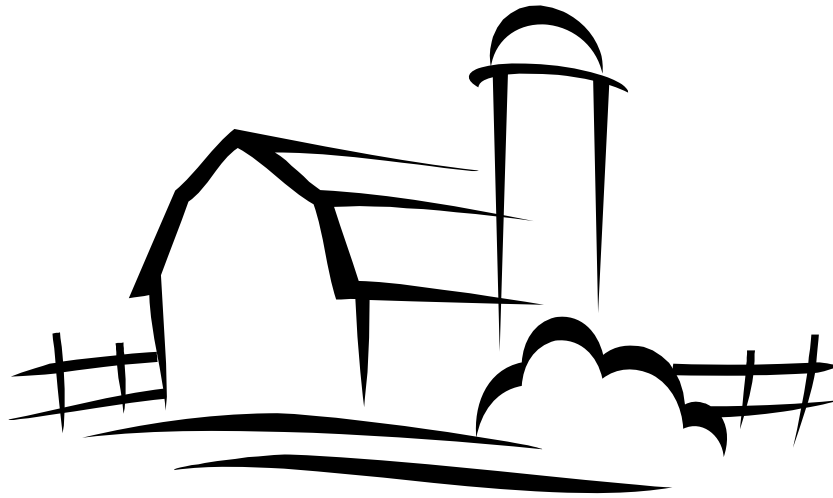


*Virginia Agricultural Stewardship Act
Annual Report
April 1, 2006 - March 31, 2007*



A Positive Approach

Virginia Department of Agriculture and Consumer Services

*... Working in Cooperation with
Virginia's Soil and Water Conservation Districts*

August 2007

Dear Friends:

For a decade the Virginia Department of Agriculture and Consumer Services has been administering the Agricultural Stewardship Act (ASA) and responding to pollution complaints involving agricultural activities in the Commonwealth. We continue to benefit from the support, participation and cooperation of local soil and water conservation districts and other entities of local, state and federal government. Farmers and other citizens have also been cooperative and helpful in our efforts to carry out this law.

As chief administrator of this program, I am providing the enclosed annual report that offers a summary of the ASA cases received and processed by the Department during April 1, 2006 through March 31, 2007. The Act requires that this report be prepared and distributed each year.

We believe that the ASA program is a very practical and positive approach to addressing pollution problems. We are committed to responding to citizen complaints and working with those who have pollution problems to correct them through good stewardship.

Sincerely,

Todd P. Haymore
Commissioner

BACKGROUND AND OVERVIEW

The Virginia General Assembly passed the Agricultural Stewardship Act in 1996. The program created by the Act was fully implemented effective April 1, 1997. The responsibility for the administration and enforcement of the Act was given to the Commissioner of the Virginia Department of Agriculture and Consumer Services (VDACS). Through an effort of cooperation and coordination involving Virginia's Soil and Water Conservation Districts, VDACS and the agricultural community, the Act has provided a common-sense solution to water pollution problems caused by agricultural operations.

OBJECTIVES

The program is designed to:

- Identify real water quality problems and to help farmers correct them 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 concern 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 in a legal sense;
- 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 the average citizen about normal farming practices that are not harmful to water quality regardless of their appearance, and;
- Provide Soil and Water Conservation Districts with training and the Agriculture Stewardship Act materials they need to the extent that resources will allow.

HOW THE PROGRAM WORKS

Complaints alleging a specific agricultural activity is causing or will cause water pollution are received by the Commissioner of the Virginia Department of Agriculture and Consumer Services. If a complaint meets the criteria for investigation, the Commissioner's Office contacts the appropriate Soil and Water Conservation District about investigating the problem. If the district declines, the Commissioner's Office conducts the investigation.

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 would decide that the complaint is unfounded. If the Commissioner determines that the activity is the cause of pollution, he will give the farmer 60 days to develop a corrective plan. The local District reviews the plan and when it meets the necessary requirements to solve the water pollution problem, the Commissioner will approve it.

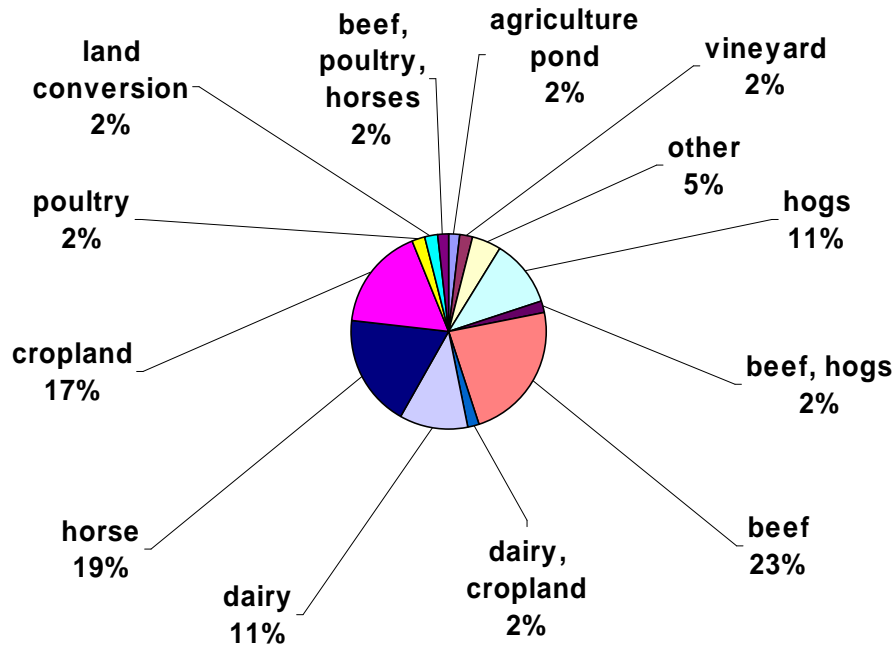
The Act provides the farmer six months from the date of the Commissioner's determination that a complaint is founded to start implementing his plan and up to 18 months from that date to complete plan implementation. The timing allows the farmer to take advantage of suitable weather conditions for outside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

April 1, 2006 – March 31, 2007

In the tenth ASA program year, the Department received more than 100 inquiries regarding possible agricultural pollution, of which 53 complaints became official complaints. Official complaints fell into 13 different categories according to the type of agricultural activity.

Types of Activities

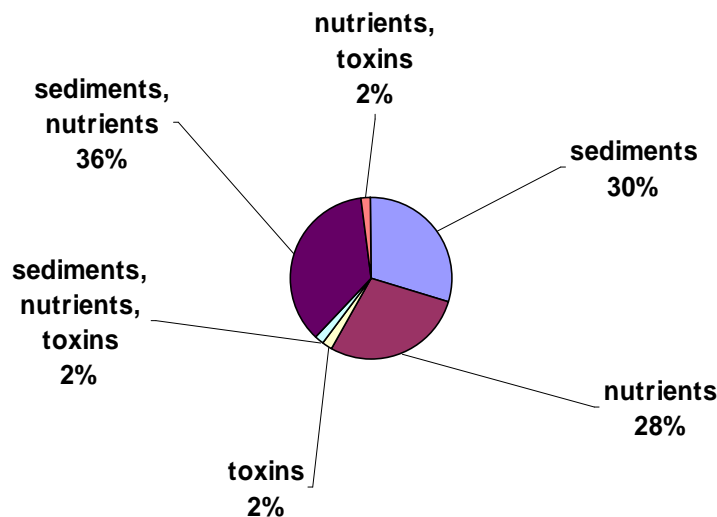
Percentage of Complaints



April 1, 2006 – March 31, 2007

The Act addresses water pollution problems caused by nutrients, sediments, and toxins entering state waters from agricultural activities. During the 2006-2007 program year, 19 of the complaints were received by the Department which involved both sediments and nutrients. Fifteen complaints attributed the pollution problems solely to nutrients, 16 faulted only sediments, one complaint related to toxins, another concerned nutrients and toxins, and one complaint dealt with sediments, nutrients, and toxins.

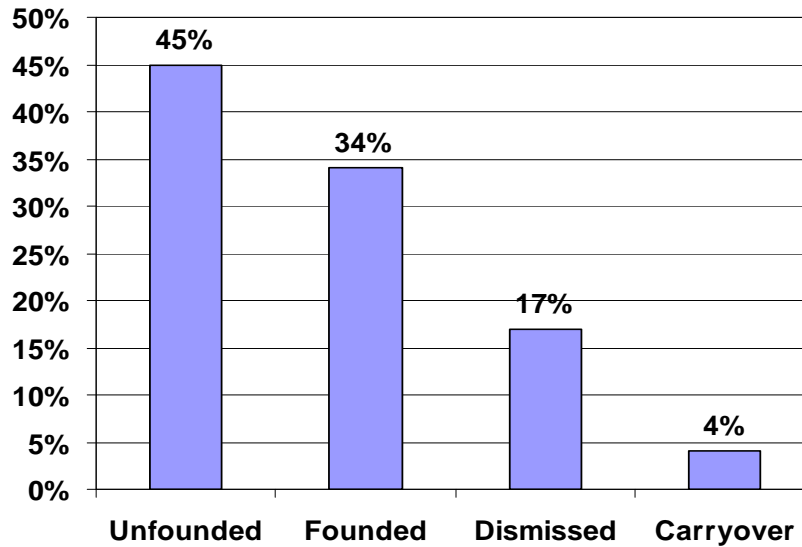
Types of Complaints By Percentage



April 1, 2006 – March 31, 2007

The Commissioner's Office, together with local Districts in many cases, investigated the official complaints received. Of the 51 complaints investigated (two cases were carried over), 24 complaints were determined to be unfounded because there was insufficient or no evidence of water pollution or the alleged problem was already corrected by the time of the investigation. Nine complaints were dismissed because the complaints were not covered by the Act. In some instances, farmers involved in unfounded complaints voluntarily incorporated best management practices into their operations to prevent more complaints or to prevent potential problems from developing into founded complaints. Eighteen complaints were determined to be founded and ASA plans were needed to address pollution problems.

Results of Complaints



April 1, 2006 – March 31, 2007

In each founded case, there was sufficient evidence to support the allegations that the agricultural activities were causing or would cause pollution.

In general, farmers involved in the complaint and correction process were cooperative in meeting the deadlines set by the Agricultural Stewardship Act and it was not necessary to assess any civil penalties.

An informal fact-finding conference was held at the recommendation of staff to review the status of an agricultural activity involving horses. Following the conference, the Commissioner issued a corrective order to address the operators/owners failure to complete implementation of the stewardship plan based on the findings of the conference.

Concerning another ASA case, the Soil and Water Conservation Board held a hearing to receive a complainant's appeal concerning the Commissioner's finding that his complaint about an agricultural activity involving a horse operation was unfounded. In response to the appeal, the Board ruled that the complaint was founded and that the owner/operator of this operation subject to the complaint must submit a stewardship plan for this activity.

CASE DECISIONS
April 1, 2006 – March 31, 2007

Unfounded Complaints

Complaint Number	Locality of Complainant	Activities Category	Complaint Type	Date of Complaint
328	Roanoke	Horse	Sediments	04/19/06
333	Smyth	Dairy	Nutrients	06/01/06
334	Rockingham	Beef	Sediments/nutrients	06/01/06
335	Buckingham	Cropland	sediments	06/02/06
336	Mathews	Horses	Nutrients	05/15/06
340	Montgomery	Dairy/cropland	Nutrients	07/14/06
341	Augusta	Dairy	Sediments/nutrients	07/17/06
342	Nelson	Beef	Sediments	07/28/06
343	Wythe	Cropland	Sediments	07/28/06
345	Isle of Wight	Cropland	Sediments	08/02/06
348	Fauquier	Vineyard	Nutrients/toxins	09/11/06
349	Rockingham	Dairy	Nutrients	09/21/06
354	Augusta	Dairy	Nutrients	10/19/06
358	Fauquier	Beef	Sediments/nutrients	11/30/06
360	Powhatan	Agriculture pond	Sediments	12/11/06
362	Pulaski	Beef	Sediments/nutrients	12/14/06
365	Grayson	Other	Sediments	12/15/06
366	Albemarle	Horses	Sediments	01/16/07
370	Virginia Beach	Cropland	Sediments	01/29/07
371	Louisa	Horses	Nutrients	02/20/07
375	Northumberland	Cropland	Nutrients	03/09/07
376	Pittsylvania	Beef	Nutrients	03/13/07
378	Caroline	Horses	Nutrients	03/19/07
379	Page	Poultry	Nutrients	03/26/07

Founded Complaints

329	Smyth	Beef	Sediments/nutrients	04/27/06
330	Grayson	Cropland	Sediments	05/05/06
331	Spotsylvania	Horses	Sediments	05/22/06
337	Stafford	Cropland	Sediments	06/07/06
338	Carroll	Cropland	Sediments	07/05/06
344	Floyd	Beef/hogs	Sediments/nutrients	08/16/06
346	Louisa	Beef	Sediments/nutrients	08/03/06
347	Albemarle	Hogs	Sediments/nutrients	09/06/06
350	Prince William	Horses	Nutrients	09/29/06
351	Fairfax	Horses	Sediments/nutrients	10/09/06
352	Fluvanna	Horses	Nutrients	10/10/06
353	Smyth	Hogs	Sediments/nutrients	10/09/06
359	Spotsylvania	Horses	Sediments/nutrients	12/04/06
361	Rockbridge	Beef	Sediments/nutrients	12/07/06
367	Culpeper	Land conversion	Sediments	01/22/07
374	Grayson	Hogs	Sediments/nutrients	02/28/07
377	Carroll	Beef	Sediments/nutrients	03/12/07
381	Fluvanna	Other	Sediments	03/30/07

CASE DECISIONS
April 1, 2006 – March 31, 2007

Dismissed Complaints

Complaint Number	Locality of Complainant	Activities Category	Complaint Type	Date of Complaint
332	Augusta	Hogs	Sediments/nutrients/toxins	05/29/06
339	Orange	Cropland	Sediments	07/07/06
355	Augusta	Beef	Toxins	11/10/06
356	Powhatan	Hogs	Sediments/nutrients	11/15/06
357	Fauquier	Beef/poultry/horses	Sediments/nutrients	11/16/06
363	Washington	Hogs	Sediments/nutrients	12/14/06
364	Spotsylvania	Beef	Nutrients	12/14/06
369	Montgomery	Other	Sediments	01/29/07
372	Charlotte	Dairy	Nutrients	02/13/07

Complaints Carried Over

Complaint Number	Locality of Complaint	Activities Category	Complaint Type	Date of Complaint
368	Rockingham	Dairy	Sediments/nutrients	1/23/07
373	Augusta	Beef	Nutrients	2/26/07

EDUCATIONAL ACTIVITIES

The staff of the Agricultural Stewardship Program utilizes opportunities to educate the public as well as the partnering agencies involved in this on-going conservation effort. The ASA staff introduced new soil and water district staff to the workings of the ASA program during an orientation workshop for new district employees. ASA staff presented at two workshops for horse owners. The presentations covered the importance of effective management in preventing pollution problems. Staff also took part in two regional information meetings for local officials at community colleges. The focus of these meetings was land conversion.