

Upper York River Watershed TMDL Implementation Plan Development

Tuesday, February 8, 2011, 7 P.M.
Town of Orange Public Works Building
235 Warren Street, Orange Virginia
Public Meeting #1-Orange Location

Attendance: (signed in =37, count = 42)

Bart Almond, Citizen
Josh Bateman, Town of Orange
Jenny Biche', Rappahannock-Rapidan Regional Commission
Cynthia Bowman, Citizen
Gracie Hart Brooks, Orange County Review
Deirdre Clark, Rappahannock-Rapidan Regional Commission
Bernard Courtney, Citizen
Doug Crain, Citizen
Stephanie DeNicola, Culpeper SWCD
Thomas Graves, Citizen, Orange County Farm Bureau
K. Green, Citizen
Charles Lunsford, VA Dept. of Conservation and Recreation
Janice Mayhugh, Eastern View High School
Doug Mayhugh, Citizen
Bob McConnell, Citizen
Don Ober, Citizen
Raymond Orndorf, Citizen
Chris Owens, Citizen
Timothy Pent, Citizen
Byron Petrauskas, Blue Ridge Environmental Solutions
Cody Phelps, Eastern View High School
Alison Rau, Piedmont Environmental Council
David Rogers, Citizen
Richela Rosales, Eastern View High School
Chip Russell, VA Dept. of Health
Monk Sanford, Citizen
May Sligh, VA Dept. of Conservation and Recreation
Bob Slusser, VA Dept. of Conservation and Recreation
Jimmy Stevens, Citizen
Debbie Switzer, VA Dept. of Conservation and Recreation
Gary Switzer, VA Dept. of Health
Richard Street, Spotsylvania County
Bryant Thomas, VA Department of Environmental Quality
Greg Wichelns
Michael Willis, Citizen
Ron Wisniewski, Natural Resources Conservation Service
Lindsay Woolfolk, Citizen

Introduction:

- Joshua Bateman, Director of Community Development, Town of Orange, welcomed attendees. Staff was introduced and hand-outs were provided to attendees.
- Stephanie DeNicola, Education Specialist, Culpeper Soil and Water Conservation District, introduced Eastern View High School's Envirothon Team and coaches and informed the public they were there to observe. Envirothon students will be focusing on the Chesapeake Bay TMDL study in their competition.
- Index cards were distributed to capture attendee's questions to be addressed after the presentations.

Upper York River Watershed TMDL IP Development:

Through the use of a power-point presentation, copies of which were provided to attendees, Byron Petrauskas reviewed the findings of the Upper York River Watershed TMDL. The goals, and the process, of developing the implementation plan were reviewed. May Sligh, Virginia Department of Conservation and Recreation, provided a detailed summary of the public participation process, the respective roles of the agricultural, residential and government working groups and the proposed timeline. Attendees were informed that all materials related to this initiative will be available at http://www.rregion.org/tmdl_york.html. Copies will be mailed upon request.

Attendees were invited to participate in the entire TMDL-IP process and encouraged to invite others who might be interested. It was noted that because of the geographic extent of the area addressed by this TMDL-IP, another public meeting had been held in Louisa on January 25, 2011. Notes from all meetings will be posted on the R-RRC website as soon as they become available.

Questions, Comments and Summary: Index cards with written questions from attendees were collected. In response to the questions, the following information was provided by a panel made up of Charles Lunsford, Byron Petrauskas, May Sligh, Bryant Thomas, Greg Wichelns, Bob Slusser and Deirdre Clark.

Can the model (one used in TMDL Study) be revised and can testing be done to specify the source of the bacteria?

The question was clarified to ask whether the model could be re-run because the model predicts concentrations well over measured bacteria levels.

A model is a tool we use to try to understand and replicate conditions observed. We use the model in the TMDL study to make prediction. When we take a sample, we send it to the lab and the lab reports the bacteria levels as colony forming units per 100 ml of water. Samples with higher concentrations need to be diluted in order to count the bacteria colonies. The more dilutions you perform, the higher you are able to quantify a sample. The bacteria standard is 235 colonies per 100mL of water. That is what we measure and compare against. We don't need to quantify values into the thousands if we are concerned with exceedances of 235 cfu/100 ml. So, we may perform only a limited number of dilutions which can effectively cap our analytical results. Also, the more dilutions, the more it costs. However, models aren't capped; they may make predictions well over our measures.

Are the growth projections based on building permits? For Plentiful Creek, the last building permit was issued in 2003. If this guideline is set by the model, you may need to tweak it.

The growth factor is typically derived from U.S. Census data or the county's comprehensive plan.

The estimate is way off on population. Many of the dwelling units are not livable, although perhaps they have straight pipes.

New development has an estimated 3% failure rate. As might be expected, older homes are greater contributors. The new census can provide new population data, although those numbers affect sediments and nutrients more so than bacteria levels.

Can you specify the sources of the bacteria?

Can it be done? Yes, and it has been done during the TMDL study through bacteria source tracking, but there are no plans to have it done now. The bacteria source tracking identified human, wildlife, livestock and pets, but did not identify specific species (geese, deer, etc.).

How often should you have your septic tank pumped?

Typically septic tanks should be pumped every 5 years, as recommended by the Health Department. However, it depends on the load. If 2 people live in the house, it may need to be pumped every 7-10 years. If 8 people live in the house, it may need to be pumped every 6 months to one year. The state code is every 3-5 years and ordinances generally state every 5 years.

Are there any cost share programs available to install new or alternative septic tank systems?

There are grant programs available to help with cost share. Culpeper Soil & Water Conservation District has cost share programs funded by the TMDL program. There are four different cost-shares practices available that provide 50% cost share: pump outs, repairs, replacements and alternative systems up to 75% cost share for low income families. Cost share is also available for sewer hook up for failing septic systems and straight pipes.

How do you identify where the straight pipes are?

We can provide more details in the residential working group meeting. Although it varies by community, in the past straight pipes have been identified through stream walks, canoeing and complaints.

Will the TMDL-IP coordinate with the Army Corps of Engineers?

If the Army Corps of Engineers is looking at bacteria in the same streams, then yes, we will collaborate with them.

What part of the TMDL-IP is required by law?

Straight pipes are illegal. Direct discharge into a stream is illegal. Failing septic tanks are illegal. All recommended agricultural practices are voluntary. The Agricultural Stewardship Act allows citizens to file complaints against a farmer for doing something they feel is detrimental to the environment. The Virginia Dept. of Agriculture and Consumer Services (VDACS) oversees that, so any straight pipe, failing septic or direct discharge will be addressed by law, however everything else is voluntary.

What financial burden is there to the locality for technical assistance with the TMDL-IP?

There is none. Currently, state and federal funds are available for technical assistance.

Break-Out Session for Working Groups:

Attendees were invited to participate in one of two working groups – Agricultural or Residential

What's Next?

Attendees were thanked for their participation and encouraged to forward any comments or questions to Deirdre Clark, May Sligh or Byron Petrauskas. They were reminded that there will be additional opportunities to participate in the TMDL-IP process and encouraged to view all meeting notes, maps and presentations on R-RRC's website at http://www.rrregion.org/tmdl_york.html.

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