



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

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

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

WEBSITE: www.a-npdc.org

Minutes of the May 18th, 2021 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 18th, 2021 in the hybrid format – virtually on the Zoom Platform and in person – at the Sawmill Park Pavilion in Accomack, VA.

Virtual Attendance:

For Joining **via Computer:**

1. Click this link:

<https://zoom.us/j/7577872936?pwd=QTNJdmhCc3pWdVNUZ0ZWYnVJdWpWUT09>

2. If prompted, enter the Meeting ID: 757 787 2936

3. If prompted, enter the Passcode: 7577872936

For joining **via Phone (calling in):**

1. Dial 1-646-558-8656

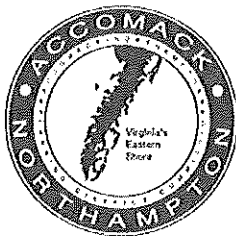
2. When prompted for meeting code enter 7577872936#

3. When prompted to identify as host or participant, enter #

4. When prompted for password, enter 7577872936#

<u>Members Present</u>	<u>Members Absent</u>	<u>Others Present</u>
Paul Muhly, Chairman	Charles Kolakowski	Jessica Steelman, A-NPDC
John Coker, Vice Chairman	Taylor Dukes	Jason Pope, USGS*
Daniel Hershey		Joe Grist, VDEQ*
Jackie Phillips		Britt McMillan, ARCADIS
Michael Mason*		Bill Savage, ESSWCD
Roberta Kellam		Scott Kudlas, DEQ*
Grayson Chesser		Richard Snyder, VIMS*
Paul Grossman		Matt Kearns, USGS*
		Curtis Consolvo, Geo Resources
		David Reddinger*
		757-787-5850*

**signifies Zoom participant*



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

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

Call to Order

Chairman Muhly called the meeting to order at 10:06 AM.

Public Comment

None.

Review of the April 20, 2021 Minutes

The draft minutes of the April 18th, 2021 meeting were presented. Committee Member Grossman requested the amendment be made under Other Items: *Critical Resources Area* – where it states “... goes to the Upper Yorktown-Eastover, >1% to the Middle YE, and <15% to surface water” be amended to read “...goes to the Upper Yorktown-Eastover, <1% to the Middle YE, and <15% to surface water” also noting this was inaccurately reflected in the complementary report.

Committee Member Hershey moved to approve the Minutes of the April 20, 2021 meeting with amendments. The motion, seconded by Committee Member Grossman, carried unanimously.

FY 2021 Financial Status Report

The FY 2021 Financial Status Report as of April 2021 was presented. Total Bills Payable equaled \$7,647.75; total revenues received equaled \$13,156.75.

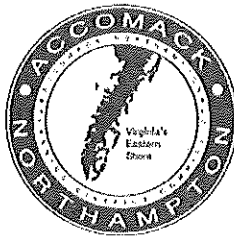
Vice Chairman Coker moved to approve the April 2021 Financial Status Report. The motion, seconded by Committee Member Phillips, carried unanimously.

Vice Chairman Coker moved to request an additional \$50,000 total from the counties (1/3 Northampton; 2/3 Accomack) for the FY23 budget. The motion, seconded by Chairman Muhly, carried unanimously.

Vice Chairman Coker moved to request an additional mileage reimbursement budget from the counties (per Committee member rate) for the FY23 budget. The motion, seconded by Chairman Muhly, carried unanimously.

Vice Chairman Coker moved to alternate meeting locations between the two counties moving forward. The motion, seconded by Chairman Muhly, carried unanimously.

Staff was asked to seek alternative meeting spaces in each county. Staff was asked to develop a draft budget for mileage reimbursement fund. Staff was asked to develop preliminary working draft for budget request of the FY23 budget to be developed further and fully over the next several GWC meetings.



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

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

Staff Update

Committee Attendance Record

The FY2021 Committee Attendance Record was recorded.

Environmental Reviews and Permits

VA Pollutant Discharge Elimination System Program –
None.

VA Pollution Abatement Program –
None.

Consent Orders –

Tyson Farms Inc. Consent Order #TR15-1026. 5/5/2021 response from John Brandt (TRO): *"All CAP Appendix A requirements have been completed. It is accepted in all orders for CAP requirements to be completed, where possible, prior to effective date of a consent order. In the case of this Tyson Order, there was a long lead time, and some subsequent changes, between the draft Order to Tyson and the final effective date such that Tyson began work, and completed many of the Appendix A CAP items prior to the effective date (signature date).*

All CAP Appendix B requirements have been completed with the exception of Appendix B.3.a (rate of water conservation). COVID affects have delayed this and remains a work in progress... at this point, there is not a timeline to complete Appendix B.3.a., since the completion was interrupted by COVID, no one knows when things, including chicken production, will return to 'normal', and the Order is silent past "through 2020".

Groundwater Withdrawal Permits –
None.

Environmental Impact Reviews –
None.

Water Quality –

Draft 2022 Water Quality Assessment Guidance Manual

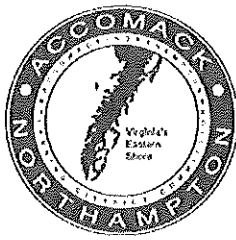
Virginia's 2022 Water Quality Assessment Guidance Manual contains the assessment procedures and methods to be used for the development of Virginia's 2022 §305(b)/ §303(d) Integrated Report. The guidance seeks to address all key elements of the U.S. Environmental Protection Agency 2006 Assessment Guidance and subsequent updates current to December 2020, in addition to the assessment methodology for Chesapeake Bay Water Quality Standards.

- Public comment period: **Jan. 19, 2021 – Feb. 18, 2021**
- View [draft manual](#)
- See Town Hall [notice](#)
- A public webinar will be held on Feb.11 from 2 - 4 p.m. Registration link [here](#)
- Link to [2020 WQA information](#)

Contact: [Amanda Shayer](#), Water Quality Assessment Coordinator, (804)698-418, [DEQ Central Office](#)

How to submit comments:

Section 62.1-44.19:5 C of the Code of Virginia requires DEQ to develop and publish the procedures used for



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

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

defining and determining impaired waters and provide for public comment on the procedures. The public is invited to submit written comments until Feb. 18, 2021. Comments should include the name, address, telephone number and, if applicable, the e-mail address of each person and/or organization submitting comments. Comments and related correspondence should be addressed to Amanda Shaver. Responses to comments received will be made collectively, via a response document. The response document will be posted on the assessment webpage along with the final guidance manual.

Other Items

GWC Statement of Principal –

Mr. Scott Kudlas of DEQ led discussion with input from DEQ with regards to the GWC Draft Statement of Principle. A subcommittee was established to review and develop final draft of the Statement of Principle. The subcommittee includes: Chairman Muhly, Vice Chairman Coker, Committee Member Kellam, and GWC Consultant McMillan.

Marshall Johnson Grapeland Complex –

Tyson –

Research & News

VIMS Study Shows No Significant Water Quality Changes From Poultry Operations, by Carol Vaughn
<https://www.easternshorepost.com/wp-content/uploads/2021/04/04.23.2021.pdf>

CBF Tyson Permit Reissuance Comments May 7, 2021 were included in the GWC Meeting Packet for the May 18th, 2021 meeting.

Ground Water Consultant Report

Technical/Regulatory/Educational Items

1. Review Final Kuzzens Marshall Johnson Grapeland Complex Groundwater Withdrawal Permit (GW0070100). DEQ revisions to the Draft Permit (February 2021) addressed the most significant concerns / comments expressed by the Groundwater Committee:
 - a. The requested amount greatly exceeds historical use. The amount requested in the Draft Permit was based on irrigation of all available land and simultaneous maximum use of the greenhouses. The rationale was that, given the 15-year term for the permit, the owner should have the opportunity to use all available land if there was the demand. The Groundwater Committee recognized it is highly unlikely the property would irrigate at the full amount for all 15-years.
 - b. Originally, the Groundwater Committee expressed concern that there was no specific requirement in the permit to use the surficial aquifer to the maximum extent possible. Based on use from an existing surficial aquifer well that exceeded 100 gpm yield on average, increased use of the surficial aquifer for irrigation water appears likely. The draft permit included provisions for testing the surficial aquifer but no provision to increase use.
 - c. The model used to evaluate potential impacts found that there is a potential for saltwater intrusion. The draft Permit included collecting samples from two on-site irrigation wells. The Groundwater Committee was concerned if this testing would be sufficient.

The Final Permit included the following Special Conditions that addressed these concerns:

- a. The Final Permit was restructured into two tiers:

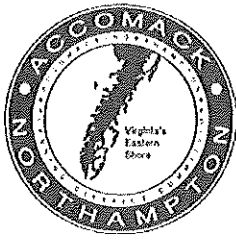


A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

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

- i. Tier 1: Years 1-5
 - ii. Tier 2: Years 6-15
 - b. Tier 1 includes the following provisions:
 - i. Total withdrawal amounts are set a little higher than historical field plus greenhouse irrigation amounts ($\approx 1/3$ for annual and $\approx 2/3$ for monthly). This amount is substantially lower than the Draft Permit amounts.
 - ii. Separate withdrawal amounts from the surficial aquifer and Yorktown-Eastover aquifers is set. The amount assigned to the Yorktown-Eastover aquifers is set approximately equal to historical amounts.
 - c. Tier 2 includes the following provisions:
 - i. Total withdrawal is increased to the full requested permitted amount (assumes all fields and greenhouses are irrigated in the same season).
 - ii. The increased use has to be supplied by the surficial aquifer. Use from the Yorktown-Eastover aquifers is held effectively the same.
 - d. The overall effect of the tiered structure is limit use of the Yorktown-Eastover aquifer to historical levels and to require use of the surficial aquifer to supply additional demand.
 - e. Additional water quality monitoring is required:
 - i. Two on site monitoring wells must be constructed. These wells are to be used only for water quality sampling and will not be used as production wells.
 - ii. Residential supplies within the model predicted area of impact will need to be assessed (water quality sampled).
 - f. Alternate sources of water will need to be evaluated, including the feasibility of additional surficial irrigation ponds and recycling greenhouse irrigation water.
- 2) Review the existing Tyson Virginia Pollutant Abatement (VPA) permit. The VPA permit is in the process of reapplication and there was interest in how the solids application to the land is managed to reduce the potential for impacts to groundwater in light of the groundwater issues found at Montaire, Maryland. The following are the principal findings:
 - a) Tyson does not use an onsite farm. Application is principally addressed in the Permit's Special Conditions:
 - i) The solids are applied to local farms. There is a discrete list of farms that the solids can be applied.
 - ii) On the individual fields application "...shall be on an infrequent (one per three-year) basis."
 - iii) The rate of application for each field is set.
 - iv) Sludge application rates, plant available nitrogen (PAN) rates, and dosage rates must be established for each field.
 - v) A Nutrient Management Plan that includes all field must be established and re-evaluated at least once/three years.
 - vi) There are minimum buffer zones for application as well as seasonal restrictions.
 - b) The above conditions, in particular the limitation to one-application every three years to a field, provides considerable protection from potential groundwater contamination.
 - c) The draft VPA permit and associated Fact Sheets will be reviewed when available, likely 3rd quarter of this year.
- 3) DEQ significantly improved public access to information with the new Virginia Environmental Data Hub (April 2021). Two key features are easy-to-access Open Data Portal and the new GIS tool: Environmental Data Mapper (EDM). The tools provide basic information on many permits and data collected in the State and are a great resource for general information or for providing the basic information helpful in FOIA requests if more detailed information is needed. The sites can be accessed from the following links:



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

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

a) Virginia Environmental Data Hub

b) Environmental Data Mapper

Other Items:

- i. Additional FY2021 Groundwater Committee activities. Continue update of the Eastern Shore Groundwater Protection Plan.

Upcoming Events/Meetings

REGULAR MEETINGS OF STATEWIDE AUTHORITIES, BOARDS, COMMISSIONS, AND COMMITTEES –

Technical Advisory Committee Meeting - General Permit for Use of Surficial Aquifer in a Groundwater Management Area

June 10, 2021 10:00AM

GoToWebinar Registration – URL: <https://attendee.gotowebinar.com/register/1319826683690561036>. To join the meeting access the website by using the link, telephone number, access code and audio pin provided with the meeting confirmation. Webinar ID 217-549-571.

Eastern Virginia Groundwater Management Advisory Committee (EVGMAC)

June 28, 2021 10:00AM

GoToWebinar - register at <https://attendee.gotowebinar.com/register/7262368174020637966>. To join the meeting access the webinar by using the link, telephone number, access code and audio pin provided with the meeting confirmation. Any updates to the details/final arrangements to be announced through the Virginia Regulatory Town Hall.

MEETINGS ABOUT TOTAL MAXIMUM DAILY LOADS (or TMDLs) for IMPAIRED WATERS –

For more information about TMDLs in Virginia, click here for the [Virginia Department of Environmental Quality TMDL Web site](#). TMDL reports are available

at <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/ApprovedTMDLReports.aspx>.

VIRGINIA GENERAL ASSEMBLY WATER-RELATED MEETINGS –

For meetings of legislative committees and commissions, see <http://lis.virginia.gov/cgi-bin/legp604.exe?191+oth+MTG>. Links to information about General Assembly commissions, councils, and special interim committees coordinated by the Division of Legislative Services are available online at <http://dls.virginia.gov/commissions.html>. The Virginia General Assembly Web site is <https://virginiageneralassembly.gov/>.

Schedule Next Meeting & Adjournment

The next Committee meeting was scheduled to be in Northampton County (location TBD) for July 20th at 10:00 AM.

Vice Chairmain Coker made a motion to adjourn at 11:54 AM. The motion, seconded by Committee Member Phillips, carried unanimously.

Chairman Muhly adjourned the meeting at 12:00 PM.



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

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

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

WEBSITE: www.a-npdc.org

Paul Muhly, Chairman

Copy test:

Elaine K. N. Meil, Secretary

