



Virginia Water Withdrawal Reporting Regulation (VWWR) Agricultural Production and Crop Irrigation Frequently Asked Questions

**The following questions deal solely with the VWWR (9 VAC 25-200-10 et seq.). For additional information on surface water and groundwater impacts please read the Virginia Water Protection Permit Program Regulation, (9 VAC 25-210-10, et seq.) and the Groundwater Withdrawal Regulations (9 VAC 25-610-10 et seq.).

1. How does a producer¹ determine whether they are required to report their water withdrawals for agricultural production and/or crop irrigation?

The Virginia Water Withdrawal Regulation (9 VAC 25-200-10, et seq.) requires the reporting of any withdrawal (groundwater or surface water) for crop irrigation if the withdrawals for any single month meet or exceed one million gallons. DEQ estimates that both of the following examples, if one or the other were to occur during the course of one month, will meet the withdrawal threshold for crop irrigation:

- irrigating 37 acres at a depth of one inch
- irrigating for over 65 hours with a 250 GPM pump

Crop irrigators do not need to report withdrawals from ponds collecting diffuse surface water unless the ponds are situated on a perennial stream as shown on a USGS quad or are dug to a depth that intercepts the groundwater table.

All other agricultural production withdrawals such as those for livestock watering, cooling, and facility cleaning require reporting if the daily average withdrawal (groundwater or surface water) during any single month exceeds 10,000 gallons per day. Examples of farms that most likely meet agricultural production thresholds include dairies with 350 or more lactating cows, feedlots with 600 or more cattle, and a farm with more than 150,000 broilers.

Please note that the withdrawal threshold for water withdrawal reporting is different than the thresholds for groundwater and surface water permitting. For more information on permitting thresholds, contact DEQ and refer to the Virginia Water Protection Permit Program Regulation, (9 VAC 25-210-10, et seq.) and the Groundwater Withdrawal Regulations (9 VAC 25-610-10 et seq.).

2. Does a producer need to report water withdrawals of livestock that drink directly from a water source?

No, only those groundwater or surface water withdrawals that are initiated by humans and occur from a specific point are required to report to the VWWR. Although not required, the estimated amount of water withdrawn directly from a water source by livestock may be estimated and reported voluntarily.

3. A producer's farming operation includes multiple farms that are contiguous to each other. Are the separate withdrawals at each farm added together to determine if the reporting threshold is met?

Yes, withdrawal sources on contiguous farming operations are added together to determine if the reporting threshold is met. Remember, as referenced in question one, the withdrawal threshold for crop irrigation is different from the threshold for all other agricultural purposes.

¹ A producer is defined here as either the owner of the farm(s) or the person leasing the farm(s).

- 4. A producer's farming operation includes multiple farms that are not contiguous. Are the withdrawals at each farm added together to determine if the reporting threshold is met or are the withdrawals counted separately?**

If the farms are not contiguous (i.e. separated by a road), but depend on the water from the same source water intake(s) for the operations on all farms, then it would be considered one system. In that case, the withdrawals for all non-contiguous farms would be added together to determine the reporting threshold. If the irrigation systems of the farms in question can operate independently of each other, and water from each intake is only used on that individual farm, then the withdrawals for each farm would be kept separate when determining if the reporting threshold is met.

- 5. If a producer irrigates on two separate farms, one owned and the second rented, is the producer responsible for reporting the withdrawals from both farms? If so, are the withdrawals added together to determine if the reporting threshold is met and reported or are the withdrawals counted separately?**

Yes, the person responsible for the farming operation and withdrawing the water is responsible for reporting water withdrawals, regardless of ownership. See the answers to questions 3 and 4 above to determine whether the withdrawals at each farm are added together or counted separately towards meeting the threshold for reporting.

- 6. If a VVWR registered producer does not irrigate during the calendar year, are they still required to fill out a form (hardcopy or online) for DEQ?**

Yes, a response is still required. The online and hardcopy forms include a space for the producer to mark "no withdrawals this year."

- 7. Is it true that withdrawals for agricultural production and/or crop irrigation may be required to obtain a Virginia Water Protection (VWP) Permit or a Groundwater Withdrawal Permit (GWP)?**

Yes, depending on the amount of water withdrawn and the year in which the withdrawal was initiated, some withdrawals are required to obtain a withdrawal permit from the DEQ. Statewide, agricultural surface water withdrawals from nontidal waters that total one million gallons or more in a single month, and from tidal waters totaling 60 million gallons or more in a single month, may be required to obtain a VWP permit. For example, a farm using nontidal waters to irrigate 37 acres at a depth of one inch may be required to obtain a VWP permit. Groundwater withdrawals that occur within a groundwater management area and total greater than 300,000 gallons per month are required to obtain a GWP. As an example, a producer in a Groundwater Management Area that uses wells to water 600 cattle in a feedlot or 350 or more lactating cows may be required to obtain a GWP permit. VWP and GWP permit fees are waived for agricultural producers.

- 8. May producers estimate their withdrawal amounts or is a metering device required?**

A metering device is preferred; however, if a meter is not available, producers may estimate their withdrawal amounts. The estimation method used by the producer must be provided on the reporting form. DEQ provides information on how to calculate irrigation and livestock watering withdrawals in a document entitled, Instructions for Estimating Raw Water Withdrawals, found on the DEQ website:

<http://www.deq.virginia.gov/Programs/Water/WaterSupplyWaterQuantity/WaterSupplyPlanning/AnnualWaterWithdrawalReporting.aspx>

- 9. If a producer has been withdrawing surface water for years, but has not reported to VVWR in the past, can the producer's withdrawal be excluded from VWP permit requirements? If so, how many years of data are required for reasonable confirmation of withdrawals, and how should this information be submitted?**

The provisions under which a surface water withdrawal is excluded from VWP permit requirements is based upon documentation of the date the withdrawal was initiated and water use type and volume. DEQ recommends coordinating with staff to inquire about the information needed to consider whether a specific withdrawal might be excluded.

10. The threshold for reporting agriculture withdrawals was met only one day during the year. Does the producer report that single day's amount, or are they required to report their withdrawals for the entire year?

If the threshold for reporting is met on a single day during the year, monthly withdrawals for the entire year must be reported. As always, if the threshold for reporting is not met, DEQ welcomes the voluntary reporting of lesser withdrawal amounts.

11. If a farm that currently reports water withdrawals is sold or leased to another producer, does the new producer need to obtain a VWP or GWP permit to continue to conduct a withdrawal at that location?

Exclusions from water withdrawal permitting requirements are not based upon property ownership, and, therefore, the sale of property will not affect the status of an excluded water withdrawal. However, if the new owner proposes changes or modifications to the existing withdrawal system, such as increases in withdrawal volumes or changes to the intake structure or location, the exclusion may cease to be valid. If the withdrawal is currently regulated under a VWP or GWP permit, then the permit would need to be transferred to the new owner if the new owner expects their withdrawals to continue in volumes above the permitting threshold. DEQ recommends coordinating with staff to discuss any specific project.

12. If a farm that currently reports water withdrawals is sold or leased to another producer, how does the new producer register with the VWWR?

The producer should contact DEQ's Water Supply Planning staff to register their operation with the VWWR.

- Sara Jordan, 540.574.7901, sara.jordan@deq.virginia.gov
- Trevor Lawson, 804.698.4113, trevor.lawson@deq.virginia.gov

13. If a stream/river is drying up due to withdrawals upstream and this occurrence is reported to DEQ, what will happen to the upstream withdrawers?

If a complaint is received by DEQ, staff will inspect the situation and determine if the upstream withdrawer holds a VWP permit authorizing a withdrawal, or whether they may be subject to VWP permit or other legal restrictions. Should DEQ identify that the withdrawer is a permit holder or subject to VWP permitting requirements, DEQ will proceed with the appropriate compliance or enforcement action within the bounds of DEQ's jurisdiction to protect existing downstream beneficial uses.

DEQ may require any owner or operator of a withdrawal excluded from permit to cease the withdrawal, file an application, and receive a VWP permit prior to resuming any withdrawal, under the following circumstances:

- When the withdrawal causes, contributes to, or may reasonably be expected to cause or contribute to, a significant impairment of the state waters or fish and wildlife resources;
- When the withdrawal adversely impacts other existing beneficial uses; or
- When the withdrawal will cause or contribute to a violation of water quality standards.