



JLARC'S Virginia Water Resources Report Calls for Changes

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Virginia's Joint Legislative Audit and Review Commission ("JLARC") is an entity created by the Virginia General Assembly to, among other things, assess the performance of state agencies and the programs they administer. In 2015, the General Assembly directed JLARC to review the process by which state and local agencies manage Virginia's water resources and develop plans to ensure adequate water supplies in the future. The review was prompted by concerns about the sustainability of Virginia's water supply in light of increasing demand, especially in eastern Virginia.

JLARC's recently issued report, entitled "Effectiveness of Virginia's Water Resource Planning and Management," made four key findings. First, there is insufficient groundwater in eastern Virginia to accommodate any major, new applications for groundwater permits. The report said that "new permit requests (for example, requests by industries seeking to locate in the region) for even a moderate amount of groundwater cannot be accommodated."

Second, JLARC found that "the state lacks a clear plan for addressing its most pressing sustainability challenges," and that "state and local water plans are not sufficiently specific or aligned with water location and use." It also found there was a lack of coordination and regional planning among local governments in developing water resource plans. For example, JLARC pointed out that Richmond, Henrico and Chesterfield all use the James River as their primary source of water, but did not coordinate their planning process.

Third, JLARC pointed the finger at industry as a major source of the problem. It found that "more than 60% of all current permitted groundwater use in eastern Virginia is for industrial purposes," and said that "[s]ubstantial industrial use of low cost, high quality water has the effect of 'crowding out' higher priority use for human consumption." The report called for changes to the state's groundwater permitting process to avoid having to develop alternative sources of supply, something it said would result in higher costs to residential customers and businesses.

Fourth, JLARC recommends "[a] more active state role" in developing "a combination of conservation and additional water supply projects" to help address the sustainability issue. It recommends simple conservation measures as well as more complex projects such as fixing leaking water supply

infrastructure. It notes that proposed projects, such as an aquifer injection project in eastern Virginia, may be beneficial in the long run, but will take decades to complete and will be costly. That's why it recommends conservation and fixing leaking water infrastructure first.

After making its findings, JLARC laid out recommendations for legislative and executive actions. The recommended legislative actions are to (i) require more comprehensive state and regional water supply plans, (ii) ensure priority is given to human consumption for groundwater withdrawal permits issued in eastern Virginia, (iii) place restrictions on the amount of groundwater a single permitted groundwater user in eastern Virginia may withdraw, and (iv) require the state to take a more active role in water supply project planning.

The executive actions recommended include that DEQ develop a plan to reduce the amount of groundwater withdrawal capacity awarded to permit applicants so that it more closely reflects the amount they truly need. The report also recommends that DEQ identify the surface water segments in Virginia at the greatest risk of shortfalls.

DEQ has made valiant efforts to conserve groundwater in eastern Virginia through the groundwater permitting program and by persuading industry to take voluntary conservation efforts. But as the report shows, more needs to be done, both to ensure groundwater is available for human consumption and to ensure future industrial development in the Tidewater region. If insufficient groundwater is available for industrial use, industry will not come to the region, and that would be bad for the local economy.

Our expectation is that a number of legislative proposals will be introduced in the 2017 session of the Virginia General Assembly to implement the recommendations in this report. That means DEQ may be provided with more tools in its toolbox to address the problem. We will keep you apprised of developments.

Effectiveness of Virginia's Water Resource Planning and Management (JLARC Oct. 2016)
<http://jlarc.virginia.gov/landing-water.asp>

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