



COMMONWEALTH of VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**PERMIT**  
TO WITHDRAW GROUNDWATER  
(FOR USE IN GROUNDWATER MANAGEMENT AREAS)

Permit Number: GW0047300  
 Effective Date: August 1, 2007  
 Modified Date: October 7, 2014  
 Expiration Date: July 31, 2017

Pursuant to Section 62.1-256 of the Ground Water Management Act of 1992 (Chapter 25, Title 62.1 of the Code of Virginia) and the Groundwater Withdrawal Regulation (9 VAC 25-610-10 et seq.), the STATE WATER CONTROL BOARD hereby authorizes

Permittee Del Monte Fresh Production, Inc.  
 Address 5050 State Route 60 West  
Mulberry, Florida 33860  
 Facility Mappsville Facility & Labor Housing

to withdraw and use groundwater in accordance with this permit and the application received April 29, 2004 and subsequently amended.

The permittee is authorized to withdraw 13,500,000 gallons per year.

The permittee shall comply with all requirements contained on this cover page, Part I - Permit Standards, Limitations, and Conditions, Part II - Special Conditions, the Ground Water Management Act of 1992 (Chapter 25, Title 62.1 of the Code of Virginia), and the Groundwater Withdrawal Regulation (9 VAC 25-610-10 et seq.). Nothing in this permit or this regulation shall be construed to relieve the permittee of the duty to comply with all applicable Federal and State statutes and regulations.

The permitted withdrawal will be used to provide a water supply for process water at a tomato packing operation as well as domestic water to the packing operation and to employee housing located on the site in Mappsville, VA. Other beneficial uses are not authorized by this permit.

Any noncompliance with permit conditions, the Groundwater Withdrawal Regulation (9 VAC 25-610-10 et seq.) or the Ground Water Management Act of 1992 (Chapter 25, Title 62.1 of the Code of Virginia) is a violation of the regulation and law, and is grounds for enforcement action, permit termination, revocation, amendment, or denial of a permit renewal application.

By direction of the STATE WATER CONTROL BOARD, this Permit is granted by:

Signed   
 For the STATE WATER CONTROL BOARD

Date 10/17/14

Part I  
Permit Standards, Limitations and Conditions

1. The withdrawal of groundwater shall originate from the following withdrawal points:

<u>Owner Well Name</u>	<u>DEQ Well#</u>	<u>Depth</u>	<u>Aquifer</u>	<u>Latitude</u>	<u>Longitude</u>
<u>Production Well #2</u>	<u>100-01280</u>	<u>285'</u>	<u>Lower Yorktown-Eastover</u>	<u>37°50' 08.0"</u>	<u>75° 34' 39.1"</u>
<u>House Well #1</u>	<u>100-00871</u>	<u>300'</u>	<u>Lower Yorktown-Eastover</u>	<u>37°50' 10.4"</u>	<u>75° 34' 56.7"</u>
<u>House Well #2</u>	<u>100-00872</u>	<u>300'</u>	<u>Lower Yorktown-Eastover</u>	<u>37°50' 10.7"</u>	<u>75° 34' 57.5"</u>
<u>House Well #3</u>	<u>100-00873</u>	<u>300'</u>	<u>Lower Yorktown-Eastover</u>	<u>37°50' 11.4"</u>	<u>75° 34' 58.3"</u>
<u>House Well #4</u>	<u>100-00874</u>	<u>300'</u>	<u>Lower Yorktown-Eastover</u>	<u>37°50' 11.7"</u>	<u>75° 34' 58.8"</u>
<u>House Well #5</u>	<u>100-00875</u>	<u>300'</u>	<u>Lower Yorktown-Eastover</u>	<u>37°50' 12.3"</u>	<u>75° 34' 59.7"</u>
<u>House Well #6</u>	<u>100-00876</u>	<u>300'</u>	<u>Lower Yorktown-Eastover</u>	<u>37°50' 12.8"</u>	<u>75° 35' 00.4"</u>
<u>House Well #7</u>	<u>100-00877</u>	<u>300'</u>	<u>Lower Yorktown-Eastover</u>	<u>37°50' 13.0"</u>	<u>75° 35' 00.8"</u>
<u>House Well #8</u>	<u>100-00878</u>	<u>300'</u>	<u>Lower Yorktown-Eastover</u>	<u>37°50' 13.3"</u>	<u>75° 35' 01.2"</u>
<u>House Well #9</u>	<u>100-00879</u>	<u>300'</u>	<u>Lower Yorktown-Eastover</u>	<u>37°50' 13.7"</u>	<u>75° 35' 01.6"</u>
<u>House Well #10</u>	<u>100-00880</u>	<u>300'</u>	<u>Lower Yorktown-Eastover</u>	<u>37°50' 12.7"</u>	<u>75° 34' 59.2"</u>
<u>House Well #11</u>	<u>100-00881</u>	<u>300'</u>	<u>Lower Yorktown-Eastover</u>	<u>37°50' 12.9"</u>	<u>75° 34' 59.8"</u>

2. Withdrawals from the well system are limited as follows:

In a calendar month: Total pumpage from these wells shall not exceed 2,400,000 gallons. The permittee shall report any amount in excess of the monthly withdrawal limit by the fifth day of the month following the month of over withdrawal.

Withdrawals from individual wells are limited as follows:

<u>Owner Well Name/Number</u>	<u>DEQ Well Number</u>	<u>VWUDS MPID Number</u>	<u>Gallons per Year</u>	<u>Gallons per Month</u>
<u>Production Well #2</u>	<u>100-01280</u>	<u>375008075343901</u>	<u>10,380,000 gal/yr</u>	<u>1,960,000 gal/mo</u>
<u>House Well #1</u>	<u>100-00871</u>	<u>375010075345101</u>	<u>combined total not to exceed 3,120,000 gal/yr</u>	<u>combined total not to exceed 440,000 gal/mo</u>
<u>House Well #2</u>	<u>100-00872</u>	<u>375010075345201</u>		
<u>House Well #3</u>	<u>100-00873</u>	<u>375011075345301</u>		
<u>House Well #4</u>	<u>100-00874</u>	<u>375011075345401</u>		
<u>House Well #5</u>	<u>100-00875</u>	<u>375011075345501</u>		
<u>House Well #6</u>	<u>100-00876</u>	<u>375012075345701</u>		
<u>House Well #7</u>	<u>100-00877</u>	<u>375012075345801</u>		
<u>House Well #8</u>	<u>100-00878</u>	<u>375013075345901</u>		
<u>House Well #9</u>	<u>100-00879</u>	<u>375013075350001</u>		
<u>House Well #10</u>	<u>100-00880</u>	<u>375013075350101</u>		
<u>House Well #11</u>	<u>100-00881</u>	<u>375014075350201</u>		

3. Water use from each well and total system water use shall be recorded monthly and reported on forms provided by the Department of Environmental Quality (Department) to the Tidewater Regional Office of the Department by the tenth day of each January, April, July and October for the respective previous standard quarter. Records of water use shall be maintained by the permittee as required in Section 9 VAC 25-610-130.F. of the Groundwater Withdrawal Regulation.

4. Permitted users shall install in-line totalizing flow meters to read gallons, cubic feet or cubic meters on each well prior to beginning the permitted use. Meters shall be tested in accordance with American Water Works Association (AWWA) Manual M-6, "Water Meters - Selection, Installation, Testing, and Maintenance". 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.
5. 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 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.
6. The permittee shall not place a pump or water intake device 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.
7. Each well that is included in this 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 Department and are available from the Department of Environmental Quality.
8. The Water Conservation and Management Plan as described in the application received April 29, 2004 and subsequently amended is incorporated into this permit and included as Attachment A. Requirements in the Water Conservation and Management Plan shall have the same effect as any condition contained in this permit and may be enforced as such. Records of activities conducted pursuant to the Plan are to be submitted to DEQ upon request.
9. This permit may be reopened for the purpose of amending the conditions of the permit to meet new regulatory standards duly adopted by the Board.
10. A new permit application must be submitted 270 days before the expiration date of this permit.
11. A new permit application must be submitted 270 days prior to any proposed modification to this permit that will result in an increase of withdrawal above permitted limits or violate the terms and conditions of this permit.
12. This permit may be reopened for amendment, transfer, or revocation as described in Part 6 of the Groundwater Withdrawal Regulation.
13. The permittee must notify the Department in writing and obtain staff approval of any change in the status, construction or pump setting of wells included in this permit. A revised GW-2 form must be submitted to the Department within 30 days in the event that the physical construction

of a well is altered or the pump setting in the well is changed.

14. The permittee must notify the Department in writing of any change of contact person, address, or phone number that is contained in the application received April 29, 2004.
15. Upon presentation of credentials the Board or Department, 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 the Groundwater Withdrawal Regulation.

Part II  
Special Conditions

1. **Mitigation Plan**

The Mitigation Plan, as described in the application received April 29, 2004 and subsequently amended, is incorporated into this permit and included as Attachment B. Requirements in the Mitigation Plan and subsequent revisions shall have the same effect as any condition contained in this permit and may be enforced as such.

2. **Health Department Permit**

Daily withdrawals shall be consistent with the requirements and conditions of the Virginia Department of Health Waterworks Operation Permit 3001551. The permittee shall submit copies of WWOP and the associated Engineering Description Sheets to DEQ within 30 days of an upgrade.

3. **Virginia Pollution Abatement Permit**

The permittee shall comply with all conditions contained in the Virginia Pollution Abatement Permit VPA01057.

5. **Additional Wells**

A minor amendment to this permit must be made to include additional wells. Additional wells may be permitted under a minor amendment if the total withdrawal does not exceed the permitted amounts contained in this permit, the withdrawal from all additional wells originates from the Lower Yorktown Eastover Aquifer, and the location of the wells are approved by DEQ staff prior to construction. Additionally, a complete suite of geophysical logs (Spontaneous Potential, Single Point Resistance, 16/64 Short and Long Normal, Natural Gamma) shall be submitted to the DEQ Tidewater Regional Office prior to setting the pump intake.

5. **Water Level Monitoring**

The permittee shall submit static water level measurements at the Production Monitoring Well (100-00853) and the Housing Monitoring Well (100-00854) on a monthly basis. Water level measurements shall be reported quarterly with the withdrawal reports required in Condition 3 of Part I – Permit Standards, Limitations and Conditions. Records of groundwater levels shall be maintained by the permittee as required in Section 9 VAC 25-610-130.F of the Groundwater Withdrawal Regulation

6. **Water Level Reopener**

If the monitoring information required in Condition 5, above, indicates the potential for adverse impacts on groundwater level due to this withdrawal, this permit may be reopened to include groundwater level action levels.

7. **Pump Intake Settings**

Pump settings in individual wells are limited as follows:

<u>Owner Well Name (or #)</u>	<u>DEQ Well#</u>	<u>Max Pump Setting</u> (ft below land surface)
<u>Production Well #2</u>	<u>100-01280</u>	<u>245</u>
<u>House Well #1</u>	<u>100-00871</u>	<u>250</u>
<u>House Well #2</u>	<u>100-00872</u>	<u>250</u>
<u>House Well #3</u>	<u>100-00873</u>	<u>250</u>
<u>House Well #4</u>	<u>100-00874</u>	<u>250</u>
<u>House Well #5</u>	<u>100-00875</u>	<u>250</u>
<u>House Well #6</u>	<u>100-00876</u>	<u>250</u>
<u>House Well #7</u>	<u>100-00877</u>	<u>250</u>
<u>House Well #8</u>	<u>100-00878</u>	<u>250</u>
<u>House Well #9</u>	<u>100-00879</u>	<u>250</u>
<u>House Well #10</u>	<u>100-00880</u>	<u>250</u>
<u>House Well #11</u>	<u>100-00881</u>	<u>250</u>

The permittee may provide additional information regarding the depth of the top of the Lower Yorktown-Eastover Aquifer to justify pump settings different from those listed above. Any change in the pump settings must receive prior approval by staff of the Department of Environmental Quality and be included in this permit as a minor amendment.

8. **Geophysical Logs**

In Part 1 of Permit Standards, Limitations, and Conditions please refer to items number 10 and 11. In order to apply for a new or expanded permit the permittee must provide the Department with a suite of geophysical logs (spontaneous Potential, single Point Resistance, 16/64 Short and Long Normal, Natural Gamma) and prepare a geologist's log from the drill cuttings at one location on the property. The proposed location for the boring should be submitted to the Department 30 days prior to drilling to obtain a DEQ number and concurrence on the proposed location. The geophysical and geologist's logs shall be submitted in duplicate and shall be referenced by the DEQ number on the upper right corner. This information must be received by the Department prior to this permit being expanded or renewed.

9. **Permit Reopener**

This permit may be reopened if the issuance of groundwater withdrawal permits required by the Ground Water Management Act of 1992 for existing permitted or certificated users indicate that the basis used for predicting compliance with regulatory drawdown criteria was inaccurate.

## Attachment A

### Water Conservation and Management Plan

# GROUNDWATER CONSERVATION AND MANAGEMENT PLAN

DEL MONTE FRESH PRODUCTION, INC.  
MAPPSVILLE FACILITY AND LABOR HOUSING  
MAPPSVILLE, ACCOMACK VIRGINIA

October, 2014

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## 1.0 GENERAL INFORMATION

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The Mappsville Facility and Labor Housing consists of a processing plant used to prepare tomatoes for retail and distribution and fourteen (14) labor homes. The standard industrial classification (SIC) code for a tomato processing operation is 0723. Water is used to wash cultivated tomatoes prior to packaging at the plant and to provide the employees with potable water for their sanitary and domestic needs both at the housing units and the plant. The complex is located in the town of Mappsville in Accomack County, Virginia.

Normal operations of the complex require production and consumption of variable amounts of groundwater from multiple wells located on the complex property. Because this property is located within the Eastern Shore Groundwater Management Area – as defined by the Virginia Department of Environmental Quality [VDEQ] – a Water Conservation and Management Plan has been prepared in accordance with the Ground Water Management Act of 1992, Chapter 25 (§62.1-254 et seq.) of Title 62.1 of the Code of Virginia. The purpose of this document is to analyze water supply and demand issues facing the facility and develop a reasoned and justifiable response for water conservation and management. This document is intended to help guide the management who is responsible for the operation and policy management decisions of the facility. Lastly, this document will meet the Groundwater Withdrawal Permit requirement by VDEQ for a water conservation and management plan.

Water conservation measures are those physical facilities, equipment, or devices utilized with certain methods, techniques, policies, practices, and procedures, which reduce water consumption, improve water use efficiency, reduce water loss or waste, increase water recycling

or reuse and ultimately result in a reduction of water demand. Water management consists of a plan to implement water conservation measures.

This Water Conservation and Management Plan, referred to herein as the “Plan” includes identification of water demand and water source and then provide guidance to implement water management and conservation measures.

## ***2.0 WATER DEMAND***

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### **2.1 Processing Plant and Associated Housing**

Water demand for the facility is for a variety of purposes in the production of tomatoes. This use includes, but is not limited to, water as an ingredient in the washing of tomatoes and the remainder is used as potable water. There is very limited opportunity to conserve water wherever it is used because water used for the production of tomatoes for human consumption must be high quality potable water. The following paragraphs describe the water demand by reviewing the different facility uses of it.

Typically, tomatoes are initially washed and transported in a flume using water. Then, the tomatoes are sprayed with a mixture of water and a chlorine dioxide solution as the tomatoes move along a conveyor. The wastewater is managed by the facilities existing VPA permit to direct land apply this water.

The rest of the water that is withdrawn at the facility is for potable usage. The facility maintains an on-site staff that utilizes water for sanitary and domestic needs. Sanitary waste and domestic usage waste is generated at each of the buildings and consequently handled at each of the buildings. Site specific septic systems were developed to service the plant and the houses alike. The processing plant and housing do not engage in any irrigation practices other than for compliance with their VPA Permit.

### ***3.0 WATER SUPPLY***

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The following section presents a general overview of water resources available to the facility. As there is no municipal supply pipeline available from any nearby town, drinking, processing, and irrigation water is directly withdrawn from groundwater sources at the facility. Due to the nature of water usage at the processing plant and associated housing, almost all water is used for potable purposes. There are 12 production wells located within the Mappsville Complex that currently supply adequate quality and quantity of groundwater.

#### **3.1 Processing Plant and Associated Housing**

Water occurs in several forms or media (i.e., liquid and solid meteoric precipitation, surface water, and groundwater) in the relative geographic proximity of the facility. Although this region receives approximately 44 inches of precipitation per year, the facility is not large enough to be able to support a precipitation collection system and cistern storage system that could supply the required volume and rate of fresh water during normal operations. During periods of peak demand, surface water resources are not reliable as a result of high rates of evapotranspiration and low inputs from precipitation. There are no surface water supplies available to the facility.

Groundwater has been used for several years at the facility without problems with quality or availability. Thus, deep-groundwater is the more reliable source of quality water – being buffered by slow recharge through downward infiltration and possibly upward seepage.

#### ***4.0 WATER CONSERVATION MEASURES***

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The following conservatory measures will be implemented with regard to the groundwater supply.

##### **4.1 Processing Plant and Associated Housing**

- No unnecessary groundwater withdrawal will be permitted.
  
- Facility management periodically reviews water use and will implement changes where possible and practical to better manage water use and increase water conservation:
  - Monthly visual inspection of water loss and leak detection
  - Weekly observation of forwarding pumps, withdraw pumps, and tanks
  - Daily evaluation of water re-use and recycling for production purposes
  
- All permanent plumbing fixtures throughout the facility (homes and production building) will have low-flow fixtures and 2.5-gpf toilets installed as older plumbing is replaced.
  
- The facility will not and does not use water for irrigation purposes other than for compliance with the facilities' VPA Permit.
  
- Employees will be encouraged to conserve water through the use of regular conversational reminders, and posters or bulletins posted in message areas or bulletin boards.
  
- *Water Reuse Evaluation:* A significant portion of the water used at this facility cannot be reclaimed and reused as it is used to support staff. Water used to support staff is managed with a septic system and released into the Water Table Aquifer (Columbia). Water used to wash tomatoes is land applied and released into the Water Table Aquifer (Columbia) as per the facility's existing VPA permit. This conservation and

management plan examined all water uses and presents management measures in Section 5.0.

## **5.0 WATER MANAGEMENT MEASURES**

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The following management measures will be implemented with regard to the groundwater:

### **5.1 Processing Plant and Associated Housing**

#### **GENERAL MANAGEMENT PRACTICES**

- Water Loss Reduction:
  - (a) The facility conducts monthly records review to find excessive usage that may indicate a leak in the system or significant change in operations.
  - (b) The facility will conduct routine inspection of all above ground water piping systems and storage tanks for any indication of leaks.
  - (c) The facility will conduct routine observations along underground potable water piping systems for indications of leaks.
  - (d) Any leak discovered in the potable water storage/supply system will be repaired as soon as is practical or will be bypassed so as to minimize loss of water.

#### **MANDATORY RESTRICIONS**

- Mandatory water use restrictions will be implemented during water shortage emergencies declared the local governing body, the Director of DEQ, or the Governor.
- Facility personnel will be prohibited from general washing of buildings, paved surfaces, or non-essential equipment. The facility will comply with penalties for demonstrated failure to comply with mandatory water use restrictions.
- Facility production may be limited in the event that production withdraws exceed temporarily mandated emergency withdraw limits

- Facility occupants will not be permitted to use water for lawn or landscaping purposes.
- Personnel use of washing machines (clothing) shall be limited to full capacity loads only.
- The facility will comply with penalties for demonstrated failure to comply with mandatory water use restrictions.

Attachment B  
Mitigation Plan

## MITIGATION PLAN

VDEQ GROUND WATER WITHDRAWAL PERMIT NO. GW0047300

OWNER NAME: Del Monte Fresh Production, Inc.  
FACILITY NAME: Mappsville Facility and Labor Housing  
LOCATION: Mappsville, Accomack County, Virginia

### INTRODUCTION

Del Monte Fresh Production, Inc. (the "Permittee") holds a Ground Water Withdrawal Permit from the Virginia Department of Environmental Quality (DEQ) to withdraw ground water from the regional resource. Ground water withdrawals associated with this permit will be utilized to provide a potable water supply to the Mappsville Facility and Labor Housing (the "Facility").

The purpose of this Mitigation Plan is to provide existing ground water users within the defined Area of Impact (AOI) a method to resolve claims that may arise due to a suspected impact of the withdrawal from twelve (12) wells. Predicted drawdown of water levels (used to determine the AOI) due to the permitted withdrawal from the Lower Yorktown-Eastover aquifer is shown in the figures determined by the Virginia Department of Environmental Quality.

Modeled water level impacts, as shown on the attached maps, extend beyond the boundary of the Facility. Due to these findings, the Permittee recognizes that there will be a rebuttable presumption that water level declines caused adverse impacts to existing ground water users within the AOI may be due to this withdrawal. Ground water users outside this area may make claims, however, there is

no presumption that the Permittee caused an adverse impact. The Permittee proposes this plan to mitigate impacts to existing users and excludes impacts to wells constructed after the effective date of this permit.

**CLAIMANT REQUIREMENTS**

To initiate a claim, the Claimant must provide written notification of the claim to the following address:

Contact Name        Richard Bernard  
Title                    Farm Manager  
Permittee Name      Del Monte Fresh Production, Inc.  
Address                241 Sevilla Ave. Coral Gables, Florida 33134

The claim must include the following information: (a) a deed or other available evidence that the Claimant is the owner of the well lot and evidence that the impacted well was constructed and operated prior to the effective date of the Facility's permit; (b) all available information related to well construction, water levels, historic yield, water quality, and the exact location of the well sufficient to allow the Permittee to locate the well on the Claimant's property; (c) the reason the Claimant believes that the Facility's withdrawal has caused an adverse impact on the Claimant's well(s).

### CLAIM RESOLUTION

The Permittee and/or its Consultants will review any claim within five (5) business days. If the Permittee and/or its Consultants determine that no rebuttal will be made and accepts the claim as valid, then the Permittee and/or its Consultants will so notify the Claimant and the Permittee will implement mitigation within thirty (30) business days. If the claim is not accepted as valid, the Permittee and/or its Consultants will notify the Claimant that (a) the claim is denied or (b) that additional documentation from the Claimant is required in order to evaluate the claim. Within fifteen (15) business days of receiving additional documentation from the Claimant, the Permittee and/or its Consultants will notify the Claimant (a) that the Permittee agrees to mitigate adverse impacts or (b) the claim is denied. If the claim is accepted as valid, the Permittee and/or its Consultants will so notify the Claimant and will implement mitigation within thirty (30) business days. If the claim is denied, the Claimant will be notified and the Claimant may request a three (3) member Claim Committee to evaluate the claim. This Claim Committee will consist of one (1) representative selected by the Permittee, one (1) representative selected by the Claimant, and one (1) representative mutually agreed upon by the Claimant and the Permittee.

Any Claimant requesting that a Claim Committee evaluate a claim should provide the name and address of their representative to the Permittee and/or its Consultants. Within five (5) business days of receipt of such notification, the Permittee and/or its Consultants will notify the Claimant and Claimant's representative of the identity of the Permittee's representative and instruct the representatives to select a third representative within ten (10) business days. Representatives should be a professional engineer or hydrogeologist with experience in the field of ground water hydrology. The Permittee agrees to reimburse the members of the Claim Committee for reasonable time spent,

at a rate prevailing in the area for experts in the above listed fields, and for direct costs incurred in administering the plan. The Claimant may, at his or her option, choose to provide the reimbursement for the member of the Claim Committee selected by the Claimant and up to half of the reimbursement for the mutual representative.

Within ten (10) business days of selection of the third representative, the Claim Committee will establish a reasonable deadline for submission of all documentation it needs to evaluate the claim. Both the Claimant and the Permittee will abide by this deadline. Within fifteen (15) business days of receipt of documentation, the Claim Committee will evaluate the claim and reach a decision by majority vote. The Claim Committee will notify the Claimant regarding its decision to (a) deny or (b) approve the claim. If the claim is approved, the Permittee will mitigate the adverse impacts within thirty (30) business days of making the decision or as soon as practical. If the Claim Committee denies the claim, the Permittee may seek reimbursement from the Claimant for expenses for the Claimant's representative and one half of the expenses for the 3<sup>rd</sup> representative on the Claim Committee. In addition, the Permittee reserves the right to recover costs associated with the claim process if a claim is found to be fraudulent or frivolous.

If a Claimant within the indicated AOI indicates that they are out of water, the Permittee will accept the responsibility of providing water for human consumptive needs within seventy-two (72) hours and that provision will continue throughout the claim review period. The Permittee reserves the right to recover the cost of such emergency supply if the claim is denied by the Permittee and/or its Consultants and/or denied by the Claim Committee or found to be fraudulent or frivolous. If the Permittee and/or its Consultants deny a claim and the Claimant elects to proceed with the three (3)

member Claim Committee, the Permittee will continue the emergency water supply at the Claimant's request during the Claim Committee's deliberations but reserves the right to recover the total costs of emergency water supply in the case that the Claim Committee upholds the denial of the claim. In addition, the Permittee reserves the right to recover costs associated with the claim process if a claim is found to be fraudulent or frivolous.

If it is determined by the Claim Committee or shown to the Claim Committee's satisfaction that a well(s) operating under an existing Mitigation Plan, other than those owned and operated by the Permittee subject to the Claim, has contributed to the claimed adverse impact, a share of the costs associated with mitigation will be allocated to the owner of that withdrawal in proportion to its determined share of the impact. The Claim Committee shall make such a determination after notification of the third party well owner, giving the third party well owner opportunity to participate in the proceedings of the Claim Committee.

#### **PLAN ADMINISTRATION**

Nothing in the Plan shall be construed to prevent the Department of Environmental Quality Staff from providing information needed for resolution of claims by the Claim Committee.