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## Periodic Review Report of Findings

<b>Agency name</b>	Department of Environmental Quality
<b>Virginia Administrative Code (VAC) citation</b>	9 VAC 25-600
<b>Regulation title</b>	Designated Groundwater Management Areas
<b>Date this document prepared</b>	October 1, 2018

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 (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

## Acronyms and Definitions

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

No acronyms are used in this document.

## Legal Basis

*Please 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 62.1-257 B of the Code of Virginia Board provides the State Water Control Board the authority to adopt a regulation to establish the boundaries of a ground water management area. The board is allowed to establish the boundaries of the ground water management area when any of the following conditions are met: Ground water levels in the area are declining or are expected to decline excessively; the wells of two or more ground water users within the area are interfering or may reasonably be expected to interfere substantially with one another; the available ground water supply has been or may be overdrawn; or the ground water in the area has been or may become polluted.

The State Water Control Board previously amended this regulation in 2014.

## Alternatives

*Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

The Department considered the alternative of repealing the regulation, but determined that the regulation is still needed to protect public safety, health, and welfare. The agency also considered the alternative of amending the regulation, but determined that no amendments are necessary at this time. The current groundwater management areas are protective of ground water resources.

**Public Comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

An informal advisory group was not formed as part of this review. No public comments were received during the public comment period.

**Effectiveness**

*Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

This regulation is necessary for the protection of public health, safety and welfare and is clearly written and easily understandable.

**Decision**

*Please explain the basis for the rulemaking entity’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

The agency is recommending the regulation stay in effect without change. The regulation is beneficial to the Commonwealth. This regulation establishes groundwater management areas. Groundwater withdrawals that occur in designated groundwater management areas are subject to a companion regulation - Groundwater Withdrawal Regulations (9VAC25-610).

**Small Business Impact**

*As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.*

The regulation establishes groundwater management areas in the Commonwealth and continues to be needed.

No public comments were received during the periodic review comment period.

This regulation is a state only regulation and these standards do not overlap, duplicate or conflict with federal or state law or regulation.

This regulation was last amended in 2014. The groundwater management areas designated in this regulation continue to be beneficial.

Groundwater withdrawals that occur in designated groundwater management areas are subject to a companion regulation - Groundwater Withdrawal Regulations (9VAC25-610). Groundwater withdrawals that occur within designated groundwater management areas may be required to obtain a permit for the withdrawal and be subject to other requirements. These requirements are based on the amount of groundwater withdrawn. Small businesses may choose to limit the amount of groundwater they withdraw to avoid being regulated by the Groundwater Withdrawal Regulations (9VAC25-610) if they are located within a designated groundwater management area.