



Exempt Action Proposed Regulation Agency Background Document

Approving authority name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25 - 800
Regulation title	Virginia Water Protection General Permit for Minor Surface Water Withdrawals
Action title	Proposal
Document preparation date	August 11, 2005

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The proposed Virginia Water Protection (VWP) General Permit WP5 will authorize small surface water withdrawals, provided that the uses and amounts comply with the conditions set within the general permit. Public water supply projects must be included in the applicant's water supply plan before authorization will be given to use this general permit.

The permit creates three categories of water use (public water supply, agricultural, and other) and sets maximum withdrawal limits that are formula based. The larger the water body and the higher the stream flow, the more water the general permit allows to be withdrawn up to a maximum daily withdrawal of three million gallons per day.

The regulation unconditionally authorizes eleven minor and common types water withdrawals that have little adverse environmental impact. Examples of such water withdrawals include the withdrawal of water for fire fighting, the temporary withdrawal of water for hydrostatic testing, the use of water by residences for gardening and landscaping, surface water put into portable

containers by riparian property owners, water withdrawals from ponds that collect diffuse surface water from intermittent streams, the non-consumptive diversion of water by riparian property owners when the water is returned to the same stream, the withdrawal of water from quarries, certain rates or volumes of surface water withdrawals for agriculture and non-agriculture, and certain rates or volumes of surface water withdrawals from tidal waters.

Minor surface water withdrawals that do not qualify under the unconditional authorizations but are less than three million gallons per day, may still qualify for authorization under this VWP general permit, provided that such withdrawals meet certain other conditions designed to protect the environment.

The regulation does not apply to certain categories of surface water withdrawals, such as withdrawals from trout waters, from waters designated as Exceptional Surface Waters, or from springs and cannot be used for power plants or for inter-basin transfers.

The VWP general permit contains monitoring and reporting requirements for water withdrawals that have withdrawal limits. For agricultural water withdrawals and public water supply withdrawals these monitoring and reporting requirements are the same as the existing requirements of the State Water Control Board's Water Withdrawal Reporting Regulation (9 VAC 25-200 et seq.).

Additional monitoring and reporting requirements apply to non-public water supply and non-agricultural withdrawals. These uses must cease withdrawal under drought conditions, and thus, stream flow monitoring is required, as is the volume of water withdrawn.

The proposed VWP general permit regulation will reduce the permitting burden to the public in which it will serve and will decrease the amount of agency resources spent on issuing more lengthy Virginia Water Protection individual permits for minor withdrawals, which is the current practice for the authorized activities described herein.

The proposed VWP general permit regulation will be public noticed for comment on the Virginia Town Hall web site. DEQ is specifically interested in receiving public comment on the use limit of a maximum daily withdrawal of three million gallons per day.

Family impact

Assess the impact of this 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.

The proposed general permit will have no impact on the institution of the family and family stability.