20104857D

HOUSE BILL NO. 1674

Offered January 17, 2020

A BILL to amend the Code of Virginia by adding a section numbered 62.1-44.15:22.1, relating to provisional water withdrawal permit; Eastern Virginia Groundwater Management Area.

Patrons—Hodges, Batten, Mullin and Ransone; Senators: Lewis, Norment and Stuart

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 62.1-44.15:22.1 as follows:

§ 62.1-44.15:22.1. Provisional water withdrawal permit in Eastern Virginia Groundwater Management Area.

A. As used in this section, "EVGMA" means the Eastern Virginia Groundwater Management Area as declared by the Board pursuant to the provisions of the Ground Water Management Act of 1992 (§ 62.1-254 et seq.).

B. The Board is authorized to issue a provisional surface water withdrawal permit for a withdrawal proposed within the land area encompassed by the EVGMA to a permit applicant that has not identified an end user for the water. In calculating the potential allowable withdrawal, the Board shall assume that a need exists for the proposed amount of the withdrawal and that the proposed withdrawal will be put to the highest-priority beneficial use. Such permit shall be for a duration authorized for other surface water withdrawals and subject to the same permit application fee.

C. A permit issued pursuant to subsection B shall not allow the withdrawal of water until an end user has been identified and the following information has been provided to the Department in a report submitted for review and approval:

1. Information on the proposed use of and need for the surface water and information on how demand for the surface water was determined;

2. A detailed description of the processes that require the use of the water and the amounts of water associated with each process;

3. If the proposed use is for public water supply, an alternatives analysis that complies with regulations adopted by the Board requiring the inclusion of certain information in any alternatives analysis conducted specifically for withdrawals for public water supply; and

4. A plan, including the description, layout, design drawings, and alternatives analysis, for the construction of a raw water intake with associated appurtenances in accordance with regulations adopted by the Board requiring certain information for a complete application for an individual Virginia Water Protection permit.

D. Upon approval of the report provided pursuant to subsection C, the permittee shall, in order to authorize the surface water withdrawals and impacts identified in the report, request a permit modification in accordance with regulations adopted by the Board addressing modifications to surface water withdrawal permits.

2. That the provisions of § 62.1-44.15:22.1 of the Code of Virginia, as created by this act, shall apply to any surface water withdrawal permit application for surface water within the Eastern Virginia Groundwater Management Area, whether still pending or denied, that is or was under review by the Department of Environmental Quality (DEQ) on or after January 1, 2019. Any such permit, including any permit that was denied for lack of an end user, shall continue to be processed by DEQ in the order in which it was submitted to DEQ in relation to any other pending application.