

Browns, Craig & Marsh Runs TMDP Implementation Plan Development

Government Working Group Report to Steering Committee

November 4, 2010

Working Group Members:

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MEETING DATE: July 20, 2010

RESPONSIBILITIES:

The primary responsibilities of the Government Work Group are:

- Identify funding sources and technical resources currently available;
- Evaluate additional programs/technical resources that could enhance implementation;
- Identify lead agencies for agricultural and residential implementation;
- Identify regulatory controls currently in place that could promote water quality improvement efforts; and
- Discuss monitoring component.

KEY TOPICS:

The following is a summary of issues discussed at the Government Working Group Meeting:

- **On-site Sewage Disposal Systems**
 - Systems more often need repair than replacement. The most common problem is damage to distribution boxes.
 - Fauquier County's Ordinance requires:
 - Septic pump-out every 5 years;
 - Hook up to public sewer if service is available within 300'.

- Some need-based assistance may be available through cost share assistance from the TMDL program and Fauquier Housing.
- Monitoring/tracking is limited but improving;
- Increased use of alternative systems is anticipated due to smaller lot sizes and soil limitations;
- Costs associated with alternative systems are problematic for low income households;
- Funding formulas limit eligibility for Rural Block Grants and Community Development Block Grants; and
- Virginia Cooperative Extension offers grant-funded groundwater testing and monitoring.
- **Residential and Commercial Pet Waste**
 - DEQ identified pet waste as a bacteria source through 12 months of monitoring using antibiotic resistance analysis testing.
 - Fauquier County Department of Parks and Recreation will install five pet waste collection kiosks along White's Mill/Cedar Run Valley Trail in Warrenton;
 - R-RRC, along with JMSWCD will develop and distribute pet waste management educational materials.
- **Agriculture**
 - Financial assistance for agricultural BMPs in Fauquier County is offered through the USDA Environmental Quality Incentive Program (\$20,000) and the Chesapeake Bay Watershed Initiative Program (\$200,000):
 - Priority is given to properties in impaired watersheds.
 - 60% of the funds are allocated to livestock equipment and fencing, pipelines, water troughs, animal waste containment and nutrient management.
 - Farmers may sign up year round.
 - Applicants are ranked based on environmental priorities (ie. proximity of property to river, number of cattle, etc).
 - The Conservation Reserve Enhancement Program fully funds fencing repair, streamside buffers, alternative water systems, but not animal waste containment.
 - Assistance is needed in the removal of tire stockpiles and old machinery from agricultural properties.
- **Educational Outreach**
 - VA Dept. of Health's pump-out program provides information on septic system maintenance.
 - VA Cooperative Extension outreach initiatives include the Green Grass Program on proper nutrient application and AG BMP workshops.
 - JMSWCD offers programs on water quality testing, agricultural BMPs, nutrient management, etc.
 - Include educational opportunity with permitting of liquid waste applications for Dairy and Beef operators.
- **Partnership Opportunity**
 - VA Outdoors Foundation (VOF), programs include:
 - Opportunity for voluntary conservation easements;
 - Conservation incentives in Fauquier County include the Purchase of Development Rights program, tax credits that can be sold to any Virginia tax payer, and 100% reimbursement for legal, accounting, appraisal fees, etc.
 - Currently demand for conservation easements exceeds available funding;
 - Easement donation often more profitable than PDR by County;
 - Priority is given to easements that protect water quality; requirements include 35 ft. riparian buffers.

- **Potential Funding Sources** – See attached Actions Chart
 - Few federal or state funding sources currently available
 - Fauquier Housing has some programs for low income households
 - Fauquier County does not have enough cold water streams to qualify for Trout Unlimited or Ducks Unlimited programs
 - Virginia offers Land Preservation tax credits
- **Proposed Responsibilities/Roles of Government Agencies in IP**
 - Assistance is needed to maintain BMPs beyond the typical 10 year life-span requirement of cost-share assistance programs;
 - All are encouraged to develop and implement educational programs for pet waste management and septic system maintenance;
 - Fauquier County's Ordinance should be revised to address the number of acres accessible by animals, rather than the number of acres included in the property;
 - A measureable action plan is needed to track installation, location and maintenance of all septic systems, including alternative systems;
 - Require plat of location of septic system at time of property sale.
 - Require that the VA Health Department record GPS coordinates of septic system location when performing drain field inspections. Data could be merged with the local government's GPS database.
- **Regulatory Controls**
 - Current septic system regulations are promoted primarily through voluntary efforts. New regulations effective April 2011 will require certified operators, more rigorous oversight, and more reports for alternative systems.
 - Low income homeowners with alternative systems will be challenged by maintenance costs and operating expenses.
 - Residents who install alternative systems prior to April 2011 will not be required to adhere to the new regulations unless their system fails. Once a system fails, it will be brought in as a new system and held to the same regulations.
 - Fauquier's ordinance mandates septic system pump out every 5 years or at time of property transfer.
 - Agricultural Stewardship Act addresses only nutrients and sediment, not pathogens.
 - Recommend that ordinances include LID strategies. Currently LID is encouraged but not required.
 - Consider additional BMPs for indoor riding rings, wineries, greenhouse operations and bio-solid applications.
- **Monitoring During Implementation**
 - DEQ ambient monitoring program helps validate progress during implementation of plan.
 - Limited monitoring has resulted in gaps in information. Currently, DEQ has only one station in the Marsh Run Watershed. There are four other DEQ stations in the watershed that have not been monitored since 2006.
 - There is only one citizen monitoring station in the Marsh Run Watershed. Citizen monitoring identifies hot spots; however, sampling protocols do not necessarily match DEQ requirements.
 - It was recommended that stream flow be included in monitoring. Currently, monitoring includes pH, DO, temperature and bacteria. Fairly inexpensive flow monitors might be purchased through grant funding.
 - Attendees at the first public meeting commented on the need for more extensive monitoring, as well as a review of changes in land use since the TMDL study was written.

RECOMMENDATIONS

The following recommendations resulted from the discussion of the above KeyTopics.

- **On-site sewage disposal systems:**
 - Develop and implement educational/outreach programs to include information on the design, function and maintenance of the full range of septic system types (traditional and alternative);
 - Require that information regarding residential septic system management and drain field location be part of closing documentation at property transfer;
 - Develop and implement a comprehensive location and maintenance tracking system for all septic systems;
 - Explore sources of funding for on-site sewage disposal system installation and repair for low income households.
- **Pet Waste**
 - Develop and implement educational/outreach programs to inform the public of appropriate pet waste management practices;
 - Promote the installation and use of enzyme waste composters for pet waste treatment;
 - Promote and support the development and implementation of proper waste management practices at all confined canine facilities;
 - Enlist the support of homeowners associations, veterinary clinics, boarding facilities, hunt clubs and pet supply stores to distribute educational information and promote responsible pet waste management; and
 - Promote Fauquier County SPCA's pet waste management program as a model for private kennels or other confined canine facilities to emulate.
- **Agriculture**
 - Consider greater flexibility in fencing, buffer and setback requirements.
 - Work with owners of small acreage horse properties to assure the implementation of Best Management Practices.
 - Develop and implement outreach programs to inform landowners of all available BMP programs;
 - Assure that landowners understand that although implementation of BMPs may reduce available grazing acreage, it will not affect their land-use classification;
 - Work with the County to establish an amnesty day at landfills for the disposal of "retired" farm machinery and discarded tires; and
 - Identify conservation easement programs and partnerships to secure perpetual riparian buffers;
 - Develop a Virginia Outdoors Foundation –TMDL IP partnership to encourage easements that promote water quality in impaired watersheds;
 - Consider additional BMPs for indoor riding rings, wineries, greenhouse operations and bio-solids application; and
 - Develop and promote educational opportunities to accompany DEQ permitting for liquid waste applications by dairy and beef operators.
- **Regulatory Controls**
 - Enforce Fauquier County's septic system pump-out requirement;
 - Revise Fauquier County's ordinance to reflect the number of acres to which animals have access, rather than the number of acres included in the property;
 - Promote the inclusion of pathogens as part of the area of oversight within the Agricultural Stewardship Act; and

- Promote the inclusion of LID requirements within the Fauquier County Ordinance.
- **Water Quality Monitoring**
 - Increase DEQ ambient monitoring to collect more data;
 - Promote citizen-based monitoring; and
 - Investigate the possibility of purchasing stream-flow gauges to include stream-flow data with citizen monitoring.