



# 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)

### **NOTE: NO QUORUM**

#### Call to Order

Chairman Muhly called the meeting to order at 10:04 AM.

#### Member Comment

None.

#### Review of the February 15, 2022 Minutes

The draft minutes of the February 15<sup>th</sup>, 2022 meeting were presented.

**Vice Chairman Coker, seconded by Member Hershey, made a motion to pass the minutes as presented. The motion carried unanimously.**

#### FY 2022 Financial Status Report

The FY 2022 Financial Status Report for February 2022 was presented.

Total Bills Payable equaled \$625.00; total revenues received equaled \$13,156.75.

**Chairman Muhly, seconded by Vice Chairman Coker, made a motion to pass the financial status report as presented. The motion carried unanimously.**

Accomack County has approved the GWC budget increase of \$35,000.

Northampton County is still in development phase of their budget.

#### Staff Update

None.

#### Committee Attendance Record

The FY2022 Committee Attendance Record was recorded.

#### Environmental Reviews and Permits

VA Pollutant Discharge Elimination System Program –  
None.

VA Pollution Abatement Program –  
None.

Consent Orders –  
None.

Groundwater Withdrawal Permits –  
None.

Environmental Impact Reviews –  
None.

#### Other Items



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**Mileage & Meeting Stipend – Chairman Muhly, seconded by Member Grossman, made a motion to adopt the below language into the bylaws. The motion carried unanimously.**

*Amendment:*

*“For appointed members of the Eastern Shore of Virginia Ground Water Committee, transportation costs are reimbursed. IN the case of a personally owned vehicle, members shall be reimbursed for travel between home and regularly scheduled meetings at the approved mileage rate plus a nominal meeting stipend of \$40.”*

**Remote Participation of GWC Members – Member Grossman, seconded by Vice Chairman John Coker, made a motion to adopt the below language into the bylaws. The motion carried unanimously.**

*Amendment:*

*“Pursuant to Code of Virginia 2.2-3708.2, members of the Eastern Shore of Virginia Ground Water Committee may participate remotely through electronic communication means if all the following conditions are met:*

*a. Such member notifies the Chair on or before the day of the meeting that:*

*i. Such member is unable to attend the meeting due to a (1) a temporary or permanent disability or other medical condition that prevents the member’s physical attendance or (2) a family member’s medical condition that requires the member to provide care for such family member, thereby preventing the member’s physical attendance; or*

*ii. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision ii is limited each calendar year to two meetings or 25% of the meetings held per calendar year rounded up to the next whole number, whichever is greater.*

*b. The Secretary will record in the meeting minutes the remote location from which the member participated. If participation is approved pursuant to subdivision ai, the minutes will reflect the fact that the member participated through electronic communication means due to (1) a temporary or permanent disability or other medical condition that prevented the member’s physical attendance or (2) a family member’s medical condition that required the member to provide care for such family member, thereby preventing the member’s physical attendance. If participation is approved pursuant to subdivision a ii, the minutes will reflect the specific nature of the personal matter cited by the member. Any disapproval of participation due to policy violation shall also be recorded in the minutes with specificity.*

*c. A quorum of the Committee is physically assembled at one primary or central meeting location.*

*d. The Committee makes arrangements for the voice of the remote participant to be heard by all personas at the primary or central meeting location.”*

**Renaming of the GWC’s Annual Award – Chairman Muhly, seconded by Member Grossman, made a motion to rename the GWC Annual Award to the “Eugene R. Hampton Eastern Shore Ground Water Committee Award” in honor of the late “Gene” Hampton, long-time GWC member and friend. The motion carried unanimously.**

The below biography will be posted on GWC page of the PDC website commemorating Gene Hampton and the change in naming award in his honor:

*“With the passing of Eugene “Gene” Hampton on October 6, 2021, members supported a motion to rename*



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*the GWC's award in his honor. He was a long-time member of the Committee from Northampton County and a retired geologist with the USGS. He was a Fellow of the Geological Society of America. A native of Washington state, he and his wife retired to the Shore where he supported many local civic activities and causes. He had a talented "green thumb" and loved to garden."*

**New Member Needed from Northampton – Staff asks that Northampton nominate or assign a member to fill the vacancy.** Northampton County is diligently working to fill this role.

**New Member Needed from Accomack –** Chairman Muhly updated that at the upcoming (3/16/22) BOS Meeting, Sue Mastyl will be appointed to the GWC to fill the vacant Accomack County seat.

### Research & News

None.

### Upcoming Events/Meetings

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

*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](http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/ApprovedTMDLReports.aspx). 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://viriniageneralassembly.gov/>.



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## Public Comment

### **Barry Magrogan, Octopus Rd, Captains Cove:**

“I shared water samples from two locations on Meridian Dr from Christmas, 2021 where the families drew bath water. One picture showed the brown water in the lady’s tub and the sample in a container was the result of parents drawing bath water for their 5-month-old child, also tainted.

In addition, I shared a comparison of purchased bottled water and water drawn from the tap in Captains Cove, the drawn water was not as clear as the purchased water and no one wanted a drink of the tap sample.

I also shared a zip lock bag containing the residue and tan water that was from my filtered refrigerator's ice maker.

Lastly, I shared a clear glass bowl with the residue from my kitchen sink tap water that I had let evaporate, instead of clear, the bowl was highly stained. Our concern is the contamination of the water being supplied, such that many people drink only purchased bottled water because even whole house systems have not been able to handle the water in Captain's Cove.”

### **William Leslie, Captains Cove:**

“Captain’s Cove plats were started in 1969 and finished in 1973. From the start the development was protected from possible abuse of its resources. The plats, deeds, and declarations have always stated that Cove resources were for the Captain’s Cove lot owners and not the general public. The water and sewer system has changed hands a few times and has always stated that it is for the Captain’s Cove property owners and the buildout of Captain’s Cove.

When CCGYC BOD PRESIDENT TIM HEARN sold the system to CCG Note owned by TIM HEARN it stated in that agreement that the water and sewer system with capacity to serve all 4800 lots within the Subdivision, and no other use is permitted except for the Common Use and Enjoyment of the lot owners of the Subdivision pursuant to the Declaration of Restrictions of the Subdivision.

There are 4885 Captain’s Cove lots registered in the county tax records of them an estimated 1000 need sewer to be built on and a number more can never be developed so conservatively we are looking at over 3000 septic systems on about 1000 acres surrounding the wells that will serves approximately 10,000 to 15,000 county residents quality water.

The SCC staff testified that if CC septic systems fail the water and sewer system cannot handle it. When the wells fail and a new system is needed to support one of the county’s largest communities the solution will be far costlier than doing the right thing NOW.”



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### Ground Water Consultant Report

#### *Technical/Regulatory/Educational Items*

#### **Technical/Regulatory/Educational Items**

1. **House Bill HB769:** Onsite Sewage System Pump-Out Oversight. Requires VDH to manage and enforce sewage pump-out for Accomack and Northampton Counties (as well as several other Counties). The bill requires license operators report on to VDH the results of their site visit.
  - a. Substitute HB769 that is under consideration is attached, with changes yellow highlighted.
  - b. Passed Senate (97-Y, 0-N) March 3, 2022; House Adoption (97-Y 0-N).
2. **Senate Bill SB657:** Air Pollution Control Board and State Water Control Board; transfer of authority.
  - a. Limits the authority of the SWCB to issuance of regulations and transfers the Boards' existing authority to issue permits and orders to the DEQ.
    - i. Requires that at each regular meeting of the Board, the Director of DEQ provide an overview and update regarding any controversial permits pending before DEQ. The SWCB has an "immediate" opportunity to respond.
    - ii. DEQ is required to publish a summary of public comments and DEQ responses.
    - iii. After publication, DEQ is required to provide opportunity for "correction of factual misstatements".
    - iv. Provides a process and specific requirements for a public hearing following public comments.
  - b. Passed Senate (32-Y 8-N) February 14, 2022; House Passed (51-Y 47-N) February 28, 2022.
  - c. House: Signed by Speaker (March 2, 2022), Senate: Signed by President (March 3, 2022).
3. State Water Control Board Meeting (December 14, 2021)
  - a. **General Permit for Use of Surficial Aquifer on the Eastern Shore [9 VAC 25 - 910]:** SWCB adopted final regulation, regulation under review by Secretary of Natural and Historic Resources (final stage)
  - b. **General Permit for Use of the Surficial Aquifer in a Groundwater Management Area [9 VAC25-920]:** SWCB adopted proposed regulation. Proposed regulation was submitted to the Registrar and is awaiting publication for public comment:
    - i. Public comment forum: 2/14/2022 to 4/15/2022
    - ii. Public Hearings:
      1. 3/8/2022 at 1830 (6:30pm) at Eastern Shore Community College
      2. 3/9/2022 at 1830 (6:30pm) at New Kent Middle School (New Kent)
    - iii. Draft regulations are attached. A comparison of the two General Permits (9VAC25-910 and 9VAC25-920) will be provided.
4. Proposed village development near Greenbackville. CCG Note LLC has requested conditional rezoning for 24.41 acres for a 140 townhouse and commercial mixed-use development. The development intends to obtain water from the adjacent Aqua Virginia Captains Cove Utilities.
  - a. Information on the Captains Cove water system will be reviewed, including:
    - i. Status of the existing groundwater withdrawal permit and conformance with the proposed use
    - ii. Permitted use and historical use
    - iii. Potential additional use
    - iv. Water quality considerations



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- b. Potential groundwater resource impacts and groundwater sustainability considerations
- c. Presentation attached.
- 5. Supplemental monitoring for saltwater intrusion:
  - a. Following the review of the USGS Report: *Simulated Effects of Sea-Level Rise on the Shallow, Fresh Groundwater System of Assateague Island, Maryland and Virginia (USGS SIR 2020-5104)*, the potential for expanded use of specific conductance data loggers on the Eastern Shore was briefly discussed, including potential benefits and challenges:
    - i. The methodology, with limitations, can be adapted to help monitor saltwater intrusion occurring from both sea level rise and groundwater withdrawals.
    - ii. The continuous specific conductance measurements would augment and cannot not replace the current methods (the annual EM surveys conducted by the USGS on the Shore) along with the water level recording.
    - iii. A presentation providing the following will be provided:
      - 1. Goals of the monitoring
      - 2. How the specific conductance will be implemented
      - 3. Limitations
      - 4. Integration with other information (annual EM surveys and water level measurements)
      - 5. Specific steps to improve results or better understand the limitations
      - 6. Examples of use in other areas
      - 7. "Conceptual level" cost
      - 8. Implementation within the existing SOW system or as separate systems

### *Other Items:*

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

### Schedule Next Meeting & Adjournment

The next Committee meeting was scheduled for April 19, 2022 from 10A-12P at the ESVS Chamber of Commerce, Melfa, VA.

Chairman Muhly adjourned the meeting at 12:01 PM.

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John Coker, Vice Chairman

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Elaine K. N. Meil, Secretary



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