

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

Government Working Group Report to Steering Committee

February 23, 2009

WORKING GROUP MEMBERS:

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MEETING DATE: January 12, 2009

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 monitoring component.

KEY TOPICS

The following is a summary of issues discussed at the Government Working Group Meeting:

- **On-site sewage disposal systems:**
 - Many property owners do not fully understand the mechanics of on-site sewage disposal systems.
 - Alternative systems are costly to build and maintain.
 - Local conditions, including depth to rock, slope and soil type, limit the use of traditional septic systems.
 - Public funding for the repair or installation of residential drain fields is usually determined by need and environmental impact; and
 - There are no 319 funds available for mandatory hook-ups (Town of Washington); some assistance may be available from the state revolving loan fund.
- **Pet Waste:**
 - For the most part, pet owners are unaware of the impact of pet waste on lakes, rivers and streams;
 - Although some localities' ordinances support maintaining pets in clean conditions, none appear to require specific pet waste management protocols; and
 - Most localities consider hunt club kennels as agricultural with no business licensing requirements.

- **Agriculture**
 - Implementation of current BMPs on the area's farmland, characterized by hilly terrain and multiple drainage swales, is viewed by many as an impediment to viable agricultural operations.
 - Greater flexibility in fencing, buffer and setback requirements might encourage greater participation in conservation programs;
 - The new stream exclusion cost-share practice which became effective on January 15, 2009 was discussed. Targeted to TMDL implementation areas (e.g., Upper Hazel), the practices provide 50% cost-share for stream fencing, water supply, pipeline, water troughs, and cross fencing to establish grazing paddocks. The fence setback requirement from the top of the streambank is 10 feet and the minimum fencing requirement is two-strand electrified polywire/polytape. The practice has a 10-year life span requirement and has to be inspected ever two years by the local Soil and water Conservation District.
 - Cost share amounts, setbacks and buffer requirements discourage participation in the program.

- **Wildlife**
 - Many waterfowl, Canada geese in particular, no longer migrate seasonally, so their impacts to water quality are year-round and cumulative. This has been documented by local water quality testing groups in local ponds.

- **Regulatory Considerations**
 - Review local ordinances and comprehensive plans to identify opportunities to promote water quality improvement;
 - Develop and implement requirements or incentives for the installation and/or maintenance of riparian buffers; and
 - Oppose current pending legislation that would limit a locality's ability to regulate alternative waste-water treatment systems.

- **Primary Funding Sources**
 - Landowners need assistance identifying funding sources and programs that meet their needs and income levels for the construction or repair of septic systems in rural areas;
 - Land owners in Washington, VA have requested assistance with hook-up fee requirements for the currently proposed wastewater treatment plant;
 - Up to \$50,000 may be available from the Krebsler Foundation in 2009 to close the gap between cost share amounts and full cost needed to implement BMPs. If available, funding will be limited to Rappahannock County;
 - Federal funding in the amount of \$162,000 for BMPs in the Upper Hazel will be available in 2009. Administered through the CSWCD, funding will support one part-time technical assistant. DCR has available \$32,709 of Section 319 funds (federal) for technical assistance in the Upper Hazel River watershed in 2009. This funding would go to the Culpeper SWCD. In addition, \$162,500 of cost-share funding will be available in 2009 through the Virginia Water Quality Improvement Fund for targeted agricultural BMP implementation in the Upper Hazel.

- **Water Quality Monitoring**
 - DEQ will continue to monitor the Hughes River at Route 644 and the Hazel River at Route 729. Monitoring at these locations will be six times a year (every other month) on an annual basis. DEQ also plans to monitor other stations in the Upper Hazel River Watershed, including the Thornton River at Route 626 and Route 729 (six times a year, every other month, on an annual basis), Popham Run, the North Fork Thornton River, and an Unnamed Tributary to the Thornton River (every-other month from 2009 – 2010).
 - RappFLOW (www.RappFLOW.org), a citizen interest group, regularly monitors streams in Rappahannock County and has recently completed an extensive water quality study of the county. Monitoring includes benthic, physical and chemical characteristics. Their macroinvertebrate program is managed by Culpeper Soil and Water Conservation District.

- **Local Interest and Activities**

- RappFLOW, a citizen interest group dedicated to the protection, preservation and improvement of streams and watersheds in Rappahannock County, regularly conducts water quality studies, conservation workshops and educational event. Interested citizens are welcome to attend all functions.
- The Hughes River Partnership, founded in 2008, works with landowners in the Hughes River watershed to promote the development of conservation easements and encourage land use practices that support agricultural sustainability in the area.
- RLEP (Rappahannock League for Environmental Protection) hosts educational events and informative website on local environmental issues

RECOMMENDATIONS

The following recommendations resulted from the discussion of the above Key Topics:

- **On-site sewage disposal systems:**

- Develop and implement educational programs focused on septic system design, function and maintenance;
- Require that information regarding residential septic system management and drain field location be part of closing documentation at property transfer.
- Regional uniformity in pumping/maintenance requirements is needed;
- Require periodic pump-outs; and
- Develop and implement a system for tracking septic system pump-outs and maintenance.

- **Pet Waste:**

- Develop and implement educational/outreach programs to inform the public of appropriate pet waste management practices;
- All confined canine facilities should be identified, located and their method of waste management determined;
- Promote the installation and use of enzyme waste composters for pet waste treatment; and
- Promote and support the development and implementation of proper waste management practices at all confined canine facilities.

- **Agricultural:**

- Consider developing programs with greater flexibility in fencing, buffer and setback requirements.
- Horse operations, and other non-bovine livestock facilities, should be included in the BMP program;
- Develop and implement outreach programs to inform landowners of all available BMP programs; and
- Assure that landowners understand that although implementation of BMPs may reduce available grazing acreage, it will not affect their land-use classification.

- **Wildlife:**

- Develop and implement programs that inform citizens of the benefits of pond bank and streamside buffers; and
- Develop and implement programs that encourage buffer growth.

- **Regulatory Considerations:**

- Where needed, revise local ordinances to require the implementation and/or preservation of riparian buffers.

- **Primary Funding Sources:**

- Identify funding sources for the construction or repair of septic systems in rural areas;
- Identify funding sources to assist land owners in Washington, VA with hook-up fee requirements for the currently proposed wastewater treatment plant;
- The Culpeper Soil and Water Conservation District will work with landowners to identify, apply for and implement appropriate cost share programs; and
- Potential private funding sources should be explored.

- **Water Quality Monitoring**

- It was suggested that a monitoring station be located on the Rush River at Route 683, the original listing station for the Rush River. This location will provide data for tracking changes in the watershed related to the implementation plan.