



July 12, 2019

BY ELECTRONIC MAIL

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Tony Cario  
Virginia Department of Environmental Quality  
1111 E. Main Street, Suite 1400  
Richmond, Virginia 23219

Re: Comment on Draft Permits  
Groundwater Withdrawal Applications – Accomack and Northampton Counties

Dear Mr. Cario:

On behalf of our respective organizations and memberships, the Delmarva Poultry Industry, Inc. (DPI) and the Virginia Poultry Federation (VPF) are pleased to submit joint comments on the draft permits proposed for poultry farm groundwater withdrawals on Virginia's Eastern Shore. Our comments relate to all of the draft proposed permits, and we ask that you consider these comments for each and include these comments in the record for each.

DPI, Inc. is a 1,700-member trade association representing the chicken growers, companies and allied members within Delaware, the Eastern Shore of Maryland and the Eastern Shore of Virginia.

VPF is a nonprofit, statewide trade association representing all sectors of the poultry industry, from farmers to processors to businesses that provide goods and services to the poultry industry.

The poultry industry is integral to, and a major part of, the economy of Accomack County and the Commonwealth as a whole. Water is a critical component of poultry farm operations – for birds to drink, for maintenance of a healthy flock, and for cooling systems to ensure bird welfare in hot weather. The poultry industry is committed to the sustainability of water resources. Because water is so important to poultry operations, poultry farmers are constantly working to ensure that they employ conservation measures and use no more than the smallest amount necessary to support their operations. In fact, too much moisture in chicken houses can lead to disease.

The poultry industry recognizes the important role that the permitting process plays in allowing DEQ to assess the impacts of withdrawals, and to work, through reasonable controls, to ensure the sustainability of the groundwater resources and its availability for beneficial uses. We believe that the proposed permits allow such an evaluation to occur and establish a path forward to continue to conserve, protect and beneficially utilize Eastern Shore groundwater resources. The proposed

permits also reflect Virginia's policies of preserving existing uses and working to ensure adequate water available for all beneficial uses, including agriculture, such as a poultry operations, as set out in Va. Code § 62.1-255 and Va. Code § 62.1-44.36 (1) and (2).

While we are generally supportive of the proposed permits, we respectfully ask that you consider the following concerns and suggestions:

- Of the permittees, 78% are required to add geophysical logs and collect specific data and 53% are required to conduct an alternative source investigation, including drilling a test well in the surficial aquifer. These special conditions are additional costs to the growers, at approximately \$1,200 per borehole and \$6,000-\$7,000 per test well. Implementation of the conditions will require oversight by DEQ and the use of professional installers. There are already limited professional and financial resources on the Eastern Shore of Virginia and within DEQ. We suggest that DEQ extend the deadline for both of these special conditions for three years to allow for the proper resources and for growers to efficiently save for these added, unexpected expenses.
- The industry is supportive of **future** permit applicants considering the Columbia aquifer **if feasible**, and supported Senate Bill 1599 (Va. Code § 62.1-262.1) that directs the State Water Control Board to create regulations offering incentives for withdrawal from the surficial aquifer. SB 1599 reflects a General Assembly preferred approach of utilizing incentives rather than mandates. The current permit applicants are existing farms with existing wells. They should not have to incur additional costs or burdens to dig new wells in the Columbia, unless there are significant cost-share or incentives to the growers.
- We suggest that DEQ develop standard forms and/or guidance on reporting requirements specific to the poultry farmers, including water withdrawal reports, water conservation leak detection and repair program report, the 12-month audit and any other monitoring requirements. This will help assure that farmers remain in compliance. In addition, more uniformity in reporting will reduce DEQ review time and the burden on DEQ's resources.
- For any permittees that are not requesting or required to build additional wells, we recommend DEQ remove Section K under general conditions or add clarifying language that it only applies to the installation of new wells. We understand that this is the intent of Section K, but some confusion exists and clarification would be helpful.
- During the public hearings, commenters requested neighbor notification of proposed withdrawals. Adding such a requirement is not appropriate because it is not authorized by the underlying regulations; local public notification is already required by another method; and it would be unfair and burdensome to single out poultry farmers for additional notifications not imposed on other groundwater permit applicants.

Thank you again for the opportunity to comment. We look forward to continued cooperation between the poultry industry and DEQ to understand the poultry industry's water usage and needs and to foster appropriate beneficial uses of groundwater resources.

Sincerely,



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