

# MITIGATION PLAN

**DEQ GROUND WATER WITHDRAWAL PERMIT NO.**

**OWNER NAME**

**FACILITY NAME**

**LOCATION**

## **INTRODUCTION**

On \_\_\_\_\_ (Application Date), \_\_\_\_\_ (Owner name, Facility name) submitted a Ground Water Withdrawal Permit Application to the Virginia Department of Environmental Quality (DEQ) to withdraw ground water. Ground water withdrawals associated with this permit will be utilized to \_\_\_\_\_.

(Describe the proposed beneficial use in the space above.)

The purpose of this Mitigation Plan is to provide existing ground water users a method to resolve claims that may arise due to the impact of the withdrawal from the \_\_\_\_\_ well field.

Predicted drawdown of water levels due to the withdrawal(s) from the \_\_\_\_\_ aquifer(s) are shown in the attached figure(s).

Modeled impacts, as shown on the attached maps, extend beyond the boundary of the \_\_\_\_\_ facility. Due to these findings, \_\_\_\_\_ recognizes that there will be a rebuttable presumption that water level declines that cause adverse impacts to existing ground water users within the area of impact are due to this withdrawal. Claims may be made by ground water users outside this area, however, there is a rebuttable presumption that \_\_\_\_\_ has not caused the adverse impact. \_\_\_\_\_ proposes this plan to mitigate impacts to existing users and excludes impacts to wells constructed after the effective date of this permit.

## **CLAIMANT REQUIREMENTS**

To initiate a claim, the claimant must provide written notification of the claim to the following address:

Contact Name \_\_\_\_\_

Title \_\_\_\_\_

Permittee Name \_\_\_\_\_

Address \_\_\_\_\_

City, State Zip Code \_\_\_\_\_

The claim must include the following information: (a) a deed or other available evidence that the claimant is the owner of the well and the well was constructed and operated prior to the effective date of the permit; (b) all available information related to well construction, water levels, historic yield, water quality, and the exact location of the well sufficient to allow \_\_\_\_\_ to locate the well on the claimant's property; (c)

the reasons the claimant believes that the \_\_\_\_\_ withdrawal has caused an adverse impact on the claimants well(s).

## **CLAIM RESOLUTION**

\_\_\_\_\_ will review any claim within **five (5) business days**. If \_\_\_\_\_ determines that no rebuttal will be made and accepts the claim as valid, \_\_\_\_\_ will so notify the claimant and will implement mitigation within **thirty (30) business days**. If the claim is not accepted as valid, \_\_\_\_\_ will notify the claimant that (a) the claim is denied **or** (b) that additional documentation from the claimant is required in order to evaluate the claim. Within **fifteen (15) business days** of receiving additional documentation from the claimant, \_\_\_\_\_ will notify the claimant (a) that \_\_\_\_\_ agrees to mitigate adverse impacts or (b) the claim is denied. If the claim is denied, the claimant will be notified that the claimant may request the claim be evaluated by a three (3) member committee. This committee will consist of one (1) representative selected by \_\_\_\_\_, one (1) representative selected by the claimant, and one (1) representative mutually agreed upon by the claimant and \_\_\_\_\_.

Any claimant requesting that a claim be evaluated by the committee should provide the name and address of their representative to \_\_\_\_\_. Within **five (5) business days** of receipt of such notification, \_\_\_\_\_ will notify the claimant and claimant's representative of the identity of \_\_\_\_\_ representative and instruct the representatives to select a third representative within **ten**

**(10) business days.** Representatives should be a professional engineer or hydrogeologist with experience in the field of ground water hydrology. \_\_\_\_\_ agrees to reimburse the members of the committee for reasonable time spent, at a rate prevailing in the area for experts in the above listed fields, and for direct costs incurred in administering the plan. The claimant may, at his or her option, choose to provide the reimbursement for the member of the committee selected by the claimant and up to half of the reimbursement for the mutual representative.

Within **ten (10) business days** of selection of the third representative, the committee will establish a **reasonable deadline** for submission of all documentation it needs to evaluate the claim. Both the claimant and \_\_\_\_\_ will abide by this deadline.

Within **fifteen (15) business days** of receipt of documentation, the committee will evaluate the claim and reach a decision by majority vote. The committee will notify the claimant regarding its decision to (a) deny or (b) approve the claim. If the claim is approved, \_\_\_\_\_ will mitigate the adverse impacts within **thirty (30) business days** of making the decision or as soon as practical. If the claim is denied by the committee, \_\_\_\_\_ may seek reimbursement from the claimant for the claimant's committee representative and one half of the 3<sup>rd</sup> representative on the committee.

If a claimant within the indicated area of impact indicates that they are out of water, \_\_\_\_\_ will accept the responsibility of providing water for human consumptive needs within **seventy-two (72) hours** and to cover the claim review period. \_\_\_\_\_ reserves the right to recover the cost of such emergency supply if the claim is denied by \_\_\_\_\_ or found to be fraudulent or frivolous. If \_\_\_\_\_ denies a claim and the claimant elects to proceed with the three (3) member committee, \_\_\_\_\_ will continue the emergency water supply at the claimants request during the committee's deliberations, but reserves the right to recover the total costs of emergency water supply in the case that the committee upholds the denial of the claim. Similarly, \_\_\_\_\_ reserves the right to recover costs associated with the claim process if a claim is found to be fraudulent or frivolous.

If it is determined by the committee or shown to the committee's satisfaction that a well operating under a mitigation plan similar to \_\_\_\_\_ Plan other than those owned and operated by \_\_\_\_\_ has contributed to the claimed adverse impact, \_\_\_\_\_ share of the costs associated with mitigation will be allocated in proportion to its share of the impact. Such a determination shall be made by the committee after notification of the third party well owner, giving the third party well owner opportunity to participate in the proceedings of the committee.

## **PLAN ADMINISTRATION**

Nothing in the Plan shall be construed to prevent the Department of Environmental Quality Staff from providing information needed for resolution of claims by the committee.