

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 62.1-44.15:5.02, relating to*
3 *low-flow protections for Potomac River.*

4 [H 2487]

5 Approved

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

7 **1. That the Code of Virginia is amended by adding a section numbered 62.1-44.15:5.02 as follows:**
8 **§ 62.1-44.15:5.02. Low flow protections in Potomac River.**

9 *A. Virginia Water Protection Permits issued after July 1, 2007, authorizing withdrawal of water from*
10 *the Potomac River or its tributaries between the West Virginia border and Little Falls for any purpose*
11 *other than municipal water supply, shall incorporate low-flow protection requirements if the maximum*
12 *consumptive use allowed by the permit exceeds 500,000 gallons per day. Such permits shall require that*
13 *the permittee provide or secure sufficient offstream storage to augment instream flow during low-flow*
14 *periods in an amount equal to the amount that the permittee's consumptive use exceeds 500,000 gallons*
15 *per day. The permit shall specify the instream flow volume at which low-flow protection is to be*
16 *implemented.*

17 *B. Permittees may comply with the requirements of this section by: (i) constructing or acquiring*
18 *facilities for offstream storage of water that may be used to replace their consumptive use withdrawals*
19 *exceeding 500,000 gallons per day during low-flow periods; (ii) purchasing storage capacity in facilities*
20 *owned by another entity, sufficient to replace their consumptive use withdrawals exceeding 500,000*
21 *gallons per day during low-flow periods; or (iii) agreeing to a permit condition limiting consumptive*
22 *use to not more than 500,000 gallons per day during low-flow periods as designated in the permit.*

23 *C. No owner who holds a Virginia Water Protection Permit as described in this section shall*
24 *withdraw water for consumptive use in excess of 500,000 gallons per day, except in compliance with*
25 *permit requirements for low-flow augmentation.*

26 *D. Should the implementation of emergency measures pursuant to applicable law, regulation, or*
27 *interjurisdictional agreement require more stringent temporary restrictions on consumptive use, those*
28 *requirements shall override the provisions of permits issued pursuant to this section during the period*
29 *that such requirements are in effect.*

30 *E. The requirements of this section shall not apply to the reissuance or amendment of any Virginia*
31 *Water Protection Permit issued prior to July 1, 2007, unless such reissuance or amendment: (i)*
32 *authorizes an increase in the permitted withdrawal in excess of 500,000 gallons per day for consumptive*
33 *use; or (ii) authorizes a change from nonconsumptive to consumptive use, in excess of 500,000 gallons*
34 *per day.*

ENROLLED

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