



# A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION  
 P.O. BOX 117 • 21972 FRONT STREET • ACCOMACK, VIRGINIA 23001  
 (757) 787-2936 • TOLL FREE (866) 787-3601 • FAX: (757) 787-1221  
 WEBSITE: www.a-npdc.org

## Notes of the October 15, 2024 Meeting

### Eastern Shore of Virginia Ground Water Committee

The meeting of the Eastern Shore of Virginia Ground Water Committee was held at 10:00 A.M. on Tuesday, October 15, 2024. It was held in person at the Eastern Shore Chamber of Commerce's board room in Melfa, Virginia. Virtual was available for members of the public.

<u>Members Present</u>	<u>Members Absent</u>	<u>Others Present</u>
Sue Mastyl	John Coker, Chairman	Britt McMillan / ARCADIS*
	Mike Mason	Curtis Consolvo / Geo Resources *
	Steve Sturgis	Calvin Washington Sr. / Vice Chairman *
	Grayson Chessier	Eric Luchansky / A-NPDC
	Ann Hayward Walker	Faith Lewis / A-NPDC
	Charles Kolakowski	Mr. Bill / CCGYC *
	Daniel Hershey	Caitlin Kelly *
	Elaine Meil	
	Paul Grossman	

*\*Signifies Zoom participation*



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1. **Call to Order**  
Vice Chairman Washington called the meeting to order at 10:12 a.m. No physical quorum was present. Items for consideration and approval will be considered next month.
2. **Public Participation**  
There was no public participation.
3. **Minutes of the September 17, 2024 Meeting and Committee Attendance Record**  
Approval of the minutes for September 17, 2024 and the Committee Attendance Record, were tabled until the next meeting.
4. **September Financial Status Report**  
The September Financial Status Report was tabled.
5. **October 15, 2024 Staff Report**

### Environmental Reviews and Permits:

None at this time.

### Groundwater Withdrawal Permits:

None at this time.

For details please see:

<https://www.deq.virginia.gov/permits/public-notice/water/water-withdrawal>

### VA Pollutant Discharge Elimination System Program:

- Domestic Sewage Discharges of Less than or Equal to 1,000 Gallons per Day (VAG40)
- Seafood Processing Facilities (VAG52)
- Remediation of Contaminated Sites and Hydrostatic Tests (VAG83)
- Discharges of Stormwater Associated with Industrial Activity (VAR05)
- Non-Metallic Mineral Mining (VAG84)
- Concentrated Animal Feeding Operations (VAG01)
- Concrete Products Facilities (VAG11)
- Vehicle Wash and Laundry Facilities (VAG75)
- Non-Contact Cooling Water Discharges (VAG25)
- Pesticides Discharges (VAG87)



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- Watershed Permit for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed (VAN00)
- Potable Water Treatment Plants (VAG64)
- Municipal Separate Storm Sewer Systems (MS4) (VAR04)
- Fundraising Car Wash Guidelines

For details please see:

<https://www.deq.virginia.gov/permits/water/surface-waters-vpdes>

#### Consent/Enforcement Orders:

None at this time.

#### Upcoming Events/Meetings:

Date and Time		Meeting Title	Organization	
Oct-15 2024 (Tue)	9:00 am	<u>Waterbar and Utility Access Road Advisory Committee Meeting #2</u> Agenda	State Water Control Board	G
Nov-14 2024 (Thu)	9:30 am	<u>Information session and public hearing- Rulemaking to adopt site specific selenium aquatic life criteria for four streams which are tributaries to Knox Creek in Buchanan County</u>	State Water Control Board	H

For details please see:

<https://townhall.virginia.gov/L/meetings.cfm>

#### Old Business:

##### Residential Well Testing

An update on the Residential Well Testing Program was given. The committee has received residential water well testing permission slips for approximately 90 some applicants between Accomack County and Northampton County.

The timeframe for collecting the samples will be the last week in October. There will be a minimum of three teams, (2 to a team), going out in the field to collect the samples. If anyone is interested in volunteering with this project, it would be greatly appreciated.



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### DEQ Response to Town of Cape Charles Permit, GWI000185

Eastern Shore of Virginia Ground Water Committee had suggested a potential tiered permit in our response. The facility was proposing a potential increase in the withdrawal amounts and considering the current trends in chloride monitoring results, the draft permit allows the facility to contact DEQ to discuss the possibility of submitting a major modification when and if the increase occurs. This would put the responsibility on the permit holder.

### New Business:

#### Remote Policy

The draft remote policy was tabled until the next meeting for possible adoption.

#### Water Supply Planning

The final regulations for Local & Regional Water Supply Planning were published in the Virginia Register of Regulations. The link is listed below.

<https://register.dls.virginia.gov/details.aspx?id=11272>

Previously, Accomack County, Northampton County, and the Town of Chincoteague each had their own water supply plan. The addendum to the regulations consolidates all three localities to a region. The region is now known as the Eastern Shore region. GWC Advisor stated he did not notice any changes to the regulations and the contents of the plan. We can bring forward the relevant information from the original plans into the new plan and just make any updates necessary.

Accomack County has designated Jeremy W. Shifflett as the county representative with Stewart Hall the alternate. We have not been informed presently who has been designated for Northampton County. The Town of Chincoteague has designated Mike Tolbert as the town representative and Wes Parks as the alternate.

On December 8, 2024, the region needs to provide DEQ the name of the Regional Planning Area Representative. Previously it was A-NPDC who represented the three localities. This would have to be agreed on by all involved.

Other important dates to be noted are April 7, 2025, for the Regional Planning Area kickoff meeting with DEQ and October 9, 2029, to submit the Regional Water Supply Plan to DEQ.



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### 6. Eastern Shore of VA Ground Water Resource Protection & Preservation Plan

The Eastern Shore of VA Ground Water Resource Protection & Preservation Plan needs to be updated. The current plan is in the link below.

<https://www.esvaplan.org/vyp-content/uploads/2024/05/ESVA-Groundwater-Resource-Protection-And-Preservation-Plan-2013-Full-Plan.pdf>

Previously, the Staff had begun a tentative prioritized Scope of Work for discussion purposes. The discussion was tabled until the next Ground Water meeting. Guidance from the Committee was requested.

### 7. Perdue PFAS Lawsuit

Member Mastyl wanted to bring everyone's attention to a lawsuit against Perdue for their facility (grain storage, feed mill, soybean extraction plant, oilseeds refinery, hatcheries, & marigold greenhouses) in Salisbury, MD, where they discovered PFAS levels that exceeded EPA standards 340-fold. The wastewater from the site (which has the high PFAS levels) is spray-irrigated and directly discharged to Peggy's Branch. Perdue has offered to test homeowners' wells in the area.

Not sure what the source would be for these high PFAS levels, but page 28 of the lawsuit states "Defendants knew or should have known that PFAS contained in materials used in the manufacturing process at Defendants' Agribusiness Facility would result in the release of PFAS into the environment, the contamination of the groundwater, ingestion of the groundwater by the surrounding communities, accumulation of PFAS in the bodies of members of those communities, including Plaintiffs and class members, and adverse health effects to those people, including Plaintiffs and class members." Something we should keep an eye on, since it might be relevant for sites here on the Shore.

The news article is here:

[https://www.wboc.com/news/perdue-agribusiness-hit-with-lawsuit-over-forever-chemicals-in-wicomico-county/article\\_5fe6cd70-8a41-11ef-b60d-ef751923f735.html](https://www.wboc.com/news/perdue-agribusiness-hit-with-lawsuit-over-forever-chemicals-in-wicomico-county/article_5fe6cd70-8a41-11ef-b60d-ef751923f735.html)

The pdf of the lawsuit is here:

<https://bloximages.newyork1.vip.townnews.com/wboc.com/content/tncms/assets/v3/editorial/e/bc/ebc2383e-8a57-11ef-b87e-77e900e096fe/670d5f45d5885.pdf.pdf>

Everyone agreed it was something to keep informed on this matter.



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### 8. October 15, 2024 Groundwater Consultant Report

GWC Advisor McMillan stated for the first time in a long time there were no draft permits. There were 24 draft permits submitted for FY2024, October 2023 thru September 2024. Seven of these permits used the surficial aquifer for at least a portion of their supply. Five of these seven permits were used for agriculture. Two of the seven permits used were used for their public water supply.

The permitted amounts don't directly translate to what is actually used. For industrial and public use, it's usually 80% or more of what is permitted. For agriculture it's much less because the permit is based on the assumption of it being used during a dryer, drought period. It was noted for the first time in FY2024 an exceedance of the 80% drawdown criteria. The drawdown criteria prevents new or expanded groundwater withdrawals from occurring in an area that extends into what DEQ refers to as a critical cell. DEQ monitors the excessive drawdowns which could result in permanent reduction in aquifer productivity by dewatering an aquifer. The two areas where it exceeded were near Tyson which was in the Upper Yorktown-Eastover Aquifer and near Perdue in the Middle Yorktown-Eastover Aquifer. The Perdue Farms' 80% drawdown resulted in a tiered reduction on the permitted withdrawal amount. First time this has occurred on the Eastern Shore. We are pushing the use of the surficial aquifer because the 80% drawdown criteria does not apply to the surficial aquifer.

The annual Virginia Water Resources Report for the Commonwealth was released in October 2024 for the 2023 calendar year. The report is available at the link below:  
<https://rga.lis.virginia.gov/Published/2024/RD512/PDF>

A new Eastern Shore model is nearing completion. The new model will include the updated hydrogeologic information and the results of a detailed review of water use, including better characterization of surficial aquifer use. The new model will also incorporate the new framework and water use data including domestic use estimates.

DEQ had a mandate to greatly reduce the backlog of ground water withdrawal and surface water withdrawal permit applications. Vacancy rates within the permit program remain a consistent challenge. They are continuing to work to fill these vacancies through continuous recruitment strategies.

The report also provided ground water and surface water withdrawals for Accomack and Northampton County for calendar year 2023. This reflects all ground water use except for domestic wells. All of the surface water withdrawals on the Eastern Shore were used for non potable uses (agricultural and non-agricultural irrigation, cooling water, etc.).



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#### Reported Water Use Summary for Calendar Year 2023

Locality	Groundwater (MGD)	Surface Water (MGD)	GW+SW (MGD)
Accomack County	5.23	5.61	10.84
Northampton County	1.01	0.93	1.95
Total	6.24	6.54	12.79

Note: The Groundwater withdrawal amounts include only reported withdrawals (> 300,000 gal/month) and does not include use by individual domestic wells.

9. **Attachments**

10. **Scheduled Next Meeting**

The next scheduled meeting for the Ground Water Committee will be held on Tuesday, November 19, 2024, at 10:00 a.m. - 12:00 p.m. The meeting will be held at the Eastern Shore Chamber of Commerce's Board Room in Melfa, Virginia.

11. **Adjournment**

Vice Chairman Washington made the motion to adjourn. It was seconded by Member Mastyl, the motion was carried by unanimous vote.

The meeting was adjourned at 10:58 a.m.

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Calvin Washington, Vice Chairman

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Elaine K. N. Meil, Secretary/Treasurer