

Falling River TMDL Implementation Plan

Governmental and Residential Working Group Meeting

Historic Courthouse; Rustburg, VA

Thursday, November 29, 2007

3:30 pm – 5:30 pm

Attending

Krystal Coxon, DCR
Glen Stanley, Campbell County Utilities
Brian Stokes, Campbell County
Don Yancy, NRCS – Robert E. Lee District
Ruby Shipman, Campbell County Health Dept.
Tom Saxton, Campbell County Health Dept.
Amanda Gray, DEQ-SCRO
Paula Nash, DEQ-SCRO
Fred T. Dilella, DEQ-SCRO
Charles Lunsford, DCR
Kelly Hitchcock, Local Government Council

Meeting Summary

1. Introductions

Kelly Hitchcock began the meeting by providing a brief overview of the Falling River IP and the purpose of the pending meeting. Following the brief overview, introductions were provided by all attending the meeting.

Charles Lunsford, DCR, provided a more detailed overview of the task of the Governmental Working Group and its role in providing recommendations and suggestions for implementation task to be included within the Falling River IP. Specifically, the Working Group will provide recommended actions to the IP Steering Committee. He noted that there is typically only one Governmental Working Group meeting.

Some of the key elements to be achieved during the meeting were:

- Identify and expand information on “non-agricultural” programs in the area. to include – sewer needs or expansion plans, connection ordinances, etc.;
- Identify regulatory controls that are in place or being considered for implementation;
- Identify key growth and development areas within the watershed; and
- Identify a member of the Governmental Working Group to represent the group and the proposed recommendations to the IP Steering Committee.

2. Overview of County/Regional Programs

On-site Sewage Disposal Systems –

Programs -

Charles asked about programs in the county that deal with failed septic systems or locate straight pipes.

Tom Saxon noted that the County does not sanction looking for problems and thus the program is to respond only to registered complaints. He noted that they do not normally see many straight pipes but when they do they are usually not located in an area with direct discharge into the river.

Tom Saxon did mention that a survey was undertaken in the Otter River Watershed where approximately 35 homes were provided a survey. As a part of the program a brochure was provided to the families that described what to do and how to determine if they had a septic problem. He noted that within the area that was surveyed approximately 15% of the lots had what could be considered straight pipe systems.

Roles and Responsibilities-

It was agreed that a statement similar to the following be included within the report to the IP Steering Committee:

“Campbell County’s septic and straight pipe system oversight is a complaint driven system.”

It was further noted by Ruby Shipmen that not only is the system a complaint driven system but if a neighbor suspects a problem with another neighbor, the suspected property owner must provide permission to access the property to check the system. Without the permission to inspect the system, little can be done to address the complaint.

It was noted that all septic system permits are now being recorded on a map that was provided by DEQ. The map is divided by watersheds and provides a mechanism to see where permits and possible problems develop.

Program grants -

Charles questioned if there were any grant programs underway that were addressing sewer line extension, septic tank pump outs or replacement, etc.

- The only specific grant noted was that associated with the Otter River project. This is the program that funded the 35 home survey noted earlier. There were no other known grant programs.

Agricultural Programs -

There was a brief overview of agricultural programs. It was noted that the Agricultural Working Group provides the primary review of programs but it was important to consider any additional programs or information.

Don Yancy noted that David Sandman was in charge of implementing the TMDL program within the Falling River Watershed. Don indicated that the program has been successful and that almost all of the original allocated funds had been utilized for fence and water system installation.

Don also noted that there were currently some regular Best Management Practices, BMP, funds remaining. There is however little EQIP funds utilized within the TMDL area. Don questioned the future outlook, with the completion of the TDML IP, of CREP funds being made available to farmers in the Falling River watershed. The answer to this is yes. Currently this Federal Program that provides 90% cost share is not available to the Falling

River watershed area. It was noted that the CREP program is the most attractive of the cost share/BMP programs.

Charles provided an overview of the Water Quality Improvement Fund allocation of \$5.2 million dollars for BMP implementation within 8 Soil and Water Conservation Districts with impaired waters where TMDLs have been developed. It is these funds that provided the part-time staff position held by David Sandman and the cost share funds for the fencing and water sources within the Falling River watershed. Charles also noted that he believes, through discussion with DCR, that there may be some reserve money from the original funds that might be available to initiate further BMP installation.

It was noted by Charles that the fencing program was voluntary but did come with an expectation of continued use. Charles noted there was considerable discussion within DCR on programs or options to ensure that BMPs are maintained beyond the 10 year required oversight (*e.g.*, riparian buffers). Lastly, Charles provided a copy of a good publication that provides a positive review of general watershed protection activities that can be taken by homeowners and farmers. The publication "Steamside Livestock Exclusion" provides an overview of the beneficial results of stream bank protection from a monetary perspective.

Pets-

Charles led the discussion about the estimated contribution of pets to the TMDL. He noted that in some areas of the watershed, the pet contribution was above that of people (meaning septic/straight pipe contribution) but still below the primary source of cattle.

He noted that the largest opportunity to address pet waste is through education. Charles asked if there were known hunting clubs or kennels in the watershed; he noted they can often be the source of concentrated pet waste and that they may not employ good pet waste removal.

Brian Stokes noted that the County does require a permit for kennel operations. He was however uncertain as what is permitted (*i.e.* how many dogs is defined as a kennel operation) and was uncertain if permits were required relative to waste disposal.

Charles noted that some kennels simply use existing of septic systems that are not designed to handle the load level. He indicated that one method that can be employed is to take the solids and apply lime. It was noted that a good implementation activity would be to see if there was a list of permitted kennels and develop a brochure that could be sent to show good waste practices. Brian Stokes indicated that he will check the kennel permitting process and requirements and check how many and how far the permit records go. He will provide his findings to Kelly who will then send them to Rod Bodkin and Krystal Coxon.

ACTION: Brian Stokes reviews the Campbell County policy and procedure on kennel permitting. Brian will also look at number of permits and how far the records go.

Charles then talked further about what should and can be done to address the pet loading from a residential/county/watershed level. When reviewing the TMDL report the watershed was shown to have an estimated 3,700 dogs. Charles indicated within the IP there needed to be procedures and cost estimates for addressing this load contributor.

Some key implementation elements used in other IPs are primarily education. Education activities had a general estimate of an approximately 70% success rate. These educational messages related to leaving buffers along creeks and streams, utilizing pet compost devices, and implementing “pick up after pet” programs.

Charles asked what methods would be best utilized in the Falling River Watershed.

Some items noted were:

- Installing a Pet Waste Station at parks located in the watershed. One possible park is in the Town of Appomattox.
- Looking at Pet Waste Station within private camp grounds.
- Creating and distributing brochures to families;
- Installing Placement of Pet Waste Stations at schools where folks go to walk dogs.

ACTION: Kelly finds out the names and locations of parks, and private and public camping areas in the watershed.

Education and Outreach -

Charles noted that this area was a vital step in assuring the TMDL goals are met. Some activities suggested included:

- Contacting local schools and utilizing the local FFA for creating educational material and teaching this generation the connection to the water resources.
- Looking into possibly working with the local school system or individual school to develop a “meaningful watershed experience” element within the educational elements.

ACTION: Kelly and Krystal research the “meaningful watershed experience” program.

ACTION: Kelly obtain names of contacts for the local FFA programs in the CC and Appomattox schools and extension agency.

3. Proposed Roles and Responsibilities of Government Agencies in Plan Implementation

Charles Lunsford provided an overview of agencies that had oversight or had programs that could contribute to or had impact upon IP implementation.

Federal

- EPA/NRCS – role in utilizing 319 funds. EPA Office in Philadelphia oversees non-point source element. It was noted that Falling River actually fell under State funds.

State

- VDAX
- Agricultural Stewardship program
- Virginia Department of Health – permits side
- DEQ – monitoring
- Cooperative Extension – key education role
- DCR – numerous programs

Local

The local control is a key element that is unique to each IP. This area includes ordinances, elements of comprehensive plans, etc. One concern or interest from DCR is how local initiatives can assist in assuring that the various cost-share programs, septic system upgrades,

etc. can be maintained over time. Essentially – how are the positive gains of BMPs maintained over time.

Discussion on current regulations relating to lot sizes and long-term viability of septic systems developed. It was noted by Tom Saxton that currently Campbell County only requires a 50% additional reserve drain field for new septic systems. He noted that with this could result in serious problems in the future – what will families do in 15 to 20 years when they need the new drain field. Charles Lunsford indicated that he thought a second drain field was the requirement and that possibly other ordinances that required a second drain field should be reviewed.

ACTION: Kelly work with Campbell County Dept. of Health in obtaining examples of ordinances that require lot size or subdivisions with a 100% reserve for a drainfield of a septic system. The GWG recommended that there be a recommendation in the IP that Campbell County adopt such an ordinance.

4. Regulatory Controls

Charles asked if there were any particular local regulatory controls. Once again the county noted that septic failures were complaint-driven and only acted upon with ability to prove problem. Once a problem is found the only recourse currently is through legal action.

Charles noted that there may be some State regulation in the future that will allow the Dept. of Health to change the code for alternative systems that would allow penalties for failure to comply civil actions. This would allow localities the ability to impose fines.

Brian Stokes noted that currently there are no real regulatory ordinances. However, he did note that localities such as Campbell may need to adopt stormwater management ordinances in the future as a component of population growth. Currently the county does not have a stormwater management ordinance.

5. Projected Growth

Charles asked the group about projected growth within the watershed. Brian Stokes indicated that it is anticipated that the Falling River Watershed will remain primarily rural for some time. He did mention that a new waterline is being installed along 460 to Concord. The new line, which will service needs for the school, is anticipated to be installed in 2009. There will be a small treatment plant for the school.

Brian, Tom, and Glen Stanly noted that there are three primary sewage treatment systems in the watersheds – each located on the outer limits – being:

- Brookneal;
- Town of Appomattox; and
- Rustburg.

Charles asked if it was anticipated that any of these systems would be expanded outside of their current service area to a degree that should be looked at by Map Tech. It was agreed by participant that expansion beyond current homes served was not likely. Charles asked if within the current service are of the system if there might be homes that are within the service area but not connected. It was believed that if so, it would be a negligible number.

6. Monitoring During Implementation

Amanda Gray of DEQ provided an overview of the DEQ monitoring, both current and past, within the Falling River Watershed. She provided a watershed map and monitoring station information. Stations monitored during the TMDL study; ambient stations – sampled every other month for 2 years (change and are part of a six year rotation); Trend stations – sampled every other month continuously, and biological stations were noted.

Charles questioned which of the stations shown would be monitored over time. Amanda indicated the sampling strategy and indicated that DEQ could alter their strategy to match BMP implementation activity. She noted that 2007 is year one in the six year sampling rotation.

After some discussion, it was agreed for the purposes of the IP and the pending public meeting, the watershed with the seven primary sampling stations and the corresponding table would provide necessary information.

A summation of the monitoring program and the corresponding map will be provided to Rod Bodkin/Map Tech for inclusion into the IP.

ACTION: Krystal Coxon develops the monitoring write-up and provides it to Map Tech.

Charles then asked if any known citizen monitoring was taking place in the watershed. There was no known citizen monitoring.

7. Government Working Group Output to Steering Committee

Charles reminded the group that the information from this discussion would be compiled into a report that would be provided to the IP Steering Committee. Charles indicated that he, Kelly, and Krystal would work to compile information from the meeting and develop the report. Charles noted that there needed to be one member from the Governmental Working Group that would be responsible for sharing with and serving on the Steering Committee as the representative for the group. It was agreed that Brian Stokes would serve as the Steering Committee member on behalf of the Governmental Working Group.

ACTION: Brian Stokes serve as an IP Steering Committee member as a representative from the Government Working Group. He will provide an overview of the recommendations and report developed from the group.

8. Meeting adjourned