

GROUND WATER PROTECTION STEERING COMMITTEE

Meeting Summary for January 7, 2003

PLEASE NOTE:

The next meeting of the Steering Committee will be held on
Tuesday, March 18, 2003 from 9 AM – 11 AM,
Department of Environmental Quality, First Floor
Conference Room, 629 East Main Street, in Richmond.

Contact Mary Ann Massie at 804-698-4042 for details

ATTENDANCE:

Steering Committee members in attendance:

Jody Aston, Department of Conservation and Recreation (DCR), Division of Soil and Water Conservation

Randy McFarland, U.S. Geological Survey (USGS)

Mary Ann Massie, Department of Environmental Quality (DEQ), Water Division

Chris Adkins, Virginia Department of Health

Amy Owens, Department of Business Assistance (DBA)

Frank Dukes, facilitator, Institute for Environmental Negotiation, University of Virginia

Lynn Wilson, recorder, Institute for Environmental Negotiation, University of Virginia

Also in attendance:

Jane Cain, Virginia Well Water Association

Josh Rubinstein, Eric Shortt, Albert Crigger, Virginia Rural Water Association

Agencies not in attendance:

Department of Environmental Quality (DEQ), Waste Division

Virginia Cooperative Extension (VCE)

Department of Mines, Minerals, and Energy (DMME)

Chesapeake Bay Local Assistance Department (CBLAD)

Department of Agriculture and Consumer Services (VDACS)

AGENCY UPDATES

Department of Environmental Quality (DEQ), Office of Water Resources Management

Most contracts for the 2003 EPA 106(b) grant are now in place. \$9,000 in unexpended funds left over from the 2002 budget is being carried over to the 2003 budget to continue the springhead research conducted by Tom Burbey and his graduate students at Virginia Tech. The

drought affected the project, and with recent rains, they should be able to complete the study in 2003. Requests for special project funding should be made by June 1.

The Drought Management Task Force has not met for some time. The final monthly update can be found at <http://www.deq.state.va.us/info/drought.html>.

DEQ is busy preparing for the upcoming 2003 General Assembly session. They will not know all proposed legislation that might impact the agency until some time after January 17, the last day to introduce legislation. The DEQ has three legislative proposals under consideration that will occupy them over the next three months. They are:

- Waste Tire Program Legislation: This legislation would strengthen DEQ's ability to clean up the remaining 339 waste tire piles. It includes: (1) a temporary increase in the tire tax to expedite the cleanup of remaining tire piles, (2) provisions granting DEQ the clear ability to enter and remove a tire pile if the owner refuses, along with the ability to acquire a lien against the property once it's cleaned up, (3) removal of the permitting exemption for waste tire storage by a salvage yard, and (4) clarifying provisions identified by the OAG or local Commonwealth's Attorneys as barriers to enforcement.
- Water Supply Planning: This legislation will require the development of state and local water supply plans.
- Sewage Treatment: This legislation would transfer the Sewage Treatment and Collection regulatory program from VDH to DEQ.

There was considerable discussion about the proposal to require state and local water supply plans. There were concerns about limited funding, insufficient information, and the integration of water supply and quality. Concerns were also expressed that legislation might limit planning to collecting information from localities.

Department of Conservation and Recreation (DCR), Division of Soil and Water Conservation

DCR had just completed its annual §319 reports and had a lot of activity to report. Highlight for this past year included the following:

- CREP Program: The Conservation Reserve Enhancement Program, with its wetlands protection and easement program, continues to have positive ramifications on ground water protection.
- Nutrient Management Program: NMP program staff recommends rates to prevent nitrogen and phosphorous from manure and commercial fertilizer from migrating to ground water. Nutrient management plans are conducted on farms and urban turf areas.
- DCR's Division of Natural Heritage (DCR-DNH): The Karst Program staff continued to perform data development, environmental response, and outreach services. These activities addressed a variety of nonpoint source pollution issues in the 26 counties of western Virginia that are underlain by, or upslope of, karst topography. A major data endeavor consisted of hydrogeologic investigation to delineate conservation site boundaries for Virginia's nearly 400 significant caves, supported in part by the Cave Conservancy of the Virginias and VDOT. Karst program staff provided comments on

numerous public and private projects with demonstrated or potential impacts to karst ground water.

One significant endeavor was the CPV Warren project. Staff discovered a previously undocumented population of "Antrolana lira," a species listed as threatened at both federal and state levels, in a sinkhole where outfall from a proposed Gas-Oil electrical Co-generation facility was supposed to enter. Negotiations with the company produced a win-win solution, as the basin design was modified to minimize the potential of ground water contamination and money was set aside for land preservation and monitoring.

- Karst Education Program: Highlights of the karst education program included 14 Project Underground workshops held across Virginia in 2002. Seven Project Underground workshops are already planned for 2003. Six classroom presentations were given. Staff also assisted at the Children's Ground Water Festival, presented an on-line University of Virginia graduate class on karst and ground water for teachers at the Holton Governor's school for Southwest Virginia, and made several presentations.
- Urban Programs: The Urban Programs Manager is actively promoting the use of Low Impact Development. LID attempts to mimic pre-developed natural hydrology in newly developing areas and attempts to re-establish natural hydrology in already developed areas. Almost \$33,000 has been spent on septic system repairs for failing septic systems in Loudon County.

The Urban Programs Compliance Engineer in the New River Watershed Office has scheduled a Stormwater and Karst Workshop on January 30 in Radford. For further information, contact Joey Fagan, Karst Protection Specialist at jfagan@dcr.state.va.us.

The Upper Tennessee and Big Sandy Watershed Office worked with property owners who filled in sinkholes to build waterfront homes and were approved for septic systems. A loophole in the Virginia Cave Protection Act allows the landowner to place materials in a sinkhole or to give written permission to anyone else to do so.

- Chesapeake Bay Watershed Office: DCR Bay Program staff is working with local governments to assist them in adopting planning and development practices that consider runoff and infiltration problems to improve land management practices.
- State Parks: York River State Park has obtained 45 acres of property at the headwaters of Taskinas Creek, which is a pristine estuary creek where environmental education canoe trips are conducted every year. The acquisition is significant in helping keep development off their doorstep and preserving environmentally significant aspect of the park.

Virginia Department of Business Assistance (DBA)

Amy Owens is the new DBA representative to the Steering Committee. Former member Dean Bailey retired last month.

Virginia Department of Health (VDH)

The VDH-Division of Wastewater Engineering is being looked at for relocation to DEQ.

VDH has two General Assembly bills under consideration:

- HB-1505: Emergency Water Supply Permitting: When Executive Orders were issued during 2002's drought, some permitting requirements were relaxed for public water supplies dealing with emergency water supply planning. This bill would address authorizes the State Water Control Board to issue an emergency Virginia Water Protection Permit (VWPP) if the Board finds that there is an insufficient drinking water supply for the area served by a public water system.
- HB-1532: Landfill Siting within 5-miles of a Public Water Supply Intake or Reservoir: Section B, Item 3 has been proposed to be deleted. That provision states that no permits can be granted for solid waste landfills located within five miles upgradient of any existing surface or ground water public water supply intake or reservoir, except in specific cases where the county's population is between 29,200 and 30,000 and the Director deems that construction within a shorter distance of a surface or ground water supply would not harm human health and the environment.

VDH should be wrapping up its sourcewater assessments in April, 2003. As new wells come on line new assessments will be conducted. The next phase will be preparing voluntary surface and ground water protection plans. However, there hasn't been much interest from localities in doing anything other than assessments.

The vulnerability software VSATwater is scheduled for release this month. VDH is scheduling the first training session next month. This training is for the 130 or so community waterworks that serve 3,300 – 99,999 people. About 20-30 of those are ground water systems. Vulnerability assessments are only required for community water systems serving over 3,300 people; it is voluntary for everyone else. The training schedule is available at www.shortcutschools.org/security.html.

David Nelms of USGS is working on the USGS Virginia Aquifer Study. He is in the final stages of report writing. The report will be ready for release in a few months, and if desired, David could present the Study to the Steering Committee later this year.

U.S. Geological Survey (USGS)

Without a final budget yet being passed by Congress, the USGS continues to operate during federal fiscal year 2003 under a continuing resolution. Although operations are being maintained, spending restrictions also have been enacted to keep costs to 2002 levels. It is hoped that a budget will be approved before the President's State-of-the-Union address later this month.

Some recovery in ground water levels has been observed with the onset of rain following the prolonged drought during last year and earlier. Continued rain throughout the non-growing season is needed for aquifers to fully recharge before summer.

The various ground water related studies being conducted by the Virginia District, principally in the Coastal Plain and northern Shenandoah Valley, are proceeding as planned.

Chesapeake Bay Local Assistance Department (CBLAD)

CBLAD is currently included in the Governor's budget, with no additional cuts proposed, having already sustained the highest percentage reductions of all the agencies within the Secretariat. Plans to merge CBLAD with DCR, as directed by the 2001 General Assembly, are progressing.

Plans for CBLAD's annual conference are underway. The conference will be held in Richmond in mid-May. The target audience will be local government staff charged with administering local Bay Act Programs.

CBLAD local grant projects, made possible with assistance from DCR and DEQ, were provided with final contracts January 7, 2003. [submitted in absentia]

Other Updates

Virginia Rural Water Association VRWA)

Eric Shortt has completed sourcewater protection plans at Brookneal, Appomatox, and Augusta County. Albert Crigger is working with the citizens of Floyd County regarding the proposed natural gas pipeline and its potential effects on the ground water. The Floyd County Public Service Authority is interested in doing a sourcewater protection plan. Mr. Crigger believes that the pipeline won't be stopped, but the citizens could influence how the pipeline is constructed and its environmental impacts.

Josh Rubinstein handed out VRWA 2003 quarterly training brochures. Classes being offered from January to March include: 1) Improve the Performance and Health of your Well; 2) Basic Electricity; 3) Basic Math; and 4) Source Water Protection: Best Management Practices and Other Measures for Protecting Drinking Water Supplies. VRWA's website is: www.vrwa.org.

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