

11/12/2017 DRAFT

1                   **DRAFT LEGISLATION TO IMPLEMENT THE RECOMMENDATION #3**  
 2                   **OF THE EASTERN VIRGINIA GROUNDWATER MANAGEMENT**  
 3                   **COMMITTEE REPORT (JULY 2017)**

4  
 5                   **15-YEAR GROUNDWATER WITHDRAWAL PERMIT TERMS**

6  
 7                   **BILL NO. \_\_\_\_**

8                   *A BILL to amend the Code of Virginia by amending section number 62.1-266(C) to lengthen the*  
 9                   *typical term of a ground water withdrawal permit from ten years to fifteen years.*

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 11                   **Be it enacted by the General Assembly of Virginia:**

12                   **1. That effective January 1, 2019, section number 62.1-266(C) of the Code of Virginia is**  
 13                   **amended as follows:**

14                   A. The Board may issue any ground water withdrawal permit upon terms, conditions and  
 15                   limitations necessary for the protection of the public welfare, safety and health.

16                   B. Applications for ground water withdrawal permits shall be in a form prescribed by the  
 17                   Board and shall contain such information, consistent with this chapter, as the Board deems  
 18                   necessary.

19                   C. All ground water withdrawal permits issued by the Board under this chapter shall have a  
 20                   fixed term not to exceed ~~ten~~ *fifteen* years. The term of a ground water withdrawal permit issued  
 21                   by the Board shall not be extended by modification beyond the maximum duration, and the  
 22                   permit shall expire at the end of the term unless a complete application for a new permit has been  
 23                   filed in a timely manner as required by the regulations of the Board, and the Board is unable,  
 24                   through no fault of the permittee, to issue a new permit before the expiration date of the previous  
 25                   permit. Any permit to withdraw ground water issued by the Board on or after July 1, 1991, and  
 26                   prior to July 1, 1992, shall expire ten years after the date of its issuance.

27                   D. Renewed ground water withdrawal permits shall be for a withdrawal amount that includes  
 28                   such savings as can be demonstrated to have been achieved through water conservation, provided  
 29                   that a beneficial use of the permitted ground water can be demonstrated for the following permit  
 30                   term.

31                   E. Any permit issued by the Board under this chapter may, after notice and opportunity for a  
 32                   hearing, be amended or revoked on any of the following grounds or for good cause as may be  
 33                   provided by the regulations of the Board:

34                   1. The permittee has violated any regulation or order of the Board pertaining to ground water,  
 35                   any condition of a ground water withdrawal permit, any provision of this chapter, or any order of  
 36                   a court, where such violation presents a hazard or potential hazard to human health or the  
 37                   environment or is representative of a pattern of serious or repeated violations which, in the  
 38                   opinion of the Board, demonstrates the permittee's disregard for or inability to comply with  
 39                   applicable laws, regulations, or requirements;

40                   2. The permittee has failed to disclose fully all relevant material facts or has misrepresented a  
 41                   material fact in applying for a permit, or in any other report or document required under this  
 42                   chapter or under the ground water withdrawal regulations of the Board;

43                   3. The activity for which the permit was issued endangers human health or the environment  
 44                   and can be regulated to acceptable levels by amendment or revocation of the permit; or

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45 4. There exists a material change in the basis on which the permit was issued that requires  
46 either a temporary or a permanent reduction or elimination of the withdrawal controlled by the  
47 permit necessary to protect human health or the environment.

48 F. No application for a ground water withdrawal permit shall be considered complete unless  
49 the applicant has provided the Executive Director of the Board with notification from the  
50 governing body of the county, city or town in which the withdrawal is to occur that the location  
51 and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant  
52 to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2. The provisions of this subsection shall not  
53 apply to any applicant exempt from compliance under Chapter 22 (§ 15.2-2200 et seq.) of Title  
54 15.2.

55 G. A ground water withdrawal permit shall authorize withdrawal of a specific amount of  
56 ground water through a single well or system of wells, including a backup well or wells, or such  
57 other means as the withdrawer specifies.

58 **2. That the State Water Control shall amend the permit fee applicable to new or reissued**  
59 **individual groundwater withdrawal permits or certificates (9 VAC 25-20-110 E) from \$6,000**  
60 **to \$9,000 effective January 1, 2019, and the adoption of such amendment shall be exempt**  
61 **from Article 2 (Regulations) of the Chapter 40 (Administrative Process Act) of Title 2.2 of**  
62 **the Code of Virginia.**