



# 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](http://www.a-npdc.org)

## Minutes of the April 17, 2018 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, March 20, 2018 in the A-NPDC Conference Room of the Enterprise Building in Accomac, Virginia.

### Members Present:

Charles Kolakowski  
Daniel Hershey  
Elaine Meil  
Eugene R. Hampton  
Grayson Chesser  
John Salm  
John Coker, Vice Chairman  
Mike Mason  
Paul Muhly, Chairman  
Robert Meyers

### Members Absent:

Jim Belote

### Others Present:

Anne Violi  
Britt McMillan, ARCADIS  
Cole Charnock, ESSWCD  
Curt Smith, A-NPDC  
Dirk Lynch, MSA P.C.  
Janet Sturgis, Northampton Citizen  
Jim West, Town of Chincoteague  
Joseph Betit, Accomack Citizen  
Ken Dufty, Eastern Shore COG  
Linda Cicoira, Eastern Shore Post  
Mathew Link, VDEQ-OWS  
Meriwether Payne, Accomack Citizen  
Paul Grossan, Cape Charles Citizen  
Rich Morrison, Accomack County  
Sandra Beerends, Citizen  
Shannon Alexander, A-NPDC  
Sue Mastyl, CBES



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1. Call to Order

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

2. Review of the March 20, 2018 Minutes

The draft minutes of the March 20, 2018 meeting were amended. The last sentence in Section 7. Public Participation was amended to read, “Mrs. Bachelder also indicated that the water from the well or her home in Pungoteague has been impaired with elevated salt content.”

**Committee Member Meyers moved to approve the Minutes of the February 20, 2018 meeting as amended. The motion, seconded by Committee Member Hampton, carried unanimously with Committee Member Salm abstaining due to absence during the March meeting.**

3. 2018 Financial Status Report

The FY 2018 Financial Status Report was presented. Brief discussion ensued.

**Committee Member Meyers moved to approve the FY2018 financial status report. The motion, seconded by Committee Member Salm, carried unanimously.**

4. Staff Update

In order to allow time for the consultant presentation and other items, staff limited reporting. The following staff updates were presented:

Committee Attendance Record

The FY2018 Committee Attendance Record was presented.

Other Items

*Wagner Borrow Pit SUP*

Discussion was tabled until the Consultant report.

*2016 Virginia Toxics Release Inventory Report*

Staff presented tables for Accomack County (Northampton County did not have any facilities in the report) for on-site releases and on-site management, quantities and state ranking, from 2008-2016, as well as a brief summary. Member Hampton pointed out the risks associated with the hydrogen sulfide discharges (acid rain) from Perdue and lead discharges from NASA WFF.

*VDH Wellhead Protection Implementation Grant*

Staff presented that they will be applying to the Virginia Department of Health for a grant that would create a regional permanent household hazardous waste facility.



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**Committee Member Meyers moved to supply a letter of support to the A-NPDC for their application to VDH for a Wellhead Protection Implementation Grant that would create a permanent regional household hazardous waste collection. The motion, seconded by Committee Member Chesser, carried unanimously.**

### *Town of Chincoteague Request*

Mr. Jim West, the Town of Chincoteague Manager, presented information about their progress with exploratory wells on property currently zoned for agriculture to the south of the NASA WFF property where the contaminated wells are located.

**Committee Member Salm moved to supply a letter to the Town of Chincoteague indicating the Committee's support of the Accomack County Conditional Use Permit that would allow installation of these public water supply wells on the 30-acre parcel in District 2. The motion, seconded by Committee Member Hampton, carried unanimously.**

### Upcoming Events

Staff announced they will be at the Exmore Earth Day Celebration as an educational exhibitor on April 21<sup>st</sup>.

### 5. Consultant Report:

The Consultant gave a brief presentation with regards to the Wagner Borrow Pit Special Use Permit Application to expand their existing permitted 10-acre borrow pit to 18-acres at a depth of 30-feet below ground surface.

**Vice Chairman Coker made a motion to supply an information letter to the Northampton Planning Commission which summarized the review and remarks of the consultant. The motion was seconded by Committee Member Hampton, and carried unanimously with the exception of Committee Member Salm, who recused himself from the vote.**

The consultant provided information about legislation in the current General Assembly, including HB211, HB358, & SB520. HB885, 887, & 888.

The consultant gave a new presentation, *Groundwater Level Summary*, which was prepared in response to questions at previous meetings and is intended to be a more comprehensive review of groundwater level trends in response to groundwater use, focusing on four general areas.



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## 6. Other Matters:

Vice Chairman Coker brought up the need for 'big picture' discussions, taking into account new large groundwater users and long-term needs for the Eastern Shore.

Chairman Muhly presented a potential change to the Committee By-laws that would shift the Public Participation from the item preceding Adjournment to Item 2, immediately following the Call to Order. This was suggested as a way to ensure there is time for public comment and time for the consultant to complete his important presentations at the end of the agenda, without needing to end early to go to Public Participation. As stated in the By-laws, this amendment would go into effect after 30 days prior notice. Chairman Muhly presented draft Public Participation Policy rules for Members to consider.

**Committee Member Hershey moved to amend the Committee By-laws Article VIII – ORDER OF BUSINESS to move the Public Participation to Item 2. The motion, seconded by Committee Member Chesser, carried unanimously.**

Chairman Muhly presented for consideration the idea of a potential bi-county ordinance that would increase protection of the recharge spine with regards to development and stormwater requirements. Staff is to look into this further and bring back a report.

## 7. Public Participation:

Mrs. Sue Mastyl expressed concerns about moving the Public Participation to the beginning of the meeting. She also requested additional information about the Gubernatorial amendments to HB888, clarifying that the amendments do not include removing the Eastern Shore from privatization of local VDH office well and septic design services.

Mr. Joe Betit introduced himself and described his experience as a land surveyor for over 40 years. He pointed out the details and very specific data that would be needed from an expert witness. He pointed to page 11 of USGS Circular 1392, Land Subsidence and Relative Sea-Level Rise in the Southern Chesapeake Bay Region, which covers aquifer system compaction from groundwater withdrawals. He indicated the need for defining a metric for stating the sustainability of an aquifer system and that it needs to be more than just 'height' and needs to include compaction. Mr. Betit pointed out that using DPI's 2017 number of poultry houses on the Eastern Shore of Virginia, these operations represent 19% of DelMarVa total production on only 8.25% of the land. Mr. Betit offered to provide Google Earth KML files, to anyone who requests them, for the pre-2014 poultry houses and the new CAFO permits since then, which he obtained by a FOIA request from Accomack County Planning.

Mr. Ken Dufty provided comments with regards to stormwater and groundwater recharge and referenced the 2009 Northampton County Comprehensive Plan, as it indicates moving development from the spine to the towns off of Route 13. He indicated that Wagner Brother's



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representatives stated that they did use their existing borrow pit for fill during one of the meetings of the Northampton County Board of Supervisor. Mr. Dufty

Mrs. Sandra Beerends presented a book titled *Environmental management of Concentrated Animal Feeding Operations (CAFOs)* by Nancy E. Whiting. She mentioned CAFO groundwater recovery doesn't follow regular agricultural seasonal recharge, due to year-round use.

### 8. Schedule Next Meeting & Adjournment

The next Committee meeting was scheduled for May 15<sup>th</sup>, 2018 at 10:00 AM in the A-NPDC Conference Room of the Enterprise Building in Accomac.

Chairman Muhly adjourned the meeting at 12:08 p.m.

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Paul Muhly, Chairman

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Elaine K. N. Meil, Secretary