



Eastern Shore of Virginia Ground Water Committee

June 18, 2019

10:00 a.m.

Enterprise Building, Accomac

MEETING AGENDA

1. Call to Order
2. Public Participation
3. Minutes of the May 21, 2019 Meeting..... 3
4. June 2019 Financial Status Report..... 7
5. June 2019 Staff Update..... 9
 - Environmental Reviews and Permits 9
 - Mr. Robert H. Meyers Resolution of Commendation* 9
 - VDH Septic & Well Services – Hardship Guidelines* 9
 - Household Hazardous Waste Collection* 9
 - Research & Publications* 10
 - Upcoming Events/Meetings* 10
 - FY 2019 ATTENDANCE RECORD 11
6. June 2019 Ground Water Consultant Report 22
 - Technical/Regulatory/Educational Items..... 22
 - Poultry Farm Draft Permits
 - VDEQ 80% Drawdown Criteria
7. Other Matters
8. Schedule Next Meeting & Adjourn



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301

(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221

WEBSITE: www.a-npdc.org

This page intentionally left blank.

DRAFT



A-NPDC

ACCUMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION
P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301
(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221
WEBSITE: www.a-npdc.org

Minutes of the May 21, 2019 Meeting Eastern Shore of Virginia Ground Water Committee

The meeting of the Eastern Shore of Virginia Ground Water Committee was held at 10:00 AM on Tuesday, May 21, 2019 in the A-NPDC Conference Room of the Enterprise Building in Accomac, Virginia.

Members Present:

Daniel Hershey
Elaine Meil
Eugene R. Hampton
Jim Belote
John Coker, Chairman
Michael Mason
Paul Muhly, Vice Chairman

Members Absent:

Charles Kolakowski
John Salm
Taylor Dukes

Others Present:

Bill Savage, ESSWCD
Britt McMillan, ARCADIS
Curtis Consolvo, GeoResources, Inc.
Curt Smith, A-NPDC
Dirk Lynch, MSA PC
Janet Sturgis, Northampton Co PC
Jeff Poulterer, ES Locavores
Joe Valentine, Clean Water Council
Jon Richardson, ESHD
Joseph Betit, Accomack Citizen
Ken Dufty, Exmore Resident
Linda Cicoira, ES Post
Nick Thomas, ESSWCD
Roberta Kellam, Northampton Resident
Sarah Linton, Tyson Foods
Shannon Alexander, A-NPDC
Sue Mastyl, Clean Water Council

1. Call to Order

Chairman Coker called the meeting to order at 10:00 AM.

2. Public Participation

Mr. Ken Dufty submitted a three-page fact sheet on desalination process, and reviewed several of his key concerns, including energy consumption, excess water use, health impacts, brine impacts, and costs. He also referenced the 54 poultry permits and the value of public participation.

Mrs. Sue Mastyl indicated 8.94MGD as the total withdrawal with the 2018 data. She pointed out that this doesn't include newer uses, drought, climate change, and cautioned the Committee against accepting the current use as "sustainable."

3. Review of the April 16, 2019 Minutes

The draft minutes of the April 16th, 2019 meeting were presented.

Vice Chairman Muhly moved to approve both the Minutes of the Aril 16, 2019 meeting and the 2019 Fiscal Report. The motion, seconded by Committee Member Chesser, carried unanimously.

4. FY 2019 Financial Status Report

The FY 2019 Financial Status Report was presented and no questions were raised. See motion above.

5. Staff Update

The following staff updates were presented:

Committee Attendance Record

The FY2019 Committee Attendance Record was presented.

Environmental Reviews and Permits

VDEQ will have three dates for the poultry facility Consent Order Public Hearings June 24, 25, and 26th. To be discussed further during the consultant presentation.

Other Items

VDH Septic & Well Services – Hardship Guidelines to be developed by July 1, 2019

Staff reported that there are still several remaining concerns, particularly with regards to the AOSE provider hardship for Northampton County. Staff is to develop a single page handout for the general public to supply to the Counties, so that they can insure residents have information about the issues and the contact information for VDH representatives in Richmond.



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301

(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221

WEBSITE: www.a-npdc.org

Vice Chairman Muhly made a retroactive motion to submit the comment letter (circulated to the Committee Members via email) to VDH concerning the Hardship Guidelines. The motion, seconded by Chairman Coker, carried unanimously.

Committee Member Belote made a motion to have staff draft a comment letter to VDH and including Senator Lewis and Delegate Bloxom as recipients and have for Committee review, edits, and approval during the June meeting. The motion, seconded by Vice Chairman Muhly, carried unanimously.

Household Hazardous Waste Collection

Staff reported that the Regional Facility should be in place in early July and open to the public by August 1, 2019. Staff reported that they intend to submit a new application that will include additional support to Accomack and Northampton County for the first year of operation of the Facility and a new project on behalf of the Town of Chincoteague for emergency water planning.

Research & Publications

Staff included three publications concerning desalination, ES Microbes, and Hampton Roads wastewater-to-aquifer recharge.

7. Ground Water Consultant Report

The consultant presented an initial review of the draft poultry facilities groundwater withdrawal permits. The presentation (14 slides) can be found on the website at the following link. <http://www.a-npdc.org/wp-content/uploads/2019/05/Poultry-Draft-GW-Permit-Summary.pdf>

VDEQ Presentation

Following the Ground Water Consultant Report, Mr. Scott Kudlas, Director of the Office of Water Supply Planning, gave a presentation concerning the process and next steps in managing the new water withdrawal permits that were developed from the Consent Order for poultry facilities on the Eastern Shore. He was assisted in the presentation by Mr. Joseph Grist, Water Supply Planner in the same Office of VDEQ.

He indicated that of the 54 facilities included in the consent order, 49 draft permits were published. The remaining 5 will not be published, as they do not believe that they will exceed 300,000 gallons in any given month. VDEQ will monitor their use to ensure they do not exceed that threshold. Mr. Kudlas explained the special conditions associated with many of the draft permits, including testing of the surficial aquifer quality and yield and chloride sampling for a few facilities. Mrs. Kellam, a resident of Northampton County, indicated the need to include environmental justice screenings for the areas of impact for all permit applicants. Currently there is no environmental justice screening done.



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301

(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221

WEBSITE: www.a-npdc.org

8. Other Matters:

None.

9. Schedule Next Meeting & Adjournment

The next Committee meeting was scheduled for June 18th, 2019 at 10:00 AM in the A-NPDC Conference Room of the Enterprise Building in Accomac.

Chairman Coker adjourned the meeting at 12:00 PM.

Copy test:

John Coker, Chairman

Elaine K. N. Meil, Secretary

DRAFT



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301
(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221
WEBSITE: www.a-npdc.org

MEMORANDUM

TO: Eastern Shore of Virginia Ground Water Committee

FROM: Shannon Alexander
Coastal Resources Program Manager
Accomack-Northampton Planning District Commission

DATE: June 18, 2019

SUBJECT: June 2019 Financial Status Report

Financial Status Report

The FY 2019 Financial Status Report is attached.

Bills Payable:	ARCADIS	Consultant Services	\$5,250
	ARCADIS	Consultant Services (ext)	\$1,800
	TOTAL BILLS PAYABLE		\$7,050.00

Revenues Received: *None.*

TOTAL REVENUES RECEIVED	\$00.00
--------------------------------	----------------

Staff requests the Committee review and consider approving the FY2019 Financial Status Report.

EASTERN SHORE OF VIRGINIA GROUND WATER COMMITTEE

Financial Statement--June 2019

Fiscal Year 2019

REVENUES:	Annual	Current Period	YTD	<u>Balance</u>	<u>% of Budget</u>
	<u>Budget</u>	<u>Activity</u>	<u>Activity</u>		
Ground Water Consultant Appropriations:					
Accomack County	\$ 14,251.00	\$ 0.00	\$ 14,251.00	\$ 0.00	100.00%
Northampton County	7,415.00	0.00	7,415.00	0.00	100.00%
FY 2018 Remaining Balances	1,998.00	0.00	1,998.00	0.00	100.00%
Subtotal	<u>\$ 23,664.00</u>	<u>\$ 0.00</u>	<u>\$ 23,664.00</u>	<u>\$ 0.00</u>	
Ground Water Modeling Run Appropriations:					
Accomack County	\$ 1,500.00	\$ 0.00	\$ 1,500.00	0.00	100.00%
Northampton County	1,500.00	0.00	1,500.00	0.00	100.00%
FY 2018 Remaining Balances	9,975.00	0.00	9,975.00	0.00	100.00%
Subtotal	<u>\$ 12,975.00</u>	<u>\$ 0.00</u>	<u>\$ 12,975.00</u>	<u>\$ 0.00</u>	
Ground Water Committee Staff Support:					
Accomack County	\$ 3,970.00	\$ 0.00	\$ 3,970.00	0.00	100.00%
Northampton County	3,970.00	0.00	3,970.00	0.00	100.00%
Subtotal	<u>\$ 7,940.00</u>	<u>\$ 0.00</u>	<u>\$ 7,940.00</u>	<u>\$ 0.00</u>	
USGS Ground Water Model:					
Accomack County	\$ 7,500.00	\$ 0.00	\$ 7,500.00	0.00	100.00%
Northampton County	7,500.00	0.00	7,500.00	0.00	100.00%
FY 2018 Remaining Balances	1,000.00	0.00	1,000.00	0.00	100.00%
Subtotal	<u>\$ 16,000.00</u>	<u>\$ 0.00</u>	<u>\$ 16,000.00</u>	<u>\$ 0.00</u>	
<hr/>					
Total Revenues	<u>\$ 60,579.00</u>	<u>\$ 0.00</u>	<u>\$ 60,579.00</u>	<u>\$ 0.00</u>	100.00%
<hr/>					
EXPENDITURES:					
Ground Water Consultant	\$ 23,664.00	\$ 7,050.00	\$ 22,800.00	\$ 864.00	96.35%
Ground Water Modeling Run	12,975.00	0.00	6,000.00	6,975.00	46.24%
Ground Water Committee Staff Support	7,940.00	790.00	7,940.00	0.00	100.00%
USGS Ground Water Model	16,000.00	0.00	0.00	16,000.00	0.00%
Total Expenditures	<u>\$ 60,579.00</u>	<u>\$ 7,840.00</u>	<u>\$ 36,740.00</u>	<u>\$ 23,839.00</u>	60.65%
<hr/>					
NET SURPLUS OR (DEFICIT) OF REVENUES LESS EXPENDITURES	\$ 0.00	-\$ 7,840.00	\$ 23,839.00		

* Deposits for the period include:

As Summarized \$ 0.00

\$ 0.00

** Expenditures for the period include:

Payables (previous month) \$ 7,840.00

Total Expenditures \$ 7,840.00

Bills Payable as of June 10, 2019

<u>DUE TO</u>	<u>DESCRIPTION</u>	<u>DATE</u>	<u>AMOUNT</u>
Arcadis	Consultant Services	7-Jun-19	\$ 1,800.00
Arcadis	Consultant Services	11-Jun-19	\$ 5,250.00
Total Bills Payable			<u>\$ 7,050.00</u>



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301
(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221
WEBSITE: www.a-npdc.org

MEMORANDUM

TO: Eastern Shore of Virginia Ground Water Committee
FROM: Shannon Alexander
Coastal Resources Program Manager
Accomack-Northampton Planning District Commission
DATE: June 18, 2019
SUBJECT: June 2019 Staff Update

Committee Attendance Record

The FY2018 Committee Attendance Records are [attached](#).

Environmental Reviews and Permits

VA Pollutant Discharge Elimination System Program – None.

VA Pollution Abatement Program – None.

Consent Orders – None. *Federal Consistency Reviews* – None.

Groundwater Withdrawal Permitting for Poultry Facilities on Virginia's Eastern Shore

<https://www.deq.virginia.gov/Programs/Water/WaterSupplyWaterQuantity/WaterWithdrawalPermittingandCompliance/EasternShorePoultryFarmPermitting.aspx>

A brief report from VDEQ Staff will be made to address a few key points from the presentation made during the April 30th Public Information Session held at Nandua High School.

Other Items

Mr. Robert H. Meyers Resolution of Commendation

Review and approve. See [Attached](#).

VDH Septic & Well Services – Hardship Guidelines to be developed by July 1, 2019

The final draft of the Guidelines will be posted on www.townhall.virginia.gov and will include a formal public comment period. Staff has requested, but not yet received, the newest draft of the guidelines from VDH.

Staff requests the Committee review the [attached](#) draft public information sheet and make recommendations.

Staff recommends a motion to send a letter based on the [attached draft](#), but altered as necessary to address changes found in the newest draft.

Household Hazardous Waste Collection



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301
(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221
WEBSITE: www.a-npdc.org

The VDH Wellhead Protection Grant project is well underway. The building has been ordered and is due to be delivered and installed between July 11. The reinforced concrete pad has been poured, but the electric may not be completed until after the building is onsite. Accomack County DPW staff visited the Newport News ROC Friday May 24th during operations of the city's HHWC facility, have completed DOT HazMat and 24-hr HAZWOPER training/certification and will complete RCRA certification course in July. The facility is scheduled to be open and fully operational by August 1st. The associated outreach/education components are being developed and portions contracted, and are being supplemented by a small grant (\$3,000) from VDEQ.

Research & Publications

Small-scale study finds no link between poultry farms, fouled streams; Bay Journal; By Jeremy Cox on June 12, 2019. See [Attached](#).

Upcoming Events/Meetings

[5/24 – 6/12/19](#) Public Comment Period for 54 Groundwater Withdrawal Applications in the CO. Three associated Public Hearings scheduled for the following dates:

[6/24/19](#) Oak Hall

[6/25/19](#) Melfa

[6/26/19](#) Eastville

[6/17/19](#), 10 a.m.: **Board for Professional and Occupational Regulation**. At the Department of Professional and Occupational Regulation. 9960 Mayland Drive in Richmond.

[6/19/19](#), 8:30 a.m.: Department of Health's **Waterworks Advisory Committee**. At Sydnor Hydro, Inc., 2111 Magnolia Street in Richmond.

[6/19/19](#), 9 a.m.: **Sewage Handling and Disposal Appeal Review Board**. At the Perimeter Center, Training Room 1A, 9960 Mayland Drive in Richmond.

[6/19/19](#), 11 a.m.: **Land Conservation Foundation Board of Trustees**. At the Patrick Henry Building, East Reading Room, 1111 East Broad Street in Richmond.

[6/21/19](#), 10 a.m.: **Air Pollution Control Board**. At Virginia Crossings Hotel and Conference Center, Madison Building/Hanover Room, 1000 Virginia Center Parkway in Glen Allen (Henrico County).

[6/27/19](#), 10 a.m.: **Board for Waste Management Facility Operators**. At the Department of Professional and Occupational Regulation, 9960 Mayland Drive in Richmond.

[6/27/19](#), 10 a.m.: **State Water Control Board**. At Doubletree By Hilton Richmond Airport, 445 International Center Drive in Sandston (Henrico County).



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION
 P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301
 (757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221
 WEBSITE: www.a-npdc.org

EASTERN SHORE OF VIRGINIA GROUND WATER COMMITTEE FY 2019 ATTENDANCE RECORD

Members	Term Exp.	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
<u>Accomack Co.</u>													
Jim Belote	June 30, 2019	*	X	X	X	X	X	X	X	X	X		
Grayson Chesser		*	X	X	X	X	X		X	X	X		
Daniel Hershey	June 30, 2019	*	X	X		X	X	X	X	X	X		
Paul Muhly		*	X	X	X	X	X	X	X	X	X		
<u>Northampton Co.</u>													
Eugene Hampton	October, 2019	*	X	X	X	X	X		X	X	X		
John Coker		*	X	X	X	X	X	X	X	X	X		
Robert Meyers	December, 2019	*	X	X	X	X		-	-	-	-	-	-
John Salm	January, 2020	*	X	X	X			X	X	X	X		
Taylor Dukes	January, 2021	*	-	-	-	-	-	X	X	X	X		
<u>Non-Voting Ex-Officio Members</u>													
Michael Mason	NA	*	X	X	X		()	X	()	()	X		
Charles Kolakowski	NA	*					X						
Elaine Meil	NA	*	X	X	X		X		X	X	X		

- Indicates not a member. X Indicates member present.
 * Indicates no monthly meeting held. NA Not Applicable
 () Indicates an alternate present





A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301
(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221
WEBSITE: www.a-npdc.org



RESOLUTION OF COMMENDATION

WHEREAS, Mr. Robert H. Meyers served as a Committee member of the Eastern Shore of Virginia Ground Water Committee from 2007 until 2011 and from 2012 until 2019; and

WHEREAS, Mr. Robert H. Meyers, during his tenure as a member, gave freely of his time and talent to guide the activities of the Eastern Shore of Virginia Ground Water Committee; and

WHEREAS, the capable leadership and enduring support provided by Mr. Robert H. Meyers enabled the Eastern Shore of Virginia Ground Water Committee to effectively encourage and guide local governments in understanding, protecting and managing ground water resources; and

WHEREAS, Mr. Robert H. Meyers went above and beyond duties as a Committee Member to provide support to new Committee Members and volunteer his time in the Community to aid in educating the public about potential groundwater quality concerns.

NOW, THEREFORE, BE IT RESOLVED, that the Eastern Shore of Virginia Ground Water Committee does hereby recognize and commend the distinguished, faithful, and outstanding public service of Mr. Robert H. Meyers to the local governments and the citizens of the Eastern Shore of Virginia; and

BE IT FURTHER RESOLVED, that the Eastern Shore of Virginia Ground Water Committee does hereby direct that a copy of this Resolution of Commendation be presented to Mr. Robert H. Meyers, to demonstrate its high esteem for Mr. Meyers and its deep respect for his public service.

Duly adopted by the Eastern Shore of Virginia Ground Water Committee on 06/18/2019.

WITNESS:

Hon. John Coker
Chairman

Elaine K. N. Meil
Secretary



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301
(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221
WEBSITE: www.a-npdc.org

June 18, 2019

Mr. Scott Kudlas
Director Office of Water Supply Planning
Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218

Re: Public Comment for Groundwater Withdrawal Permitting for Poultry Houses on Virginia's Eastern Shore; Permit Numbers: GW0072500, 72600, 72700, 72800, 72900, 73000, 73100, 73200, 73300, 73400, 73500, 73600, 73700, 73800, 73900, 74000, 74100, 74300, 74400, 74500, 74600, 74700, 74900, 75000, 75200, 75300, 75400, 75500, 75600, 75700, 75800, 75900, 76000, 76300, 76600, 76400, 76700, 76800, 7690, 77000, 77300, 77400, 74200, 77600, 77800, 77900, 78100, 78400, 78500

Dear Mr. Kudlas:

The following comment on the proposed Ground Water Withdrawal Permits for the 54 poultry facility applicants included in the current consent order on behalf of the Eastern Shore of Virginia Ground Water Committee. The Committee appreciates the willingness of the Department of Environmental Quality (DEQ) to supply cumulative modelling for drawdown and anticipated changes in chloride levels, in order to make informed decisions in groundwater planning. Many of the special conditions in the draft permits will allow for better planning and implementation of the *Ground Water Supply Protection and Management Plan for the Eastern Shore of Virginia*.

- The Special Conditions identified in many of the draft permits are vital for sustainable resource use and planning. The requirement for Columbia (surficial) aquifer testing aligns with the Committee's priority to encourage use of this more sustainable groundwater resource, as it recharges at a significantly higher rate.
- With the additional draft withdrawal amounts areas of the upper and middle Yorktown Eastover aquifer are nearing the critical surface. Reducing permitted amounts in these two aquifers is important for resource sustainability. We would like to see DEQ take measures to reduce the permitted amounts through available regulatory mechanisms.
- A few additional, general comments:
 - Based upon the results of the Columbia (surficial) aquifer testing, the Committee would like to see facilities with sufficient yield and water quality (simple treatment could be required) to implement a program to convert some or all of their system to the Columbia (at a schedule set by DEQ).



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301

(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221

WEBSITE: www.a-npdc.org

- o The Committee would like to see stronger implementation of Water Conservation measures.

Thank you for your time and energies during the processing of these applications and for your consideration of these comments. If you have any questions or comments, please do not hesitate to contact Committee staff with the A-NPDC at (757) 787-2936.

Sincerely,

Hon. John Coker, Chairman

cc: Elaine K.N. Meil, Secretary

DRAFT



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301

(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221

WEBSITE: www.a-npdc.org

June 18, 2019

Lance Gregory

Director

Division of Onsite Sewage and Water Services, Environmental, and Marina Programs
Virginia Department of Health

RE: ESVA Ground Water Committee VDH Hardship Guidelines

Dear Mr. Gregory:

Over the last three years, the Eastern Shore of Virginia Ground Water Committee (ESVAGWC) has expressed their concerns about privatization of the onsite sewage system soil evaluation and design services that our local Virginia Department of Health (VDH) district efficiently supplies to citizens in our region. The *Hardship Guidelines* will set the ease with which residents in need can receive necessary services, the efficiency and effectiveness of VDH staff, and will shape the impact of new privatization policies to public health in our region. **The Committee wants to reemphasize that it does not wish for the timeliness, quality, or cost of these services to suffer due to the reduction of services by VDH and increased dependency on the private sector. The private sector should be held to at least the same standard that has been set by the local VDH office with regards to timeliness and quality of work. On the Eastern Shore, this standard is quite high.**

The Committee appreciates the efforts taken to address many of the concerns identified in previous comment letters. In addition to expressing our overall concern in the services that will be available through public and private providers in the region, we would like to point out a few specific concerns.

Please consider this letter and address the following points in making necessary changes to the second draft, prior to making the guidelines agency policy.

- C. Availability of Private Sector Service Providers uses vague language about private sector provider not being available.
 - The following language **must** be removed. “*Once a locality is determine to have a sufficient number of private sector services provides, it shall maintain that designation.*” People - including private sector providers - move, retire, and pass away. Just because a locality has a sufficient number of providers one year does NOT mean they will in the years to follow. The formula parameters are easily obtained and this assessment should be completed annually in order to serve a region and its residents effectively and to protect human health.
 - There is no reason to separate out localities within the region, as they are served by the same providers and this can give a false representation of availability.



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301

(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221

WEBSITE: www.a-npdc.org

- In the equation in HARDSHIP GUIDELINES, D. Number of Private Sector Providers, a growth factor of 1.25 is used. It seems that this is an arbitrarily chosen figure. It is not possible for the capacity of each private sector entity to continue to grow an additional 25% annually. This needs to be altered to be realistic, or it should be eliminated and simply have a 1.00 rate of growth, as equation will be rerun and the locality reassessed annually with direct figures.
- Private Sector Providers is now clearly defined, but Professional Engineers (PEs), should NOT be included in this calculation, as they do not perform these kinds of services on the Eastern Shore for residential projects. If they did, their associated fee would exceed the cost of the same service from an OSE, thus far exceed estimates provided in the HB558 Report. Therefore, the variable “P” should only represent private sector Onsite Soil Evaluators (OSEs).
- E. Availability of Private Sector Providers
 - Although the definition of days has been clarified (now business days), an initial site visit is an insufficient in determining need. There needs to be a time for *completion of design and evaluation service*, or there is a failure to protect human health. There should be a maximum of five (5) days for completion of design and evaluation services, so that a contractor can then be hired by the resident to complete the repair, thus preventing the need for expensive (and so often forgone) ongoing pumpouts to prevent standing human waste on land or backed up into homes.
 - These are basic human necessities and failure to address this issue poses clear risks to the health of the property owner, nearby properties, and downstream properties and activities in adjacent waterways.
 - ALL design and evaluation services for pit privy replacements, repairs of failing systems, and pump and haul sites should be considered hardships. Currently the guidelines indicate that “*any property owner with income below 200 percent of the federal poverty guidelines shall be eligible to receive VDH evaluation and design services when the application is for a pit privy or for a repair of a failing onsite sewage system*”. This is insufficient to protecting human and environmental health, as it discourages or delays repairs of failing systems, thus encouraging inappropriate and unsafe disposal of human wastes.
 - The Eastern Shore has many pump and haul sites permitted by VDH in areas where the soil will not support a traditional septic tank. Currently this is not addressed in the *Petition for VDH Services Form* or in the Guidance, which should be remedied as these are not the most protective of human and environmental health.

The ESVAGWC appreciates the role that the VDH has historically played in relation to protecting public health and recognize that many of the residents on the Eastern Shore will continue to rely on VDH to provide vital well and septic evaluation and design services.

Sincerely,



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301

(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221

WEBSITE: www.a-npdc.org

Hon. John Coker, Eastern Shore of Virginia Ground Water Committee, Chairman

Cc: Senator Lynwood Lewis

Delegate Robert Bloxom

Elaine K. Meil, Executive Director, Accomack-Northampton Planning District Commission

Jon Richardson, Environmental Health Manager, Senior-Eastern Shore Health District

DRAFT



VDH – SHIFT

Safety and Health in Facilitating a Transition – The Virginia Department of Health’s elimination of evaluation and design services for sewage systems and private wells.



Claim:

Private sector providers can provide this service so that VDH can focus limited resources on public health, groundwater, & enforcement.



Evidence:

Licensed private sector professionals are already under strain on the Eastern Shore and are costly. Prior to 1994 VDH was the sole service provider.



Reasoning:

Additional application procedures, income verifications, fees, & timelines will discourage proper maintenance of failing systems and create public and environmental health concerns.

How will this impact residents?

- Starting July 1, 2019 New Fees:
 - Application fee of up to \$225 for On-Site Sewage (OSS) repair or voluntary upgrade (flows <1,000 gpd)
 - Application fee of up to \$1,400 for OSS repair or voluntary upgrade (flows >1,000 gpd)
 - Fee of up to \$100 for Sampling and Analysis Plan (SAP) evaluations

New costs of private sector services, rather than VDH provision of services, are captured in the table below.

• OSE/PE Design Services (Private Sector)	Average Cost Per Parcel
Repair	\$1,250 *
Voluntary Upgrade	\$1,250 *
New Construction	\$1,200
Certification Letter	\$755

Source: HB 558: Plan to Eliminate Virginia Department of Health Evaluation and Design Services for Onsite Sewage Systems and Private Wells, Draft Interim Report 1 **Currently VDH offers this with no fee.**

On the Eastern Shore of Virginia, conventional septic systems cost around \$5,000 and these averages would raise the cost of a new system by more than 20% and VDH indicates there will also be a new fee for their review of the private sector’s work.

What has been done?

- Since 2013, the Accomack-Northampton Planning District Commission, on behalf of the Eastern Shore of Virginia Ground Water Committee, has sent over a half dozen letters to VDH, made numerous phone calls, and reached out to our Senator and Delegate. Delegate Bloxom voted against moving forward with SHIFT in the House.

Who should be contacted with questions or to file a complaint?

- Lance Gregory, Director, Division of Onsite Sewage and Water Services, Environmental Engineering, and Marina Programs, Lance.Gregory@vdh.virginia.gov.
- <http://www.vdh.virginia.gov/environmental-health/onsite-sewage-water-services-updated/>

More, including the VDH report, can be found at <http://www.a-npdc.org/accomack-northampton-planning-district-commission/ground-water-management/publications-resources/>.



Small-scale study finds no link between poultry farms, fouled streams

VIMS study on Chesapeake's Eastern Shore casts doubt on pollution connections but draws from small pool of data

- *By Jeremy Cox on June 12, 2019*
- https://www.bayjournal.com/article/small_scale_study_finds_no_link_between_poultry_farms_fouled_streams

Fresh evidence collected in a corner of Virginia where chicken farm construction has boomed in recent years casts doubt on one of the most enduring criticisms of the industry: that the operations contaminate local streams with nutrients and harmful bacteria.

A [Virginia Institute of Marine Science study](#) found no “smoking gun” to suggest a link between chicken farms on the state’s Eastern Shore and downstream pollution, said Richard Snyder, the report’s lead author.

His samples revealed a mixed bag of results. Streams near poultry sites typically had higher amounts of nitrogen and bacteria associated with animal guts than those not affected by farm runoff. But they also had lower ammonia and phosphorus counts.

Because no strong pollution links emerged one way or the other, Snyder and co-author Paige Ross wrote, the information “does not suggest stormwater runoff impacts from poultry operations.”

Poultry industry leaders embraced the findings as proof that modern stormwater management practices are paying off. Chickens produced for the region’s meat-packing companies are raised inside large, shed-like “houses,” and their manure is stored in covered buildings until it’s ready to be used as fertilizer on nearby cropland.

“What we’re doing seems to be working,” said Holly Porter, executive director of the Delmarva Poultry Industry trade association.

Environmentalists applauded the VIMS researchers for trying to answer water quality questions that have long loomed over the industry. But they are raising questions about the study’s usefulness.

“I think we’re hesitant to make any drastic conclusions from it,” said Joe Wood, a Virginia-based scientist with the Chesapeake Bay Foundation. “Every little bit of data helps, but from our perspective, it’s hard to interpret this very difficult issue from a small pool of data.”

The Snyder and Ross report relies on samples taken at three different times — one during dry weather last July, another after a heavy rain later that month and a final one during a November drizzle. That’s not enough to draw conclusions from, Wood said.



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301

(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221

WEBSITE: www.a-npdc.org

The researchers took water samples at about 40 spots along ditches and streams where they crossed beneath roads. Wood said he would have liked to have seen them taken at the outfalls of the facilities. Taking them farther downstream all but ensures that pollution concentrations will be diluted and other factors, such as other pollution sources, will come into play, he added.

The study doesn't make clear the exact location of the poultry houses within the examined watersheds or whether they were in full operation, said Sue Mastyl, a board member of the nonprofit Virginia Eastern Shore Clean Water Council. It also doesn't say why the sampling sites were chosen. "It would seem to me that to draw any conclusions at this point is premature," she said.

Snyder described the analysis as intended "mostly for local information purposes." He doesn't plan to submit it to a peer-reviewed journal. It has too few samples to garner serious consideration for publication, he said.

He had no funding outside of money he could scrape together from his own budget. And he didn't have time to travel very far. But he wanted to do something, he said, amid growing scrutiny of the poultry industry.

"This has been a big issue since I got here in 2015," said Snyder, director of the VIMS Eastern Shore Laboratory in Wachapreague. "The first question I got asked was where do I stand on the poultry issue. I was kind of reluctant to get into it in the beginning."

In Accomack County, the industry's epicenter on the narrow peninsula, land owners have built 218 poultry houses since July 2014, [according to the county's planning department](#). Accomack had 254 chicken facilities when the building boom started.

The surge prompted the county's elected leaders to pass a [raft of protections](#) that required farmers to plant buffers around their properties and build farther away from existing housing developments. Local outcry also persuaded state environmental officials to [begin enforcing](#) groundwater withdrawal limits at the large operations.

The construction of new houses appears to be tapering off. Since the beginning of 2018, the county has seen just 11 houses approved for development.

Studies like the one conducted by VIMS will help show whether the new state and local regulations are working, said Jay Ford, an outreach coordinator for the CBF in Virginia. The slowdown in construction, he said, gives lawmakers an opportunity to examine whether more needs to be done to protect residents and the environment.

The VIMS study concentrated on the southern half of Accomack, where much of the new construction has taken place. Even though the industry's activities happen largely indoors, Snyder said he was concerned that air vented by the houses' giant fans might be spreading ammonia and contaminated dust that could be deposited into streams.



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301

(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221

WEBSITE: www.a-npdc.org

For the most part, he found low amounts of ammonia in the water. Nitrogen levels spiked above the safe limit on 16 of 58 samples, but there was no difference in the concentrations whether they were downstream of a chicken operation or not, according to the study.

Snyder said he hopes to continue sampling to see if those trends continue. But, he added, “If anything was going to show up, I think it would have in one of those three events.”

DRAFT



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301

(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221

WEBSITE: www.a-npdc.org

MEMORANDUM

TO: Eastern Shore of Virginia Ground Water Committee
FROM: Britt McMillan
Principal Hydrogeologist
Arcadis
DATE: June 18, 2019
SUBJECT: June 2019 Ground Water Consultant Report

Technical/Regulatory/Educational Items

1. *Poultry Farm Draft Permits:* DEQ held a Public Information Session on April 30, 2019. Presentation materials from the Information Session is provided on a DEQ web page dedicated to the Poultry Farm permitting:
<https://www.deq.virginia.gov/Programs/Water/WaterSupplyWaterQuantity/WaterWithdrawalPermittingandCompliance/EasternShorePoultryFarmPermitting.aspx>
Also provided on the web page are 1) draft Permits; 2) Fact Sheets; and 3) Technical Evaluations for 49 Poultry Farms. Information provided from the Public Information Session and from the draft permit packages, with a specific emphasis on the Groundwater Committee's goal of maintaining a sustainable groundwater resource, will be discussed.
2. Discuss basis for and groundwater resource implications of the DEQ 80% Drawdown Criterion. With the 80% drawdown criterion approaching the critical surface in specific areas of the Yorktown-Eastover aquifer, it is important to understand the criterion in the context of 1) maintaining a sustainable resource, 2) potential limitations on future withdrawals, 3) avenues to increase groundwater availability, and 4) potential changes from the USGS research that can affect the criterion.
3. Discuss potential draft comments on the draft Poultry House Groundwater Withdrawal Permits.

Other Items:

- a. Additional FY2019 Groundwater Committee activities. Continue update of the Eastern Shore Groundwater Protection Plan.



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301
 (757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221
 WEBSITE: www.a-npdc.org

Eastern Shore of Virginia Ground Water Committee FY 2019 Consultant Progress Summary

Task 1 - Committee Meetings (FY19 Goal = 10)

% Completion	110%
---------------------	-------------

Task 2 – Technical Documentation

No.	Activity	Month
1	Review DEQ Consent Orders for unpermitted poultry houses that appear to require a groundwater withdrawal permit.	Aug
2	Review draft poultry house Groundwater Withdrawal Applications for 41 applications provided to the Groundwater Committee. The review focused on location of the proposed withdrawals, target aquifers, requested amounts, and considerations for the groundwater resource.	Aug
3	Reviewed proposed additional activities for the Groundwater Committee to consider for FY2019.	Aug
4	Supplemental Water Quality information on Columbia aquifer and Yorktown-Eastover aquifers.	Sep
5	Information on Columbia (Surficial) aquifer Yield and Quality Summary.	Oct
6	Presented potential legislative options for promoting Columbia aquifer use	Nov
7	Presented summary of the 2 nd Annual DEQ Groundwater Information Exchange	Dec
8	Completed update of the Northampton County and Accomack County Water Supply Plans for DEQ	Dec
9	Presented summaries of legislative bills introduced in the General Assembly	Jan
10	Presented summary of 2013 Groundwater Protection Plan	Feb
11	Presented “ <i>Developing Sustainable Groundwater Use on the Eastern Shore of Virginia</i> ” from the Environment Virginia conference	Apr
12	Presented a summary of the draft Poultry House Groundwater Withdrawal Applications	May

Task 3 - Groundwater Permit Review

Applicant	Permit Status	Month	Annual Amount (Gal)
Kuzzens Painter Complex	Draft Permit	26,133,000	69,240,000

Task 4 – Implement Committee Work Plan

Activity	Month(s)	Outcome
Columbia (surficial) aquifer research.	October	Identified research needs for the Columbia aquifer and methods to provide the information that have the greatest cost/benefit.
HB 1036 Groundwater Trading Work Group	October	Trading work group met October 22 for the initial meeting to review past findings of the work group and discuss agenda for next meeting.
HB 1036 Groundwater Trading Work Group	March	Trading work group met March 21 for the second meeting to discuss potential framework and regulatory and aquifer limitations for various trading programs used in other areas of the country and internationally.
Environment Virginia	April	Presented “ <i>Developing Sustainable groundwater Use on the Eastern Shore of Virginia</i> ”



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301

(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221

WEBSITE: www.a-npdc.org

HB 1036 Groundwater Trading Work Group	May	Third meeting of the Work Group. Worked on developing a draft regulatory framework that would allow recovery of water injected in an aquifer.
Task 5 - Progress Reports		
% Completion	110%	