

Surface Water Withdrawal Requirements in Northeastern States

State	Withdrawal Thresholds	Application to Agriculture
Connecticut	<ul style="list-style-type: none"> • Any person diverting surface water was required to register prior to 1982. • After 1982, withdrawal of surface waters in excess of fifty thousand (50,000) gallons during any twenty-four hour period is required to obtain a permit. 	<ul style="list-style-type: none"> • No specific agricultural provisions
Illinois	<ul style="list-style-type: none"> • Under the Water Use Act of 1983, withdrawals that pump at 70 gallons/minute or more than 100,000 gallons annually must submit annual reports. 525 ILCS 45/5.3 	<ul style="list-style-type: none"> • Did not apply to agriculture for the first five years of the law, and then requires agricultural operations to estimate water use using identified practices rather than record it. 525 ILCS 45/5.3
Maine	<ul style="list-style-type: none"> • A person making a water withdrawal in excess of the threshold volumes shall file an annual water withdrawal report covering the previous 12 months. • The threshold volume for reporting on withdrawals from a river, stream or brook or groundwater within 500 feet of a river, stream or brook is 20,000 gallons on any day or, if the watershed area at the point of withdrawal exceeds 75 square miles, a volume in gallons per day for any day that is: <ul style="list-style-type: none"> A. One percent of the estimated low-flow volume of water to occur for 7 days once in 10 years based on historical flows for rivers, streams or brooks with an adequate record of gauge data; B. One percent of the estimated low-flow volume of water to occur for 7 days once in 10 years based on an estimated low-flow value for a river, stream or brook below a dam where flow is limited by gate settings or leakage; or C. If paragraphs A and B are not applicable, then a threshold volume calculated using the formula 	<ul style="list-style-type: none"> • Agricultural producers are exempt. An agricultural producer that is subject to rules adopted under section 470-H and the provisions of Title 7, section 353. • Off-stream storage ponds. A water withdrawal from an artificial storage pond that does not have a river, stream or brook as an inlet or outlet, constructed for the purpose of storing water for crop irrigation or other uses; 38 M.R.S.A. § 470-C.

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	<p>V=168.031 times A to 1.1 power, where V is the volume in gallons per day and A is the watershed area in square.</p> <ul style="list-style-type: none"> The threshold volume for reporting on withdrawals from a Class GPA lake or pond or groundwater within 500 feet of the lake or pond is determined from the following table: <table border="0" data-bbox="493 479 1071 876"> <thead> <tr> <th>Lake area in acres</th> <th>gallons/ week</th> </tr> </thead> <tbody> <tr> <td>< 10</td> <td>30,000</td> </tr> <tr> <td>10-30</td> <td>100,000</td> </tr> <tr> <td>31-100</td> <td>300,000</td> </tr> <tr> <td>101-300</td> <td>1,000,000</td> </tr> <tr> <td>301-1000</td> <td>3,000,000</td> </tr> <tr> <td>1001-3000</td> <td>10,000,000</td> </tr> <tr> <td>3001-10,000</td> <td>30,000,000</td> </tr> </tbody> </table> <p>38 M.R.S.A. § 470-B</p>	Lake area in acres	gallons/ week	< 10	30,000	10-30	100,000	31-100	300,000	101-300	1,000,000	301-1000	3,000,000	1001-3000	10,000,000	3001-10,000	30,000,000	
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Maryland	<ul style="list-style-type: none"> Every person is required to obtain a permit from the Department to appropriate or use or begin to construct any plant, building, or structure which may appropriate or use any waters of the State, whether surface water or groundwater. Maryland Environment Article, Title 5, §5-203 and §5-501 through §5-516 and §5-5B-01 through §5-5B-05 	<ul style="list-style-type: none"> Agricultural use under 10,000 gallons per day is exempt Domestic use, except for heating and cooling is exempt COMAR 26.17.06 and COMAR 26.17.07 																
Massachusetts	<ul style="list-style-type: none"> Beginning January 1, 1986, each person making an existing withdrawal in excess of 100,000 gallons of water a day shall file a registration statement on or before January 1, 1988. MGL ch. 21G, § 5. 	<ul style="list-style-type: none"> No specific agricultural provisions 																

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	<ul style="list-style-type: none"> • Beginning January 1, 1988, no person may make a new withdrawal of more than 100,000 gallons of water from any water source without a permit. MGL ch. 21G, § 7. • The withdrawal volume threshold shall be one hundred thousand gallons per day. The department may, by regulation, raise or lower the threshold volume upon a finding that such different threshold is necessary and adequate to protect the public health, safety and welfare. The department shall not require any approval for withdrawals less than 100,000 gallons a day except for certain municipal construction projects of dams, wells, or reservoirs. MGL ch. 21G, § 4. 	
New Hampshire	<ul style="list-style-type: none"> • No person shall withdraw or discharge a cumulative amount of more than 20,000 gallons of water per day, averaged over any 7-day period, or more than 600,000 gallons of water over any 30-day period, at a single real property or place of business without registering the withdrawal or discharge with the department. Transfers of such volume of water shall also be registered. Registration shall be in addition to any required permits. NH RSA 488:3. 	<ul style="list-style-type: none"> • Each individual type of withdrawal or discharge for agriculture water use that exceeds 20,000 gallons a day of water shall be measured separately from other withdrawals or discharges at the farm unless a waiver is granted under Env-Wq 2102.33. • An agriculture water user shall document in detail the method employed for estimating water use. The following measurement methods shall be acceptable: <ol style="list-style-type: none"> 1. Estimating water use based on manufacturers pump capacities; 2. For livestock operations, average use estimates based on Cooperative Extension formulas or generally accepted and documented industry standards; or 3. An equivalent method approved by the department pursuant to Env-Wq 2102. 16 Env-Wq 2102.27

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New Jersey	<ul style="list-style-type: none"> • 100,000 gallons per day, NJSA 58:1A-5 	<ul style="list-style-type: none"> • Full exemption for agriculture, horticulture, and aquaculture, but state can still impose a fee to administer a certificate program. NJSA 58:1A-7.2
New York	<ul style="list-style-type: none"> • No person who is engaged in, or proposing to engage in, the operation of a water withdrawal system with a capacity of greater than or equal to the threshold volume, shall obtain a permit or permit modification in order to make a water withdrawal from an existing or new source or an increased water withdrawal from an existing permitted source. NY ENV 43-B, Art. 15, Tit, 15, § 15-1501. • "Threshold volume" shall mean the withdrawal of water of a volume of one hundred thousand gallons or more per day, determined by the limiting maximum capacity of the water withdrawal, treatment, or conveyance system; provided that for agricultural purposes the threshold volume shall mean a withdrawal of water of a volume in excess of an average of one hundred thousand gallons per day in any consecutive thirty-day period. NY ENV 43-B, Art. 15, Tit, 15, § 15-1502 	<ul style="list-style-type: none"> • All agricultural facilities that registered or reported their existing withdrawals of 100,000 gallons a day prior to February 15, 2012, must annually register those withdrawals.. NY ENV 43-B, Art. 15, Tit, 15, § 15-1504. • While an agricultural water withdrawal permit is not required for the existing withdrawals that were registered in 2012, a permit is required for new sources or increased capacity added since that date. • A permit is also required if an agricultural facility is withdrawing water equal to or in excess of an average of 100,000 gallons per day in any 30-day consecutive period (3 million gallons during a 30-day period) ("threshold volume") and did not report prior to February 15, 2012. • A permit is not required for an agricultural facility that withdraws less than the threshold volume year-round.
North Carolina	<ul style="list-style-type: none"> • Areas that are declared “capacity use areas” bar daily withdrawals greater than 100,000 gallons a day without a permit. • Currently, only the Central Coastal Plain Capacity Area is on the books. 15A NC ADC 2E.0501 • Outside of these areas, if the Environmental Management Commission finds that “withdrawals of water from ... within such area has resulted or probably will result in a generalized condition of water depletion ... within the area to the extent that the availability or fitness for use of such water has been impaired for 	<ul style="list-style-type: none"> • No special requirements or exclusions for agricultural uses.

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	<p>existing or proposed uses and that injury to the public health, safety or welfare will result if increased or additional withdrawals or discharges occur, the Commission may issue a rule:</p> <ul style="list-style-type: none"> • (1) Prohibiting any person withdrawing waters in excess of 100,000 gallons per day from increasing the amount of the withdrawal above such limit as may be established in the rule. • (2) Prohibiting any person from constructing, installing or operating any new well or withdrawal facilities having a capacity in excess of a rate established in the rule; but such prohibition shall not extend to any new well or facility having a capacity of less than 10,000 gallons per day.” 	
Ohio	<ul style="list-style-type: none"> • No person shall divert more than one hundred thousand gallons per day of any waters of the state out of the Ohio river watershed to another basin without having a permit to do so issued by the chief of the division of water resources. R.C. § 1521.22(A)(1). 	<ul style="list-style-type: none"> • No special treatment for agriculture.
Pennsylvania	<ul style="list-style-type: none"> • A person shall register and annually report if the total withdrawal from a point of withdrawal, or from multiple points of withdrawal operated as a system either concurrently or sequentially, within a watershed exceeds an average rate of 10,000 gallons per day in any 30-day period. 25 Pa.Code § 110.201 	<ul style="list-style-type: none"> • Agriculture registrants shall submit user-specific information <ul style="list-style-type: none"> i. Irrigation water use. ii. Animal water use. iii. Water storage information. 25 Pa. Code § 110.302, 110.305
Virginia	<ul style="list-style-type: none"> • If nonconsumptive use (returning similar amounts water) or less than 300,000 gallons in a month, no permit required. 	<ul style="list-style-type: none"> • Excludes “(iii) any water withdrawal from a farm pond collecting diffuse surface water and not situated on a perennial stream as defined in the United States Geological Survey 7.5-minute series topographic maps,” VA ST § 62. 1-243

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		<ul style="list-style-type: none"> • Agricultural uses are defined as “offstream beneficial uses” which requires consideration when issuing, modifying, revoking, or denying a permit. VA ST § 62.1-242, 248.
West Virginia	<ul style="list-style-type: none"> • Large-quantity user is anyone that withdraws over 300,000 gallons in a thirty-day period and anyone who bottles water regardless of amount. WV ST § 22-26-2(10) • Large-quantity users have to register with the state annually, and report their baseline average water withdrawal. WV ST § 22-26-3 	<ul style="list-style-type: none"> • “Large-quantity user” excludes agricultural uses. WV ST § 22-26-2(10)