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**HOUSE BILL NO. 1186**

Offered January 10, 2018

Prefiled January 10, 2018

*A BILL to amend and reenact §§ 62.1-254 and 62.1-255 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 62.1-266.1, relating to ground water withdrawal permits; priority for human consumptive use; public suppliers.*

Patrons—Carr and Plum; Senator: Howell

Referred to Committee on Agriculture, Chesapeake and Natural Resources

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 62.1-254 and 62.1-255 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 62.1-266.1 as follows:**

**§ 62.1-254. Findings and purpose.**

The General Assembly hereby determines and finds that, pursuant to the Groundwater Act of 1973, the continued, unrestricted usage of ground water is contributing and will contribute to pollution and shortage of ground water, thereby jeopardizing the public welfare, safety, and health. It is the purpose of this Act to recognize and declare that the right to reasonable control of all ground water resources within ~~this~~ *the* Commonwealth belongs to the public and that in order to conserve, protect, and beneficially utilize the ground water of ~~this~~ *the* Commonwealth and to ensure the public welfare, safety, and health, provision for management and control of ground water resources is essential.

*The General Assembly determines and finds that the supply of ground water resources in the Eastern Virginia Groundwater Management Area is not sufficient to meet existing requirements. The lack of sufficient ground water poses a substantial risk to economic growth because (i) the ground water is insufficient to meet all needs of current permit holders and (ii) new industrial and other users, even those with moderate ground water needs, cannot be granted ground water permits.*

*The General Assembly reaffirms the policy, as stated in subdivision (b) of § 62.1-10, subdivision 2 of § 62.1-44.36, and § 62.1-263, that when proposed uses are in conflict, preference shall be given to human consumptive use over all other purposes. The General Assembly determines and finds that although some water provided by public water suppliers is used for nonhuman consumptive purposes, the primary means through which citizens obtain water for human consumptive purposes is from public water suppliers.*

**§ 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.

*"Eastern Virginia Groundwater Management Area" or "EVGMA" means the ground water management area located east of Interstate 95 as declared by the Board pursuant to § 62.1-257.*

"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.

*"Human consumptive use" means the use of water provided by a public water supplier primarily in a residential setting for the purpose of supporting human survival and health, including drinking, bathing, showering, cooking, dishwashing, and maintaining hygiene.*

*"Industrial use" includes the use of water in manufacturing, which is the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including food, beverages and tobacco, textiles, apparel, leather, wood, paper, printing, petroleum and coal, chemicals, plastics and rubber, nonmetallic minerals, primary metal, fabricated metal, machinery, computers and electronics, electrical equipment, appliances, transportation equipment, and furniture.*

"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.

**§ 62.1-266.1. Assurance of sufficient capacity for public water suppliers.**

*A. Beginning July 1, 2021, the Board shall direct the Department of Environmental Quality (the*

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59 Department) to accept requests for additional permitted ground water withdrawals from public water  
60 suppliers that hold ground water permits in the Eastern Virginia Groundwater Management Area  
61 (EVGMA). Each request shall detail (i) the amount and proposed uses of the additional ground water  
62 requested and (ii) the changes made to water conservation plans to further increase efficiency, which  
63 may include further minimizing water loss due to infrastructure leaks, better managing water used for  
64 residential irrigation purposes, or otherwise improving the efficiency of water usage.

65 B. Beginning July 1, 2022, the Board shall direct the Department to notify each industrial permit  
66 holder in the EVGMA that possesses a permitted withdrawal amount that is greater than five percent of  
67 total permitted ground water withdrawals that its existing permit will be modified and reduced as  
68 needed to sufficiently accommodate public water supply and other future human consumptive needs.

69 C. Beginning July 1, 2023, in accordance with the requirements of subdivision (b) of § 62.1-10,  
70 subdivision 2 of § 62.1-44.36, and § 62.1-263 that preference be given to uses for human consumption  
71 over all others, the Board shall direct the Department to begin a process within the EVGMA of (i)  
72 modifying and reducing, as needed, permits of industrial users that have withdrawal amounts greater  
73 than five percent of total permitted ground water withdrawals and (ii) modifying and increasing as  
74 needed the withdrawal permits of public water suppliers.

75 D. By July 1, 2027, the Board shall issue ground water permits for all public water suppliers in the  
76 in the EVGMA as their existing permits expire.

77 E. After the Board has issued ground water permits for all public water suppliers in the EVGMA, it  
78 shall then complete its process of reviewing and issuing all other permits in accordance with the  
79 provisions of this chapter.