

Eastern Virginia Groundwater Management Advisory Committee

Alternative Management Structures Subcommittee (2A)
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Current Virginia Legislative/Regulatory Framework

- State Water Commission
- Virginia Department of Environmental Quality/ State Water Control Board
- Virginia Department of Health
- Permitting and Planning



Current Virginia Statutory Framework

Groundwater

Basis/Need

- Continued, unrestricted usage of groundwater is contributing to pollution and shortage of groundwater
- Groundwater resources belong to the public
- Provision for management and control of groundwater resources is essential

Permits for Groundwater Withdrawals

- Applies to withdrawals of 300,000 gallons per month or more
- Initial permits issued based on historic usage
- Issued for a 10 year term

Permitting Criteria

- Nature of the proposed beneficial use
- Proposed use of alternate or innovative approaches:
 - aquifer storage and recovery systems
 - surface and groundwater conjunctive uses
 - climatic cycles
 - unique requirements for nuclear power stations
 - economic cycles
 - population projections
 - status of land use
 - adoption and implementation of a water conservation and management plan
- When there is a conflict among competing users, human consumption is given preference
- Board shall ensure that the maximum possible safe supply of groundwater will be preserved and protected for all other beneficial uses



Current Virginia Statutory Framework

Beyond Groundwater

Surface Water Management Act

- Similar to Groundwater Management Act
- Significant Difference: provides for voluntary agreements among persons withdrawing surface water
 - Subject to approval by the Board following public notice and a hearing
 - Agreement controls in lieu of formal permits
 - DEQ is a party to the agreement
 - Includes provisions for amendment/termination

Planning District Commissions

- Boundaries established by the Department of Housing and Community Development
- Purpose is facilitation of regional solutions
- No regulatory authority; more of a planning role

Water Supply Planning

- Can be done on a locality or regional basis
- Projections of supply and demand
- Must includes drought management and conservation plans
- Must include potential alternative sources if insufficient supply to meet demand
- Not self implementing
- DEQ approval is not endorsement of alternative sources
- Considered during permitting

Water Supply Planning

- State Water Resources Plan is a compilation of the local/regional plans
- Identifies challenges
- Includes recognition of need for more water storage sites
- **NOTE:** Contrast with Regional Waste Management Planning Process

River Basin Commissions

- Roanoke River Basin Bi-State Commission
- Rappahannock River Basin Commission
 - No legislative/regulatory authority
 - Can conduct studies
 - Can provide guidance

River Basin Commissions

- Interstate Commission on the Potomac River Basin
 - Can reach agreements regarding low flow conditions and management of water resources in the Potomac River

Examples from Other States

- Florida – Water Management Districts
 - 9 member governing board; 4 year terms
 - Appointed by Governor, confirmed by Senate
 - Executive Director appointed by the Board, confirmed by the Senate
 - Funded by State as well as from ad valorem taxes and timber sales

Examples from Other States

- Florida – Water Management Districts
 - Administer flood protection programs
 - Perform technical investigations
 - Develop water management plans for water shortages
 - Acquire and manage lands for water management purposes under the Save Our Rivers program
 - Delegated authority to manage consumptive use of water, aquifer recharge, well construction and surface water management
 - Administers stormwater management program

Examples from Other States

- Florida – Southwest Florida Management District
 - Reservoir and desalination plant owned by regional water supply wholesaler, Tampa Bay Water.
 - Reclaimed water facilities, treatment plants, interconnect pipelines, and distribution pipelines owned by the city and county wastewater utilities.
 - Once operational, the Water Management District reimburses Tampa Bay Water and the utilities for half the cost of their design, permitting, and construction costs.
 - The water developed from these projects is then factored into the District's water supply plan.

Considerations from Groundwater Management Studies

- Other Models – Based on Studies
 - Structure that incorporates stakeholder involvement
 - Water user associations
 - Aquifer management organization

Considerations from Groundwater Management Studies

- Survey Results – Appendix B
 - Differing regulations for different user types
 - Voluntary measures to address groundwater issues/allocation
 - Alabama Clean Water Partnership
 - Kansas Local Enhanced Management Areas
 - Indiana Water Rights: Emergency Regulation Statute



Features of Eastern Virginia Groundwater Management Area

Water Supply Plans

- Individual
 - Charles City County
 - King George County
 - New Kent County
 - City of Richmond
- Regional
 - Cumberland, Goochland, Henrico, Powhatan
 - Hampton Roads
 - Hanover County and Town of Ashland
 - Middle Peninsula

Hampton Roads Planning District Commission

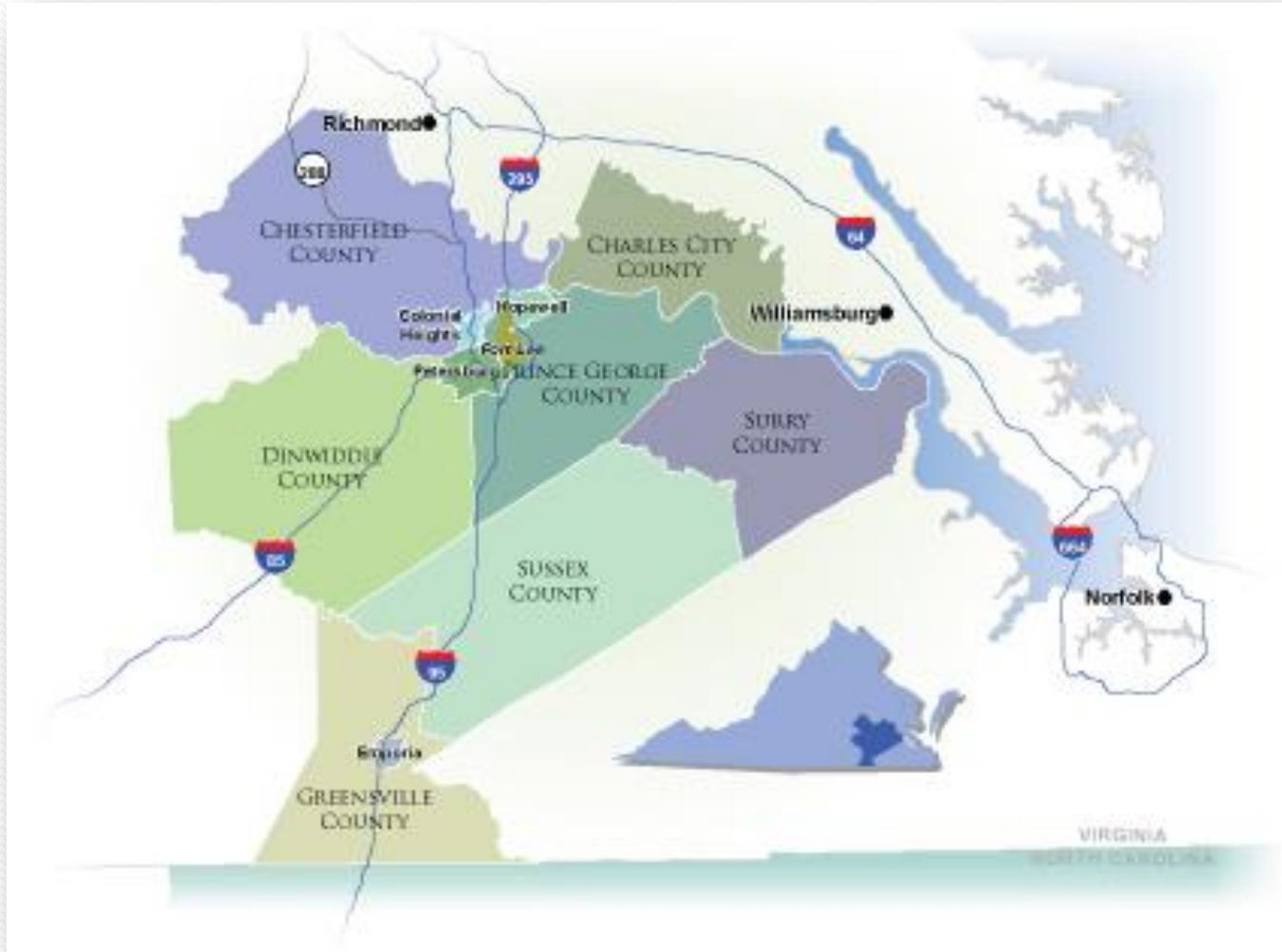


Source: <http://www.hrpdcva.gov/page/locality-profiles/>

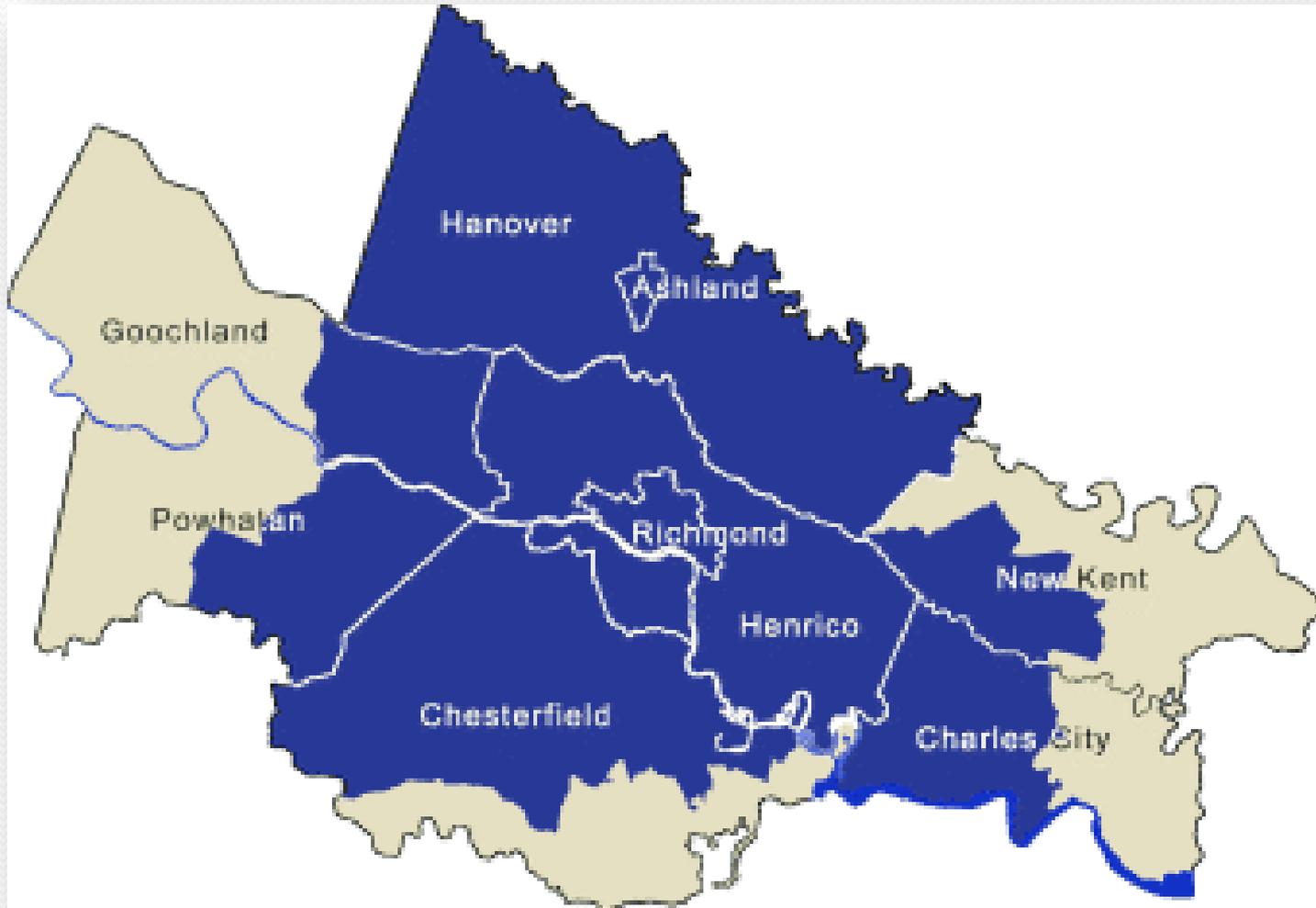
Middle Peninsula Planning District Commission



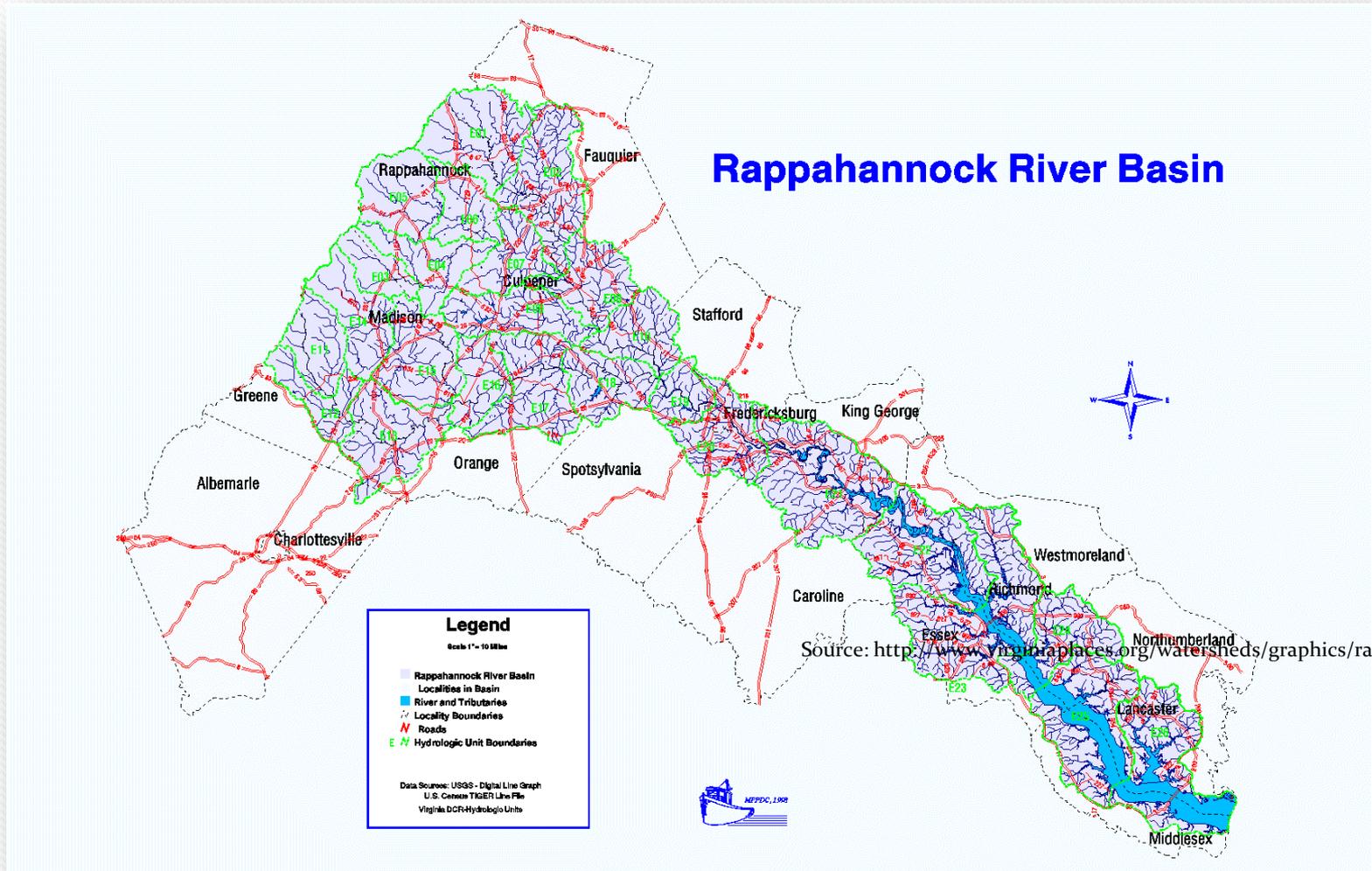
Crater Planning District Commission



Richmond Regional Planning District Commission



Rappahannock River Basin Commission



Food for Thought

- Is there a need for change?
- Can the current system be tweaked?
 - Regional designations
 - Coordination of planning and permitting
 - Support for alternative sources
 - Identification of new storage sites
 - Opportunity for greater private sector participation
 - Incentives
- Is this an opportunity to create something new?
 - Explore regional opportunities
 - Integrate water programs