

Rush River, Hughes River, Hazel River and Thornton River TMDL Implementation Plan Development

Thursday, April 23, 2009

7 P.M.

Washington Firehouse, Washington, Virginia

Public Meeting #2

Attendance:

Jeremy Bernstein, Citizen
Evan Blumenstein, Culpeper Soil and Water Conservation District
Tim Bondelid, RappFLOW
Susan Cable, Blue Ridge Foothills Conservancy
Deirdre Clark, Rappahannock-Rapidan Regional Commission
Katie Conaway, VA Dept. of Environmental Quality
Debbie Cross, VA Dept. of Conservation and Recreation
Edward Dorsey, Citizen
Jenny Fitzhugh, Citizen
Ben Grace, Citizen
Rita Grace, Citizen
Anne Hansen, Citizen
Peter Hansen, Citizen
Don Loock, Piedmont Environmental Council
Charles Lunsford, VA Dept. of Conservation and Recreation
Marc Malik, Citizen
Bob Marshall, Citizen
Paulette Marshall, Citizen
David Massie, Culpeper Soil and Water Conservation District
John McCarthy, County Administrator, Rappahannock County
Byron Petrauskas, Engineering Concepts, Inc.
Monira Rifaat, Director, Culpeper Soil and Water Conservation District
Walker Rowe, Citizen
David Sligh, Citizen
May Sligh, VA Dept. of Conservation and Recreation
Carolyn Thornton, Citizen
BJ Valentine, RappFLOW
Virginia Valentine, RappFLOW
Greg Wichelns, Culpeper Soil and Water Conservation District

Introduction:

- Mr. John McCarthy, Rappahannock County Administrator, welcomed attendees and introduced Byron Petrauskas, Engineering Concepts, Inc. and Charles Lunsford, Virginia Department of Conservation and Recreation.
- Mr. Lunsford provided an historical review of the TMDL-IP program, noting that the Upper Hazel TMDL-IP is one of 22 similar projects in the Commonwealth, all of which have been developed in the same manner. Mr. Lunsford stated that no new regulations had been created as a result of the TMDL-IP process and that regulations regarding the use of straight pipes and the repair of failing septic systems were already in place.

Project Review:

- Through the use of a power-point presentation, copies of which were provided to attendees, Mr. Petrauskas reviewed the Upper Hazel River TMDL Implementation Plan development history and process.

Information Provided: In response to question from attendees, the following information was provided by the panel made up of Katie Conaway, Charles Lunsford, John McCarthy, Byron Petrauskas, May Sligh and Greg Wichelns:

- All proposed water quality improvement practices are voluntary – this is an incentive based program with up to 85% of total costs of agricultural practices being funded through cost-share;
- Part of the TMDL-IP process includes identifying existing regulations;

- The Agricultural Stewardship Act allows neighbors to anonymously file legal complaints against property owners whose agricultural practices are negatively impacting the complainant's property. This act doesn't address bacterial impacts. Complaints filed under this law are no greater in number in TMDL-IP study areas than in other watersheds;
- State law requires the development of an implementation plan; there is no requirement that the plan actually be implemented;
- Updated water quality monitoring information is posted on DEQ's website. The Steering Committee may request some other publicly accessed mechanism for tracking data/report cards;
- Recent legislation(SB1276) requires that the location of alternative on-site sewage treatment systems be shown on deeds of record – no such requirement applies to conventional systems;
- Issues associated with septic systems in flood plains are best addressed by relocating the system, if possible;
- There is no factor included in the model that may be used to identify specific properties as sources of bacterial loading;
- Coliscan monitoring is a quick, inexpensive way to identify levels of concentration of bacteria;
- Wildlife impacts are acknowledged as factors that may prevent reaching water quality improvement goals in this watershed;
- Although water quality may be favorable for macro-invertebrates, it may not be suitable for humans; citizen monitoring of benthics in the Thornton River has consistently scored 12, the highest score in benthic assessments and an indicator of very favorable conditions for these organisms; a low score may reflect contamination due to an excess of nutrients;
- Ordinarily, cost share programs cover 75% of the proposed BMP; cost share funding for BMPs with watersheds with TMDL-IPs is 85%. If demand exceeds fund availability, projects could be prioritized;
- Other than benefits provided through participation in CREP, there is no compensation to farmers for land taken out of production to install BMPs;
- There are new fencing options that reduce the buffer to 10 ft;
- The Krebsler fund may be used to partner with cost-share funding in Rappahannock County to a total of \$50,000 to assist with the farmer's cost share portion;
- The importance of preserving and protecting the resource in the headwaters region was recognized.

What's Next?

Attendees were encouraged to comment on the draft document, copies of which were available at the meeting. They were informed that all meeting notes, maps and presentations, as well as the draft document, may be viewed on-line at http://www.rregion.org/tmdl_hhr.html. The public comment period is open for thirty days.