

# GROUNDWATER PROJECT RENEWAL PROCESS

January 2021



This fact sheet is the first of a series of fact sheets intended to assist project sponsors with the Commission's groundwater project renewal process. Each fact sheet can be used and reviewed on its own, but the combination of fact sheets provide a greater understanding of the Commission's renewal process. Please reference the *Water Level Monitoring* and *Operational Monitoring and Operational Testing* fact sheets for additional information.

## BACKGROUND

Commission regulations establish project approval terms, including expiration dates and renewal application due dates. Projects are required to submit information and data for Commission review to demonstrate the continued sustainability of the withdrawal and to evaluate ongoing or potential impacts to other users and the environment. By regulation, renewal applications need to be submitted to the Commission at least six (6) months prior to the expiration date of the approval. However, because the renewal of an approval is a two-step process, preparation should begin well before the 6-month renewal deadline. How early a project should start preparing information for a renewal application depends on availability of historical aquifer testing and monitoring data and if data gaps exist. For projects with minimal available data or potential data gaps, it is recommended that they contact Commission staff as early as five years prior to expiration to discuss actions that can be taken to gather data during normal operations.

The typical and preferred order of preparation would be that an aquifer testing plan (Plan) or aquifer testing waiver be submitted, reviewed, and approved by staff. Once the Plan or Waiver is approved by staff, a groundwater withdrawal online application for that source will automatically be made available. Therefore, it is

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*By regulation, renewal applications need to be submitted to the Commission at least six months prior to the expiration date of the approval.*

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recommended that projects initiate renewal activities to allow time for a Plan or Waiver to be prepared, submitted, reviewed, and approved with sufficient time to prepare and submit the groundwater withdrawal application by the 6-month deadline. In the case of Plan submittal, additional time would also be needed to implement the Plan to complete the necessary testing before application submittal.

## WHAT ARE COMMON DATA GAPS?

Some of the most common data gaps for the desired renewal rate are surface water monitoring, such as springs, streams and wetlands, as well as impacts to other users. For projects with usable historical data and/or testing, supplemental operational testing may be the solution to collecting data to fill the gaps. The Commission has developed companion fact sheets that describe operational monitoring and water level monitoring, and how those can be used to

support a renewal application. Commission staff is available to assist projects in identifying and evaluating data gaps and options for resolving those gaps.

## TWO-STEP PROCESS

- STEP 1** Approved Aquifer Testing Plan or Waiver
- STEP 2** Renewal Application

For most projects, submitting a renewal application is a two-step process involving a Plan or Waiver (Step 1), followed by a groundwater withdrawal application (Step 2). However, some projects may have already satisfied Step 1 and can proceed directly to Step 2. The Commission has been reviewing and approving aquifer testing plans for many years, and some projects undergoing the renewal process may have already satisfied the requirement to complete a Commission approved test. For those projects, submittal of a Plan or Waiver is not required and those projects may begin with Step 2. Projects should begin to assemble the data available early to help

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determine how Step 1 can be completed, or if the project can proceed directly to the renewal application under Step 2. Projects with previously approved aquifer tests should contact Commission staff for verification that a Plan or Waiver is not needed.

**Step 1: Commission Approved Aquifer Testing Plan or Waiver**

Commission regulations require project sponsors to perform a constant-rate aquifer test for collection of data to support a groundwater withdrawal renewal application. Project renewals can meet the aquifer testing requirement by meeting one of the following:

1. Demonstrate that the aquifer testing was completed in accordance with a Plan previously reviewed and approved by the Commission and the results of testing were provided with the original or prior application;
2. Submit a Plan for review and approval, implement an approved aquifer test and submit a hydrogeological report providing the data; or
3. Prepare and submit a Waiver request that utilizes existing and, as needed, supplemental data, for Commission review and approval.

Regardless of which option is chosen, the standard for review remains the same. The Commission evaluates the sustainability of the withdraw as well as impacts to other users and the environment. For some projects, historical testing and operational data may be sufficient. However, projects not collecting operational data, having limited historical data, or having other data gaps, may need supplemental operational monitoring or testing to support a Waiver request. See the Commission’s Water Level Monitoring Fact Sheet and the Operational Monitoring and Operational Testing Fact Sheet for additional information.

**Step 2: Renewal Application**

Submittal of the groundwater withdrawal renewal application is required 6 months prior to the expiration of the approval. Provided that an application is submitted by the 6-month deadline, the existing approval is automatically extended and the project can continue to operate in accordance with the existing approval until the Commission acts on the renewal application at a quarterly Commission meeting. Please be aware that submittal of a Plan or Waiver does not satisfy the 6-month renewal application deadline.

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**Projects with Previously Approved Aquifer Tests**

A project with a previously approved Plan should prepare and include a summary of the results of previous testing with the renewal application. The project should also use operational monitoring data to assess how the aquifer and well are performing in comparison to how performance was predicted with the prior test results. Because nearby features may have changed since the test was done or critical features (e.g. surface water) were not monitored, data gaps may exist that would not allow the Commission to fully evaluate the project to current standards. For these projects, supplemental operational monitoring or testing may be needed.

**Projects without a Previously Approved Test**

The Commission prefers that projects use existing data as much as possible to support the renewal process while minimizing or avoiding new testing when appropriate. Many projects have historical testing results or prior waiver submittal that can be used to evaluate the aquifer, have been collecting useable operational monitoring data, and/or

have time to complete supplemental operational monitoring or testing, if needed, to fill in data gaps to meet current standards and a Waiver may be supportable.

However, the Commission also realizes that, in some cases, aquifer testing may be needed because historical testing or prior waiver submittal was either not completed, was incomplete, does not provide necessary data to evaluate the well or the current conditions within the aquifer, the project has not been collecting useable operational monitoring data, or the project does not have sufficient time to collect useable operational monitoring data to support a renewal at the requested rate. Commission staff is available to assist projects in selecting an appropriate renewal pathway.

**Other important references:**

- Water Level Monitoring Fact Sheet
- Operational Monitoring and Operational Testing Fact Sheet
- Online Application Instructions
- Online Waiver/Plan Templates
- Online Application Functional Template
- Aquifer Test Guidance

**Questions & Additional Information**

If you have any questions or would like to request a free pre-application consultation, please contact the Commission’s Manager of Project Review at 717-238-0423.

