

**Upper York River Watershed-Louisa, Orange and Spotsylvania Counties
Total Maximum Daily Load (TMDL) Implementation Plan Development**

Tuesday, June 21, 2011

6 P.M.

Town of Orange Public Works Building
235 Warren Street, Orange Virginia

Public Meeting #2

Attendance:

Shannon Abbs, Orange County BOS
Jenny Biche', Rappahannock-Rapidan Regional Commission
Cynthia Bowman, United States Department of Agriculture Farm Service Agency
Ken Brooks, Citizen
Raleigh Coleman, Thomas Jefferson Soil and Water Conservation District
Katie Conaway, VA Dept. of Environmental Quality
Courtney Lipski, VA Dept. of Health
Etta Lucas, Tri-City/County Soil and Water Conservation District
Charles Lunsford, VA Dept. of Conservation and Recreation
Christopher Owens, Citizen
Byron Petrauskas, Blue Ridge Environmental Solutions
Ken Remmers, Citizen
Chip Russell, VA Dept. Of Health
Alyson Sappington, Thomas Jefferson Soil and Water Conservation District
May Sligh, VA Dept. of Conservation and Recreation
Bob Slusser, VA Dept. of Conservation and Recreation
Richard Street, Spotsylvania County
Greg Wichelns, Culpeper Soil and Water Conservation District
Linda Wilson, Citizen
Greg Zody, Orange County Director of Planning and Zoning

Introduction: Attendees were asked to sign in, hand outs were distributed, and index cards were provided for attendees to write their questions and comments during the presentations. Attendees were informed that the cards would be collected after the presentations and addressed during the Question/Comment section of the agenda. Orange County Board of Supervisor Lee Frame and Spotsylvania County Senior Environmental Engineer Richard Street provided welcoming remarks including:

- The need and importance of communicating the implementation plan to friends, family, neighbors and colleagues;
- Spotsylvania County is taking a proactive approach to degradation of water quality due to unauthorized activity; and
- Seasonal homeowners in Spotsylvania County continue to be a communication challenge trying to get educational information to them with regard to proper fertilization timeframes and techniques.

Upper York River Watershed TMDL IP Development:

Through the use of a power-point presentation, copies of which were provided to attendees, Mr. Petrauskas reviewed:

- Explanation of TMDL, definition of terms, phases of the TMDL-IP process and steps necessary to develop a water quality improvement plan;
- Explanation of the various working groups, bacteria sources quantified in TMDL, strategies included in the TMDL-IP and a timeline was provided;
- Implementation actions including the identification of control measures, quantification of technical assistance needed, estimation of costs and determination of benefits;
- Measureable goals and milestones; stakeholders and possible funding sources;
- Examples of control measures; and
- Examples of agricultural and residential estimated funding scenarios.

Next steps:

- 30-day comment period ends July 21, 2011;
- USEPA review and approval of implementation plan;
- VADEQ review and approval of the proposed implementation plan;
- Continued encouragement of participation in cost-share programs offered through Culpeper Soil and Water, Tri-City/County Soil and Water and Thomas Jefferson Soil and Water Conservation Districts and the Virginia Department of Health.

Upper Hazel TMDL Implementation Project: A Project in Process

Greg Wichelns, Culpeper Soil and Water Conservation District, provided an overview of the Upper Hazel River TMDL implementation project noting the following:

- The project began in June 2009;
- Culpeper Soil and Water Conservation District (CSWCD) provides technical assistance and information about residential and agricultural cost-share programs and funding sources available;
- Additional federal funding due to the Chesapeake Bay Watershed Incentive allowed for more flexible cost share options as well as an increase in cost share amounts for the Upper Hazel Watershed;
- DCR hired a consultant to assist with marketing Best Management Practices (BMPs) by surveying farmers. As a result, recommendations were to have better communication with producers and more flexibility with programs to increase participation.
- The TMDL Implementation Project (and precursor WQIF grant) allowed homeowners in Rappahannock County to take advantage of cost share programs which enabled them to locate, maintain, repair, replace and/or install on-site sewage disposal systems. It was very successful from the start;
- In the two original years utilizing a county sponsored grant, the total cost of the septic projects was \$250,000 with a breakdown of:
 - ✓ 72 pump outs
 - ✓ 34 repairs
 - ✓ 23 new systems
- Since the Upper Hazel Implementation project started, an additional 33 projects have been contracted at an estimated cost of \$110,000;
- The TMDL Implementation Project has brought in a lot of money for the local economy through the use of local contractors and supplies. Local contractors have been instrumental in outreach efforts of the cost-share programs;
- Madison County has secured a Water Quality Improvement Fund (WQIF) grant to address residential issues in their Robinson River Little Dark Run TMDL-IP;
- Tracking success of cost share programs in the agricultural sector is a bit more challenging since implementation is often not from a single program. In the last 2 years it is estimated that 3.2 miles of stream exclusion fencing has been installed and 1,000 livestock have been excluded just from the Implementation Plan funding source. There are many more projects funded from the federal programs. There are currently 17 completed projects and 6 under construction, all from the implementation plan contract;
- Part of the success of the Upper Hazel TMDL Implementation Project is due to the long established relationships CSWCD and Natural Resources Conservation Service (NRCS) staff has had with the community. Staff has over 20-30 years experience with long standing farms that had been handed down from generation to generation;
- The best outreach tool for the agricultural cost share programs has been word of mouth, however CSWCD has utilized newsletters, held workshops, etc. in addition to contractor referrals; and
- To date the district is not aware of anyone who is sorry they signed up and implemented either their residential septic project or agricultural project.

Cost-Share Programs: Local Farmer Experiences

Andrew Oliver, Orange County Farmer and owner of Custom Harvester Farm, gave an overview of his experience participating in the cost-share programs. Mr. Oliver is the 2007 recipient of the Clean Water Farm Award and the York River Grand Basin Award. His testimony included the following remarks:

- To the Oliver family, it's important to take care of the quality of the water, regardless of whether or not a TMDL is in place;
- Cost-share programs can be a little restrictive at times, due to set back requirements, and each farm must be addressed individually. A one size fits all concept will not be successful in implementation. Flexibility will decide whether or not people will participate; and

- Education is key to participation. Money isn't always the incentive needed to get buy in. Explaining the benefits and showing people how things can be done better can help increase participation.

Questions/Comments: Index cards containing written questions and comments from attendees were collected and addressed. The following information was provided by a panel made up of Charles Lunsford, Byron Petrauskas, May Sligh, Katie Conaway, and Greg Wichelns who addressed the public's questions and comments:

The streams should be removed from the Impaired Waters List after Stage I is complete. How long after Stage I is complete are they removed from the list?

DEQ will continue to monitor the streams during the TMDL-IP. Data is analyzed every two years. As soon as the bacteria level is viewed as below the standard, the stream will be removed from the Impaired Waters list.

Why does the bacteria level have to be reduced to zero? Why must there be a Stage II?

The TMDL-IP focuses on delisting the streams from the Impaired Waters List which requires the violation rate not exceed the 235 colony forming units per 100 mL of water standard no more than 10% of the time in each stream. The TMDL bacteria allocations are based on a zero percent violation rate of the standard.

Are the maps showing the overlay of the stream network identifying specific areas for livestock exclusion available for viewing?

Yes. We have them here tonight if you would like to see them, and they are available on line if you would like them sent to you.

What counties have mandatory septic system pumping requirements?

Spotsylvania County.

DEQ should state that citizen monitoring through Lake Anna Civic Association (LACA) was used in compilation of data.

LACA's data was used for Lake Anna's information, but not for the six tributaries address in the Upper York River Basin TMDL-IP.

How many samples were taken before the streams were listed as impaired?

Beaver Creek, Mountain Run, Pamunkey Creek, Plentiful Creek and Terry's Run were initially placed on the Impaired Waters List in 1998. Goldmine Creek was initially placed on the list in 2004. DEQ has different sampling techniques and schedules, but at the minimum samples are taken every other month for two years, yielding 12 samples. Monitoring continues after placement on the Impaired Waters List, and as of the last cycle, all 6 tributaries still exceed the standard for bacteria.

Thomas Jefferson Soil and Water Conservation District (TJSWCD) had to go outside Goldmine Creek to find any failing septic systems. No straight pipes were found in the watershed. Where will the money for correcting straight pipes go if none are identified and the money is not used?

TJSWCD was restricted to public access areas when trying to locate straight pipes, therefore it is not accurate to say that there are no straight pipes in Goldmine Creek. Getting the public to come forward and admit they have a straight pipe and take advantage of the cost share programs is a challenge. Many fear the Health Department will fine them and make them pay for repairs they cannot afford. People are cautious of the government.

In the Upper Hazel TMDL-IP Project, communication and education of the cost share programs by local, long term staff helped ease homeowner's fears.

In the power point slide that shows the measureable goals and milestones, will the 49% cumulative bacteria reduction needed in milestone 4 reach the goal of less than 10.5% exceedence rate?

Yes.

What's Next?

Attendees were thanked for their participation and informed that comments will be accepted through July 21, 2011. Contact information was provided. All meeting notes, maps and presentations, as well as the draft document, may be viewed on-line at http://www.rrregion.org/tmdl_york.html. Hard copies may be requested and mailed as well.