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HOUSE JOINT RESOLUTION NO. 623
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Rules
on February 6, 2015)

(Patrons Prior to Substitute—Delegates Hodges and O'Bannon [HJ 595])

Directing the Joint Legislative Audit and Review Commission to study Virginia's water resource planning and management. Report.

WHEREAS, Article XI, Section 1 of the Constitution of Virginia states that it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources and protect its waters for the benefit, enjoyment, and general welfare of the people of the Commonwealth; and

WHEREAS, § 62.1-11 of the Code of Virginia stipulates that the right to the use of water or to the flow of water from any natural stream, lake, or other watercourse is limited to what may be reasonably required for the beneficial use of the public and that the intent of the Commonwealth is to maintain flow conditions to protect instream beneficial uses and public water supplies for human consumption; and

WHEREAS, Virginia has a complex water system that includes many aquifers, nine major watersheds, and 52,232 miles of rivers and freshwater streams with a total combined flow of 22.5 billion gallons per day; and

WHEREAS, there is no statewide, comprehensive assessment of state and local water resource plans and their role in the water withdrawal permit process, and the Department of Environmental Quality is currently developing a State Water Plan to build upon and guide local and regional water supply plans; and

WHEREAS, the Department of Environmental Quality issues water protection permits for surface water and groundwater withdrawals, and it has reported potential risk to the water supply, including groundwater, given changes in population and demand for water for industrial, recreational, and residential use; and

WHEREAS, recent withdrawals of groundwater in eastern Virginia may have contributed to topographical and hydrological changes, including lower water tables, land subsidence, and higher risk of saltwater contamination of groundwater; and

WHEREAS, the Department of Environmental Quality has appropriated approximately \$40 million annually for water protection functions, including planning, permitting, and compliance; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study Virginia's water resource planning and management.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) assess the extent to which groundwater and surface water consumption is unsustainable, the potential effects of any unsustainable consumption, and the risk of overconsumption in the future; (ii) assess the effectiveness of the state's permitting process for groundwater and surface water withdrawals; (iii) assess the effectiveness of state and local water resource planning, particularly with regard to groundwater, including the role state and local plans play in water withdrawal permitting; (iv) examine the adequacy of current funding and staff levels for managing Virginia's water resources; (v) consider the need for strategies and practices to preserve or increase the amount of groundwater and surface water available for future consumption; and (vi) review any other issues and make recommendations as appropriate.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Environmental Quality, the State Water Control Board, and the Virginia Department of Health. All agencies of the Commonwealth, local governments, and water resource authorities shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2015, and for the second year by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.