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Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation(s)	9VAC25-610
Regulation title(s)	Groundwater Withdrawal Regulations
Action title	Incorporation of statutory changes related to new subdivisions served by private wells
Final agency action date	September 20, 2018
Date this document prepared	May 10, 2018 draft

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This amendment adds a new section that requires new subdivisions located in a designated groundwater management area to apply for a technical evaluation from the Department of Environmental Quality (DEQ) prior to final subdivision plat approval if there will be 30 or more lots within the subdivision served by private wells. The technical evaluation recommends an aquifer or aquifers that will meet the needs of the subdivision that will minimize unmitigated impacts to groundwater resources and any offsite impacts to existing groundwater users. The recommendation is nonbinding, however, the developer is required to prepare and submit a mitigation plan to the Department, and record a mitigation plan approved by the Department with the subdivision plat prior to constructing any private wells within the subdivision. The Department will recover the costs of conducting the technical evaluation. A definition of "surficial aquifer" is being added to the regulation. These changes are being made in response to Chapter 427 of the 2018 Acts of Assembly. These changes to state law become effective on July 1, 2018.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The State Water Control Board approved this amendment, Final Exempt Action: Amendment to groundwater withdrawal regulations in response to Chapter 427 of the 2018 Acts of Assembly on September 20, 2018, as a final regulation and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that this regulation will have a direct impact on families.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
10		Definitions	Added the following definition: ""Surficial aquifer" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone." in response to Chapter 427 of the 2018 Acts of Assembly.
	44		This section has been added to implement Chapter 427 of the 2018 Acts of Assembly. Developers of new subdivisions with 30 or more lots served by private wells located in a designated groundwater management area are required to apply for a technical evaluation from DEQ of the groundwater prior to receiving subdivision plat approval. The section contains the requirements of the technical evaluation, details the requirements of mitigation plans, and the

			fee assessed by the agency for conducting the technical evaluations.
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Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

This amendment is being made in response to Chapter 427 of the 2018 Acts of Assembly and there is no alternative to the adoption of these changes.