

Browns, Craig & Marsh Run TMDP Implementation Plan Development

Tuesday, July 20, 2010

2:00pm

Warren Green Building - 10 Hotel Street, Warrenton VA

Government Working Group Meeting Summary

Attendance:

Melissa Allen, John Marshall Soil and Water Conservation District
Jenny Biche', Rappahannock-Rapidan Regional Commission
Ted Bullard, VA Dept. of Health
Deirdre Clark, Rappahannock-Rapidan Regional Commission
Chris Clayton, VA Dept. of Forestry
Katie Conaway, VA Dept. of Environmental Quality
Roger Flint, Natural Resources Conservation Service
Kimberley Fogle, Fauquier County, Dept. of Community Development
Denise Harris, Fauquier County Water Resource Management Program
Chuck Hoysa, John Marshall Soil and Water Conservation District
Jennifer Hoysa, John Marshall Soil and Water Conservation District
Bob Lee, Virginia Outdoors Foundation
Charles Lunsford, VA Dept. of Conservation and Recreation
Isabel McLoughlin, Rappahannock-Rapidan Regional Commission
Tim Mize, VA Cooperative Extension, Fauquier County
Tim Ohlwiler, VA Cooperative Extension, Fauquier County
Jennifer O'Reilly, VA Dept. of Environmental Quality
Byron Petrauskas, Blue Ridge Environmental Solutions, Inc.
Mary Sherrill, Fauquier County, Dept. Community Development
Bob Slusser, VA Dept. of Conservation and Recreation
Jim Stone, Fauquier County Planning Commissioner
Whitney Wright, VA Dept. of Health

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 monitory component.

Participation:

- The TMDL-IP process was reviewed, as were the importance of, and opportunities for, public participation through public meetings, Agricultural, Residential and Government Working Groups and Steering Committee meetings.
- It was noted that following the first public meeting on May 5th, 2010, several members of the Residential Working Group commented that their concerns regarding odor and staining of laundry and plumbing fixtures had not yet been addressed by Fauquier's Water and Sewer Authority, their public water provider.

Overview: After emphasizing that man-induced contaminant sources are the focus of the TMDL-IP, the following programs and issues were discussed. A chart (attached) listing contaminant sources, typical remedial actions, possible funding opportunities and potential sources of assistance were provided.

- **On-site Sewage Disposal Systems** - Ted Bullard and Whitney Wright, VA Dept. of Health provided a summary of their findings:
 - 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; monitoring/tracking is limited but improving;
 - Hook up to public sewer if service is available within 300'. Some need-based assistance may be available through the TMDL program and Fauquier Housing.
 - 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 a 12 month study using antibiotic resistance testing.
 - With funds provided by the Chesapeake Bay Restoration Fund, Fauquier County Department of Parks and Recreation will install five pet waste collection kiosks along White's Mill/Cedar Run Stream Valley Trail in Warrenton.
 - R-RRC, along with John Marshall Soil and Water Conservation District (JMSWCD) will develop and distribute educational materials focused on responsible pet ownership. Magnets, bookmarks, fliers, etc. will be provided to vet clinics, kennels, groomers, and other pet service providers. Fauquier County SPCA will distribute information at all events and include information in brochures and newsletters.
 - The winner of the "It's Your Doodie," pet photo contest conducted by JMSWCD and R-RRC, will be the spokesdog for the Fauquier Pet Waste Management campaign and will be featured on all educational materials.
 - Fauquier County SPCA's pet waste management system might be promoted as a model for private kennels or other confined canine facilities.
- **Agriculture:** Melissa Allen, JMSWCD, and Roger Flint, NRCS, provided an overview of the agricultural programs in Fauquier County:
 - Financial assistance for agricultural bmps is offered through 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).
- Through the 2008 Farm Bill, the Conservation Preservation Enhancement Program fully funds fencing repair, streamside buffers, alternative water systems, but not animal waste containment. .
- Carters Run has improved significantly; it's anticipated that it will be removed from the impaired water listing in the near future
- While there are no large farms in Marsh or Craig Runs, a solid relationship has been established with the farmers and if funding is available, it is anticipated that they would be willing to comply with IP recommendations
- In response to an inquiry following the first TMDL-IP public meeting, RRRC referred a farmer to a DEQ program to assist with the removal of several hundred tires from his property.
- Localities might consider offering an amnesty day at landfills or funding assistance to remove tire waste.

○ **Educational Outreach**

- Ted Bullard indicated that the VA Dept. of Health's pump out program provides information on septic system maintenance
- Tim Mize and Tim Ohlwiler provided information on VA Cooperative Extension outreach initiatives:
 - Green Grass Program educates residents on proper nutrient application;
 - BMP workshops are available for agricultural groups (no till, manure management, fencing, etc.);
 - Increased funding would increase outreach opportunities.
- Bob Lee, Executive Director, VA Outdoors Foundation (VOF), provided an overview of the foundation's programs:
 - GIS analysis of the watersheds indicates a significant opportunity for conservation easements;
 - Conservation incentives in Fauquier County include the PDR program, tax credits that can be sold to any Virginia tax payer, and 100% reimbursement for legal, accounting, appraisal fees, etc.
 - All programs are voluntary;
 - Currently there is more demand for conservation easements than there is funding available;
 - Donating an easement can be more profitable to the land owner than having the County purchase it;
 - Priority is given to easements that protect water quality; requirements include 35 ft. riparian buffers;
 - VOF will work with a variety of partners;
 - It was suggested that a VOF TMDL-IP partnership be developed to create a special project opportunity to encourage easements that promote water quality in impaired watersheds.

- **Potential Funding Sources** – See attached Actions Chart
 - Few federal and state funding sources currently available
 - Fauquier Housing has some programs for low income
 - Fauquier County does not have enough cold water streams to qualify for many of the Trout Unlimited or Ducks Unlimited programs
 - The state offers Land Preservation tax credits

- **Proposed Responsibilities/Roles of Government Agencies in IP**
 - Assistance is needed from local government to assure that AG BMPs are in place and maintained for the required 10 year period typical of most state and federal programs.
 - Government agencies at all levels are encouraged to develop and implement educational programs for pet waste management and septic system maintenance.
 - Fauquier County Ordinance should be revised to address number of acres accessible by animals, rather than just the number of acres included in the property.
 - A measureable action plan is needed that includes a tracking system for all septic systems, including alternative systems.
 - Virginia Department of Health is currently developing a system that would require the pumping company to pay \$1.00 to record the pump-out report.
 - 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. This data could be merged with the local government's GPS database.
 - Code requires that all new septic tank systems have a visible cap. Cost share programs available to homeowners of older systems who would like to install one.
 - Technical assistance for residential and agricultural bmps is available through many public agencies including JMSWCD, Fauquier County, VA Cooperative Extension, the VA Dept. of Forestry, VA Dept. of Health, etc.

- **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 property transfer.
 - Agricultural Stewardship Act addresses only nutrients and sediment, not pathogens.
 - Possible educational opportunity to address DEQ permits for liquid waste with Dairy and Beef operators.

- 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 will help validate progress during implementation of plan.
 - Increased monitoring to create a baseline for the IP recommended. Currently, DEQ has only one station in the Marsh Run Watershed. It has 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 changes in land use since the TMDL study was written.
 - Public education on what JMSCWD is already doing will help.
- **Next Steps**
 - Volunteer(s) were solicited to report on topics discussed at the upcoming Steering Committee meeting; date, time and location to be determined;
 - Attendees were asked to edit the meeting minutes and the Action Chart. Once approved, they will be submitted to the Steering Committee.