



Withdrawing Surface Water in Virginia

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, stream channels, 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 withdrawal 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.
- Any withdrawal initiated between July 1, 1989 and July 25, 2007 that did not require a VWP permit at the time because a § 401 certificate was not needed. A permit may be required to increase the withdrawal.
- 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?

Sarah Marsala
Surface Water Withdrawal Project
Manager
DEQ – Office of Water Supply
(703) 583-3898
Sarah.Marsala@deq.virginia.gov

Websites:

VWP Permit Program:
<http://www.deq.state.va.us/Programs/Water/WetlandsStreams.aspx>
Virginia's regulations:
<http://www.townhall.virginia.gov>



Virginia Water Withdrawal Reporting Regulation

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

What is the reporting requirement?

The Virginia Water Withdrawal Regulation (9 VAC 25-200-10, et seq.) requires reporting for any withdrawal (ground or surface water) with a daily average withdrawal during any single month exceeding 10,000 gallons per day, with the exception of crop irrigation. Crop irrigation reporting applies to withdrawals exceeding 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 ground water table. Water users exempted from the regulation are encouraged to report their water withdrawals voluntarily. Water Withdrawal Reports are collected by the Agency in January of each year for the preceding year. Electronic reporting is available and encouraged.

Why is reporting water withdrawal important?

Knowledge of your withdrawal history is important as the type and pattern of use changes:

- Your reported withdrawals serve as the basis for understanding what beneficial uses 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.

Reporting your water withdrawal provides the Commonwealth with a more accurate understanding of the full water budget (an accounting of the inflow, outflow, and storage changes of water in a system) in our watersheds. Water budgets are an important tool for local planners evaluating and balancing current demand versus future need.

Reporting your water withdrawal establishes water use trends that aid in response planning for drought. Part of your local governments' mandated water supply plan establishes indicators and responses in dry periods. Their knowledge of your water withdrawal improves consideration of how indicators affect your business and ensures your needs are understood.

Reporting your water withdrawal increases local, regional, and state planners' understanding of the impacts of cumulative withdrawals for the region and the Commonwealth. Competition for this finite resource 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 (i.e. competing withdrawals).

Data pertaining to the type, size, and frequency of water withdrawals is used by the state to evaluate the value and importance of water resources in the Commonwealth. This evaluation is critical to sustaining programs created to protect water resources for all beneficial uses. Historic information available in Agency databases is used by staff tasked with managing water resources. Our interests are the same – 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

Annual Water Withdrawal Reporting Website:

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