

# Virginia Administrative Code

Database updated through January 3, 2014

Part I

General

## **9VAC25-610-10. Definitions.**

Unless a different meaning is required by the context, the following terms as used in this chapter shall have the following meanings:

"Act" means the Ground Water Management Act of 1992, Chapter 25 (§ 62.1-254 et seq.) of Title 62.1 of the Code of Virginia.

"Adverse impact" means reductions in groundwater levels or changes in groundwater quality that limit the ability of any existing groundwater user lawfully withdrawing or authorized to withdraw groundwater at the time of permit or special exception issuance to continue to withdraw the quantity and quality of groundwater required by the existing use. Existing groundwater users include all those persons who have been granted a groundwater withdrawal permit subject to this chapter and all other persons who are excluded from permit requirements by 9VAC25-610-50.

"Agricultural use" means utilizing groundwater for the purpose of agricultural, silvicultural, horticultural, or aquacultural operations. Agricultural use includes withdrawals for turf farm operations, but does not include withdrawals for landscaping activities or turf installment and maintenance associated with landscaping activities.

"Applicant" means a person filing an application to initiate or enlarge a groundwater withdrawal in a groundwater management area.

"Area of impact" means the areal extent of each aquifer where more than one foot of drawdown is predicted to occur due to a proposed withdrawal.

"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.

"Consumptive use" means the withdrawal of groundwater, without recycle of said waters to their source of origin.

"Department" means the Department of Environmental Quality.

"Draft permit" means a prepared document indicating the board's tentative decision relative to a permit action.

"Director" means the Director of the Department of Environmental Quality.

"Geophysical investigation" means any hydrogeologic evaluation to define the hydrogeologic framework of an area or determine the hydrogeologic properties of any aquifer or confining unit to the extent that withdrawals associated with such investigations do not result in unmitigated adverse impacts to existing groundwater users. Geophysical investigations include, but are not limited to, pump tests and aquifer tests.

"Groundwater" 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 Commonwealth, whatever the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

"Human consumption" means the use of water to support human survival and health, including drinking, bathing, showering, cooking, dishwashing, and maintaining hygiene.

"Mitigate" means to take actions necessary to assure that all existing groundwater users at the time of issuance of a permit or special exception who experience adverse impacts continue to have access to the amount and quality of groundwater needed for

existing uses.

"Permit" means a groundwater withdrawal permit issued under the Ground Water Management Act of 1992 permitting the withdrawal of a specified quantity of groundwater under specified conditions in a groundwater management area.

"Permittee" means a person who currently has an effective groundwater withdrawal permit issued under the Ground Water Act of 1992.

"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 Commonwealth or any other state or country.

"Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

"Public hearing" means a fact finding proceeding held to afford interested persons an opportunity to submit factual data, views and comments to the board pursuant to § 62.1-44.15:02 of the Code of Virginia.

"Salt water intrusion" means the encroachment of saline waters in any aquifer that creates adverse impacts to existing groundwater users or is counter to the public interest.

"Special exception" means a document issued by the board for withdrawal of groundwater in unusual situations where requiring the user to obtain a groundwater withdrawal permit would be contrary to the purpose of the Ground Water Management Act of 1992. Special exceptions allow the withdrawal of a specified quantity of groundwater under specified conditions in a groundwater management area.

"Supplemental drought relief well" means a well permitted to withdraw a specified amount of groundwater to meet human consumption needs during declared drought

conditions after mandatory water use restrictions have been implemented.

"Surface water and groundwater conjunctive use system" means an integrated water supply system wherein surface water is the primary source and groundwater is a supplemental source that is used to augment the surface water source when the surface water source is not able to produce the amount of water necessary to support the annual water demands of the system.

"Well" means any artificial opening or artificially altered natural opening, however made, by which groundwater is sought or through which groundwater flows under natural pressure or is intended to be withdrawn.

"Withdrawal system" means (i) one or more wells or withdrawal points located on the same or contiguous properties under common ownership for which the withdrawal is applied to the same beneficial use or (ii) two or more connected wells or withdrawal points which are under common ownership but are not necessarily located on contiguous properties.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 1.1, eff. September 22, 1993; amended, Virginia Register Volume 15, Issue 5, eff. January 1, 1999; Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-20. Purpose.**

The Ground Water Management Act of 1992 recognizes and declares that the right to reasonable control of all groundwater resources within the Commonwealth belongs to the public and that in order to conserve, protect and beneficially utilize the groundwater resource and to ensure the public welfare, safety and health, provisions for management and control of groundwater resources are essential. This chapter

delineates the procedures and requirements to be followed when establishing groundwater management areas and the issuance of groundwater withdrawal permits by the board pursuant to the Ground Water Management Act of 1992.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 1.2, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-30. [Repealed]**

Historical Notes

Derived from VR680-13-07 § 1.3, eff. September 22, 1993; repealed, Virginia Register Volume 15, Issue 5, eff. January 1, 1999.

**9VAC25-610-40. Prohibitions and requirements for groundwater withdrawals.**

A. No person shall withdraw, attempt to withdraw, or allow the withdrawal of groundwater within a groundwater management area, except as authorized pursuant to a groundwater withdrawal permit, or as excluded in 9VAC25-610-50.

B. No permit or special exception shall be issued for more groundwater than can be applied to the proposed beneficial use.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 1.4, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-50. Exclusions.**

The following do not require a groundwater withdrawal permit:

1. Withdrawals of less than 300,000 gallons per month;
2. Withdrawals associated with temporary construction dewatering that do not exceed 24 months in duration;
3. Withdrawals associated with a state-approved groundwater remediation that do not exceed 60 months in duration;
4. Withdrawals for use by a groundwater source heat pump where the discharge is reinjected into the aquifer from which it was withdrawn;
5. Withdrawals from ponds recharged by groundwater without mechanical assistance;
6. Withdrawals for the purpose of conducting geophysical investigations, including pump tests;
7. Withdrawals coincident with exploration for and extraction of coal or activities associated with coal mining regulated by the Department of Mines, Minerals and Energy;
8. Withdrawals 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 groundwater users within a groundwater management area;
9. Withdrawals in any area not declared to be a groundwater management area;
10. Withdrawal of groundwater authorized pursuant to a special exception issued by the board; and
11. Withdrawal of groundwater discharged from free flowing springs where the natural flow of the spring has not been increased by any method.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 1.5, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-60. Effect of a permit.**

A. Compliance with a groundwater withdrawal permit constitutes compliance with the permit requirements of the Ground Water Management Act of 1992.

B. The issuance of a permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize injury to private property or any invasion of personal rights or any infringement of federal, state or local law or regulation.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 1.6, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

## Part II

### Declaration of Groundwater Management Areas

#### **9VAC25-610-70. Criteria for consideration of a groundwater management area.**

The board upon its own motion, or in its discretion, upon receipt of a petition by any county, city or town within the area in question, may initiate a groundwater management area proceeding, whenever in its judgment there is reason to believe that any one of the four following conditions exist:

1. Groundwater levels in the area are declining or are expected to decline excessively;

2. The wells of two or more groundwater users within the area are interfering or may be reasonably expected to interfere substantially with one another;
3. The available groundwater supply has been or may be overdrawn; or
4. The groundwater in the area has been or may become polluted.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 2.1, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-80. Declaration of groundwater management areas.**

A. If the board finds that any of the conditions listed in 9VAC25-610-70 exist, and further determines that the public welfare, safety and health require that regulatory efforts be initiated, the board shall declare the area in question a groundwater management area, by regulation.

B. Such regulations shall be promulgated in accordance with the agency's Public Participation Guidelines (9VAC25-11) and the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

C. The regulation shall define the boundaries of the groundwater management area and identify the aquifers to be included in the groundwater management area. Any number of aquifers that either wholly or partially overlie one another may be included within the same groundwater management area.

D. After adoption the board shall mail by postal or electronic delivery a copy of the regulation to the mayor or chairman of the governing body of each county, city or town within which any part of the groundwater management area lies.

Statutory Authority



§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 2.2, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

### Part III

#### Permit Application and Issuance

##### **9VAC25-610-85. Preapplication meeting.**

A. The applicant and owner or operator intending to apply for a new or expanded application for a groundwater withdrawal or reapply for a current permitted withdrawal shall schedule a meeting with the department prior to submitting their permit application. The purpose of the meeting is to have a mutual exchange of information on the proposed application and applicable regulatory requirements. If the preapplication meeting is being held for a public water supply system, the Virginia Department of Health may participate in the preapplication meeting by providing information and guidance to assist the applicant with meeting Virginia Department of Health regulatory requirements.

B. For applicants reapplying for a current permitted withdrawal, during the preapplication meeting, the department shall discuss information provided in previous permit applications and regular submittals that may or may not be resubmitted as part of the permit application.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia

#### Historical Notes

Derived from Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

##### **9VAC25-610-90. Application for a permit by groundwater users in existing**

**groundwater management areas withdrawing prior to July 1, 1992.**

Persons withdrawing groundwater or who have rights to withdraw groundwater prior to July 1, 1992, in the Eastern Virginia or Eastern Shore Groundwater Management Areas and not excluded from requirements of this chapter by 9VAC25-610-50 shall apply for a permit.

1. Any person who was issued a certificate of groundwater right or a permit to withdraw groundwater prior to July 1, 1991, and who was withdrawing groundwater pursuant to said permit or certificate on July 1, 1992, shall file an application on or before December 31, 1992, to continue said withdrawal. The applicant shall demonstrate the claimed prior withdrawals through withdrawal reports required by the existing certificate or permit or by reports required by Water Withdrawal Reporting Regulations) (9VAC25-200).

2. Any person who was issued a certificate of groundwater right or a permit to withdraw groundwater prior to July 1, 1991, and who had not initiated the withdrawal prior to July 1, 1992, may initiate a withdrawal on or after July 1, 1992, pursuant to the terms and conditions of the certificate or permit and shall file an application for a groundwater withdrawal permit on or before December 31, 1995, to continue said withdrawal. The applicant shall demonstrate the claimed prior withdrawals through withdrawal reports required by the existing certificate or permit or by reports required by Water Withdrawal Reporting Regulations (9VAC25-200).

3. Any person who was issued a permit to withdraw groundwater on or after July 1, 1991, and prior to July 1, 1992, shall not be required to apply for a groundwater withdrawal permit until the expiration of the permit to withdraw groundwater or 10 years from the date of issuance of the permit to withdraw groundwater whichever occurs first. Such persons shall reapply for a

groundwater withdrawal permit as described in 9VAC25-610-96.

4. Any person withdrawing groundwater for agricultural or livestock watering purposes on or before July 1, 1992, shall file an application for a groundwater withdrawal permit on or before December 31, 1993. The applicant shall demonstrate the claimed prior withdrawals by voluntary withdrawal reports required by Water Withdrawal Reporting Regulations) (9VAC25-200) when such reports have been filed with the board. When such reports are not available, estimates of withdrawal will be accepted that are based on the area irrigated, depth of irrigation, and annual number of irrigations; pumping capacity and annual pumping time; annual energy consumption for pumps, energy consumption per hour, and pumping capacity; number and type of livestock watered annually; number and type of livestock where water is used for cooling purposes; or other methods approved by the board.

5. Any political subdivision, or authority serving a political subdivision, holding a certificate of groundwater right or a permit to withdraw groundwater issued prior to July 1, 1992, for the operation of a public water supply well for the purpose of providing supplemental water during drought conditions, shall file an application on or before December 31, 1992. Any political subdivision, or authority serving a political subdivision, shall submit, as part of the application, a water conservation and management plan as described in 9VAC25-610-100 B.

6. Any person who is required to apply in subdivision 1, 2, or 5 of this section and who uses the certificated or permitted withdrawal to operate a public water supply system shall provide a copy of the waterworks operation permit, or equivalent, with the required application for a groundwater withdrawal permit.

7. Any person described in subdivision 1, 2, 3, or 5 of this section who files a complete application by the date required may continue to withdraw groundwater

pursuant to the existing certificate or permit until such time as the board takes action on the outstanding application for a groundwater withdrawal permit.

8. Any person described in subdivision 4 of this section who files a complete application by the date required may continue his existing withdrawal until such time as the board takes action on the outstanding application for a groundwater withdrawal permit.

9. Any person described in subdivision 1, 2, 3, 4, or 5 of this section who files an incomplete application by the date required may continue to withdraw groundwater as described in subdivisions 7 and 8 of this section provided that all information required to complete the application is provided to the board within 60 days of the board's notice to the applicant of deficiencies. Should such person not provide the board the required information within 60 days, he shall cease withdrawals until he provides any additional information to the board and the board concurs that the application is complete.

10. A complete application for those persons described in subdivision 1, 2, 3, 4, or 5 of this section shall contain:

- a. The permit fee as required by the Fees for Permits and Certificates Regulations (9VAC25-20);
- b. A groundwater withdrawal permit application completed in its entirety with all maps, attachments, and addenda that may be required. Application forms shall be submitted in a format specified by the board. Such application forms are available from the Department of Environmental Quality;
- c. A signature as described in 9VAC25-610-150;
- d. Well construction documentation for all wells associated with the application submitted on the Water Well Completion Report, Form GW2,

which includes the following information:

- (1) The depth of the well;
- (2) The diameter, top and bottom, and material of each cased interval;
- (3) The diameter, top and bottom, for each screened interval; and
- (4) The depth of pump intake;

e. Locations of all wells associated with the application shown on United States Geological Survey 7-1/2 minute topographic maps. The applicant shall provide the latitude and longitude coordinates in a datum specified by the department for each existing and proposed well. The detailed location map shall be of sufficient detail such that all wells may be easily located for site inspection;

f. A map identifying the service areas for public water supplies;

g. Information on surface water and groundwater conjunctive use systems as described in 9VAC25-610-104 if applicable;

h. Persons described in subdivision 5 of this section shall submit a water conservation and management plan as described in 9VAC25-610-100;

i. Withdrawal reports required by the existing groundwater certificate or permit, reports required by Water Withdrawal Reporting Regulations (9VAC25-200), or estimates of withdrawals as described in subdivision 4 of this section to support any claimed prior withdrawal; and

j. A copy of the Virginia Department of Health waterworks operation permit, or equivalent, where applicable.

11. The board may waive the requirement for information listed in subdivision 10 of this section to be submitted if it has access to substantially identical information that remains accurate and relevant to the permit application.

12. Any person described in subdivision 1, 2, 3, or 5 of this section who fails to file an application by the date required creates the presumption that all claims to groundwater withdrawal based on historic use have been abandoned. Should any such person wish to rebut the presumption that claims to groundwater withdrawal based on historic use have been abandoned, he shall have filed an application with a letter of explanation to the board by November 21, 1993. Any such person failing to rebut the presumption that claims to groundwater withdrawal based on historic use have been abandoned who wishes to withdraw groundwater shall apply for a new withdrawal as described in 9VAC25-610-94.

13. Any person described in subdivision 4 of this section who fails to file an application by the date required creates the presumption that all claims to groundwater withdrawal based on historic use have been abandoned. Should any such person wish to rebut the presumption that claims to groundwater withdrawal based on historic use have been abandoned, he may do so by filing an application with a letter of explanation to the board within 60 days of the original required date or within 60 days of January 1, 1999, whichever is later. Any such person failing to rebut the presumption that claims to groundwater withdrawal based on historic use have been abandoned who wishes to withdraw groundwater shall apply for a new withdrawal as described in 9VAC25-610-94.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 3.1, eff. September 22, 1993; amended, Virginia Register Volume 15, Issue 5, eff. January 1, 1999; Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-92. Application for a permit by existing users when a groundwater**

**management area is declared or expanded on or after July 1, 1992.**

Persons withdrawing groundwater when a groundwater management area is declared or expanded on or after July 1, 1992, and not excluded from requirements of this chapter by 9VAC25-610-50 shall apply for a permit.

1. Any person withdrawing groundwater in an area that is declared to be a groundwater management area on or after July 1, 1992, shall file an application for a groundwater permit within six months of the effective date of the regulation creating or expanding the groundwater management area. The applicant shall demonstrate the claimed prior withdrawals through withdrawal reports required by Water Withdrawal Reporting Regulations (9VAC25-200), or other methods approved by the board if reporting information pursuant to the Water Withdrawal Reporting Regulations is not available. In the case of agricultural groundwater withdrawals not required to report by Water Withdrawal Reporting Regulations, estimates of withdrawal will be accepted that are based on the area irrigated, depth of irrigation, and annual number of irrigations; pumping capacity and annual pumping time; annual energy consumption for pumps, energy consumption per hour, and pumping capacity; number and type of livestock watered annually; number and type of livestock where water is used for cooling purposes; or other methods approved by the board.

2. Any person withdrawing groundwater who uses the withdrawal to operate a public water supply system shall provide a copy of the waterworks operation permit, or equivalent, with the required application for a groundwater withdrawal permit.

3. Any person who is required to apply for a groundwater withdrawal permit and files a complete application within six months after the effective date of the regulation creating or expanding a groundwater management area may continue

their existing documented withdrawal until such time as the board takes action on the outstanding application for a groundwater withdrawal permit.

4. Any person who is required to apply for a groundwater withdrawal permit and files an incomplete application within six months after the effective date of the regulation creating or expanding a groundwater management area may continue to withdraw groundwater as described in subdivision 3 of this section provided that all the information required to complete the application is provided to the board within 60 days of the board's notice to the applicant of deficiencies. Should such person not provide the board the required information within 60 days, he shall cease withdrawals until he provides any additional information to the board and the board concurs that the application is complete.

5. A complete application for those persons described in subdivision 1 of this section shall contain:

a. The permit fee as required by the Fees for Permits and Certificates Regulations (9VAC25-20);

b. A groundwater withdrawal permit application completed in its entirety with all maps, attachments, and addenda that may be required. Application forms shall be submitted in a format specified by the board. Such application forms are available from the Department of Environmental Quality;

c. A signature as described in 9VAC25-610-150;

d. Well construction documentation for all wells associated with the application submitted on the Water Well Completion Report, Form GW2, which includes the following information:

(1) The depth of the well;

(2) The diameter, top and bottom, and material of each cased interval;



- (3) The diameter, top and bottom, for each screened interval; and
  - (4) The depth of pump intake;
  - e. Locations of all wells associated with the application shown on United States Geological Survey 7-1/2 minute topographic maps. The applicant shall provide the latitude and longitude coordinates in a datum specified by the department for each existing and proposed well. The detailed location map shall be of sufficient detail such that all wells may be easily located for site inspection;
  - f. A map identifying the service areas for public water supplies;
  - g. Information on surface water and groundwater conjunctive use systems as described in 9VAC25-610-104 if applicable;
  - h. Withdrawal reports required by Water Withdrawal Reporting Regulations (9VAC25-200), other documentation demonstrating historical water use approved by the board to support claimed prior withdrawals if Water Withdrawal Reporting information is unavailable or estimates of withdrawals as described in subdivision 1 of this section to support any claimed prior withdrawal; and
  - i. A copy of the Virginia Department of Health waterworks operation permit where applicable.
6. The board may waive the requirement for information listed in subdivision 5 of this section to be submitted if it has access to substantially identical information that remains accurate and relevant to the permit application.
7. Any person who fails to file an application within six months after the effective date creating or expanding a groundwater management area creates the presumption that all claims to groundwater withdrawal based on historic use have

been abandoned. Should any such person wish to rebut the presumption that claims to groundwater withdrawal based on historic use have been abandoned, they may do so by filing an application with a letter of explanation to the board within eight months after the date creating or expanding the groundwater management area. Any such person failing to rebut the presumption that claims to groundwater withdrawal based on historic use have been abandoned who wishes to withdraw groundwater shall apply for a new withdrawal as described in 9VAC25-610-94.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-94. Application for a new permit, expansion of an existing withdrawal, or reapplication for a current permitted withdrawal.**

Persons wishing to initiate a new withdrawal, expand an existing withdrawal, or reapply for a current permitted withdrawal in any groundwater management area and not excluded from requirements of this chapter by 9VAC25-610-50 shall apply for a permit.

1. A groundwater withdrawal permit application shall be completed and submitted to the board and a groundwater withdrawal permit issued by the board prior to the initiation of any withdrawal not specifically excluded in 9VAC25-610-50.
2. A complete groundwater withdrawal permit application for a new or expanded withdrawal, or reapplication for a current withdrawal, shall contain the following:
  - a. The permit fee as required by the Fees for Permits and Certificates Regulations (9VAC25-20);

- b. A groundwater withdrawal permit application completed in its entirety with all maps, attachments, and addenda that may be required. Application forms shall be submitted in a format specified by the board. Such application forms are available from the Department of Environmental Quality;
- c. A signature as described in 9VAC25-610-150;
- d. A completed well construction report for all existing wells associated with the application submitted on the Water Well Completion Report, Form GW2;
- e. The application shall include locations of all wells associated with the application shown on United States Geological Survey 7-1/2 minute topographic maps. The applicant shall provide the latitude and longitude coordinates in a datum specified by the department for each existing and proposed well. The detailed location map shall be of sufficient detail such that all wells may be easily located for site inspection;
- f. A map identifying the service areas for public water supplies;
- g. Information on surface water and groundwater conjunctive use systems as described in 9VAC25-610-104 if applicable;
- h. A water conservation and management plan as described in 9VAC25-610-100;
- i. The application shall include notification from the local governing body in which the withdrawal is to occur that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia. If the governing body fails to respond to the applicant's request for certification within 45 days of receipt of the written request, the location and operation of the proposed facility shall be deemed to comply with the provisions of such

ordinances for the purposes of this chapter. The applicant shall document the local governing body's receipt of the request for certification through the use of certified mail or other means that establishes proof of delivery;

j. An alternatives analysis that evaluates sources of water supply other than groundwater, including sources of reclaimed water, and the lowest quality of water needed for the intended beneficial use as described in 9VAC25-610-102;

k. Documentation justifying the need for future water supply as described in 9VAC25-610-102;

l. A plan to mitigate potential adverse impacts from the proposed withdrawal on existing groundwater users. In lieu of developing individual mitigation plans, multiple applicants may choose to establish a mitigation program to collectively develop and implement a cooperative mitigation plan that covers the entire area of impact of all members of the mitigation program; and

m. Other relevant information that may be required by the board to evaluate the application.

3. In addition to requirements contained in subdivision 2 of this section, the board may require any or all of the following information prior to considering an application complete.

a. The installation of monitoring wells and the collection and analysis of drill cuttings, continuous cores, geophysical logs, water quality samples, or other hydrogeologic information necessary to characterize the aquifer system present at the proposed withdrawal site.

b. The completion of pump tests or aquifer tests to determine aquifer characteristics at the proposed withdrawal site.

4. The board may waive the requirement for information listed in subdivision 2 or 3 of this section to be submitted if it has access to substantially identical information that remains accurate and relevant to the permit application.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-96. Duty to reapply for a permit.**

A. Any permittee with an effective permit shall submit a new permit application at least 270 days before the expiration date of an effective permit unless permission for a later date has been granted by the board. If a complete application for a new permit has been filed in a timely manner, and the board is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit, the permit may be administratively continued.

B. Permittees who have effective permits shall submit a new application 270 days prior to any proposed modification to their activity or withdrawal system that will:

1. Result in an increase of withdrawals above permitted limits; or
2. Violate or lead to the violation of the terms and conditions of the permit.

C. The applicant shall provide all information described in 9VAC25-610-94 for any reapplication. The information may be provided by referencing information previously submitted to the department that remains accurate and relevant to the permit application. The board may waive any requirement of 9VAC25-610-94 if it has access to substantially identical information.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

## Historical Notes

Derived from Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

### **9VAC25-610-98. Incomplete or inaccurate applications.**

A. Where the board finds an application to be incomplete under the requirements of 9VAC25-610-90, 9VAC25-610-92, or 9VAC25-610-94, the board shall require the submission of additional information after an application has been filed, and may suspend processing of the application until such time as the applicant has supplied the missing or deficient information and the board finds the application complete. An incomplete permit application for a new or expanded withdrawal may be suspended from processing 180 days from the date that the applicant received notification that the application is deficient. Once an application has been suspended from processing, the applicant must submit a new complete application; however, no additional permit fee will be assessed. Further, where the applicant becomes aware that one or more relevant facts from a permit application were omitted, or that incorrect information was submitted in a permit application or in any report to the board, the applicant shall immediately submit such facts or the correct information.

B. When an application does not accurately describe an existing or proposed groundwater withdrawal, the board may require the applicant to revise the existing application or submit a new application before the application will be processed.

## Statutory Authority

§ 62.1-256 of the Code of Virginia.

## Historical Notes

Derived from Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

### **9VAC25-610-100. Water conservation and management plans.**

A. Any application to initiate a new withdrawal or expand an existing withdrawal in

any groundwater management area or the reapplication at the end of a permit cycle for all permits shall require a water conservation and management plan before the application or reapplication is considered complete. The board shall review all water conservation and management plans and assure that such plans contain all elements required in subsection B of this section. The approved plan shall become an enforceable part of the approved permit.

B. A water conservation and management plan is an operational plan to be referenced and implemented by the permittee. Water conservation and management plans shall be consistent with local and regional water supply plans in the applicant's geographic area developed as required by 9VAC25-780. The water conservation and management plan shall be specific to the type of water use and include the following:

1. For municipal and nonmunicipal public water supplies:

a. Where practicable, the plan should require use of water-saving equipment and processes for all water users including technological, procedural, or programmatic improvements to the facilities and processes to decrease the amount of water withdrawn or to decrease water demand. The goal of these requirements is to assure the most efficient use of groundwater. Information on the water-saving alternatives examined and the water savings associated with the alternatives shall be provided. Water conservation and management plans shall discuss high volume water consumption by users on the system and where conservation measures have previously been implemented and shall be applied. Also, where appropriate, the use of water-saving fixtures in new and renovated plumbing as provided in the Uniform Statewide Building Code (13VAC5-63) shall be identified in the plan;

b. A water loss reduction program, which defines the applicant's leak detection and repair program. The water loss reduction program shall include

requirements for an audit of the total amount of groundwater used in the distribution system and operational processes during the first two years of the permit cycle. Implementation of a leak detection and repair program shall be required within one year of the date the permit is issued. The program shall include a schedule for inspection of equipment and piping for leaks;

c. A water use education program that contains requirements for the education of water users and training of employees controlling water consuming processes to assure that water conservation principles are well known by the users of the resource. The program shall include a schedule for information distribution and the type of materials used;

d. An evaluation of water reuse options and assurances that water shall be reused in all instances where reuse is practicable. Potential for expansion of the existing reuse practices or adoption of additional reuse practices shall also be included; and

e. Requirements for mandatory water use reductions during water shortage emergencies declared by the local governing body or water authority consistent with §§ 15.2-923 and 15.2-924 of the Code of Virginia. This shall include, where appropriate, ordinances in municipal systems prohibiting the waste of water generally and requirements providing for mandatory water use restrictions in accordance with drought response and contingency ordinances implemented to comply with 9VAC25-780-120 during water shortage emergencies. The water conservation and management plan shall also contain requirements for mandatory water use restrictions during water shortage emergencies that restricts or prohibits all nonessential uses such as lawn watering, car washing, and similar nonessential residential, industrial, and commercial uses for the duration of the water shortage emergency.



Penalties for failure to comply with mandatory water use restrictions shall be included in municipal system plans.

2. For nonpublic water supply applicants - commercial and industrial users:

a. Where applicable, the plan should require use of water-saving equipment and processes for all water users including technological, procedural, or programmatic improvements to the facilities and processes to decrease the amount of water withdrawn or to decrease water demand. The goal of these requirements is to assure the most efficient use of groundwater. Information on the water-saving alternatives examined and the water savings associated with the alternatives shall be provided. Also, where appropriate, the use of water-saving fixtures in new and renovated plumbing as provided in the Uniform Statewide Building Code (13VAC5-63) shall be identified in the plan;

b. A water loss reduction program, which defines the applicant's leak detection and repair program. The water loss reduction program shall include requirements for an audit of the total amount of groundwater used in the distribution system and operational processes during the first two years of the permit cycle. Implementation of a leak detection and repair program shall be required within one year of the date the permit is issued. The program shall include a schedule for inspection of equipment and piping for leaks;

c. A water use education program that contains requirements for the education of water users and training of employees controlling water consuming processes to assure that water conservation principles are well known by the users of the resource. The program shall include a schedule for information distribution and the type of materials used;

d. An evaluation of water reuse options and assurances that water shall be reused in all instances where reuse is practicable. Potential for expansion of

the existing reuse practices or adoption of additional reuse practices shall also be included; and

e. Requirements for complying with mandatory water use reductions during water shortage emergencies declared by the local governing body or water authority in accordance with §§ 15.2-923 and 15.2-924 of the Code of Virginia. This shall include, where appropriate, ordinances prohibiting the waste of water generally and requirements providing for mandatory water use restrictions in accordance with drought response and contingency ordinances implemented to comply with 9VAC25-780-120 during water shortage emergencies. The water conservation and management plan shall also contain requirements for mandatory water use restrictions during water shortage emergencies that restricts or prohibits all nonessential uses such as lawn watering, car washing, and similar nonessential industrial and commercial uses for the duration of the water shortage emergency.

3. For nonpublic water supply applicants - agricultural users:

a. Requirements for the use of water-saving plumbing and processes to decrease the amount of water withdrawn or to decrease water demand. Plans submitted for the use of groundwater for irrigation shall identify the specific type of irrigation system that will be utilized, the efficiency rating of the irrigation system in comparison to less efficient systems, the irrigation schedule used to minimize water demand, and the crop watering requirements. Multiple types of irrigation methods may be addressed in the plan. For livestock watering operations, plans shall include livestock watering requirements (per head) and processes to minimize waste of water. These requirements shall assure that the most practicable use is made of groundwater. If these options are not implemented in the plan, information on

the water-saving alternatives examined and the water savings associated with the alternatives shall be provided;

b. A water loss reduction program, which defines the applicant's leak detection and repair program. The water loss reduction program shall include requirements for an audit of the total amount of groundwater used in the distribution system and operational processes during the first two years of the permit cycle. Implementation of a leak detection and repair program shall be required within one year of the date the permit is issued. The program shall include a schedule for inspection of equipment and piping for leaks;

c. A water use education program that contains requirements for the training of employees controlling water consuming processes to assure that water conservation principles are well known by the users of the resource. The program shall include a schedule for training employees. This requirement may be met through training employees on water use requirements contained in irrigation management plans or livestock management plans;

d. An evaluation of potential water reuse options and assurances that water shall be reused in all instances where reuse is practicable and not prohibited by other regulatory programs; Potential for expansion of the existing reuse practices or adoption of additional reuse practices shall also be included; and

e. Requirements for mandatory water use reductions during water shortage emergencies and compliance with ordinances prohibiting the waste of water generally. This shall include requirements providing for mandatory water use restrictions in accordance with drought response and contingency ordinances implemented to comply with 9VAC25-780-120 during water shortage emergencies.

f. The permittee may submit portions of Agricultural Management Plans or

Irrigation Management Plans developed to comply with requirements of federal or state laws, regulations, or guidelines to demonstrate the requirements of subdivisions B 3 a through d of this section are being achieved.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 3.2, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-102. Evaluation of need for withdrawal and alternatives.**

A. The applicant shall identify the purpose of the proposed withdrawal by providing a narrative description of the water supply issues that form the basis of the proposed withdrawal.

B. The applicant shall subsequently demonstrate to the satisfaction of the board that the withdrawal meets an established water supply need.

1. In establishing local need for a public water supply, the applicant shall provide the following information:

a. Existing supply sources, yields and demands, including:

(1) Peak day and average daily withdrawal;

(2) Total consumptive use component of the withdrawal, including identification of the amount needed for human consumption;

(3) Types of water uses; and

(4) Existing water conservation measures and drought response plan, including what conditions trigger their implementation.

b. Projected demands in 10 year increments over a minimum 30-year

planning period that includes the following:

- (1) Projected demand contained in the local or regional water supply plan developed in accordance with 9VAC25-780 or for the project service area if such area is smaller than the planning area; or
- (2) Statistical population (growth) trends, projected demands by use type including projected demand with and without water conservation measures.

2. In establishing need for agricultural water supply, the applicant shall provide the following information:

- a. For crop irrigation: crop, acreage, crop spacing, crop watering requirements for the particular crop (crop rooting depth), soil types, soil holding capacity (available water capacity), allowable soil water depletion, historic precipitation records (precipitation contribution), peak irrigation months, irrigation scheduling approaches (tensiometers vs. feel method), irrigation type (drip, overhead, center pivot etc.), and irrigation system efficiency rating.
- b. For livestock watering: kind and size of animal, rate and composition of gain, presence of pregnant animals or lactating animals, type of diet, level of dry matter intake, level of activity, quality of the water, temperature of the water offered, and surrounding air temperature.

3. In establishing need for commercial water supply, the applicant shall provide the following information:

- a. Number of employees by month for an average year;
- b. Average gallons per day used per month;
- c. Average daily water use rate per employee per month; and
- d. Identification of peak month of water demand.

4. In establishing need for industrial water supply, the applicant shall provide the following information:

- a. SIC or NAICS industry code;
- b. Number of employees by month for an average year;
- c. Average gallons per day used per month;
- d. Average daily water use rate per employee per month;
- e. Identification of peak month of water demand;
- f. Amount of withdrawal per unit of output or similar metric identified by the user; and
- g. Monthly amount of water used for industrial processes.

C. The applicant shall provide an alternatives analysis that evaluates sources of water supply other than groundwater and the availability and use of lower qualities of groundwater that can still be put to beneficial use. For all proposed withdrawals, the applicant shall demonstrate to the satisfaction of the board:

1. Opportunities to reduce and minimize the use of groundwater have been identified and the requested amount is the minimum amount of groundwater necessary for the proposed activity;
2. The project utilizes the lowest quality water for the proposed activity;
3. Alternate sources of supply other than groundwater, including surface water and water reuse, were considered for use in the proposed activity particularly for consumptive use purposes; and
4. Practicable alternatives, including design alternatives, have been evaluated for the proposed activity. Measures that would avoid or result in less adverse impact to high quality groundwater shall be considered to the maximum extent practicable.

D. Any alternatives analysis conducted specifically for public water supply projects shall include:

1. All applicable alternatives contained in the local or regional water supply plan developed in accordance with 9VAC25-780;
2. Alternatives that are practicable that had not been identified in the local or regional water supply plan developed in accordance with 9VAC25-780;
3. Water conservation measures that could be considered as a means to reduce demand for each alternative considered by the applicant; and
4. A narrative description that outlines the opportunities and status of regionalization efforts undertaken by the applicant, including the interconnectivity of water systems and the ability for applicants to purchase water from other water supplies.

E. The alternatives analysis shall discuss the criteria used to evaluate each alternative including, but not limited to:

1. Demonstration that the proposed alternative meets the project purpose and project demonstrated need;
2. Availability of the alternative to the applicant;
3. Evaluation of interconnectivity of water supply systems and the ability to purchase water from other supplies when applicable (both existing and proposed); and
4. Evaluation of the cost of the alternative on an equivalent basis.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-104. Surface water and groundwater conjunctive use systems.**

A. Surface water and groundwater conjunctive use systems for public water supplies.

1. Applicants proposing to withdraw groundwater as part of a surface water and groundwater conjunctive use system for public water supplies shall provide the following information to the board in addition to information required by 9VAC25-610-90, 9VAC25-610-92, or 9VAC25-610-94 as part of their permit application:

a. A detailed description of the surface water and groundwater conjunctive use system, including:

(1) Identification of all surface water sources, including pond and reservoir volumes where applicable;

(2) Identification of the wells used on a continual basis to supplement surface water supply needs and wells to be utilized in periods of reduced surface water availability. Well construction information for all wells shall be submitted on the Water Well Completion Report, Form GW2, which includes the following information:

(a) The depth of the well;

(b) The diameter, top and bottom, and material of each cased interval;

(c) The diameter, top and bottom, for each screened interval; and

(d) The depth of pump intake.

(3) A description of the storage system, excluding surface water sources described in subdivision 1 a (1) of this subsection;

(4) A copy of the Engineering Description Sheet developed by the Virginia Department of Health for the withdrawal; and

(5) A line drawing of the water supply system illustrating the water balance of



- the system.
- b. Records documenting the amount of water withdrawn on a daily basis for each water source during average weather conditions and during drought conditions;
  - c. Documentation of the seasonal supply of surface water during both average and drought conditions;
  - d. Documentation of any seasonal changes in demand that occur during an annual cycle of the specified beneficial use or uses; and
  - e. Other relevant information that may be required by the board to evaluate the application.
2. The applicant shall demonstrate that the groundwater withdrawal will originate from the aquifer that contains the lowest quality water that will support the proposed beneficial use or uses.
  3. The board shall evaluate the proposed groundwater withdrawal for consistency with criteria specified in 9VAC25-610-110.
  4. In addition to conditions established in 9VAC25-610-100, 9VAC25-610-110, 9VAC25-610-120, 9VAC25-610-130, and 9VAC25-610-140, the permit shall specify the maximum amount of groundwater that may be withdrawn during the term of the permit and shall address variations in the groundwater withdrawal amounts that may occur.
  5. The board may issue any permit with terms, conditions, or limitations necessary to protect the public welfare, safety, and health, or to protect the resource.
  6. Applicants may request approval to withdraw groundwater amounts that exceed the withdrawal limits established in subdivision 4 of this section from

wells that are part of a conjunctive use system to meet human consumption needs during periods of drought by applying for a supplemental drought relief permit as described in 9VAC25-610-106.

B. Surface water and groundwater conjunctive use systems for uses other than public water supplies.

1. Applicants proposing to withdraw groundwater as part of a surface water and groundwater conjunctive use system for uses other than public water supplies shall provide the following information to the board in addition to information required by 9VAC25-610-90, 9VAC25-610-92, or 9VAC25-610-94 as part of their permit application:

a. A detailed description of the surface water and groundwater conjunctive use system, including:

(1) Identification of all surface water sources, including pond and reservoir volumes where applicable;

(2) Identification of the wells used on a continual basis to supplement surface water supply needs and wells to be utilized in periods of reduced surface water availability. Well construction information for all wells shall be submitted on the Water Well Completion Report, Form GW2, which includes the following information:

(a) The depth of the well;

(b) The diameter, top and bottom, and material of each cased interval;

(c) The diameter, top and bottom, for each screened interval; and

(d) The depth of pump intake.

(3) A description of the storage system, excluding surface water sources described in subdivision 1 a (1) of this subsection; and

- (4) A map delineating the area in which the water will be beneficially used.
  - b. Records documenting the amount of water withdrawn on a monthly basis and annual basis for each water source during average weather conditions and during drought conditions;
  - c. Documentation of the seasonal supply of surface water during both average and drought conditions;
  - d. Documentation of any seasonal changes in demand that occur during an annual cycle of the specified beneficial use or uses;
  - e. Other relevant information that may be required by the board to evaluate the application.
2. The applicant shall demonstrate that the groundwater withdrawal will originate from the aquifer that contains the lowest quality water that will support the proposed beneficial use or uses.
3. The board shall evaluate the proposed groundwater withdrawal for consistency with criteria specified in 9VAC25-610-110.
4. In addition to conditions established in 9VAC25-610-100, 9VAC25-610-110, 9VAC25-610-130, and 9VAC25-610-140, the permit shall specify the maximum amount of groundwater that may be withdrawn during the term of the permit and shall address variations in the groundwater withdrawal amounts that may occur.
5. The board may issue any permit with terms, conditions, or limitations necessary to protect the public welfare, safety, and health, or to protect the resource.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-106. Supplemental drought relief wells.**

A. Public water supplies wishing to withdraw groundwater for human consumption during periods of drought through the use of supplemental drought relief wells in any groundwater management area and not excluded from requirements of this chapter by 9VAC25-610-50 shall apply for a permit.

B. A groundwater withdrawal permit application shall be completed and submitted to the board and a groundwater withdrawal permit issued by the board prior to the initiation of any withdrawal not specifically excluded in 9VAC25-610-50.

C. A complete groundwater withdrawal permit application for supplemental drought relief wells shall contain the following:

1. The permit fee as required by the Fees for Permits and Certificates Regulations (9VAC25-20);
2. A groundwater withdrawal permit application completed in its entirety with all maps, attachments, and addenda that may be required. Application forms shall be submitted in a format specified by the board. Such application forms are available from the Department of Environmental Quality;
3. A signature as described in 9VAC25-610-150;
4. Well construction documentation for all wells associated with the application submitted on the Water Well Completion Report, Form GW2, which includes the following information:
  - (1) The depth of the well;
  - (2) The diameter, top and bottom, and material of each cased interval;
  - (3) The diameter, top and bottom, for each screened interval; and
  - (4) The depth of pump intake.

5. The application shall include locations of all wells associated with the application shown on United States Geological Survey 7-1/2 minute topographic maps. The applicant shall provide the latitude and longitude coordinates in a datum specified by the department for each existing and proposed well. The detailed location map shall be of sufficient detail such that all wells may be easily located for site inspection;
6. A map identifying the service areas for public water supplies;
7. Information on surface water and groundwater conjunctive use systems as described in 9VAC25-610-104 if applicable;
8. A water conservation and management plan as described in 9VAC25-610-100;
9. The application shall include notification from the local governing body in which the withdrawal is to occur that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia. If the governing body fails to respond to the applicant's request for certification within 45 days of receipt of the written request, the location and operation of the proposed facility shall be deemed to comply with the provisions of such ordinances for the purposes of this chapter. The applicant shall document the local governing body's receipt of the request for certification through the use of certified mail or other means that establishes proof of delivery;
10. A plan to mitigate potential adverse impacts from the proposed withdrawal on existing groundwater users. In lieu of developing individual mitigation plans, multiple applicants may choose to establish a mitigation program to collectively develop and implement a cooperative mitigation plan that covers the entire area of impact of all members of the mitigation program;
11. Documentation on the maximum amount of groundwater needed annually to

meet human consumption needs; and

12. Other relevant information that may be required by the board to evaluate the application.

D. Permits issued by the board for groundwater withdrawals from supplemental drought relief wells shall include the following permit conditions:

1. Permits shall include a maximum amount of groundwater allowed to be withdrawn over the term of the permit.

2. The permit shall specify an annual limit on the amount of groundwater to be withdrawn based on the amount of groundwater needed annually to meet human consumption needs. Groundwater withdrawals from supplemental drought relief wells shall be subject to monthly groundwater withdrawal limits.

3. Permits shall specify that groundwater withdrawn from supplemental drought relief wells shall be used to meet human consumption needs.

4. Permits shall specify that groundwater shall only be withdrawn from supplemental drought relief wells after mandatory water restrictions have been implemented pursuant to approved water conservation and management plans as required by § 62.1-265 of the Code of Virginia.

5. A permit shall contain the total depth of each permitted well in feet.

6. A permit shall specify the screened intervals of wells authorized for use by the permit.

7. A permit shall contain the designation of the aquifers to be utilized.

8. A permit may contain conditions limiting the withdrawal amount of a single well or a group of wells within a withdrawal system to a quantity specified by the board.

9. A groundwater withdrawal permit for a public water supply shall contain a

condition allowing daily withdrawals at a level consistent with the requirements and conditions contained in the waterworks operation permit, or equivalent, issued by the Virginia Department of Health. This requirement shall not limit the authority of the board to reduce or eliminate groundwater withdrawals by public water suppliers if necessary to protect human health or the environment.

10. The permit shall state that no pumps or water intake devices are to be placed lower than the top of the uppermost confined aquifer that a well utilizes as a groundwater source or lower than the bottom of an unconfined aquifer that a well utilizes as a groundwater source in order to prevent dewatering of a confined aquifer, loss of inelastic storage, or damage to the aquifer from compaction.

11. All permits shall specify monitoring requirements as conditions of the permit.

a. Permitted users shall install in-line totalizing flow meters to read gallons, cubic feet, or cubic meters on each permitted well prior to beginning the permitted use. Such meters shall produce volume determinations within plus or minus 10% of actual flows. A defective meter or other device must be repaired or replaced within 30 days. A defective meter is not grounds for not reporting withdrawals. During any period when a meter is defective, generally accepted engineering methods shall be used to estimate withdrawals and the period during which the meter was defective must be clearly identified in groundwater withdrawal reports. An alternative method for determining flow may be approved by the board on a case-by-case basis.

b. Permits shall contain requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods when required as a condition of the permit.

c. Permits shall contain required monitoring including type, intervals, and frequency sufficient to yield data that are representative of the monitored

activity and including, when appropriate, continuous monitoring and sampling.

d. Each permitted well shall be equipped in a manner such that water levels can be measured during pumping and nonpumping periods without dismantling any equipment. Any opening for tape measurement of water levels shall have an inside diameter of at least 0.5 inches and be sealed by a removable plug or cap. The permittee shall provide a tap for taking raw water samples from each permitted well.

12. All permits shall prohibit withdrawals from wells not authorized in the permit.

13. All permits shall include requirements to report the amount of water withdrawn from each permitted well or well system on forms provided by the board with a frequency dependent on the nature and effect of the withdrawal, but in no case less than once per year.

14. Groundwater withdrawal permits issued under this chapter shall have an effective and expiration date that will determine the life of the permit. Groundwater withdrawal permits shall be effective for a fixed term not to exceed 10 years. Permit duration of less than the maximum period of time may be recommended in areas where hydrologic conditions are changing or are not adequately known. The term of any permit shall not be extended by modification beyond the maximum duration. Extension of permits for the same activity beyond the maximum duration specified in the original permit will require reapplication and issuance of a new permit.

15. Each permit shall have a condition allowing the reopening of the permit for the purpose of modifying the conditions of the permit to meet new regulatory standards duly adopted by the board.

16. Each well that is included in a groundwater withdrawal permit shall have affixed to the well casing, in a prominent place, a permanent well identification



plate that records the Department of Environmental Quality well identification number, the groundwater withdrawal permit number, the total depth of the well, and the screened intervals in the well, at a minimum. Such well identification plates shall be in a format specified by the board and are available from the Department of Environmental Quality.

E. The permit shall address variations in the groundwater withdrawal amounts that may occur.

F. In addition to the permit conditions listed in subsection D of this section, the board may issue any permit with terms, conditions, or limitations necessary to protect the public welfare, safety, and health, or to protect the resource.

G. The board shall evaluate the application for supplemental drought relief wells based on the following criteria:

1. The applicant demonstrates that no pumps or water intake devices are placed lower than the top of the uppermost confined aquifer that a well utilizes as a groundwater source or lower than the bottom of an unconfined aquifer that a well utilizes as a groundwater source in order to prevent dewatering of a confined aquifer, loss of inelastic storage, or damage to the aquifer from compaction.
2. The applicant demonstrates that the amount of groundwater withdrawal requested is the smallest amount of withdrawal necessary to support human consumption when mandatory water use restrictions have been implemented.
3. The applicant provides a water conservation and management plan as described in 9VAC25-610-100 and implements the plan as an enforceable condition of the groundwater withdrawal permit.
4. The applicant provides certification by the local governing body that the location and operation of the withdrawing facility is in compliance with all

ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia.

5. The board's technical evaluation demonstrates that the area of impact of the proposed withdrawal will remain on property owned by the applicant or that there are no existing groundwater withdrawers within the area of impact of the proposed withdrawal.

In cases where the area of impact does not remain on the property owned by the applicant or existing groundwater withdrawers will be included in the area of impact, the applicant shall provide and implement a plan to mitigate all adverse impacts on existing groundwater users. Approvable mitigation plans shall, at a minimum, contain the following features and implementation of the mitigation plan shall be included as enforceable permit conditions:

- a. The rebuttable presumption that water level declines that cause adverse impacts to existing wells within the area of impact are due to the proposed withdrawal;
- b. A commitment by the applicant to mitigate undisputed adverse impacts due to the proposed withdrawal in a timely fashion;
- c. A speedy, nonexclusive, low-cost process to fairly resolve disputed claims for mitigation between the applicant and any claimant; and
- d. The requirement that the claimant provide documentation that he is the owner of the well; documentation that the well was constructed and operated prior to the initiation of the applicant's withdrawal; the depth of the well, the pump, and screens, and any other construction information that the claimant possesses; the location of the well with enough specificity that it can be located in the field; the historic yield of the well, if available; historic water levels for the well, if available; and the reasons the claimant believes that the

applicant's withdrawals have caused an adverse impact on the well.

6. The board conducts a technical evaluation of the effects of the proposed withdrawal with the stabilized cumulative effects of all existing lawful withdrawals to identify if the withdrawal will lower water levels in any confined aquifer below a point that represents 80% of the distance between the land surface and the top of the aquifer.

7. The board's technical evaluation demonstrates that the proposed groundwater withdrawal will not result in salt water intrusion or the movement of waters of lower quality to areas where such movement would result in adverse impacts on existing groundwater users or the groundwater resource. This provision shall not exclude the withdrawal of brackish water provided that the proposed withdrawal will not result in unmitigated adverse impacts.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-108. Estimating area of impact for qualifying groundwater withdrawals.**

A. For groundwater withdrawals where available information indicates the area of impact for the withdrawal will be less than 12 square miles, the director may estimate, through the use of modeling techniques, the area of impact of a withdrawal for use by the applicant in developing a mitigation plan.

B. The applicant may choose to use the area of impact estimated by the department or the applicant may conduct a geophysical investigation to gather site-specific information to be used as the basis for identifying the area of impact of the withdrawal.

C. The area of impact, whether estimated or identified through an evaluation of a geophysical investigation, shall be included in the permit's mitigation plan if a plan is required by 9VAC25-610-110 D 3 g.

D. Mitigation plans for all surface water and groundwater conjunctive use system permits and supplemental drought relief permits shall address the area of impact associated with the maximum groundwater withdrawal allowed by such permits.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-110. Evaluation criteria for permit applications.**

A. The board shall not issue any permit for more groundwater than will be applied to the proposed beneficial use.

B. The board shall issue groundwater withdrawal permits to persons withdrawing groundwater or who have rights to withdraw groundwater prior to July 1, 1992, in the Eastern Virginia or Eastern Shore Groundwater Management Area and not excluded from requirements of this chapter by 9VAC25-610-50 based on the following criteria:

1. The board shall issue a groundwater withdrawal permit for persons meeting the criteria of subdivision 1 of 9VAC25-610-90 for the total amount of groundwater withdrawn in any consecutive 12-month period between July 1, 1987, and June 30, 1992; however, with respect to a political subdivision, an authority serving a political subdivision or a community waterworks regulated by the Department of Health, the board shall issue a groundwater withdrawal permit for the total amount of water withdrawn in any consecutive 12-month period between July 1, 1980, and June 30, 1992.

2. The board shall issue a groundwater withdrawal permit for persons meeting the criteria of subdivision 2 of 9VAC25-610-90 for the total amount of groundwater withdrawn and applied to a beneficial use in any consecutive 12-month period between July 1, 1992, and June 30, 1995.

3. The board shall issue a groundwater withdrawal permit for persons meeting the criteria of subdivision 4 of 9VAC25-610-90 for the total amount of groundwater withdrawn in any consecutive 12-month period between July 1, 1983, and June 30, 1993. The board shall evaluate all estimates of groundwater withdrawal based on projected water demands for crops and livestock as published by the Virginia Cooperative Extension Service, the United States Natural Resources Conservation Service, or other similar references and make a determination whether they are reasonable. In all cases only reasonable estimates will be used to document a permit limit.

4. The board shall issue a groundwater withdrawal permit for persons meeting the criteria of subdivision 5 of 9VAC25-610-90 for the amount of groundwater withdrawal needed to annually meet human consumption needs as proven in the water conservation and management plan approved by the board. The board shall include conditions in such permits that require the implementation of mandatory use restrictions before such withdrawals can be exercised.

5. When requested by persons described in subdivisions 1, 2, and 4 of 9VAC25-610-90 the board may issue groundwater withdrawal permits that include withdrawal amounts in excess of those which an applicant can support based on historic usage. These additional amounts shall be based on documentation of water savings achieved through water conservation measures. The applicant shall demonstrate withdrawals prior to implementation of water conservation measures, type of water conservation measure implemented, and withdrawals

after implementation of water conservation measures. The applicant shall provide evidence of withdrawal amounts through metered withdrawals and estimated amounts shall not be accepted to claim additional withdrawal amounts due to water conservation. Decreases in withdrawal amounts due to production declines, climatic conditions, population declines, or similar events shall not be used as a basis to claim additional withdrawal amounts based on water conservation.

C. The board shall issue groundwater withdrawal permits to persons withdrawing groundwater when a groundwater management area is declared or expanded after July 1, 1992, and not excluded from requirements of this chapter by 9VAC25-610-50 based on the following criteria:

1. The board shall issue a groundwater withdrawal permit to nonagricultural users for the total amount of groundwater withdrawn in any consecutive 12-month period during the five years preceding the effective date of the regulation creating or expanding the groundwater management area.

2. The board shall issue a groundwater withdrawal permit to agricultural users for the total amount of groundwater withdrawn in any consecutive 12-month period during the 10 years preceding the effective date of the regulation creating or expanding the groundwater management area. The board shall evaluate all estimates of groundwater withdrawal based on projected water demands for crops and livestock as published by the Virginia Cooperative Extension Service, the United States Natural Resources Conservation Service, or other similar references and make a determination whether they are reasonable. In all cases only reasonable estimates will be used to document a permit limit.

3. When requested by the applicant the board may issue groundwater withdrawal permits that include withdrawal amounts in excess of those which an applicant

can support based on historic usage. These additional amounts shall be based on documentation of water savings achieved through water conservation measures. The applicant shall demonstrate withdrawals prior to implementation of water conservation measures, type of water conservation measure implemented, and withdrawals after implementation of water conservation measures. The applicant shall provide evidence of withdrawal amounts through metered withdrawals and estimated amounts shall not be accepted to claim additional withdrawal amounts due to water conservation. Decreases in withdrawal amounts due to production declines, climatic conditions, population declines, or similar events shall not be used as a basis to claim additional withdrawal amounts based on water conservation.

D. The board shall issue groundwater withdrawal permits to persons wishing to initiate a new withdrawal, expand an existing withdrawal, or reapply for a current withdrawal in any groundwater management area who have submitted complete applications and are not excluded from requirements of this chapter by 9VAC25-610-50 based on the following criteria:

1. The applicant shall provide all information required in subdivision 2 of 9VAC25-610-94 prior to the board's determination that an application is complete. The board may require the applicant to provide any information contained in subdivision 3 of 9VAC25-610-94 prior to considering an application complete based on the anticipated impact of the proposed withdrawal on existing groundwater users or the groundwater resource.

2. The board shall perform a technical evaluation to determine the areas of any aquifers that will experience at least one foot of water level declines due to the proposed withdrawal and may evaluate the potential for the proposed withdrawal to cause salt water intrusion into any portions of any aquifers or the movement of

waters of lower quality to areas where such movement would result in adverse impacts on existing groundwater users or the groundwater resource. Prior to public notice of a draft permit developed in accordance with the findings of the technical evaluation and at the request of the applicant, the results of the technical evaluation, including all assumptions and input, will be provided to the applicant for review.

3. The board shall issue a groundwater withdrawal permit when it is demonstrated, by a complete application and the board's technical evaluation, to the board's satisfaction that the maximum safe supply of groundwater will be preserved and protected for all other beneficial uses and that the applicant's proposed withdrawal will have no significant unmitigated impact on existing groundwater users or the groundwater resource. In order to assure that the applicant's proposed withdrawal complies with the above stated requirements, the demonstration shall include, but not be limited to, compliance with the following criteria:

- a. The applicant demonstrates that no other sources of water supply, including reclaimed water, are practicable.
- b. The applicant demonstrates that the groundwater withdrawal will originate from the aquifer that contains the lowest quality water that will support the proposed beneficial use.
- c. The applicant demonstrates that no pumps or water intake devices are placed lower than the top of the uppermost confined aquifer that a well utilizes as a groundwater source or lower than the bottom of an unconfined aquifer that a well utilizes as a groundwater source in order to prevent dewatering of a confined aquifer, loss of inelastic storage, or damage to the aquifer from compaction.



d. The applicant demonstrates that the amount of groundwater withdrawal requested is the smallest amount of withdrawal necessary to support the proposed beneficial use and that the amount is representative of the amount necessary to support similar beneficial uses when adequate conservation measures are employed.

e. The applicant provides a water conservation and management plan as described in 9VAC25-610-100 and implements the plan as an enforceable condition of the groundwater withdrawal permit.

f. The applicant provides certification by the local governing body that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2 of the Code of Virginia.

g. The board's technical evaluation demonstrates that the area of impact of the proposed withdrawal will remain on property owned by the applicant or that there are no existing groundwater withdrawers within the area of impact of the proposed withdrawal.

In cases where the area of impact does not remain on the property owned by the applicant or existing groundwater withdrawers will be included in the area of impact, the applicant shall provide and implement a plan to mitigate all adverse impacts on existing groundwater users. Approvable mitigation plans shall, at a minimum, contain the following features and implementation of the mitigation plan shall be included as enforceable permit conditions:

(1) The rebuttable presumption that water level declines that cause adverse impacts to existing wells within the area of impact are due to the proposed withdrawal;

(2) A commitment by the applicant to mitigate undisputed adverse impacts

due to the proposed withdrawal in a timely fashion;

(3) A speedy, nonexclusive, low-cost process to fairly resolve disputed claims for mitigation between the applicant and any claimant; and

(4) The requirement that the claimant provide documentation that he is the owner of the well; documentation that the well was constructed and operated prior to the initiation of the applicant's withdrawal; the depth of the well, the pump, and screens and any other construction information that the claimant possesses; the location of the well with enough specificity that it can be located in the field; the historic yield of the well, if available; historic water levels for the well, if available; and the reasons the claimant believes that the applicant's withdrawals have caused an adverse impact on the well.

h. The board's technical evaluation demonstrates that the stabilized effects from the proposed withdrawal in combination with the stabilized combined effects of all existing lawful withdrawals will not lower water levels, in any confined aquifer that the withdrawal impacts, below a point that represents 80% of the distance between the land surface and the top of the aquifer. Compliance with the 80% drawdown criteria will be determined at the points where the predicted one-foot drawdown contour is predicted for the proposed withdrawal.

i. The board's technical evaluation demonstrates that the proposed groundwater withdrawal will not result in salt water intrusion or the movement of waters of lower quality to areas where such movement would result in adverse impacts on existing groundwater users or the groundwater resource. This provision shall not exclude the withdrawal of brackish water provided that the proposed withdrawal will not result in unmitigated adverse impacts.

4. The board shall also take the following factors into consideration when

evaluating a groundwater withdrawal permit application or special conditions associated with a groundwater withdrawal permit:

- a. The nature of the use of the proposed withdrawal;
- b. The public benefit provided by the proposed withdrawal;
- c. The proposed use of innovative approaches such as aquifer storage and recovery systems, surface water and groundwater conjunctive use systems, multiple well systems that blend withdrawals from aquifers that contain different quality groundwater in order to produce potable water, and desalinization of brackish groundwater;
- d. Prior public investment in existing facilities for withdrawal, transmission, and treatment of groundwater;
- e. Climatic cycles;
- f. Economic cycles;
- g. The unique requirements of nuclear power stations;
- h. Population and water demand projections during the term of the proposed permit;
- i. The status of land use and other necessary approvals; and
- j. Other factors that the board deems appropriate.

E. When proposed uses of groundwater are in conflict or available supplies of groundwater are not sufficient to support all those who desire to use them, the board shall prioritize the evaluation of applications in the following manner:

1. Applications for human consumption shall be given the highest priority;
2. Should there be conflicts between applications for human consumption, applications will be evaluated in order based on the date that said applications were considered complete; and

3. Applications for all uses, other than human consumption, will be evaluated following the evaluation of proposed human consumption in order based on the date that said applications were considered complete.

F. Criteria for review of reapplications for groundwater withdrawal permit.

1. The board shall consider all criteria in subsection D of this section prior to reissuing a groundwater withdrawal permit. Existing permitted withdrawal amounts shall not be the sole basis for determination of the appropriate withdrawal amounts when a permit is reissued.

2. The board shall reissue a permit to any public water supply user for an annual amount no less than the amount equal to that portion of the permitted withdrawal that was used by said system to support human consumption during 12 consecutive months of the previous term of the permit.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 3.3, eff. September 22, 1993; amended, Virginia Register Volume 15, Issue 5, eff. January 1, 1999; Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-120. Public water supplies.**

The board shall evaluate all applications for groundwater withdrawals for public water supplies as described in 9VAC25-610-110. The board shall make a preliminary decision on the application and prepare a draft groundwater withdrawal permit and forward the draft permit to the Virginia Department of Health. The board shall not issue a final groundwater withdrawal permit until such time as the Virginia Department of Health issues a waterworks operation permit, or equivalent. The board shall establish withdrawal limits for such permits as described in 9VAC25-610-140 A 4 and 5. Under

the Virginia Department of Health's Waterworks Regulation any proposed use of reclaimed, reused, or recycled water contained in a groundwater withdrawal application to support a public water supply is required to be approved by the Virginia Department of Health.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 3.4, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-130. Conditions applicable to all groundwater permits.**

A. Duty to comply. The permittee shall comply with all conditions of the permit. Nothing in this chapter shall be construed to relieve the groundwater withdrawal permit holder of the duty to comply with all applicable federal and state statutes and prohibitions. At a minimum, a person must obtain a well construction permit or a well site approval letter from the Virginia Department of Health prior to the construction of any well for any withdrawal authorized by the Department of Environmental Quality. Any permit violation is a violation of the law and is grounds for enforcement action, permit termination, revocation, modification, or denial of a permit application.

B. Duty to cease or confine activity. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a permit has been granted in order to maintain compliance with the conditions of the permit.

C. Duty to mitigate. The permittee shall take all reasonable steps to:

1. Avoid all adverse impacts to lawful groundwater users which could result from the withdrawal; and

2. Where impacts cannot be avoided, provide mitigation of the adverse impact as described in 9VAC25-610-110 D 3 g.

D. Inspection and entry. Upon presentation of credentials, the permittee shall allow the board or any duly authorized agent of the board, at reasonable times and under reasonable circumstances, to conduct actions listed in this section. For the purpose of this section, the time for inspection shall be deemed reasonable during regular business hours. Nothing contained herein shall make an inspection time unreasonable during an emergency.

1. Entry upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the permit conditions;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the permit; and
3. Sample or monitor any substance, parameter or activity for the purpose of assuring compliance with the conditions of the permit or as otherwise authorized by law.

E. Duty to provide information. The permittee shall furnish to the board, within a reasonable time, any information that the board may request to determine whether cause exists for modifying or revoking, reissuing, or terminating the permit, or to determine compliance with the permit. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.

F. Monitoring and records requirements.

1. Monitoring of parameters, other than pollutants, shall be conducted according to approved analytical methods as specified in the permit. Analysis of pollutants will be conducted according to 40 CFR Part 136 (2000), Guidelines Establishing Test Procedures for the Analysis of Pollutants.

2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least three years from the date of the expiration of a granted permit. This period may be extended by request of the board at any time.

4. Records of monitoring information shall include as appropriate:

a. The date, exact place and time of sampling or measurements;

b. The name of the individuals who performed the sampling or measurements;

c. The date the analyses were performed;

d. The name of the individuals who performed the analyses;

e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used;

f. The results of such analyses; and

g. Chain of custody documentation.

#### G. Permit action.

1. A permit may be modified or revoked as set forth in Part VI (9VAC25-610-290 et seq.) of this chapter.

2. If a permittee files a request for permit modification or revocation, or files a notification of planned changes, or anticipated noncompliance, the permit terms and conditions shall remain effective until the board makes a final case decision.

This provision shall not be used to extend the expiration date of the effective permit.

3. Permits may be modified or revoked upon the request of the permittee, or upon board initiative, to reflect the requirements of any changes in the statutes or regulations.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 3.5, eff. September 22, 1993; amended, Virginia Register Volume 15, Issue 5, eff. January 1, 1999; Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-140. Establishing applicable standards, limitations or other permit conditions.**

A. In addition to the conditions established in 9VAC25-610-100, 9VAC25-610-110, 9VAC25-610-120, and 9VAC25-610-130, each permit shall include conditions with the following requirements:

1. A permit shall contain the total depth of each permitted well in feet;
2. A permit shall specify the screened intervals of wells authorized for use by the permit;
3. A permit shall contain the designation of the aquifers to be utilized;
4. A permit shall contain conditions limiting the withdrawal amount of a single well or a group of wells that comprise a withdrawal system to a quantity specified by the board. A permit shall contain a maximum annual withdrawal and a maximum monthly groundwater withdrawal limit;
5. A groundwater withdrawal permit for a public water supply shall contain a condition allowing daily withdrawals at a level consistent with the requirements



and conditions contained in the waterworks operation permit, or equivalent, issued by the Virginia Department of Health. This requirement shall not limit the authority of the board to reduce or eliminate groundwater withdrawals by public water suppliers if necessary to protect human health or the environment;

6. The permit shall state that no pumps or water intake devices are to be placed lower than the top of the uppermost confined aquifer that a well utilizes as a groundwater source or lower than the bottom of an unconfined aquifer that a well utilizes as a groundwater source in order to prevent dewatering of a confined aquifer, loss of inelastic storage, or damage to the aquifer from compaction.

7. All permits shall specify monitoring requirements as conditions of the permit.

a. Permitted users who are issued groundwater withdrawal permits based on 9VAC25-610-110 B 3 and C 2 shall install either in-line totalizing flow meters or hour meters that record the hours of operation of withdrawal pumps on each permitted well prior to beginning the permitted use. Flow meters shall produce volume determinations within plus or minus 10% of actual flows. Hour meters shall produce run times within plus or minus 10% of actual run times. Hour meter readings will be multiplied by the maximum capacity of the withdrawal pump to determine withdrawal amounts. A defective meter or other device must be repaired or replaced within 30 days. A defective meter is not grounds for not reporting withdrawals. During any period when a meter is defective, generally accepted engineering methods shall be used to estimate withdrawals and the period during which the meter was defective must be clearly identified in groundwater withdrawal reports. An alternative method for determining flow may be approved by the board on a case-by-case basis.

b. Permitted users who are issued groundwater withdrawal permits based on any section of this chapter not included in subdivision 7 a of this subsection

shall install in-line totalizing flow meters to read gallons, cubic feet or cubic meters on each permitted well prior to beginning the permitted use. Such meters shall produce volume determinations within plus or minus 10% of actual flows. A defective meter or other device must be repaired or replaced within 30 days. A defective meter is not grounds for not reporting withdrawals. During any period when a meter is defective, generally accepted engineering methods shall be used to estimate withdrawals and the period during which the meter was defective must be clearly identified in groundwater withdrawal reports. An alternative method for determining flow may be approved by the board on a case-by-case basis.

c. Permits shall contain requirements concerning the proper use, maintenance and installation, when appropriate, of monitoring equipment or methods when required as a condition of the permit.

d. Permits shall contain required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity and including, when appropriate, continuous monitoring and sampling.

e. Each permitted well shall be equipped in a manner such that water levels can be measured during pumping and nonpumping periods without dismantling any equipment. Any opening for tape measurement of water levels shall have an inside diameter of at least 0.5 inches and be sealed by a removable plug or cap. The permittee shall provide a tap for taking raw water samples from each permitted well.

8. All permits shall prohibit withdrawals from wells not authorized in the permit.

9. All permits shall include requirements to report the amount of water withdrawn from each permitted well and well system on forms provided by the board with a frequency dependent on the nature and effect of the withdrawal, but in no case

less than once per year.

10. Groundwater withdrawal permits issued under this chapter shall have an effective and expiration date which will determine the life of the permit. Groundwater withdrawal permits shall be effective for a fixed term not to exceed 10 years. Permit duration of less than the maximum period of time may be recommended in areas where hydrologic conditions are changing or are not adequately known. The term of any permit shall not be extended by modification beyond the maximum duration. Extension of permits for the same activity beyond the maximum duration specified in the original permit will require reapplication and issuance of a new permit.

11. Each permit shall have a condition allowing the reopening of the permit for the purpose of modifying the conditions of the permit to meet new regulatory standards duly adopted by the board.

12. Each well that is included in a groundwater withdrawal permit shall have affixed to the well casing, in a prominent place, a permanent well identification plate that records the Department of Environmental Quality well identification number, the groundwater withdrawal permit number, the total depth of the well and the screened intervals in the well, at a minimum. Such well identification plates shall be in a format specified by the board and are available from the Department of Environmental Quality.

B. In addition to the conditions established in 9VAC25-610-100, 9VAC25-610-110, 9VAC25-610-120, 9VAC25-610-130, and subsection A of this section, each permit may include conditions with the following requirements where applicable:

1. A withdrawal limit may be placed on one or more of the wells that constitute a withdrawal system;
2. A permit may contain quarterly, monthly, or daily withdrawal limits or

withdrawal limits based on any other frequency as determined by the board;

3. A permit may contain conditions requiring water quality and water levels monitoring at specified intervals in any wells deemed appropriate by the board;

4. A permit may contain conditions specifying water levels and water quality action levels in pumping and observation/monitoring wells to protect against or mitigate water quality levels or aquifer degradation. The board may require permitted users to initiate control measures which include, but are not limited to, the following:

a. Pumping arrangements to reduce groundwater withdrawal in areas of concentrated pumping;

b. Location of wells to eliminate or reduce groundwater withdrawals near saltwater-freshwater interfaces;

c. Requirement of selective withdrawal from other available aquifers than those presently used or proposed;

d. Selective curtailment, reduction or cessation of groundwater withdrawals to protect the public welfare, safety, or health or to protect the resource;

e. Conjunctive use of freshwater and saltwater aquifers, or waters of less desirable quality where water quality of a specific character is not essential;

f. Construction and use of observation or monitoring wells;

g. Well construction techniques that prohibit the hydraulic connection of aquifers that contain different quality waters, such as gravel packing, that could result in deterioration of water quality in an aquifer; and

h. Such other necessary control or abatement techniques as are practicable to protect and beneficially utilize the groundwater resource.

5. A permit may contain conditions limiting water level declines in pumping wells

and observation wells;

6. All permits may include requirements to report water quality and water level information on forms provided by the board with a frequency dependent on the nature and effect of the withdrawal, but in no case less than once per year; and

7. Permits shall require implementation of water conservation and management plans developed to comply with requirements of 9VAC25-610-100.

C. In addition to conditions described in 9VAC25-610-130 and subsections A and B of this section, the board may issue any groundwater withdrawal permit with any terms, conditions and limitations necessary to protect the public welfare, safety, and health or to protect the resource.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 3.6, eff. September 22, 1993; amended, Virginia Register Volume 15, Issue 5, eff. January 1, 1999; Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-150. Signatory requirements.**

A. Application. Any application for a permit under this chapter must bear the applicant's signature or the signature of a person acting in the applicant's behalf with the authority to bind the applicant. Electronic submittals containing the original signature page, such as that contained in a scanned document file, are acceptable.

B. Reports. All reports required by permits and other information requested by the board shall be signed by:

1. The permittee; or
2. A duly authorized representative of that person. A person is a duly authorized representative only if:

- a. The authorization is made in writing to the board by a person described in subsection A of this section; and
- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated withdrawal system or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the board prior to or together with any separate information, or applications to be signed by an authorized representative.

C. Certification of application and reports. Any person signing a document under subsection A or B of this section shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 3.7, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-160. Draft permit.**

A. Upon receipt of a complete application for a new or expanded withdrawal or a complete application to modify an existing withdrawal, the board shall make a tentative decision to issue or deny the permit. If a tentative decision is to issue the permit then a draft permit shall be prepared in advance of public notice. The following tentative determinations shall be incorporated into a draft permit:

1. Conditions, withdrawal limitations, standards and other requirements applicable to the permit;
2. Monitoring and reporting requirements;
3. Requirements for mitigation of adverse impacts; and
4. Requirements for a water conservation and management plan.

B. If the tentative decision is to deny the permit, the board shall do so in accordance with 9VAC25-610-340.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 3.8, eff. September 22, 1993; amended, Virginia Register Volume 15, Issue 5, eff. January 1, 1999; Volume 30, Issue 5, eff. January 1, 2014.

Part IV

Special Exception Application and Issuance

**9VAC25-610-170. Application for a special exception.**

A. Any person who wishes to initiate a groundwater withdrawal in any groundwater management area and is not exempted from the provisions of this chapter by 9VAC25-

610-50 may apply for a special exception in unusual cases where requiring the proposed user to obtain a groundwater withdrawal permit would be contrary to the purpose of the Ground Water Management Act of 1992.

B. A special exception application shall be completed and submitted to the board and a special exception issued by the board prior to the initiation of any withdrawal not specifically excluded in 9VAC25-610-50. Special exception application forms shall be in a format specified by the board and are available from the Department of Environmental Quality.

C. Due to the unique nature of applications for special exceptions the board shall determine the completeness of an application on a case-by-case basis. The board may require any information required in 9VAC25-610-90, 9VAC25-610-92, or 9VAC25-610-94, prior to considering an application for a special exception complete.

D. Where the board finds an application incomplete, the board shall require the submission of additional information after an application has been filed, and may suspend processing of any application until such time as the applicant has supplied missing or deficient information and the board finds the application complete. An incomplete permit application for a special exception may be suspended from processing 180 days from the date that the applicant received notification that the application is deficient. Further, where the applicant becomes aware that he omitted one or more relevant facts from a special exception application, or submitted incorrect information in a special exception application or in any report to the board, he shall immediately submit such facts or the correct information.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes



Derived from VR680-13-07 § 4.1, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-180. Water conservation and management plans.**

A. The board may require water conservation and management plans or specific elements of water conservation and management plans as described in 9VAC25-610-100 B prior to considering an application for special exception complete.

B. In instances where a water conservation and management plan is required, the board may include the implementation of such plans as an enforceable condition of the applicable special exception.

Statutory Authority

§§ 62.1-44.15(10) and 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 4.2, eff. September 22, 1993.

**9VAC25-610-190. Criteria for the issuance of special exceptions.**

A. The board shall issue special exceptions only in unusual situations where the applicant demonstrates to the board's satisfaction that requiring the applicant to obtain a groundwater withdrawal permit would be contrary to the intended purposes of the Ground Water Management Act of 1992.

B. The board may require compliance with any criteria described in 9VAC25-610-110.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 4.3, eff. September 22, 1993; amended, Virginia Register

Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-200. Public water supplies.**

The board shall not issue special exceptions for the normal operations of public water supplies.

Statutory Authority

§§ 62.1-44.15(10) and 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 4.4, eff. September 22, 1993.

**9VAC25-610-210. Conditions applicable to all special exceptions.**

The holder of any special exception shall be responsible for compliance with all conditions contained in the special exception and shall be subject to the same requirements of permittees as described in 9VAC25-610-130.

Statutory Authority

§§ 62.1-44.15(10) and 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 4.5, eff. September 22, 1993.

**9VAC25-610-220. Establishing applicable standards, limitations or other special exception conditions.**

The board may issue special exceptions which include any requirement for permits as described in 9VAC25-610-140. Special exceptions shall not be renewed, except in the case of special exceptions that have been issued to allow groundwater withdrawals associated with state-approved groundwater remediation activities. In the case of reissuance of a special exception for a state-approved groundwater remediation activity, the board may require the holder of the special exception to submit any information required in 9VAC25-610-90, 9VAC25-610-92, and 9VAC25-610-94, and may require

compliance with any criteria described in 9VAC25-610-110. In the case where any other activity that is being supported by the specially excepted withdrawal will require that the withdrawal extend beyond the term of the existing special exception, the groundwater user shall apply for a permit to withdraw groundwater.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 4.6, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-230. Signatory requirements.**

The signatory requirements for any application, report or certification shall be the same as those described in 9VAC25-610-150.

Statutory Authority

§§ 62.1-44.15(10) and 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 4.7, eff. September 22, 1993.

**9VAC25-610-240. Draft special exception.**

A. Upon receipt of a complete application, the board shall make a tentative decision to issue or deny the special exception. If a tentative decision is to issue the special exception then a draft special exception shall be prepared in advance of public notice. The following tentative determinations shall be incorporated into a draft special exception:

1. Conditions, withdrawal limitations, standards and other requirements applicable to the special exception;

2. Monitoring and reporting requirements; and
3. Requirements for mitigation of adverse impacts.

B. If the tentative decision is to deny the special exception, the board shall return the application to the applicant. The applicant may then apply for a groundwater withdrawal permit for the proposed withdrawal in accordance with Part III (9VAC25-610-85 et seq.) of this chapter.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 4.8, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

## Part V

### Public Involvement

#### **9VAC25-610-250. Public notice of permit or special exception action and public comment period.**

A. Every draft permit described in 9VAC25-610-160 A and draft special exception shall be given public notice, paid for by the applicant, by publication once in a newspaper of general circulation in the area affected by the withdrawal.

B. Notice of each draft permit described in 9VAC25-610-160 A and draft special exception will be mailed by the board to each local governing body within the groundwater management area within which the proposed withdrawal will occur on or before the date of public notice.

C. The board shall allow a period of at least 30 days following the date of the public notice for interested persons to submit written comments on the tentative decision and to request a public hearing.

D. The contents of the public notice of a draft permit or draft special exception action shall include:

1. Name and address of the applicant. If the location of the proposed withdrawal differs from the address of the applicant the notice shall also state the location in sufficient detail such that the specific location may be easily identified;
2. Brief description of the beneficial use that the groundwater withdrawal will support;
3. The name and depth below ground surface of the aquifer that will support the proposed withdrawal;
4. The amount of groundwater withdrawal requested expressed as an average gallonage per day;
5. A statement of the tentative determination to issue or deny a permit or special exception;
6. A brief description of the final determination procedure;
7. The address, email address, and phone number of a specific person or persons at the department's office from whom further information may be obtained; and
8. A brief description on how to submit comments and request a public hearing.

E. Public notice shall not be required for submission or approval of plans and specifications or conceptual engineering reports not required to be submitted as part of the application or for draft permits for existing groundwater withdrawals when such draft permits are based solely on historic withdrawals.

F. When a permit or special exception is denied the board will do so in accordance with 9VAC25-610-340.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 5.1, eff. September 22, 1993; amended, Virginia Register Volume 15, Issue 5, eff. January 1, 1999; Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-260. Public access to information.**

All information pertaining to groundwater permit processing or in reference to any activity requiring a groundwater permit under this chapter shall be available to the public unless the applicant has made a showing that the information is protected by the applicant as a trade secret covered by § 62.1-44.21 of the Code of Virginia. All information claimed confidential must be identified as such at the time of submission to the board.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 5.2, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-270. Public comments and public hearing.**

A. The director shall consider all written comments and requests for a public hearing received during the comment period, and shall make a determination on the necessity of a public hearing in accordance with § 62.1-44.15:02 of the Code of Virginia. All proceedings, public hearings, and decisions from it will be in accordance with § 62.1-44.15:02 of the Code of Virginia.

B. Any applicant or permittee aggrieved by an action of the board or director taken without a formal hearing or inaction of the board or director may request in writing a formal hearing pursuant to § 62.1-44.25 of the Code of Virginia.

## Statutory Authority

§ 62.1-256 of the Code of Virginia.

## Historical Notes

Derived from VR680-13-07 § 5.3, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

### **9VAC25-610-280. Public notice of hearing.**

A. Public notice of any public hearing held pursuant to 9VAC25-610-270 shall be circulated as follows:

1. Notice shall be published once in a newspaper of general circulation in the area affected by the proposed withdrawal at least 30 days in advance of the public hearing; and

2. Notice of the public hearing shall be sent to all persons and government agencies which received a copy of the public notice of the draft permit or special exception and to those persons requesting a public hearing or having commented in response to the public in accordance with § 62.1-44.15:02 of the Code of Virginia.

B. The cost of public notice shall be paid by the applicant.

C. The content of the public notice of any public hearing held pursuant to 9VAC25-610-270 shall include at least the following:

1. Name and address of each person whose application will be considered at the public hearing, the amount of groundwater withdrawal requested expressed as an average gallonage per day, and a brief description of the beneficial use that will be supported by the proposed groundwater withdrawal.

2. The precise location of the proposed withdrawal and the aquifers that will support the withdrawal. The location should be described, where possible, with

reference to route numbers, road intersections, map coordinates or similar information.

3. A brief reference to the public notice issued for the permit or special exception application and draft permit or special exception, including identification number and date of issuance unless the public notice includes the public hearing notice.

4. Information regarding the time and location for the public hearing.

5. The purpose of the public hearing.

6. A concise statement of the relevant issues raised by the persons requesting the public hearing.

7. Contact person and the mailing address, email address, phone number, and name of the Department of Environmental Quality office at which interested persons may obtain further information or request a copy of the draft permit or special exception.

8. A brief reference to the rules and procedures to be followed at the public hearing.

D. Public notice of any formal hearing held pursuant to 9VAC25-610-270 B shall be in accordance with Procedural Rule No.1 (9VAC25-230).

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 5.4, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

## Part VI

Permit and Special Exception Modification, Revocation and Denial

**9VAC25-610-290. Rules for modification and revocation.**



Permits and special exceptions shall be modified or revoked only as authorized by this part of this chapter as follows:

1. A permit or special exception may be modified in whole or in part, or revoked;
2. Permit or special exception modifications shall not be used to extend the term of a permit or special exception; and
3. Modification or revocation may be initiated by the board, at the request of the permittee, or other person at the board's discretion under applicable laws or the provisions of this chapter.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 6.1, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-300. Causes for revocation.**

A. After public notice and opportunity for a formal hearing pursuant to 9VAC25-230-100 a permit or special exception can be revoked for cause. Causes for revocation are as follows:

1. Noncompliance with any condition of the permit or special exception;
2. Failure to fully disclose all relevant facts or misrepresentation of a material fact in applying for a permit or special exception, or in any other report or document required by the Act, this chapter or permit or special exception conditions;
3. The violation of any regulation or order of the board, or any order of a court, pertaining to groundwater withdrawal;
4. A determination that the withdrawal authorized by the permit or special exception endangers human health or the environment and cannot be regulated

to acceptable levels by permit or special exception modification;

5. A material change in the basis on which the permit or special exception was issued that requires either a temporary or permanent reduction, application of special conditions or elimination of any groundwater withdrawal controlled by the permit or special exception.

B. After public notice and opportunity for a formal hearing pursuant to 9VAC25-230-100 a permit or special exception may be revoked when any of the developments described in 9VAC25-610-310 occur.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 6.2, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-310. Causes for modification.**

A. A permit or special exception may, at the board's discretion, be modified for any cause as described in 9VAC25-610-300.

B. A permit or special exception may be modified when any of the following developments occur:

1. When new information becomes available about the groundwater withdrawal covered by the permit or special exception, or the impact of the withdrawal, which was not available at permit or special exception issuance and would have justified the application of different conditions at the time of issuance;

2. When groundwater withdrawal reports submitted by the permittee indicate that the permittee is using less than 60% of the permitted withdrawal amount for a five-year period;

3. When a change is made in the regulations on which the permit or special exception was based; or
4. When changes occur which are subject to "reopener clauses" in the permit or special exception.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 6.3, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-320. Transferability of permits and special exceptions.**

A. Transfer by modification. Except as provided for under automatic transfer in subsection B of this section, a permit or special exception shall be transferred only if the permit has been modified to reflect the transfer.

B. Automatic transfer. Any permit or special exception shall be automatically transferred to a new owner as allowed by the minor modification process described in 9VAC25-610-330 B 8 if:

1. The current owner notifies the board within 30 days in advance of the proposed transfer of ownership;
2. The notice to the board includes a notarized written agreement between the existing permittee and proposed new permittee containing a specific date of transfer of permit or special exception responsibility, coverage and liability to the new permittee, or that the existing permittee will retain such responsibility, coverage, or liability, including liability for compliance with the requirements of any enforcement activities related to the permitted activity;
3. The board does not within the 30-day time period notify the existing permittee

and the proposed permittee of its intent to modify, revoke, or reissue the permit or special exception; and

4. The permit transferor and the permit transferee provide written notice to the board of the actual transfer date.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 6.4, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

#### **9VAC25-610-330. Minor modification.**

A. Upon request of the holder of a permit or special exception, or upon board initiative with the consent of the holder of a permit or special exception, minor modifications may be made in the permit or special exception without following the public involvement procedures.

B. For groundwater withdrawal permits and special exceptions, minor modifications may only:

1. Correct typographical errors;
2. Require reporting at a greater frequency than required in the permit or special exception;
3. Add additional or more restrictive monitoring requirements than required in the permit or special exception;
4. Replace an existing well provided that the replacement well is screened in the same aquifer or aquifers as the existing well, the replacement well is in the near vicinity of the existing well, the groundwater withdrawal does not increase, and the area of impact does not increase;

5. Add additional wells so long as the additional wells are screened in the same aquifer or aquifers as the existing well, additional wells are in the near vicinity of the existing well, the total groundwater withdrawal does not increase, and the area of impact does not increase;
6. Combine the withdrawals governed by multiple permits into one permit when the systems that were governed by the multiple permits are physically connected, as long as the interconnection will not result in additional groundwater withdrawal and the area of impact will not increase;
7. Change an interim compliance date in a schedule of compliance to no more than 120 days from the original compliance date and provided it will not interfere with the final compliance date;
8. Allow for a change in ownership or operational control when the board determines that no other change in the permit or special exception is necessary, provided that a written agreement containing a specific date for transfer of permit or special exception responsibility, coverage and liability from the current to the new owner has been submitted to the board; and
9. Revise a water conservation and management plan to update conservation measures being implemented by the permittee that increase the amount of groundwater conserved.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 6.5, eff. September 22, 1993; amended, Virginia Register Volume 15, Issue 5, eff. January 1, 1999; Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-340. Denial of a permit or special exception.**

A. The director shall make a decision to tentatively deny the permit or special exception requested if the requirements of this chapter are not met. Bases for denial include, but are not limited to, the following:

1. The cumulative stabilized impact of the proposed withdrawal in combination with all existing lawful withdrawals will lower water levels in a confined aquifer below a point that represents 80% of the distance between the land surface and the top of the aquifer;
2. The groundwater withdrawal amount requested in the permit application exceeds the amount that can be applied to the proposed beneficial use; and
3. Available supplies of groundwater are insufficient for all who desire to use them and the preference is being given to use for human consumption.

B. The applicant shall be notified by letter of the director's preliminary decision to tentatively deny the permit or special exception requested.

C. The department shall provide sufficient information to the applicant regarding the rationale for denial, such that the applicant may, at his option, modify the application in order to achieve a favorable recommendation; withdraw his application; or proceed with the processing on the original application.

D. Should the applicant withdraw his application, no permit or special exception will be issued.

E. Should the applicant elect to proceed as originally proposed, the director shall advise the applicant of his right to an informal fact finding in accordance with § 2.2-4019 of the Administrative Process Act to consider the denial.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 6.6, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

## Part VII

### Enforcement

#### **9VAC25-610-350. Enforcement.**

The board may enforce the provisions of this chapter utilizing all applicable procedures under the Ground Water Management Act of 1992 or any other section of the Code of Virginia that may be applicable.

#### Statutory Authority

§ 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 7.1, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

## Part VIII

### Miscellaneous

#### **9VAC25-610-360. Delegation of authority.**

The director, or his designee, may perform any act of the board provided under this chapter, except as limited by § 62.1-256.9 of the Code of Virginia.

#### Statutory Authority

§§ 62.1-44.15(10) and 62.1-256 of the Code of Virginia.

#### Historical Notes

Derived from VR680-13-07 § 8.1, eff. September 22, 1993.

#### **9VAC25-610-370. Control of naturally flowing wells.**

The owner of any well that naturally flows, in any portion of the Commonwealth, shall

either:

1. Permanently abandon the well in accordance with the Virginia Department of Health's Private Well Construction Regulations; or
2. Equip the well with valves that will completely stop the flow of groundwater when it is not being applied to a beneficial use.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 8.2, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-380. Statewide information requirements.**

The board may require any person withdrawing groundwater for any purpose anywhere in the Commonwealth, whether or not declared to be a groundwater management area, to furnish to the board such information that may be necessary to carry out the provisions of the Ground Water Management Act of 1992. Groundwater withdrawals that occur in conjunction with activities related to the exploration and production of oil, gas, coal, or other minerals regulated by the Department of Mines, Minerals and Energy are exempt from any information reporting requirements.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 8.3, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-390. Statewide right to inspection and entry.**

Upon presentation of credentials the board, or any duly authorized agent, shall have



the power to enter, at reasonable times and under reasonable circumstances, any establishment or upon any property, public or private, located anywhere in the Commonwealth for the purposes of obtaining information, conducting surveys or inspections, or inspecting wells and springs to ensure compliance with any permits, standards, policies, rules, regulations, rulings and special orders which the board or department may adopt, issue or establish to carry out the provisions of the Ground Water Management Act of 1992 and this chapter.

Statutory Authority

§ 62.1-256 of the Code of Virginia.

Historical Notes

Derived from VR680-13-07 § 8.4, eff. September 22, 1993; amended, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

**9VAC25-610-400. (Repealed.)**

Historical Notes

Derived from Virginia Register Volume 15, Issue 5, eff. January 1, 1999; repealed, Virginia Register Volume 30, Issue 5, eff. January 1, 2014.

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