

**SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_**

1 A BILL to amend and reenact § 62.1-44.38 of the Code of Virginia, relating to requiring the reporting of  
2 water withdrawals from surface waters and groundwater; penalty.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 62.1-44.38 of the Code of Virginia is amended and reenacted as follows:**

5 § 62.1-44.38. Plans and programs; registration of certain data by water users; advisory  
6 committees; committee membership for federal, state, and local agencies; fund established; water supply  
7 planning assistance.

8 A. The Board shall prepare plans and programs for the management of the water resources of  
9 this Commonwealth in such a manner as to encourage, promote and secure the maximum beneficial use  
10 and control thereof. These plans and programs shall be prepared for each major river basin of this  
11 Commonwealth, and appropriate subbasins therein, including specifically the Potomac-Shenandoah  
12 River Basin, the Rappahannock River Basin, the York River Basin, the James River Basin, the Chowan  
13 River Basin, the Roanoke River Basin, the New River Basin, the Tennessee-Big Sandy River Basin, and  
14 for those areas in the Tidewater and elsewhere in the Commonwealth not within these major river  
15 basins. Reports for each basin shall be published by the Board.

16 B. In preparing river basin plan and program reports enumerated in subsection A ~~of this section~~,  
17 the Board shall (i) estimate current water withdrawals and use for agriculture, industry, domestic use,  
18 and other significant categories of water users; (ii) project water withdrawals and use by agriculture,  
19 industry, domestic water use, and other significant categories of water users; (iii) estimate, for each  
20 major river and stream, the minimum instream flows necessary during drought conditions to maintain  
21 water quality and avoid permanent damage to aquatic life in streams, bays, and estuaries; (iv) evaluate,  
22 to the extent practicable, the ability of existing subsurface and surface waters to meet current and future  
23 water uses, including minimum instream flows, during drought conditions; (v) evaluate, in cooperation  
24 with the Virginia Department of Health and local water supply managers, the current and future  
25 capability of public water systems to provide adequate quantity and quality of water; (vi) identify water

26 management problems and alternative water management plans to address such problems; and (vii)  
27 evaluate hydrologic, environmental, economic, social, legal, jurisdictional, and other aspects of each  
28 alternative management strategy identified.

29 C. The Board ~~may~~ shall, by regulation, require each water user withdrawing surface or  
30 subsurface water or both during each year to register, by a date to be established by the Board, water  
31 withdrawal and use data for the previous year including the estimated average daily withdrawal,  
32 maximum daily withdrawal, sources of water withdrawn, and volume of wastewater discharge, provided  
33 that the withdrawal exceeds one million gallons in any single month for use for crop irrigation, or that  
34 the daily average during any single month exceeds 10,000 gallons per day for all other users. If the  
35 Board finds that a person required to register and report water withdrawal data under this subsection and  
36 the regulations adopted pursuant to this subsection has failed to submit the required report, it shall notify  
37 such person of the reporting requirement. The person shall have 60 days after the notice to submit the  
38 report. If, after 60 days the person has failed to submit the report, the Department may assess a civil  
39 penalty by the Board not to exceed \$1,000. Each day of violation may constitute a separate offense.  
40 With the consent of any person in violation of this subsection, the Board may provide, in an order issued  
41 by the Board against the person, for the payment of civil charges and the performance of injunctive  
42 relief. All civil penalties and charges collected shall be deposited in the Water Supply Plan Fund  
43 established in subsection D.

44 D. There is hereby established a special, nonreverting fund in the state treasury to be known as  
45 the Water Supply Plan Fund (the Fund). The Fund shall consist of the civil penalties assessed by the  
46 Board pursuant to subsection C. No part of the Fund, either principal or interest, shall revert to the  
47 general fund. The Fund shall be administered by the Director and shall be used solely for administration  
48 of the water supply planning responsibilities of the Department of Environmental Quality.

49 E. The Board shall establish advisory committees to assist it in the formulation of such plans or  
50 programs and in formulating recommendations called for in subsection ~~E of this section~~ F. In this  
51 connection, the Board may include committee membership for branches or agencies of the federal  
52 government, branches or agencies of the Commonwealth, branches or agencies of the government of any

53 state in a river basin located within that state and Virginia, the political subdivisions of the  
54 Commonwealth, and all persons and corporations interested in or directly affected by any proposed or  
55 existing plan or program.

56 ~~EF~~. The Board shall prepare plans or programs and shall include in reports prepared under  
57 subsection A ~~of this section~~ recommended actions to be considered by the General Assembly, the  
58 agencies of the Commonwealth and local political subdivisions, the agencies of the federal government,  
59 or any other persons that the Board may deem necessary or desirable for the accomplishment of plans or  
60 programs prepared under subsection B ~~of this section~~.

61 ~~FG~~. In addition to the preparation of plans called for in subsection A ~~of this section~~, the Board,  
62 upon written request of a political subdivision of the Commonwealth, shall provide water supply  
63 planning assistance to such political subdivision, to include assistance in preparing drought management  
64 strategies, water conservation programs, evaluation of alternative water sources, state enabling  
65 legislation to facilitate a specific situation, applications for federal grants or permits, or other such  
66 planning activities to facilitate intergovernmental cooperation and coordination.

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### SUMMARY

**Reporting of water withdrawals.** Authorizes the State Water Control Board to impose a civil penalty, not to exceed \$1,000, upon any person who fails to register and report certain water withdrawal information. However prior, to determining whether a civil penalty should be assessed, the Board is required to give the permit holder 60 days to come into compliance with the reporting requirement. A violator also has the option of entering into a consent agreement with the Board and pay a civil charge that could be less than the \$1,000 penalty. Any person who withdraws more than one million gallons in any single month for crop irrigation or who withdraws during any single month a daily average 10,000 gallons per day is required to be registered and report the amount of his withdrawals. The revenue generated from the civil penalties and charges will be deposited in a special fund that can be used solely to fund the Department of Environmental Quality's water supply planning responsibilities.