

# **Eastern Virginia Groundwater Management Advisory Committee and the Department of Environmental Quality**

## **Electronic Communication Meeting via GoToWebinar**

**April 27, 2021**

### **Meeting Minutes**

#### Committee Members Present:

Robert Wayland, Citizen at Large  
Robert Pickett, Virginia Association of Soil and Water Conservation Districts  
Anna Killius, James River Association  
Peggy Sanner, Chesapeake Bay Foundation  
Nina Butler, WestRock  
Stewart Leeth, Smithfield Foods, Inc.  
Andrea Wortzel, Mission H2O  
David Jurgens, City of Chesapeake  
Doug Powell, James City County Service Authority  
Dwayne Roadcap, Virginia Department of Health, Office of Drinking Water  
Stephen Schoenholtz, Virginia Tech  
Kurt Stephenson, Virginia Tech  
Hope Cupit, SERCAP  
Dana Adkins, Proxy for Chief Adkins, Chickahominy Tribal Nation  
Ben Rowe, Proxy for Martha Moore, Farm Bureau  
Jessica Steelman, Proxy for Shannon Alexander, Accomack-Northampton Planning District  
David Paylor, Department of Environmental Quality

#### DEQ Staff:

Scott Kudlas, Director, Office of Water Supply  
Jutta Schneider, Director, Water Planning Division  
Brandon Bull, Water Policy Manager  
Joseph Grist, Water Withdrawal Permitting and Compliance Program Manager

#### Visitors:

Michele Ashworth, Aqualaw  
Kenneth Bannister, Draper-Aden Associates  
Jason Early, Cardno  
Whitney Katchmark, Hampton Roads Planning District Commission  
Matthew Wells, WestRock

#### Proceedings:

- Welcome and Introductions
  - Mr. Kudlas convened the meeting at 10:05 am

- Mr. Grist took the role and noted a quorum of the committee was present
- Comprehensive Presentation on Status of 2017 Eastern Virginia Groundwater Management Advisory Committee
  - Mr. Kudlas provided presentation reviewing the twelve (12) recommendations of the 2017 committee report, including updates of any legislative actions taken to date and the current status for each item.
- Discussion from the Committee based on Three Discussion Prompts.
  - What recommendation(s) from the previous report would the committee want to discuss further at a future meeting of the Committee?
    - Mr. Pickett requested Recommendations 5 and 11 be explored further. Specifically, the funding for recommendation 5 and maintenance on the monitoring wells. Also information on the saltwater intrusion network.
    - Ms. Wortzel noted the previous committee had specific issues provided in the legislation, but not for this committee, were there any specific directions from the legislature for this committee?
      - Mr. Paylor responded none had been provided at this time.
    - Ms. Wortzel noted the previous committee received a presentation on the status and trends of the aquifer at that time and the issues of that time, and recommended at the next meeting, an update to that original presentation. Does DEQ think the measures addressed to date were adequate, impacts of SWIFT, etc. Not clear what the committee is trying to address at this point, are there gaps this committee can assist DEQ identify and address?
      - Mr. Kudlas responded the original presentation can be updated and provided to the committee. What might still need to be done? The answer is more complicated because of the issue of timing and aquifer response. One of the challenges of managing the aquifer is that pressures respond fairly quickly locally, but takes much longer response time farther away in the aquifer. There is still uncertainty in how the aquifer will respond to the reductions made and from SWIFT. While we have seen some encouraging responses with steps taken to date, there is still uncertainty in how the aquifer will respond in the longer term overall. As I see it we need to give the committee the ability to make decisions about useful steps that might be taken while taking into consideration that some of these steps may not be necessary until further into the future.
    - Nina Butler would like to see if there is a way to still advance the discussion about groundwater trading, as it could facilitate economic development, and asked Mr. Kudlas's thoughts.
      - Mr. Kudlas responded that there had not been any further direction from the General Assembly. He restated that there are policy and technical challenges from DEQ's perspective in moving forward. Mr. Paylor concurred with Mr. Kudlas's response, and noted the hydrogeology needs to stay in the forefront.
    - Ben Rowe noted that DEQ had contracted with USGS concerning water conditions south of the James River. When will that data be presented or provided to the committee?

- Mr. Kudlas responded USGS has specific rules about presentation of information before publication of a report, but the potential is there for a presentation in the late 2021 or early 2022.
- Peggy Sanner asked that the power point be circulated to the committee, and after the meeting take some time to consider and send in suggestions after consideration on what might be helpful for future discussions and considerations.
- Kurt Stephenson noted interest in understanding unregulated use better and facilitate further discussion on that item. He asked if there are any special issues involving the Eastern Shore that DEQ would like to raise with the committee?
  - Mr. Kudlas noted that the Eastern Shore is not part of this Committee's charge, which is focused on the Eastern Virginia Groundwater Management Area. However, staff has been working with an advisory committee on development of a General Permit for use of the surficial aquifer and an expedited permitting process on the Eastern Shore, and that is currently in Executive Review as a proposed regulation. Concerning the unregulated use, it is currently not clear if any of the contractual money in the current budget is targeted to updating that assessment methodology, but the staff would be interested in seeking the committee's endorsement to see that work fully funded if it is not.
  - Mr. Stephenson noted he thinks trying to facilitate that understanding of the unregulated sector would be beneficial.
- David Jurgens noted other than saltwater intrusion, we have not discussed other contaminants, such as PFAS. He has seen local issues in Chesapeake in relation to naval facilities. Contamination has been seen in 50 foot and 150 foot deep wells. Another question involves a user in Chesapeake, a 7-11, and the increased use of anti-bacterial agents for cleaning, which has caused their septic system to fail. Could this contribute to increased contamination from those systems? Are there any considerations to require connections from unregulated users, from groundwater users, in areas where a public water supply is available, at the state level, in regards to water and wastewater, as both could remove a potential user and source.
  - Mr. Kudlas noted PFAS is a popular topic currently but VDH is the lead agency for the state on that issue (Mr. Paylor concurred). There are some areas in the Hampton Roads region where the surficial and Yorktown-Eastover aquifers are in direct contact, contamination is possible in those areas, and something the committee could decide to talk about further.
  - Mr. Jurgens followed up asking if DEQ is doing any broader sampling of the aquifer, where VDH is primarily sampling finished water, there is only a limited amount of raw water sampling. Is there a system in place trying to capture that data? In Arkansas, if

- you are within 300 feet of a sanitary sewer line, there is a state policy you have to connect, whereas in Virginia it's a local issue.
- Mr. Kudlas isn't aware of any current activities in regard to creating state level requirements for connections. As for sampling, DEQ does have an ambient groundwater monitoring program, but there is only one person and budget is limited to only 20 samples per year. If the committee wishes to consider this further, information on DEQ's monitoring efforts can be provided.
- Based on this information and your own awareness, are there recommendations that may no longer be necessary?
    - Ms. Wortzel noted there are several recommendations that already have regulatory processes underway, and the committee may not need to revisit. For example, recommendations #3, #4, and #6 already have a regulatory process in place and she does not see the need to revisit those.
  - Are there issues that you may be aware of that you want to discuss further that may serve as the basis for a new recommendation(s)?
    - Mr. Kudlas stated it was his sense that some of Mr. Jurgens previous comments would appear to apply here.
      - Mr. Jurgens concurred.
    - Mr. Roadcap noted that VDH would concur with Mr. Jurgens previous comments about other contaminants and impacts to source water.

**Public Comment:**

There were no requests to make public comments.

**Next Committee Meeting:**

The next meeting is scheduled for June 28, 2021 at 10:00 am via GoToWebinar.

Please provide written comments or suggestions to Joe Grist or Scott Kudlas by May 15, 2021 for agenda development for the June 28, 2021 meeting.

**Adjournment:**

The meeting adjourned at 12:00 pm

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Scott Kudlas, Director

Office of Water Supply, Water Planning Division