

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 755

An Act to amend and reenact § 62.1-255 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 62.1-262.1, relating to ground water withdrawal; Eastern Shore Groundwater Management Area; incentives for use.

[S 1599]

Approved March 21, 2019

Be it enacted by the General Assembly of Virginia:

- 1. That § 62.1-255 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 62.1-262.1 as follows:**

§ 62.1-255. Definitions.

As used in this chapter, unless the context requires otherwise:

"Beneficial use" includes, ~~but is not limited to,~~ domestic (including public water supply), agricultural, commercial, and industrial uses.

"Board" means the State Water Control Board.

"Department" means the Department of Environmental Quality.

"*Eastern Shore Groundwater Management Area*" means the ground water management area declared by the Board encompassing the Counties of Accomack and Northampton.

"Ground water" means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water wholly or partially within the boundaries of ~~this~~ the Commonwealth, whatever the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

"Ground water withdrawal permit" means a certificate issued by the Board permitting the withdrawal of a specified quantity of ground water in a ground water management area.

"Person" means any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the laws of ~~this~~ the Commonwealth or any other state or country.

"Surficial aquifer" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

§ 62.1-262.1. Permits for withdrawals from Eastern Shore Groundwater Management Area.

The Board shall adopt regulations to provide incentives for the withdrawal of ground water from the surficial aquifer in the Eastern Shore Groundwater Management Area rather than from the deep aquifer in such management area. Notwithstanding the provisions of subsection C of § 62.1-266, such incentives may include extended permit terms of as long as 20 years, an accelerated permit process, discounted permit fees, other subsidies, or other incentives.