

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #6: GROUNDWATER REGULATIONS COMMENTS**

#### **SUBJECT:**

The Virginia Department of Water Quality (DEQ) has proposed revisions to the Eastern Virginia Groundwater Management Area Regulations (9VAC25-600) and the Groundwater Withdrawal Regulations (9VAC25-610). The revisions would expand the Eastern Virginia Groundwater Management Area to include the remaining portion of Virginia's coastal plain and amend the Groundwater Withdrawal regulations to manage groundwater resources more comprehensively. The proposed regulations are available at the Town Hall website at:

<http://www.townhall.virginia.gov/L/viewchapter.cfm?chapterid=1445>  
<http://www.townhall.virginia.gov/L/viewchapter.cfm?chapterid=1451>.

The public comment period ends on January 11, 2013. HRPDC staff has prepared a draft comment letter for the Commission's consideration based on input from the HRPDC Directors of Utilities Committee.

#### **BACKGROUND:**

These regulations govern groundwater withdrawals in designated Groundwater Management Areas which currently include all Hampton Roads localities except Gloucester County. Most public water systems and industrial users withdraw more than the 300,000 gallons per month threshold and must acquire a permit under these regulations. Individual homeowners with wells are typically not required to get a permit since their use is less than 300,000 gallons per month.

The significant changes in the proposed regulation include:

- Expansion of the Groundwater Management Area to include the entire Coastal Plain,
- Establishment of supplemental drought relief permits and conjunctive use permits for systems with surface and groundwater sources,
- Water conservation and management plans will be an enforceable part of the permit, and
- Agency guidance concerning the 80% drawdown criteria has been incorporated into the regulations.

The groundwater regulations were reviewed by a Regulatory Advisory Panel in 2010. At the conclusion of the panel, the Directors of Utilities Committee submitted comments to Mr. David Paylor, Director of DEQ. The suggested revisions have not been incorporated into the proposed regulations. This presentation will highlight the Committee's concerns:

- If groundwater supplies are limited, public water system demands instead of "human consumption" should be the highest priority. Human consumption is a subset of public water system demands.

- Public water system permits should be grandfathered and should not be required to raise pumps or reduce the amount of permitted withdrawals based on the new hydrologic framework or new 80% drawdown criteria guidance.
- Public water systems should not be required to purchase surface water in lieu of renewing a groundwater withdrawal permit.
- Technical evaluations of proposed withdrawals should be based on predicted water levels at the end of the permit term instead of evaluating the “stabilized effects” of proposed withdrawals.
- Permit term should be extended from 10 years to 30 years to match financing periods for water infrastructure. However, withdrawal amounts should be limited to projected demands for 15 years.
- Virginia Coastal Plain groundwater model should be used to manage the Coastal Plain aquifer system instead of the RASA model currently in use.
- Conjunctive Use Permits should be eliminated; Drought Relief Permits should be evaluated on typical use (2 years of 10 year period) instead of constant use.
- Regulations should encourage Aquifer Storage Recovery wells which inject drinking water into the aquifer system.

The comment letter on the groundwater regulations that was submitted to DEQ in 2010 is included in the agenda. The Directors of Utilities Committee will meet on November 7th to consider revisions to the letter. The Committee will review the final comment letter at its December 5, 2012 meeting.

Ms. Whitney Katchmark, Principal Water Resources Engineer, will brief the Commission.

Attachment 6 - Proposed Groundwater Regulations Comment Letter

**Note: Recommended actions are included in Consent Agenda Item #9J.**