

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

Monday, January 12, 2009

3:00 p.m.

Daniel Technical Center – Germanna Community College – Culpeper, VA

Government Working Group Meeting Summary

Attendance:

Bob Anderson, Rappahannock County, Rappahannock-Rapidan Regional Commission
Todd Benson, Piedmont Environmental Council
Tim Bondelid, RappFLOW
Parker Bullard, VA Dept. of Health
Win Carithers, Culpeper County
Deirdre Clark, Rappahannock-Rapidan Regional Commission
Katie Conaway, VA Dept. of Environmental Quality
Debbie Cross, VA Dept. of Conservation and Recreation
Lynn Crump, VA Dept. of Conservation and Recreation
Paul Hernandez, Culpeper County
Charles Lunsford, VA Dept. of Conservation and Recreation
David Massie, Culpeper Soil and Water Conservation District
John McCarthy, Rappahannock County
Byron Petrauskas, Engineering Concepts, Inc.
Herbert Reynolds, VA Dept. of Forestry
Rex Rexrode, USDA Natural Resources Conservation Service
Lisa Robertson, Madison County
Charles Shepherd, VA Dept. of Health
May Sligh, VA Dept. of Conservation and Recreation
Greg Wichelns, Culpeper Soil and Water Conservation District
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 monitoring component.

Introduction:

- The TMDL-IP process was reviewed as were the importance of, and opportunities for, public participation through public meetings, Ag and Residential Working Groups and Steering Committee meetings.

Overview

- **On-site Sewage Disposal Systems**
 - The success of the Culpeper SWCD septic system cost share project in Rappahannock County was discussed. An extension of the current grant through the Water Quality Improvement Fund and applicability to a greater project area has been requested.
 - For the most part, public funding for the repair or installation of residential drain fields is focused on those situations characterized by financial need and environmental impact.
 - There are no 319 funds available for mandatory hook-ups (Town of Washington); some assistance possible from state revolving loan fund
 - State and Local Requirements:
 - Reserve Drainfield
 - 100% reserve in all three counties for new lots
 - Alternative Systems
 - All must have maintenance agreements and tracking system as of July 1, 2009
 - Culpeper – random inspections at reasonable intervals.

- Madison – tested twice/ yr.
 - Rappahannock – maintenance and monitoring plan
 - Pump-out
 - Culpeper – as needed or as required by Health Dept.
 - Madison County - no pump out requirements
 - Rappahannock County – no pump out requirement but education program encourages that it be done once every 5 years
 - Uniformity in pumping requirements and an effective tracking system is needed.
 - The Residential Working Group discussed the need for change in real estate law to require pump-out, on-site sewage disposal system management information and system location as part of every closing document packet.
- **Residential and Commercial Pet Waste**
 - The Residential Working Group stated the need to identify and locate confined canine operations – hunt clubs, kennels (private and commercial), veterinarians, and shelters and determine method of waste management.
 - Dog licensing requirements may offer an opportunity to distribute pet waste management information. Other opportunities may exist at veterinary office, private and commercial kennels, hunt clubs, etc. Outreach effort may work in Rappahannock Co but not sure about Madison Co. Dog license requirements are usually posted in newspapers, not by way of individual letters
 - Portable pet composters are recommended for use on residential properties. These devices use enzymes to break down solids. Effluent leaving the composter is treated as it enters the soil profile.
- **Agriculture**
 - Two new stream exclusion cost-share practices that target TMDL implementation areas (e.g. Upper Hazel) became effective on January 15, 2009. One practice 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 must be inspected every two years by the local Soil and Water Conservation District.
 - The second BMP practice requires a 35' minimum buffer and is funded at 85% cost share.
- **Wildlife**
 - Canadian geese have been identified as contributing to contaminants in local ponds. As migratory water fowl, they are protected by federal law. Numbers generally drop in areas where vegetated pond buffers are maintained.
- **Funding**
 - 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. This will be available only in Rappahannock County.
 - DCR has \$32,709 of Section 319 funds (federal) available 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.
 - The Culpeper Soil and Water Conservation District has already committed 80% – 85% of its \$800,000 allocation for BMPs for fiscal year 2009.
 - Greater flexibility in BMPs may encourage greater participation in programs by landowners.
- **Proposed Responsibilities/Roles of Government Agencies in Implementation Plan**
 - Assistance is needed from local governments to assure that AG BMPs are in place and maintained for the required 10 year period typical of most state and federal programs.
 - Local governments are encouraged to develop mechanisms to retain buffers over the long term.
 - Government agencies at all levels are encouraged to develop and implement educational programs for pet waste management and septic system maintenance.

- **Water Quality Improvement Issues**
 - There is evidence of improved livestock health as a result of stream exclusion.
 - Bacteria and nutrient problems go hand-in-hand.
 - Horses should be included in BMP programs. Educational programs should be geared to all livestock owners.
 - Revise the Ag Stewardship Act to include pathogens (complaints are investigated by VDACS in cooperation with the local SWCD.)
 - Current pending legislation would limit a locality's ability to regulate alternative septic systems.

- **Water Quality Monitoring**
 - As part of its on-going monitoring program, 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).
 - 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.
 - 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.

- **Public Participation**
 - RappFLOW has compiled detailed documentation of the state of the streams of Rappahannock County. They also hold workshops on various water quality related issues and assist with advertising the TMDL-IP meetings.
 - The Hughes River Partnership, focused primarily on land use and management issues, promotes maintaining and/or improving the water quality of the Hughes as a key factor in maintaining sustainable agriculture in the watershed.
 - RLEP (Rappahannock League for Environmental Protection) hosts educational events and informative website on local environmental issues