

**DRAFT
GENERAL PERMIT FOR USE OF
SURFICIAL AQUIFER ON THE
EASTERN SHORE
9VAC25-910**

October 2020

General

- Purpose:
 - *“The purpose of the proposed action is to authorize the development of a general permit and create a new general permit regulation to promote use of the surficial aquifer on the Eastern Shore for nonpotable purposes.”*
- Authorizing legislation 2019 SB 1599: *Groundwater withdrawal; Eastern Shore Groundwater Management Area; incentives for use*
- The SB required:
 - *“...regulations to provide incentives for the withdrawal of groundwater from the surficial aquifer...” and “*
 - *such incentives may include extended permit terms of as long as 20 years, an accelerated permit process, discounted permit fees, other subsidies, or other incentives.”*
- Regulation Development:
 - Regulatory Advisory Panel (RAP) formed 1Q 2020.
 - Four (public meetings) were held between February and October 2020.
 - The draft regulations will be presented to the SWCB for approval, tentatively at their December 2020 meeting.

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- Duration: Fixed 15-year (i.e. 2020 to 2035) regardless of application date
- Applicable:
 - Groundwater withdrawals > 300,000 gal/month from the surficial aquifer
 - For the purpose of the general permit, wells with a maximum depth less than 80-feet is considered to be screened in the surficial aquifer
 - Wells screened deeper but are believed to be surficial aquifer must demonstrate with geophysical logs. Additionally, drilling must be coordinated at least four months in advance with DEQ.

Application requirements

- Permit fee (TBD). Agricultural withdrawals no fee.
- Groundwater Withdrawal Permit Application Form (TBD, provided by DEQ). The intent is a simplified form similar to other general permit applications.
- GW-2: well construction reports (Water Well Completion Report)
- Well name; depth; screen intervals; pumping rate; and location (longitude and latitude)
- Map showing locations of wells
- Surface water and groundwater conjunctive use systems, if applicable. (Irrigation ponds and similar)
- Amount (monthly) of groundwater requested.
- If a well is > 80 ft depth, geophysical logs and optional DEQ inspection (at the discretion of DEQ).
- Area of impact (for use in the Mitigation Plan).

Reporting Requirements

- Routine monthly total use reported to DEQ annually.
- Withdrawals in excess of the permit amount must be reported by the 5th day of the month following the excess withdrawal. Failure to report may result in compliance or enforcement activities.
- Annual Water Audit Form (provided by DEQ) documenting:
 - Water use compared to expected need
 - New water saving equipment, procedures, or improvements
 - Leak detection and repair including quarterly visual monitoring.

Mitigation

- Requires an Area of Impact analysis:
 - <https://www.youtube.com/watch?v=NzZWjTmL-oA&feature=youtu.be>
- Follows the existing mitigation requirements:
 - Response to a claim will be within 5-business days
 - If accepted, mitigation within 30-business days
 - If denied:
 - Provide justification for denial
 - Require additional documentation
 - May request arbitration