

Virginia Water Protection Permit Program

The Virginia Water Protection (VWP) Permit Program of the Department of Environmental Quality regulates activities occurring in surface waters. A VWP permit is required for any activity that will permanently or temporarily impact surface waters. Examples of some activities that would require a VWP permit are: dredging, filling, excavating, discharging, permanently flooding or impounding, and withdrawal of surface waters.

What is surface water?

Surface waters are defined as all surface waters, which are not ground waters, which wholly or partially are within the Commonwealth or bordering the Commonwealth. Wetlands, streams, lakes, springs, and ponds are all surface waters and fall under the VWP Permit Program's jurisdiction.

What is a surface water withdrawal?

A surface water withdrawal means a removal or diversion of surface water from a stream, spring and/or lake/pond in Virginia or from the Potomac River.

Who needs a VWP permit to withdraw surface water in Virginia?

All surface water withdrawals, unless excluded by 9 VAC 25-210-60.B of VWP regulations, require a VWP permit. The following are types of surface water withdrawals excluded from VWP permitting requirements:

- Any water withdrawal in existence on July 1, 1989. However, a permit may be required to increase the withdrawal beyond what was authorized by 401 certificate as of that date.
- Any withdrawal initiated between July 1, 1989 and July 25, 2007 for which the largest 12-consecutive month withdrawal that occurred in the 10 years prior to July 25, 2007 was reported to DEQ within one year after July 25, 2007. A permit may be required to increase the withdrawal beyond that reported volume.
- Withdrawals from nontidal waters that total less than 10,000 gallons per day.
- Agricultural withdrawals from nontidal waters that total less than one million gallons in a single month or from tidal waters that total less than 60 million gallons in a single month.
- Withdrawals from tidal waters for nonconsumptive uses or for all other consumptive purposes that total less than two million gallons per day.
- Withdrawals placed into portable containers by persons owning property on, or holding easements to, riparian lands.
- Withdrawals for firefighting or for training activities related to firefighting.
- Withdrawals for the purposes of hydrostatic pressure testing.
- Withdrawals for normal single family home residential gardening, lawn, and landscape maintenance.
- Withdrawals that are located on a property, such that the withdrawal returns to the stream of origin; not more than half of the instantaneous flow is diverted; not more than 1,000 feet of stream channel separate the withdrawal point from the return point; and both banks of the affected stream segment are located within that property boundary.
- Withdrawals from quarry pits, such that the withdrawal does not alter the physical, biological, or chemical properties of surface waters connected to the quarry pit.
- Withdrawals from a privately owned agriculture pond, emergency water storage facility, or other water retention facility, provided that such pond or facility is not placed in the bed of a perennial or intermittent stream or wetland.

Note that although the withdrawal activity may be exempt, a VWP permit may be required for the installation of the withdrawal infrastructure such as the intake structure and/or waterlines.

Questions?

Craig Nicol
Water Withdrawal Permitting Manager
DEQ – Office of Water Supply
(804) 698-4214
craig.nicol@deq.virginia.gov

Virginia Water Protection Permit Program Website:

<http://www.deq.virginia.gov/Programs/Water/WetlandsStreams/SurfaceWaterWithdrawalsImpoundments.aspx>

Virginia Water Withdrawal Reporting Regulation

Successful water resource management integrates the interests of users, local and regional water supply planners, and state managers tasked with meeting growing future water needs of the citizens of the Commonwealth, while preserving the integrity of our diverse water resources.

What is the reporting requirement?

Since 1982, the Virginia Water Withdrawal Reporting Regulation (9 VAC 25-200-10, et seq.) has required the reporting of water withdrawals by users of groundwater or surface water with an average daily withdrawal during any single month exceeding 10,000 gallons per day. Reportable withdrawals include, but are not limited to, those for public water supply, manufacturing, mining, commercial, institutional, livestock watering, artificial fish culture, and steam-electric power generation uses. Users withdrawing water for crop irrigation are required to report if withdrawals exceed one million gallons in any single month. Crop irrigators need not report withdrawals from ponds collecting diffuse surface water unless the ponds are dug ponds that intercept the groundwater table. Water users exempted from the regulation are encouraged to report their water withdrawals voluntarily. Water Withdrawal Reports are collected by DEQ in January for the preceding year. Electronic reporting is available and encouraged.

Why is reporting water withdrawal important?

Reporting your water withdrawals provides information about your withdrawal history which is important as the type and pattern of use may change over time. The following are additional reasons why reporting your water withdrawals and usage can be a benefit to you and your operation:

- Your reported withdrawals serve as the basis for understanding what beneficial uses (defined below) have been sustained from a particular source and what may be supported in the future.
- Calculating and reporting your annual water withdrawals may help you plan for future need in terms of growth or expansion.
- Analysis of withdrawals in previous years can provide insight into the efficiency of your water use.
- Withdrawal data provided by you and other water withdrawers is used by DEQ to determine the ability of current water sources to meet future needs.

Reporting your water withdrawals provides the Commonwealth with a more accurate understanding of the full water budget in our watersheds. The water budget is an accounting of the inflow, outflow, and storage changes of water in a system, and is an important tool for water supply planners evaluating and balancing current demand versus future need. Reporting your water withdrawal increases local, regional, and state water supply planners' understanding of the impacts of cumulative withdrawals for the region and the Commonwealth. Competition for water is increasing, and while reporting does not guarantee your withdrawal rights for a specific volume, it enables planners to consider your established need while managing future growth.

Water withdrawal reporting aids in drought response planning by establishing water use trends. This is important to local governments responsible for establishing drought indicators and responses for implementation during dry periods as part of their water supply planning efforts. When your water withdrawals are on record, local government planners are better able to consider how your business may be affected by drought and ensures your needs are understood.

Data pertaining to the type, volume, and frequency of water withdrawals are used by DEQ to evaluate and manage this important, finite, resource for the Commonwealth. This evaluation informs the permitting programs established to protect water resources for all beneficial uses: domestic water supply, maintenance of waste assimilation capacity, and electric power generation; agricultural, commercial, and industrial land uses; and protection of fish and wildlife resources and habitat, navigation, recreation, and cultural and aesthetic values. Our purpose in collecting these data is the sustainable use of water resources for the benefit of all citizens in the Commonwealth.

Questions?

Tammy Stephenson
Water Supply Planning Program Coordinator
DEQ – Office of Water Supply
(540) 562-6828
tammy.stephenson@deq.virginia.gov

Virginia Water Withdrawal Reporting Website:

www.deq.virginia.gov/Programs/Water/WaterSupplyWaterQuantity/WaterSupplyPlanning/AnnualWaterWithdrawalReporting.aspx