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HOUSE BILL NO. 1870

Offered January 14, 2015

Prefiled January 13, 2015

A BILL to amend and reenact § 62.1-259 of the Code of Virginia, relating to ground water withdrawals.

Patron—Bulova

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-259 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-259. Certain withdrawals; when permit required.

None A. Except as set forth in subsection B, no ground water withdrawal permit shall be required for (i) withdrawals of less than 300,000 gallons a month; (ii) temporary construction dewatering; (iii) temporary withdrawals associated with a state-approved ground water remediation; (iv) the withdrawal of ground water for use by a ground water heat pump where the discharge is reinjected into the aquifer from which it is withdrawn; (v) the withdrawal from a pond recharged by ground water without mechanical assistance; (vi) the withdrawal of water for geophysical investigations, including pump tests; (vii) the withdrawal of ground water coincident with exploration for and extraction of coal or activities associated with coal mining regulated by the Department of Mines, Minerals and Energy; (viii) the withdrawal of ground water coincident with the exploration for or production of oil, gas or other minerals other than coal, unless such withdrawal adversely impacts aquifer quantity or quality or other ground water users within a ground water management area; (ix) the withdrawal of ground water in any area not declared a ground water management area; or (x) the withdrawal of ground water pursuant to a special exception issued by the Board.

B. The developer of a subdivision, as defined in § 15.2-2201, located in a ground water management area shall apply for a permit prior to subdivision plat approval if the projected total withdrawals by private wells, as defined in § 32.1-176.3, within the subdivision will amount to 300,000 gallons or more in any month, calculated pursuant to a method established by the Board. This permit requirement applies to any such subdivision for which the developer obtains plat approval on or after January 1, 2016. The developer may transfer the permit only after the developer and transferee provide written notice to the Board in accordance with requirements established by the Board. The construction of a new, private well that will increase the ground water withdrawal in a subdivision covered by a ground water withdrawal permit is prohibited without an approved permit amendment.