



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

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www.vdacs.virginia.gov

Jewel H. Bronaugh, Ph.D.
Commissioner

August 30, 2019

Clyde Cristman, Director
Department of Conservation and Recreation

Richard A. Street, Chair
Soil and Water Conservation Board

Virginia Soil and Water Conservation Districts

On March 31, 2019, the Agricultural Stewardship Act (ASA) program completed 22 years of responding to water quality complaints involving agricultural operations in the Commonwealth. As is required by the ASA, I am providing the attached annual report of the ASA program for the period April 1, 2018, through March 31, 2019. The report offers a summary of the cases received and processed by ASA staff.

I would also like to take this opportunity to acknowledge and express my gratitude for the continued support of Virginia's agricultural communities; local soil and water conservation districts; and local, state, and federal government entities who assist in carrying out the provisions of the ASA.

The ASA program continues to provide a very practical and positive approach to addressing water pollution problems on farms in Virginia. VDACS remains committed to the goals and objectives of the ASA and to assisting farmers with addressing water quality issues.

I welcome your comments and questions regarding this report and the ASA program.

Sincerely,

A handwritten signature in cursive script that reads "Jewel H. Bronaugh".

Jewel H. Bronaugh, Ph.D.
Commissioner

ATTACHMENT



*VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES*

**ANNUAL REPORT
ON THE
AGRICULTURAL STEWARDSHIP ACT**

**Jewel H. Bronaugh, Ph.D.
Commissioner**

August 30, 2019

**VIRGINIA AGRICULTURAL STEWARDSHIP ACT
ANNUAL REPORT
For Program Year April 1, 2018 - March 31, 2019**

BACKGROUND

The 1996 Session of the General Assembly enacted the Agricultural Stewardship Act (ASA) (Va. Code § 3.2-400 *et seq.*), which requires the Commissioner of Agriculture and Consumer Services (Commissioner) to administer and enforce the ASA program. Through an effort of cooperation and coordination involving Virginia's Soil and Water Conservation Districts (SWCD), the Virginia Department of Agriculture and Consumer Services (VDACS), and the agricultural community, the ASA program provides a common-sense solution to water pollution problems caused by agricultural operations.

Subsection B of Va. Code § 3.2-408 requires the Commissioner to compile a report by August 31 of each year listing the number of complaints received, the nature of each complaint, the actions taken in resolution of each complaint, and any penalties that may have been assessed.

Additionally, the Commissioner is required to (i) provide this report to the Soil and Water Conservation Board, the Department of Conservation and Recreation, and to every SWCD; (ii) publish notice in the Virginia Register that the report is available; and (iii) make the report available to the public upon request.

The following report on the ASA program is for the program year April 1, 2018, through March 31, 2019.

PROGRAM OBJECTIVES

The ASA Program is designed to:

- Identify water quality problems and to help farmers correct these problems in a common-sense manner that accommodates both the farmer and the environment;
- Establish a system that respects both the farmer and the person voicing concerns about water quality;
- Educate farmers about stewardship and to encourage them to enhance it even in instances in which a water quality problem cannot be proven;
- Support farmers in their efforts to strengthen their stewardship practices, to provide them with the information they need, and to help link them to resources that can provide assistance;
- Educate Virginia citizens about normal farming practices and the impact those practices may or may not have on the environment; and,
- Provide Soil and Water Conservation Districts with training and the ASA materials they need to the extent that resources will allow.

HOW THE PROGRAM WORKS

Complaints alleging that a specific agricultural activity is causing or will cause water pollution are received by the Commissioner. If a complaint meets the criteria for investigation, the Commissioner (through ASA program staff) contacts the appropriate SWCD about investigating the complaint. If the district declines, ASA program staff conducts the investigation on behalf of the Commissioner. In most cases, a joint investigation involving local district staff and ASA program staff is performed.

The purpose of the investigation is to determine whether the agricultural activity is causing or will cause water pollution. If no causal link is found, the Commissioner determines that the complaint is unfounded. If the Commissioner determines that the activity is the cause of pollution, the farmer is given up to 60 days to develop an agricultural stewardship plan to correct the identified water pollution problems. The local district typically reviews the plan, and the Commissioner will approve the plan when it is determined that it meets the necessary requirements to solve the water pollution problem.

The ASA provides the farmer up to six months from the date of the Commissioner's determination that a complaint is founded to start implementing the agricultural stewardship plan and up to 18 months from that date to complete plan implementation. The timing allows the farmer to take advantage of suitable weather conditions for outside work or required construction. If a farmer fails to submit a plan for approval or implement a plan within the given timeline, the Commissioner takes enforcement action.

AGRICULTURAL ACTIVITIES

The ASA program received numerous inquiries regarding possible agricultural pollution during the program year of April 1, 2018, through March 31, 2019. Sixty three of these cases became official complaints. The official complaints fell into 11 categories according to the following types of agricultural activity:

- Beef (28)
- Land conversion (11)
- Equine (8)
- Cropland (6)
- Dairy (2)
- Swine (2)
- Poultry (2)
- Slaughter house (1)
- Beef, Equine (1)
- Beef, Equine, Goats, Poultry, Sheep, Swine, Slaughter house (1)
- Other (1)

TYPES OF POLLUTION

The ASA addresses water pollution problems caused by nutrients, sediment, and toxins entering state waters from agricultural activities. The ASA program received complaints based on the

following seven pollution categories during the program year of April 1, 2018, through March 31, 2019:

- Bacteria, Nutrients, Sediment (20)
- Sediment (19)
- Nutrients, Sediment (12)
- Nutrients (5)
- Bacteria, Nutrients (5)
- Bacteria, Sediment (1)
- Bacteria, Nutrients, Sediment, Toxins (1)

COMMISSIONER'S FINDINGS

During the program year, 19 (30 percent) of the 63 official complaints were determined to be founded and required agricultural stewardship plans to address water pollution problems. In each founded case, there was sufficient evidence to support the allegations that the agricultural activities were causing or would cause water pollution.

Nineteen (30 percent) of the complaints received during the program year were determined to be unfounded because there was either insufficient evidence or no evidence of water pollution. In some instances, farmers involved in the unfounded complaints voluntarily incorporated best management practices into their operations to prevent more complaints or to prevent potential problems from becoming founded complaints.

Twenty five (40 percent) of the complaints received during the program year were dismissed for various reasons. Many of the complaints that were dismissed were situations where a water quality concern existed but was remedied prior to the official investigation. Others were cases in which the ASA program had no jurisdiction in the matter or were dismissed because insufficient information was provided by the complainant.

In general, farmers involved in the complaint and correction process were cooperative in meeting the deadlines set up by the ASA and it was not necessary to assess any civil penalties. Under the ASA, the Commissioner issues a corrective order when an owner/operator fails to submit or complete implementation of the agricultural stewardship plan based on the findings of a conference held to receive the facts on a case. There were no corrective orders issued during the 2018 - 2019 program year for failure to maintain the measures included in approved stewardship plans.

ASA CASE DECISIONS

The following tables provide the information about the individual ASA cases that were received, investigated, and decided during the 2018 - 2019 program year.

CASE DECISIONS
 April 1, 2018 - March 31, 2019
Founded Complaints

Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1024	Wise County	Land Conversion	Sediment
1025	Franklin County	Dairy	Nutrients
1028	Tazewell County	Land Conversion	Sediment
1029	Grayson County	Land Conversion	Sediment
1030	Rockingham County	Beef	Bacteria, Nutrients, Sediment
1037	Page County	Beef	Bacteria, Nutrients, Sediment
1040	Loudoun County	Beef	Bacteria, Nutrients, Sediment
1042	Warren County	Beef	Bacteria, Nutrients, Sediment
1043	Warren County	Beef	Bacteria, Nutrients, Sediment
1046	Grayson County	Cropland	Sediment
1048	Floyd County	Beef	Bacteria, Nutrients, Sediment
1049	Page County	Beef	Bacteria, Nutrients, Sediment
1054	Rockingham County	Beef	Nutrients, Sediment
1058	Augusta County	Equine	Bacteria, Nutrients
1064	Page County	Beef	Bacteria, Nutrients, Sediment
1068	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
1073	Grayson County	Beef	Nutrients, Sediment
1075	Loudoun County	Beef	Sediment
1079	Rockingham County	Beef	Bacteria, Nutrients, Sediment

CASE DECISIONS
 April 1, 2018 - March 31, 2019
Unfounded Complaints

Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1021	Rappahannock County	Land Conversion	Sediment
1022	City of Virginia Beach	Equine	Nutrients, Sediment
1023	Charlotte County	Land Conversion	Sediment
1026	Russell County	Equine	Bacteria, Sediment
1027	Nelson County	Beef	Bacteria, Nutrients, Sediment
1031	Tazewell County	Beef, Equine	Nutrients, Sediment
1032	Northampton County	Cropland	Sediment
1033	Westmoreland County	Cropland	Sediment
1036	Dinwiddie County	Beef, Equine, Goats, Poultry, Sheep, Slaughter House, Swine	Bacteria, Nutrients, Sediment, Toxins
1039	Warren County	Beef	Nutrients, Sediment
1041	Westmoreland County	Cropland	Sediment
1051	Gloucester County	Equine	Bacteria, Nutrients
1052	Franklin County	Beef	Bacteria, Nutrients, Sediment
1059	Augusta County	Equine	Nutrients
1061	Shenandoah County	Beef	Nutrients, Sediment
1066	Rappahannock County	Equine	Nutrients, Sediment
1071	Henry County	Land Conversion	Sediment
1074	Wythe County	Swine	Bacteria, Nutrients, Sediment
1080	Buckingham County	Equine	Nutrients

CASE DECISIONS
 April 1, 2018 - March 31, 2019
Dismissed Complaints

Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1034	Powhatan County	Land Conversion	Sediment
1035	Roanoke County	Land Conversion	Sediment
1038	Campbell County	Land Conversion	Sediment
1044	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
1045	Grayson County	Land Conversion	Sediment
1047	Accomack County	Cropland	Sediment
1050	Carroll County	Land Conversion	Sediment
1053	Rockingham County	Beef	Nutrients, Sediment
1055	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
1056	Culpeper County	Slaughter House	Bacteria, Nutrients
1057	Charlotte County	Swine	Bacteria, Nutrients, Sediment
1060	Richmond County	Cropland	Sediment
1062	Westmoreland County	Other	Nutrients
1063	Rockingham County	Beef	Bacteria, Nutrients, Sediment
1065	Rockingham County	Beef	Bacteria, Nutrients, Sediment
1067	Albemarle County	Beef	Nutrients
1069	Augusta County	Poultry	Bacteria, Nutrients
1070	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
1072	Stafford County	Poultry	Nutrients, Sediment
1076	Shenandoah County	Equine	Nutrients, Sediment
1077	Shenandoah County	Beef	Nutrients, Sediment
1078	Shenandoah County	Beef	Nutrients, Sediment

1081	Franklin County	Dairy	Bacteria, Nutrients
1082	Page County	Beef	Bacteria, Nutrients, Sediment
1083	Rockingham County	Beef	Sediment

CASE TRENDS

Compared to the previous program year, the ASA program experienced a five percent increase in official complaints, from 60 to 63. There was a 21 percent decrease in founded complaints requiring plans, from 24 to 19. Unfounded complaints increased by two cases, from 17 to 19, while the overall percentage of unfounded complaints also decreased from 28 to 30. The number of dismissed complaints increased from 19 to 25, a 32 percent change.

CONTACTS

Questions regarding this report should be directed to the ASA office at 804-786-2658 or to darrell.marshall@vdacs.virginia.gov.