



## Eastern Shore of Virginia Groundwater Committee Preferential Use of the Surficial Aquifer Statement of Principle

August 2022

The Eastern Shore of Virginia Groundwater Committee has for over the past 20-years promoted use of the surficial aquifer as one of a number of sustainable approaches to preserving the resource limited Yorktown-Eastover aquifer. The surficial aquifer has proven to be suitable for potable and non-potable use over much of the Shore. To date, the potable uses are principally from domestic wells and non-potable uses are principally for agricultural irrigation and commercial/industrial cooling water on the Shore.

In the 2019 and 2020 legislative session, the Commonwealth of Virginia enacted two bills that meet the Groundwater Committee's goals. The Virginia Department of Environmental Quality (DEQ) is in the process of developing the supporting regulations.

One regulation that was approved by the State Water Control Board in their December 2020 session establishes a General Permit for groundwater withdrawals from the surficial aquifer on the Eastern Shore. The purpose of this regulation is to encourage use of the surficial aquifer over the Yorktown-Eastover aquifer through a significantly simplified permitting process. There is little present incentive for existing permitted users to make use of the simplified permitting process.

A second bill passed in the 2020 General Assembly legislative session prohibits permitted groundwater withdrawals outside the surficial aquifer for nonagricultural irrigation wells. This bill only addresses nonagricultural irrigation use and does not address other non-potable withdrawals, such as cooling water, car washes, and similar uses where the surficial aquifer has been proven to be a suitable source on the Shore. A draft regulation establishing a General Permit for groundwater withdrawals from the surficial aquifer in all groundwater management areas has been developed and it is anticipated this draft regulation will be submitted to the State Water Control Board for approval in 2021.

To augment the new regulations and to, in part, address limitations of these regulations in promoting the goal of using the surficial aquifer in preference to the Yorktown-Eastover aquifer, the Groundwater Committee supports the following principles for non-potable groundwater withdrawals from the Yorktown-Eastover aquifer that meet the requirement for a groundwater withdrawal permit:

- Feasibility of using the surficial aquifer as the principal groundwater source or to augment use of the Yorktown-Eastover aquifer should be assessed within the 15-year time frame of a groundwater withdrawal permit. As previously issued in DEQ groundwater withdrawal permits, this assessment should be added as a Special Condition to the permit. DEQ or a responsible party identified by DEQ should provide oversight and review of the assessment to assure minimum testing requirements are met.
- For any new or expanded withdrawal use of the surficial aquifer shall be assessed before a draft permit is developed. This assessment should be completed prior to or as part of the permit application process. DEQ or a responsible party identified by DEQ shall provide oversight and review of the assessment to assure appropriate testing methods are employed.
- For any new or expanded withdrawal, the surficial aquifer shall be used to the maximum extent possible before the end of the 15-year permit period.

- Before any new or replacement permitted wells are constructed, use of surficial aquifer well(s) shall be assessed. Constructing a new or replacement well in the Yorktown-Eastover aquifer shall only occur after DEQ determines that use of the surficial aquifer is not feasible.
- For all withdrawals where use of the surficial aquifer is feasible, an assessment of transitioning use from the Yorktown-Eastover aquifer to the surficial aquifer shall be completed. This assessment can be completed as part of a permit application process or as a Special Condition of the Permit. Where feasible, transition to the surficial aquifer can be established as a Special Condition of the Permit and completed in phases within a permit cycle.

In addition to the above principles the Groundwater Committee recognizes the importance of maintaining close communication with DEQ on issues related to the groundwater resource on the Eastern Shore. The Groundwater Committee appreciates past DEQ participation and supports continued DEQ participation with the Committee in the future. The Groundwater Committee also encourages DEQ to proactively include the Groundwater Committee on groundwater resource matters, including groundwater withdrawal applications to the extent possible.

These principles are intended to maintain a safe and reliable water supply for the Eastern Shore into the future. As conditions and regulations change, the above principles will be modified, as necessary.

The Eastern Shore of Virginia Groundwater Committee adopts these principles on August 16, 2022.