

## Upper York River Watershed TMDL Implementation Plan Development

Tuesday, January 25, 2011

7 P.M.

Louisa County Administration Building  
1 Woolfolk Avenue, Louisa Virginia

### Public Meeting #1

#### **Attendance:**

Tommy Barlow, Louisa Co. BOS  
Jenny Biche', Rappahannock-Rapidan Regional Commission  
William Biscoe, Citizen  
Jennifer Carlson, VA Dept. of Environmental Quality  
Deirdre Clark, Rappahannock-Rapidan Regional Commission  
Raleigh Coleman, Thos. Jefferson SWCD  
William Coleman, Citizen  
Katie Conaway, VA Dept. of Environmental Quality  
John Conway, Citizen  
Carla Cunningham, Citizen  
Joe Cunningham, Citizen  
Dave Dudman, Citizen  
Donna Dudman, Citizen  
James Foreman, Citizen  
Dora Foster, Citizen  
Jim Foster, Citizen  
Willie Gentry, Chair, Louisa Co. BOS  
Bobby Goodwin, Citizen  
Richard Havasy, Louisa Co. BOS  
Mary Johnson, Citizen  
Dale Jones, Citizen  
Joyce Jones, Citizen  
Vernon Jones, Citizen  
James Kean, Citizen  
Charles Lunsford, VA Dept. of Conservation and Recreation  
Patty Madison, Citizen  
Christopher Owens, Citizen  
Byron Petrauskas, Blue Ridge Environmental Solutions  
Helene Purcell, Citizen  
Mary Radloff, Citizen  
May Sligh, VA Dept. of Conservation and Recreation  
Doug Smith, Citizen  
Richard Street, Spotsylvania County  
Clorese Vaughn, Citizen  
JB Vaughn, Citizen  
Larry Wallace, Southeast Rural Community Assistance Program  
Bob Weiner, Citizen  
(32 attendees signed in; 38 were present)

#### **Introduction:**

Deirdre Clark, Rappahannock-Rapidan Regional Commission, welcomed attendees and introduced Byron Petrauskas, Engineering Concepts, Inc., as well as Charles Lunsford and May Sligh, Virginia Department of Conservation and Recreation. DEQ Staff and Orange County Supervisors were introduced. Index cards were distributed for attendees to record their questions to be addressed after the presentations.

#### **Chesapeake Bay and Upper York River Watershed TMDL-IPs-Differences and Similarities:**

Mr. Lunsford presented a brief overview of the differences and similarities between the Chesapeake Bay TMDL-IP and Upper York River Watershed TMDL-IP. The following points were noted:

- The Chesapeake Bay TMDL IP focuses on reducing the loads of nitrogen, phosphorus and sediment from contributing streams, while the objective of the Upper York River Watershed TMDL IP is reduction in bacteria;

- 70% of all streams listed on Virginia's Impaired Waters List are there because of unacceptable levels of bacteria;
- The Chesapeake Bay TMDL IP will include two year milestones that will have consequences mandated by EPA if reductions are not met; however, other than requirements associated with failing septic systems or straight pipes, the Upper York River Watershed TMDL IP will not include any mandates or penalties;
- The Implementation Plan will serve as a guide to reduce the bacteria load in the streams – there are no consequences associated with failure to follow the plan;
- The development of the TMDL-Implementation Plan will result in eligibility for federal and state grants and other funding opportunities;
- The development of a TMDL Implementation Plan for listed streams is required by Virginia law.

### **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 and the respective roles of the agricultural, residential and government working groups. In addition, the proposed timeline was presented. Attendees were informed that all materials related to this initiative will be available at [http://www.rregion.org/tmdl\\_york.html](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 extend of the area addressed by this TMDL-IP, a second public meeting is scheduled for January 26, 2011 at 7 PM at the Orange Public Works Building in the Town of Orange. Attendees were cautioned to consult weather forecasts and the R-RRC website for possible re-scheduling

### **Questions, Comments and Summary:**

Before proceeding to the next agenda item, addressing questions submitted by attendees, Mr. Willie Gentry, Chair, Louisa County Board of Supervisors, requested a few minutes to read a resolution, dated November 15, 2010, of the Louisa County Board of Supervisors regarding the Chesapeake Bay TMDL. The following points were made:

- The Louisa County Board of Supervisors, including those members present - Mr. Havasy, Mr. Barlow and himself – oppose the requirements imposed on local government by the Chesapeake Bay TMDL;
- As perceived, the Upper York Watershed TMDL-IP is not a local, Louisa County plan;
- The present meeting was the first time the Louisa County BOS heard of the Upper York River Watershed TMDL-IP or of any funding opportunities available to support associated BMPs;
- The requirements of the Chesapeake Bay TMDL cannot be met without significant federal funding.

Index cards with written questions from attendees were collected. Questions were read and responses were provided by Katie Conaway, Charles Lunsford, Byron Petrauskas, May Sligh and Deirdre Clark.

### **How were failing septic systems quantified in the TMDL study and were other studies, such as the Army Corps of Engineers study at Lake Anna, included?**

*The TMDL study provides the initial count of failing septic systems based on census data, age of homes, proximity to streams, etc. to determine the likelihood of failing septic systems and identification of straight pipes. The TMDL-IP process allows for local input and an opportunity to create strategies to identify failing septic systems and straight pipes and solve the issue. Examples of strategies include educational outreach, stream walks and canoeing down rivers to identify and locate systems, etc. There was no knowledge of the COE Lake Anna Ecosystem Restoration Study. The TMDL study is based on the specific tributaries listed.*

### **Do the bacteria sources include the impact from new development? Can we limit new development to prevent new septic system installation?**

*Louisa County requires a 100 foot buffer. Spotsylvania County follows the Chesapeake Bay recommendations. The TMDL-IP will not address new development - that would need to be done at a county level.*

### **How does the application of bio-solids (sludge) impact water quality?**

*Bio-solids are regulated by DEQ and require a permit for each county. Anyone distributing bio-solids must apply for a permit, which DEQ monitors and regulates.*

**The government doesn't seem to have a problem with large metropolitan cities dumping their waste in rural communities, but when a rural county like Louisa dumps theirs, they get fined.**

*All discharges in excess of the permitted amounts are subject to fines. Bio-solid applications are regulated and monitored. Violations of required application and containment procedures are subject to legal action.*

**Who does the TMDL-IP study?**

*The consultant, Blue Ridge Environmental Solutions, Inc., with input from the community, will provide the background work and draft the plan. Tools will include the original TMDL study, GIS data of the area, land use information, data provided by the SWCDs, water quality models, etc.*

**Who pays for the consultant?**

*Taxpayers. The consultant was selected through a competitive bid process.*

**What is the normal bacteria/sediment level in its natural state?**

*Wildlife is considered as part of the overall bacteria load. You can have hot spots if, for example, geese concentrations result in elevated bacteria levels, but wild life is a background load. The TMDL-IP intent is to look at human sources first. If wildlife is a problem, there are government agencies that can assist to address the problem. This TMDL-IP addresses bacteria only. It doesn't address sediment; however, reductions in one area often result in reductions in others.*

**Can you explain the slide in the power point presentation that addresses how to get a stream de-listed?**

*The percentages shown are the percentages needed to get the stream off the impaired waters list for each source. For example, all straight pipes are illegal, therefore 100% of the straight pipes need to be eliminated to get the bacteria level from human sources below the standard and the stream off the impaired list.*

**Is the TMDL-IP for all drainages or just the impaired stream?**

*The TMDL-IP includes the entire watershed drainage that contributes runoff to the impaired stream from the headwaters to the watershed outlet.*

**Will every farmer have to come up with a plan to give to DCR, whether they have the impaired stream running through their property or not? Will DCR require a nutrient plan for each farmer? I participated in the Storm water Plan, which came before the TMDL, and the projects in 2006-2007 were approved by VDOT, Soil Water and Conservation Districts and the County, but DCR would not come out and review them. Afterwards, DCR wouldn't approve them even though the other agencies had. If we make a TMDL-IP, who reviews it?**

*TMDL-IPs are watershed plans which include all the land in the watershed, but not at a farm by farm scale. Soil and Water Conservation Districts will provide information on BMPs and cost share programs and can help develop conservation plans for individual farms. The TMDL-IP is not at that scale.*

**The DCR stormwater inspection form has a category for the TMDL on it.**

*If you are participating in storm water planning, then yes, there will be a TMDL component to it.*

**Is the run off pollutant from livestock, pets and farmers illegal? If so, what enforcement is there?**

*No, if the run-off is due to a natural rain event, it is not illegal. If you are deliberately directing a pollutant into a stream, such as a hunt kennel operator hosing down kennel waste directly into a stream, then yes, that is illegal. The Health Department would address straight pipe issue, while DEQ deals with direct stream deposition. Agricultural issues are handled by VDACS.*

**What does VDACS stand for?**

*Virginia Department of Agriculture and Consumer Services. This agency administers the Agricultural Stewardship Act which requires inspection of bad farming operations as a result of citizen complaints.*

**Is there any danger to kids swimming in Goldmine Creek?**

*There is that possibility. The reason for the TMDL-IP and the purpose of this meeting is because the waters listed do not meet the state standards to be safe for recreational use. It is risk based, and the Health Department can tell you more.*

**Why has there never been a study on how many people got sick from swimming in the impaired water? Statistics are needed; information on where, when and how many people got sick.**

*The CDC may keep those records. The standard is based on a risk factor of 8 out of 1,000 people who would get sick. An epidemiological study was completed to arrive at the EPA criterion which Virginia adopted as a water quality standard. Often sicknesses go unreported, but the Health Department might know.*

Although not all written questions had been answered, it was decided to break out into the two working groups so that there might be adequate time for discussion within those groups. Those whose questions hadn't been addressed were encouraged to bring them up in the group discussions.

**Video: Streamside Livestock Exclusion-Everybody Wins:**

Due to time constraints, the video was not shown to allow more time for public participation in the Agricultural and Residential Working Group sessions.

**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](http://www.rrregion.org/tmdl_york.html). All were reminded of the second public meeting scheduled for 7PM, January 26 in the Town of Orange Public Works Community Room.

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