation.

At its meeting on June 22, 2022 the State Water Control Board adopted General Permit For The Use Of Irrigation Withdrawals From The Surficial Aquifer Greater Than 300,000 Gallons In Any One Month 9VAC-25-920 and promulgated Chapter 9VAC25-920 as a final regulation.

Legal Basis

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

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

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

Purpose

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

The development of a general permit is necessary to protect the health, safety, and welfare of citizens by providing for sustainability of the confined aquifers for future uses. There is significant non-potable groundwater use from the confined aquifer system for non-agricultural irrigation purposes, such as golf courses and community green space. Increasing the use of the surficial aquifer or water table aquifer for non-potable non-agricultural irrigation achieves greater long term confined aquifer sustainability. This regulatory proposal will create a new general permit to promote use of the surficial aquifer for non-agricultural withdrawal in any Ground Water Management Area.

Substance

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

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

Issues

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

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

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes reported on the Agency Background Document submitted for the previous stage regarding any requirements of the regulatory change which is more restrictive than applicable federal requirements.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change that 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 are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

Other State Agencies Particularly Affected

There are no changes to the information reported on the Agency Background Document submitted for the previous stage.

Localities Particularly Affected

There are no changes to the information reported on the Agency Background Document submitted for the previous stage.

Other Entities Particularly Affected

There are no changes to the information reported on the Agency Background Document submitted for the previous stage.

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

There are no changes to the information reported on the Agency Background Document submitted for the previous stage.

Agencies, Localities, and Other Entities Particularly Affected

Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact, which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected:

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

Localities Particularly Affected:

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

Other Entities Particularly Affected:

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

Public Comment

Summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. Ensure to include all comments submitted: including any received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.

Committer	Comment	Agency response
Beck Stanley Director of Government Affairs Virginia Agribusiness Council	<p>I am writing you today on behalf of the Virginia Agribusiness Council to provide comments regarding the General Use Permit of the Surficial Aquifer in a Groundwater Management Area. We thank the Department of Environmental Quality and staff for their work over the last year developing this regulation and including the Council in the Regulatory Advisory Panel on the issue. The Council believes that a general permit with reasonable fees is adequate and that the regulation proposes reasonable standards with fees to cover internal costs to implement the program.</p> <p>We appreciate staff taking into account the differing users of the surficial aquifer and creating reasonable conditions for its use. We are especially grateful to staff for their compilation of an economic impact report and the robust discussions that took place during the workgroup last year. As these permits have been traditionally funded by general fund revenue, the more stable fee structure as presented in the workgroup is a better long-term solution that will ensure fair and adequate review by the Department. Going forward, we hope the Department will work to keep these fees as low as possible.</p> <p>We appreciate the Department's inclusion of reasonable quality standards for determination of possible contamination of the</p>	Mr. Stanley and Virginia Agribusiness Council support is noted.

	<p>surficial aquifers. Our members in the golf industry and others require water sources free of contamination to maintain their facilities. Certain grasses, droughts, pests, fungi, soil health and the water all create unpredictable and uncertain conditions for golf courses. They require the ability to utilize a variety of water sources to address these needs throughout the year, while also controlling the high costs of maintain unique grasses and features. The drilling of wells is an expensive endeavor and creating a regulatory structure that is not prohibitive and yet still protects the source from saltwater incursion is important.</p> <p>As always, we are grateful for this opportunity to comment and are happy to support the proposal as written.</p>	
<p>Jeff Whitmire Virginia Golf Course Superintendents Association</p>	<p>On behalf of the Virginia Golf Course Superintendents Association (VGCSA), I write to provide feedback related to 9VAC25-920, proposed regulations to create a new general permit to promote the use of the surficial aquifer in any Groundwater Management Area. The VGCSA is dedicated to leading the golf industry by serving its members and advancing the profession and the game of golf. Our members professionally maintain green spaces across the Commonwealth, ensuring environmental stewardship of natural resources and employing environmental best management practices that help preserve and enrich Virginia's waterways. Golf course superintendents have partnered with Virginia Tech scientists to develop and document best management practices (BMPs) for golf course management. These BMPs help golf course superintendents protect our state's surface and groundwater resources, provide habitats for wildlife, reduce</p>	<p>Mr. Whitmire and Virginia Golf Course Superintendents Associated support is noted.</p>

	<p>pesticide usage, and conserve energy.</p> <p>Our members are expertly trained to conserve water and efficiently manage their courses. The ideal playing for golf is “firm and fast”, with maintenance requiring limited water usage. Turfgrass breeding also continues to progress, with newer varieties needing less water to flourish.</p> <p>We appreciate Virginia’s Department of Environmental Quality (DEQ) including a golf course superintendent on the regulatory advisory panel involved in the development of these proposed regulations, as this issue is critically important to golf courses. To properly maintain playing surfaces, having the appropriate quality of water is vital. Saltwater intrusion is a big concern, and with the low height at which turfgrass is maintained on a golf course, water that is too rich in salt content is detrimental to the turf. In short, if the groundwater is not of the appropriate quality, it will have a negative impact on golf course quality and financial sustainability. Quantity is unimportant is the quality is not right.</p> <p>Due to the authorizing legislation (Senate Bill 673 (Mason) from 2020) containing an expedited review process for golf courses seeking a determination from DEQ that either the quantity or quality of the ground water in a surficial aquifer is not adequate to meet a proposed beneficial use, it is important to have appropriate criteria for making that determination. We greatly appreciate the inclusion of reasonable quality standards based on current science that addresses the levels of bicarbonate, chloride, sodium, manganese, iron, and electrical conductivity that could cause surficial aquifer quality to not be sufficient for nonagricultural</p>	
--	--	--

	<p>irrigation, such as a use on a golf course.</p> <p>Furthermore, having a process that is more streamlined – and less expensive – for golf courses where the water quality is sufficient to utilize the surficial aquifer is very helpful. We also believe it is important that these regulations not affect golf courses that have already invested in deep aquifer wells and are pleased that as proposed, they would only apply to newly drilled wells.</p> <p>Drilling wells is an expensive endeavor for any golf course. The deeper the well, the higher the cost involved. Golf course superintendents will not seek to drill any deeper than necessary to obtain the needed quality of water. VGCSA members have a strong track record of reducing environmental impacts through their water management and water quality monitoring practices, and we will continue to work with the Commonwealth of Virginia to promote water conservation and improved water quality.</p>	
--	--	--

Details of Changes Made Since the Previous Stage

*List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. 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. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

In order to incorporate changes resulting from the approval and passage of Senate Bill 657 during the 2022 General Assembly Session, “board” has been replaced with “department” where necessary to implement the new statutory requirements.

Current chapter-section number	New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
920-10			Definitions, specifically for the following terms: “Board”	SB657 passed during the 2022 Session of the Virginia General Assembly made changes to regulations that included changing designations from “board” to

				"department" where appropriate and changed the definition of "Board".
920-40 (Deleted)				Removal of delegation of authority where authority is now statutorily vested in DEQ per SB657

Details of All Changes Proposed in this Regulatory Action

List all changes proposed in this action and the rationale for the changes. 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. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

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

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
920-10.	Definitions, specifically for the following terms: "Adverse impact," "Agricultural irrigation," "Applicant," "Area of impact," "Beneficial use," "Board," "Department," "Eastern Shore Groundwater Management Area," "Eastern Virginia Groundwater Management Area," "Groundwater," "Groundwater Management Area," "Irrigation," "Mitigate," "Nonagricultural irrigation," "Permit," "Permittee," "Person," "Surface water and groundwater conjunctive use system," "Virginia Drought Evaluation Regions"	§§ 62.1-44.2 et seq., 62.1-254 et seq., and 62.1-256 of the Code of Virginia and 9VAC25-610 (Groundwater Withdrawal Regulation).	Specifies that the definitions in the Groundwater Management Act and Groundwater Withdrawal Regulation apply, but adds more specific definitions to this proposed regulation. Intent is to facilitate implementation of the new general permit requirements by being clear about what the terms used in 9VAC25-920 mean. Necessary for clarity in implementing the proposed 9VAC25-920 general permit requirements. Impact to incentivize the use of the surficial aquifer through the use of a general permit.

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
920-20.	Information requirements.	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610-380.	<p>Specifies the requirements of 9VAC25-610-380 apply, and specifies that the department may require additional information pertinent to the review of an 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 department 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 the general permit.</p>
920-30.	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 department, 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 department action according to those requirements.</p> <p>Necessary to ensure that the department action process is clear to applicants and that department action follows statutory requirements for reviews and final action.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of the general permit.</p>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
920-40. (Deleted)			Removal of delegation of authority where authority is now statutorily vested in DEQ per SB657,
920-50.	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 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>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
920-60.	Authorization to withdraw groundwater from the surficial aquifer of a Groundwater Management Area.	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that persons granted coverage may withdraw water from the surficial aquifer provided that an application is submitted in accordance with this chapter, any required application fee is paid, the applicant receives coverage from the department, the applicant complies with the requirements of the general permit and other applicable laws and regulations, and the applicant is not required to obtain an individual permit for the proposed withdrawals. An eligible applicant may instead apply for an individual permit at his discretion.</p> <p>Intent is to authorize withdrawals after application review and the applicant is granted coverage under the general permit, as long as the applicant remains compliant with the general permit and is not otherwise required to obtain an individual permit.</p> <p>Necessary to authorize and facilitate compliant withdrawals from the surficial aquifer under the permit terms.</p> <p>Intent is to incentivize the use of the surficial aquifer through the use of a general permit.</p>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
920-70.	Reasons to deny coverage.	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that it shall deny application for coverage under this general permit if the proposed withdrawal is outside a groundwater management area, in an aquifer other than the surficial aquifer of a groundwater management area, or the activity causes, or may contribute to causing more than minimal water level declines in the underlying confined aquifer system or degradation of water quality, stream or wetland hydrology, or other instream beneficial use. The department may require an individual permit in accordance with 9VAC25-610-95 B rather than granting coverage under this general permit.</p> <p>Necessary to ensure that withdrawals under the general permit are limited to the surficial aquifer without adverse groundwater or surface water impacts.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
920-80 A.	Prohibitions and Exclusions.	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that it shall be unlawful for any person to construct a well for nonagricultural irrigation withdrawal purposes greater than 300,000 gallons in any one month in a groundwater management area except in the surficial aquifer, unless the department has determined the quantity or quality of the groundwater in the surficial aquifer is not adequate to supply the proposed beneficial use.</p> <p>Intent is to allow groundwater withdrawals to the surficial aquifer in a groundwater management area without requiring applicants to do expensive testing and monitoring.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>

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

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
920-90 A.	Application requirements. Requirement to file a complete application.	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Requires the applicant to file a complete application for coverage in accordance with the requirements of the rest of this section.</p> <p>Intent is to ensure that the application requirements and application process are clearly provided.</p> <p>Necessary to ensure that sufficient information is included with the application to allow proper review of the application by the department and to ensure timely final action on the application.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of the general permit.</p>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
920-90 B.	Application requirements. Application content.	Code of Virginia § 62.1-44.2 et seq., Code of Virginia § 62.1-254 et seq. (Ground Water Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies certain minimum information be provided in the application for coverage in accordance with subdivisions 1 through 11, including: the permit fee, if applicable; signature; well construction reports, well descriptions, well locations on certain USGS maps; information on conjunctive use systems, if applicable; the certification of compliance notification from the local governing body; justification of the groundwater withdrawal volume requested; geophysical logs; and requirements for a plan to mitigate.</p> <p>Intent is to ensure that application requirements are clear and are the minimum necessary requirements to complete the review process.</p> <p>Necessary to ensure that sufficient information is included with the application to allow proper review of the application by the department and ensure timely final action on the application.</p> <p>Intent is to incentivize the use of the surficial aquifer through use of the general permit.</p>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
920-90 C.	Application requirements. Department 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 department 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>
920-90 D.	Applicant 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 department 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>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
920-90 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 Management Act of 1992), Code of Virginia § 62.1-256, and 9VAC25-610 (Groundwater Withdrawal Regulation).	<p>Specifies that the department may administratively withdraw an incomplete application for failure to provide the additional information required by the department within 60 calendar days of the department's last request. Provisions are made for an applicant requesting that the application review process be suspended, and for additional application fees being required from the applicant when resubmitting an application that was administratively withdrawn by the department.</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>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
920-100.	General Permit. Coverage and authorization for withdrawals.	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>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 department. Withdrawals are authorized in accordance with the application, the general permit provisions for operating conditions, and the general conditions applicable to all groundwater withdrawal permits.</p> <p>Intent is to provide the authorization for withdrawals from the surficial aquifer consistent with the application and general permit conditions.</p> <p>Necessary to implement the withdrawal of groundwater from the surficial aquifer.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>
920-100. Part I. Subsection A.	General Permit. Operating Conditions. Authorized withdrawal.	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>The withdrawal of groundwater is specified to be limited to the wells identified in the application.</p> <p>Intent is to provide the authorization for withdrawals from the surficial aquifer consistent with the application.</p> <p>Necessary to implement the withdrawal of groundwater from the surficial aquifer.</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	Other regulations and law that apply	Intent and likely impact of new requirements
920-100. Part I. Subsection B.	General Permit. Operating Conditions. Reporting.	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>The withdrawal of groundwater is required to be recorded at the end of each month and reported to the department of 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>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part I.</p> <p>Subsection C.</p>	<p>General Permit.</p> <p>Operating Conditions.</p> <p>Water Conservation and Management Plan.</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>An annual water audit is required that quantifies the flows of water in the system and shall include a documented review of water use compared with expected need, documentation of changes to the water saving equipment, procedures or improvements or water saving processes, implementation and evaluation of a leak detection and repair process changes to the system implemented in the previous year, and a completed department-provided Audit Form. Results of the audit must be maintained onsite and provided to the department on request. Also, when a drought emergency is declared by the Commonwealth of Virginia in the permittee's Virginia Drought Evaluation Region, the permittee is required to implement the most restrictive of the state emergency provisions or the local drought management ordinance measures and maintain a record of the actions taken.</p> <p>Intent is to require that the permittee implement water conservation measures that are appropriate for use of the surficial aquifer.</p> <p>Necessary to conserve the surficial aquifer while using it.</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	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part I.</p> <p>Subsection D.</p>	<p>General Permit.</p> <p>Operating Conditions.</p> <p>Mitigation Plan.</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 mitigation measures to be taken when an applicant's proposed well has an area of impact beyond the permittee's property and existing groundwater withdrawers are included within that area of impact.</p> <p>Intent is to provide the processes for mitigation and resolution of claims of adverse impacts from a well's area of impacts.</p> <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>920-100.</p> <p>Part I.</p> <p>Subsection E.</p>	<p>General Permit.</p> <p>Operating Conditions.</p> <p>Property Rights.</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 issuance of coverage under this permit does not convey property rights in either real or personal property or exclusive privileges, nor does it authorize injury to personal property, an invasion of personal property rights, or an infringement of federal, state or local laws or regulations.</p> <p>Necessary to identify that an owner who obtains coverage under this general permit shall not constitute a defense in civil action involving property rights.</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	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part I.</p> <p>Subsection F.</p>	<p>General Permit.</p> <p>Operating Conditions.</p> <p>Well tags.</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 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 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>920-100.</p> <p>Part I.</p> <p>Subsection G.</p>	<p>General Permit.</p> <p>Operating Conditions.</p> <p>Well abandonment.</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 permittee actions required prior to abandonment of out of service wells, including complying with Department of Health regulations concerning abandonment, notification to the Department of Environmental Quality 2 weeks prior to abandonment, and submitting documentation of the abandonment to the department within 30 calendar days after abandonment.</p> <p>Intent is to ensure compliance with regulation requirements for abandonment of out of service wells.</p> <p>Necessary to ensure compliance with regulatory requirements.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part II.</p> <p>Subsection A.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Duty to comply.</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 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>
<p>920-100.</p> <p>Part II.</p> <p>Subsection B.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Duty to cease or confine activity.</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 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> <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	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part II.</p> <p>Subsection C.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Duty to mitigate.</p>	<p>Code of Virginia § 62.1-44.2 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 permittee shall take all reasonable steps to avoid all adverse impacts that may result from this withdrawal as defined in 9VAC25-610-10 and provide mitigation of the adverse impact.</p> <p>Intent is to ensure that the permittee is responsible for avoiding all adverse impacts from the withdrawals.</p> <p>Necessary to ensure that any potential adverse impacts resulting from withdrawal are avoided or resolved.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part II.</p> <p>Subsection D.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Inspection, Entry, and Information Requests.</p>	<p>Code of Virginia § 62.1-44.2 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 permittee shall allow the department'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.</p> <p>Intent is to ensure that the agency personnel have access to permitted facilities, systems, operations, and practices, and the records required by the general permit, for inspection at reasonable times.</p> <p>Necessary to ensure that inspections and other reasonable compliance determinations may occur.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part II.</p> <p>Subsection E.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Duty to provide information.</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 permittee shall furnish any information requested by the department necessary to determine if cause exists for making changes to the permit or determining compliance with the permit and shall provide copies or records required to be kept by the permit or regulation.</p> <p>Intent is to 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>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part II.</p> <p>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 § 62.1-44.2 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 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 department. 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 to ensure that the permittee is responsible for retaining metering information for a sufficient time after the expiration of coverage.</p> <p>Necessary to ensure that all metering records necessary for compliance determinations are available beyond the permit expiration.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part II.</p> <p>Subsection G.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Water withdrawal volume metering and equipment requirements.</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 permittee's well impoundment, or impoundment system shall have an in-line totalizer flow meter accurate to plus or minus 10% of actual flows, installed prior to use, and that any defective meters shall be repaired or replaced within 30 business days of discovery. Withdrawal measurements are still required if there are defective meters, with volumes reported based upon generally accepted engineering methods. Periods in which the meter is defective shall be clearly identified in required reports and an alternative method for determining flow may be approved by the department on a case-by-case basis.</p> <p>Intent is to 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 permittee well withdrawals.</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	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part II.</p> <p>Subsection H.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Well construction.</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 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 to ensure that the well construction process is compliant and that the required reports demonstrate that the maximum well depth is within the surficial aquifer.</p> <p>Necessary to ensure that the wells constructed under this general permit are still eligible for coverage after the well is constructed.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part II.</p> <p>Subsection I.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Transfer of permits.</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 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 department 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>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part II.</p> <p>Subsection J.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Notice of planned change.</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 permittee is required to give the department 30 business days prior notice of any planned physical alterations or additions to the permitted water withdrawal system.</p> <p>Intent is ensure that the department is aware of any change that might affect the permit coverage of the well system or the quality of groundwater withdrawn from the surficial aquifer.</p> <p>Necessary to ensure valid permit coverage and avoid adverse impacts resulting from changes to the covered well system.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part II.</p> <p>Subsection K.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Revocation and termination of coverage.</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 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>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part II.</p> <p>Subsection L.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Continuation of coverage.</p>	<p>Code of Virginia § 62.1-44.2 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 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 department either issues coverage under a succeeding general permit or notifies the owner that the withdrawal is not eligible for coverage under a general permit.</p> <p>Intent is ensure that the permittee has the ability to continue to be covered beyond the term of the permit until provision is made for coverage under an effective general permit or until 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>

New chapter-section number	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
<p>920-100.</p> <p>Part II.</p> <p>Subsection M.</p>	<p>General Permit.</p> <p>Conditions Applicable to All Groundwater Withdrawal Permits.</p> <p>Duty to reapply.</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 if the permittee wishes to continue a permitted activity after the expiration of the permit, 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 department has granted permission for a later submission date in writing. The department is prohibited from granting permission for that new application to be submitted later than the expiration date of the existing permit.</p> <p>Intent is to make it clear that it is the permittee's responsibility to reapply for coverage under the new general permit as the expiration date of the existing general permit approaches, and under what circumstances that application must be made in order to be continuously covered.</p> <p>Necessary to ensure that there is continued coverage available to existing permittees if they apply under the specified circumstances.</p> <p>Impact is to incentivize the use of the surficial aquifer through the use of a general permit.</p>

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, 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) 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.

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

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.