

WATER RESOURCES

Effectiveness of Virginia's Water Resource Planning and Management, 2016

Water withdrawal reporting ► The General Assembly may wish to consider amending § 62.1-44.38 of the Code of Virginia to (i) clarify that reporting water withdrawal information would not alter the status of existing exemptions from permitting under the Virginia Water Protection program and (ii) authorize the State Water Control Board to impose a civil penalty for failure to report water withdrawal information (as required under § 62.1-44.38) on users of water from the river and stream segments at greatest risk of shortfall. (Recommendation 5)

Regional water planning ► The General Assembly may wish to consider amending § 62.1-44.38:1 of the Code of Virginia to require the State Water Control Board to designate regional water planning areas based on (i) primary source of water, (ii) local jurisdictional boundaries, (iii) geographic proximity, (iv) existing regional groups that have already developed water resource plans, (v) existing regional entities, and (vi) other appropriate factors. (Recommendation 6)

Regional water planning ► The General Assembly may wish to consider amending § 62.1-44.38:1 of the Code of Virginia to direct the State Water Control Board to require regional water planning groups to (i) evaluate potential projects using standardized criteria developed by the Board; (ii) identify a workable and cost-effective water supply strategy; and (iii) decide on a course of action to address the region's water supply needs. (Recommendation 8)

Regional water planning ► The General Assembly may wish to consider amending § 62.1-44.38:1 of the Code of Virginia to require that, when regional water plans are completed, the Virginia Department of Environmental Quality report to the State Water Commission on the extent to which each regional plan (i) identifies a workable and cost-effective water supply strategy and (ii) reflects adequate regional cooperation. (Recommendation 9)

State water plan ► The General Assembly may wish to consider amending § 62.1-44.38:1 of the Code of Virginia to require the Virginia Department of Environmental Quality to use the state water plan to clearly articulate how the state will (i) facilitate regional planning and (ii) provide planning, policy, and technical assistance to each region, differentiated according to each region's sustainability problems, existing resources, and other factors. (Recommendation 10)

Regional water planning ► The General Assembly may wish to include language in the Appropriation Act directing the Virginia Department of Environmental Quality to assess and report on additional resources needed to facilitate regional planning and provide differentiated regional assistance. The report should be submitted to the State Water Commission, House Appropriations, and Senate Finance Committees no later than July 1, 2017. (Recommendation 11)

Water permitting ► The General Assembly may wish to consider amending the Groundwater Management Act (§§ 62.1-254 through 62.1-270 of the Code of Virginia) to require that the State Water Control Board issue permits for groundwater withdrawals for non-human consumptive uses only after meeting permit requests for human consumptive needs. (Recommendation 12)

Water permitting ► The General Assembly may wish to consider amending the Groundwater Management Act (§§ 62.1-254 through 62.1-270 of the Code of Virginia) to require that the State Water Control Board reduce permitted withdrawal amounts for non-human consumptive use as necessary to provide permit capacity to meet human consumptive needs. (Recommendation 13)

Water permitting ► The General Assembly may wish to consider amending the Groundwater Management Act (§§ 62.1-254 through 62.1-270 of the Code of Virginia) to establish a limit on the proportion of overall permitted withdrawal capacity to be granted to an individual permit holder in the coastal aquifer. (Recommendation 14)

Water permitting ► The General Assembly may wish to consider including language in the Appropriation Act directing the State Water Control Board to create an advisory panel to recommend amendments to § 62.1-44.15:20 of the Code of Virginia that would clarify (i) the conditions under which grandfathered users of surface water would be required to obtain a Virginia Water Protection permit and (ii) the criteria to be used to determine the amount of surface water to be permitted to grandfathered users. (Recommendation 19)

Water permitting ► The General Assembly may wish to consider including language in the Appropriation Act directing the State Water Control Board to create an advisory panel to clarify whether and how the definition of safe yield should be changed in the Virginia Administrative Code. (Recommendation 20)

Regional water planning ► The General Assembly may wish to consider including language in the Appropriation Act directing the Virginia Department of Environmental Quality to develop a proposal for providing additional water planning assistance, to include (i) planning and policy guidance for projects with cross-jurisdictional impact and (ii) technical assistance for localities that lack technical resources and expertise in project identification, planning, and construction. The proposal, which should include an assessment of the feasibility of and resources needed to perform this new function, should be submitted to the State Water Commission and House Appropriations and Senate Finance Committees no later than July 1, 2017. (Recommendation 21)

Regional water planning ► The General Assembly may wish to consider including language in the Appropriation Act directing the State Water Commission to evaluate the establishment of a fund to provide (i) incentives for regional collaboration in water planning and (ii) financing for regional water projects. (Recommendation 22)

OPTION Water permitting ► The General Assembly could amend the Code of Virginia to establish statutory authority for a user fee for water withdrawn from the coastal aquifer. (Option 1)

OPTION Water permitting ► The General Assembly could amend the Code of Virginia to establish statutory authority for a priority system to award groundwater withdrawal permits to industrial users likely to have the greatest economic benefit. (Option 2)