

## **Upper York River Watershed TMDL Implementation Plan Development**

Wednesday, March 30, 2011

2:00pm-4:00pm

Town of Orange Public Works Community Room

235 Warren Street, Orange, VA

### **Government Working Group Meeting Summary**

#### **Attendance:**

Josh Bateman, Town of Orange  
Dana Bayless, USDA Natural Resources Conservation Service  
Diane Beyer, Tri-County/City Soil and Water Conservation District  
Jenny Biche', Rappahannock-Rapidan Regional Commission  
Deirdre Clark, Rappahannock-Rapidan Regional Commission  
Katie Conaway, VA Dept. of Environmental Quality  
Robert Dube', Louisa County Administrator  
Lee Frame, Orange County Board of Supervisors  
Thomas Graves, Orange County Farm Bureau  
Willie Gentry, Chair, Louisa County Board of Supervisors  
Courtney Lipski, Virginia Department of Health  
Jim Miller, Orange County Farm Bureau  
Byron Petrauskas, Blue Ridge Environmental Solutions, Inc.  
Jim Riddell, President, Louisa County Farm Bureau  
Chip Russell, Virginia Department of Health  
Scott Vogel, Virginia Department of Health  
Greg Wichelns, Culpeper Soil and Water Conservation District  
Ron Wisniewski, USDA Natural Resources Conservation Service  
Gregg Zody, Orange County

#### **Welcome**

Attendees were welcomed and introductions were made. Participants were reminded of the TMDL Study approved in 2005 and the requirement for the TMDL-IP. Responsibilities of the Government Working Group were reviewed, as follows:

- 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.

#### **Public Participation Opportunities**

- The TMDL-IP process was reviewed and hand outs were provided;
- It was noted that the first public meetings were held on January 25, 2011 in Louisa and February 8, 2011 in Orange where the TMDL-IP was introduced and attendees had the opportunity to participate as members of either the Agricultural or Residential Working Group;
- The group was informed that comments captured and presentations from all meetings are available at [www.rregion.org/tmdl\\_york.html](http://www.rregion.org/tmdl_york.html);
- Attendees were invited to join the Steering Committee which will be comprised of representatives of all three working groups, Government, Agricultural and Residential, as well as concerned citizens and agency representatives;
- The second Agricultural and Residential Working Group meeting will be held on May 3, 2011 at the Town of Orange Public Works Community Room from 6-8 P.M. Another meeting will be held in Louisa; however, the date and location have yet to be determined; and
- The Final Public Hearing, at which the Draft TMDL-IP will be presented for public comment, will be held in early June.

## **Overview of Practices/Programs**

Attendees were provided with a handout entitled “Overview of Practices/Programs” and “Potential Funding Sources” that was reviewed collectively. The following comments and edits were made:

### **On-site Sewage Disposal Systems**

- The average cost to serve a 3 bedroom, 2 bath house is estimated to be \$8,000 for a conventional system and \$20,000 for an alternative system;
- The basic cost for a public sewer connection in the Town of Louisa is \$10,260.00, plus construction costs. Outside the town limits, the connection cost is \$5,250 plus the cost of constructing the line to the property and any improvements needed at the property itself.
- Cost for public sewer service, including connection to the service and on-site improvements is estimated to run from \$15,000 to \$20,000 per dwelling in all three counties.
- Of the localities represented, only the Town of Orange felt that there could be a need for new public sewer hook ups due to the present state of the housing development market;
- The Town of Orange has a new sewage treatment plant;
- More than 10% of alternative systems have been installed on smaller, subdivided lots;
- Louisa County identified Blue Ridge Shores as having a community sewage treatment system;
- Upgrades to failing systems, rather than replacements with new systems, can solve most problems;
- There is a 100% reserve requirement for new lots in all three counties;
- Septic system failures are more commonly associated with older homes;
- Alternative systems require annual maintenance contracts that have increased in cost from \$150 - \$200 a few years ago to up to \$400 currently;
- Based on soil types and Health Department experience within the region, all three counties estimate allocation of funds as follows:
  - ✓ 60% towards repairs,
  - ✓ 30% for replacement, and
  - ✓ 10% for alternative waste treatment systems.
- Culpeper Soil and Water Conservation District has seen more need for repair than replacement;
- Because of differences in requirements, the Health Department can make allowances for existing systems that it can't make for a new system;
- The TMDL study estimated failing septic tanks based on the age of structure, soil types, and location in relation to the floodplain;
- Local input is needed for ground-truthing.
- The Health Department cannot provide an inventory of failing septic tanks or straight pipes; the TMDL study is the best tool to use;
- Homeowners, especially in rural areas, may be reluctant to participate in cost share programs due to anti-government philosophies and unwillingness to disclose personal financial information;
- Success will be determined by the delivery of the outreach efforts;
- Funding must be secured and available before outreach is implemented;
- Positive experiences of program participants will be helpful in gaining additional participation;
- Efforts should be made to eliminate waiting lists - funds must be available and adjusted accordingly along the way;
- PDCs have had success implementing 50% cost share programs and are available to provide support;
- Financial support for septic pump-out may be available through the Water Quality Improvement Fund, however, 319 funds are not available for this purpose;
- It was recommended that program funding be available on a bid basis to contractors (septic pump-out and repair, fencing installation, etc.) who can provide services to homeowners and farmers at discounted rates. This will circumvent concerns regarding dealing with government offices and may result in increased success;
- A measureable action plan is needed that includes a tracking system for all septic systems, including alternative systems – Albemarle's method could be used as a model;
- Education/ Outreach
  - Homeowners should be informed of pump out recommendations/requirements and cost share programs available for pump-outs and repairs;

- Real estate agents in other localities have recommended that information on septic tanks (location, maintenance requirements, etc.) be included as part of required sale documents;
- The Culpeper Soil and Water Conservation District has a model demonstrating how a septic tank system works that can be used for educational outreach to schools and homeowners;
- The Extension Office has water testing and septic testing kits available; and
- It has been demonstrated that educational outreach to children and youth is very effective in conveying information and influencing responsible behavior in parents.

### **Public Sewer**

- The basic cost for a public sewer connection in the Town of Louisa is \$10,260.00, plus construction costs. Outside the town limits, the connection cost is \$5,250 plus the cost of constructing the line to the property and any improvements needed at the property itself.
- Cost for public sewer service, including connection to the service and on-site improvements is estimated to run from \$15,000 to \$20,000 per dwelling in all three counties.
- Of the localities represented, only the Town of Orange felt that there could be a need for new public sewer hook ups due to the present state of the housing development market; and
- The Town of Orange has a new sewage treatment plant.

### **Residential and Commercial Pet Waste**

- DEQ identified pet waste as a bacteria source in every watershed listed in the TMDL. While bacteria source tracking was used in the TMDL study, emphasis is placed on an absence/presence finding;
- Fauquier County’s “It’s Your Doodie” pet waste management project includes installation of pet waste disposal stations along trails in parks and educational outreach materials including flyers, brochures, magnets and bookmarks to encourage pet owners to clean up after their pets. A similar program could be replicated in each of the three counties;
- The Fauquier County SPCA has implemented several strategies to properly manage animal waste. Their facility could be used as a model for commercial and private kennels including hunt clubs and veterinary clinics;
- Grant funding could be sought to assist kennel owners to improve their facilities;
- Pet waste accounts for 5% or less of the bacteria load in rural areas; however, as might be expected, more urban areas have higher amounts;
- It was estimated that 20 pet waste digesters are needed for each impaired watershed – this will be discussed in greater detail in the next Residential Group Working Meetings;
- Recommendations include 2 confined canine waste treatment systems for Pamunkey Creek watershed and one for each of the other 5 for a total of 7;
- More precise dog counts might be derived by determining the number of dog licenses that have been issued;
- Spotsylvania County requires a kennel license for owners with a certain number of dogs;
- The Town of Orange has installed pet waste stations with grant funds through the Culpeper Soil and Water Conservation District; a reduction in the amount of pet waste left on sidewalks has been observed; and
- Education/outreach
  - Small grants may be used to develop and distribute educational material to the dog-owning public – total cost estimated at \$15,000 or \$5,000 per county.
  - Homeowners' associations are effective in educating neighborhoods;
  - Localities can install waste collection kiosks with educational signage;
  - Effective pet waste education programs

### **Storm Water Management**

- Best management practices include use of vegetated buffers, bio-retention and infiltration trenches; and
- Additional practices recommended include rain gardens and retrofitting retention ponds.

### **Agriculture**

- Cost share programs include:
  - CREP

- Requires exclusion fencing, installation of an alternative watering system, a 35 foot set-back, a treed buffer and a 10 year contract;
    - Farmers receive 50% cost share, an annual rental payment for the buffer, and an incentive payment that can increase the cost share percentage up to 90%;
    - Availability of funding and its non-competitive status makes CREP a popular program that is often the first alternative offered to farmers.
  - EQIP
    - Requires exclusion fencing with a 35 foot set back and provides incentive payments;
  - CBWI
    - Requires exclusion fencing with at 10 foot set back and provides incentive payments.
  - LE-1T – offers 85% cost share;
  - LE-2T- offers 50% cost share; requires a 10 foot set-back; available only in areas with an approved TMDL-IP.
- Reasons given for not participating in cost-share programs include:
  - Maintenance costs;
  - Loss of investment due to flooding;
  - Anti-government attitudes;
  - Fencing of feeder streams leading into main stream would eliminate majority of property;
  - Requirement of having to plant trees after having cleared property for pasture;
  - Loss of useable land due to set back requirements;
  - Farmers participating in some cost share programs have determined that these programs may be more costly than implementing the practices on their own;
- Program Observations/Comments
  - Tracking the success of cost-share programs is difficult because they may not be fully implemented as a system or are often hybrids of several programs;
  - EQIP data is hard to separate from CREP data;
  - Consideration should be given to increasing the percentage of funding allocation for the LE-2T program;
  - It was noted that 95% of the stream exclusion practices would likely be funded by CREP, EQIP, LE-1T and LE-2T, and 5% would be funded as SL-6AT and WP-2T;
  - It was noted that intermittent streams do not show up on USGS topo sheets;
  - Farmers may also consider combining cost share programs with conservation easements to receive additional tax incentives as offered through the Virginia Outdoors Foundation;
  - Only one dairy farm was identified in the watershed that did not have adequate storage;
  - Manure/Litter/Biosolids incorporation into soil can be difficult in some areas due to slopes and soil loss; and
  - Biosolids should be injected rather than worked into the soil with a disc.

**Potential Funding Sources – See attached Actions Chart**

- Attendees were asked to update/add to the Action Chart and submit to Deirdre Clark or May Sligh.
- The following changes were suggested:
  - Under Residential Actions, include “installation/hook ups” for corrective actions for septic system failure and/or straight pipes with the Community Development Block Grant program as a potential funding source;
  - Under Residential Actions, change “local ordinance” to “state regulators” in the “corrective action” box and add “health department” in the “who will assist” box;
  - Under Residential Actions, add “SWCD” in the “who will assist” box for the first 5 source issues listed on the action chart;
  - Under Residential Actions, add “school groups” in the “who will assist” box; and
  - Under Government Actions, change “local government” to “state mediators” in the “potential funding” box.

**Proposed Responsibilities/Roles of Government Agencies in IP**

- Soil and Water Conservation Districts, NRCS, Virginia Department of Health, VA Cooperative Extension, and VA Department of Forestry will provide technical assistance and information on funding options;

### **Regulatory Controls**

- As part of the county-wide Chesapeake Bay Act requiring septic pump-out every 5 years, Spotsylvania County sends homeowners letters reminding them of that requirement;
- State law requires any homeowner residing east of Interstate 95 to have their septic system pumped every 5 years; and
- Louisa has a shoreline zoning ordinance.

### **Monitoring During Implementation**

Katie Conaway, DEQ, provided a hand out and shared information on DEQ's monitoring program:

- DEQ is limited to monitoring where there is public access;
- DEQ will continue to monitor streams during implementation of plan and document progress;
- Citizen monitoring may be recommended in TMDL-IP - citizens may have access to areas that DEQ does not and their testing can be less expensive;
- While citizen monitoring can not be accepted by DEQ, the data can identify hot spots for further inspection by DEQ;
- Currently there are no citizen monitoring groups in the TMDL-IP region; however grants may be available to interested groups; and
- DEQ will provide training and assistance to citizen monitoring groups;
- Other
  - Thomas Jefferson SWCD conducted a study 3 years ago to pinpoint failing septic tanks in Goldmine Creek watershed – may Sligh will research their findings
  - In 2000, the 3 counties participated in the development of a Lake Anna Special Area Management Plan emphasizing the importance of water quality in Lake Anna and its tributaries.

### **Next Steps**

- Attendees were invited to attend the second Agricultural and Residential Working Group meetings. Meeting dates, times and locations will be listed at [www.rrregion.org/tmdl\\_york.html](http://www.rrregion.org/tmdl_york.html);
- Attendees were asked to consider volunteering for the Steering Committee and to represent the Government Working Group by reporting on topics discussed

Participants will be notified of future meetings. Information about the project and meeting minutes may be accessed at [http://www.rrregion.org/tmdl\\_york.html](http://www.rrregion.org/tmdl_york.html). Questions and comments are welcome. Please contact:

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