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HOUSE BILL NO. 2062

Offered January 9, 2019

Prefiled January 7, 2019

A BILL to amend and reenact §§ 62.1-10, 62.1-44.36, and 62.1-255 of the Code of Virginia, relating to ground water withdrawal; human consumption.

Patrons—Carr; Senator: Stuart

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 62.1-10, 62.1-44.36, and 62.1-255 of the Code of Virginia are amended and reenacted as follows:

§ 62.1-10. Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them:

(a) "Water" includes all waters, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction and which affect the public welfare.

(b) "Beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural, electric power generation, commercial and industrial uses. Public water supply uses for human consumption shall be considered the highest priority.

"Human consumption" means the same as that term is defined in § 62.1-255.

"Water" means all waters, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction.

§ 62.1-44.36. Responsibility of State Water Control Board; formulation of policy.

Being cognizant of the crucial importance of the Commonwealth's water resources to the health and welfare of the people of Virginia, and of the need of a water supply to assure further industrial growth and economic prosperity for the Commonwealth, and recognizing the necessity for continuous cooperative planning and effective state-level guidance in the use of water resources, the State Water Control Board is assigned the responsibility for planning the development, conservation and utilization of Virginia's water resources.

The Board shall continue the study of existing water resources of this Commonwealth, means and methods of conserving and augmenting such water resources, and existing and contemplated uses and needs of water for all purposes. Based upon these studies and such policies as have been initiated by the Division of Water Resources, and after an opportunity has been given to all concerned state agencies and political subdivisions to be heard, the Board shall formulate a coordinated policy for the use and control of all the water resources of the Commonwealth and issue a statement thereof. In formulating the Commonwealth's water resources policy, the Board shall, among other things, take into consideration but not be limited to the following principles and policies:

(1) Existing water rights are to be protected and preserved subject to the principle that all of the state waters belong to the public for use by the people for beneficial purposes without waste;

(2) Adequate and safe supplies should be preserved and protected for human consumption, while conserving maximum supplies for other beneficial uses. When proposed uses of water are in mutually exclusive conflict or when available supplies of water are insufficient for all who desire to use them, preference shall be given to human consumption purposes over all other uses;

(3) It is in the public interest that integration and coordination of uses of water and augmentation of existing supplies for all beneficial purposes be achieved for the maximum economic development thereof for the benefit of the Commonwealth as a whole;

(4) In considering the benefits to be derived from drainage, consideration shall also be given to possible harmful effects upon ground water supplies and protection of wildlife;

(5) The maintenance of stream flows sufficient to support aquatic life and to minimize pollution shall be fostered and encouraged;

(6) Watershed development policies shall be favored, whenever possible, for the preservation of balanced multiple uses, and project construction and planning with those ends in view shall be encouraged;

(7) Due regard shall be given in the planning and development of water recreation facilities to safeguard against pollution.

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59 The statement of water resource policy shall be revised from time to time whenever the Board shall
60 determine it to be in the public interest.

61 The initial statement of state water resource policy and any subsequent revisions thereof shall be
62 furnished by the Board to all state agencies and to all political subdivisions of the Commonwealth.

63 *As used in this section, "human consumption" means the same as that term is defined in § 62.1-255.*

64 **§ 62.1-255. Definitions.**

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

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

68 "Board" means the State Water Control Board.

69 "Department" means the Department of Environmental Quality.

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

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

76 *"Human consumption" means drinking, food preparation, dishwashing, bathing, showering, hand
77 washing, teeth brushing, and maintaining oral hygiene.*

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

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