

Virginia Department of Agriculture
and Consumer Services

*Virginia Agricultural
Stewardship Act
Annual Report*

April 1, 2010 - March 31, 2011



A Positive Approach

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

VIRGINIA AGRICULTURAL STEWARDSHIP ACT
ANNUAL REPORT
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BACKGROUND

The Virginia General Assembly passed the Agricultural Stewardship Act (ASA) in 1996. The program created by the ASA was fully implemented on April 1, 1997. The responsibility for the administration and enforcement of the ASA 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 ASA has provided a common-sense solution to water pollution problems caused by agricultural operations.

As required by law, the following report on the ASA program for the program year April 1, 2010 through March 31, 2011, has been prepared for public distribution. To avoid printing and postage costs, this report has been converted to a pdf file to facilitate transmission by email. This report is also available for review and downloading from the VDACS internet site at <http://www.vdacs.virginia.gov/stewardship/>.

PROGRAM OBJECTIVES

The ASA 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 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 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 ASA 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. 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 the Commissioner will approve when he determines 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 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 given timeline, the ASA requires the Commissioner to take enforcement action.

2010-11 PROGRAM

AGRICULTURAL ACTIVITIES

In the 14th year of the ASA Program, VDACS received more than 100 inquiries regarding possible agricultural pollution, of which 47 cases became official complaints. The official complaints fell into seven categories according to the type of agricultural activity: beef (36%), equine (19%), cropland (19%), land conversion (16%), dairy (4%), swine (2%), alpaca (2%), and sheep (2%).

TYPES OF POLLUTION

The ASA addresses water pollution problems caused by nutrients, sediments, and toxins entering state waters from agricultural activities. During the 2010-2011 program year, complaints received fell into four categories based on the types of pollution: sediment only (38%), sediment and nutrient (30%), nutrient only (28%), and nutrient and toxin (4%).

COMMISSIONER'S FINDINGS

In most cases, the Commissioner's Office, together with local Districts, investigated the official complaints received. Nineteen (41%) of the 47 official complaints received 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. A decision on one (2%) of the complaints received during the 2010-11 ASA program year is pending.

Nine (19%) of the complaints received were dismissed for various reasons, mostly because the ASA program had no jurisdiction in the matter. 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 (38%) of all complaints were determined to be founded, and Agricultural Stewardship Plans were required to address pollution problems. 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 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 complete implementation of the Agricultural Stewardship Plan based on the findings of a conference held to receive the facts on a case. During the 2010-11 program year, no corrective orders were issued.

ASA CASE DECISIONS

The following tables provide information about the individual ASA cases that were received, investigated, and decided during the 2010-11 program year.

CASE DECISIONS April 1, 2010 – March 31, 2011 <i>Unfounded Complaints</i>			
Complaint Number	Locality of Complainant	Activities Category	Complaint Type
532	Fairfax	Equine	Nutrient
533	Buchanan	Equine	Nutrient
534	Lee	Beef	Nutrient

535	Loudoun	Alpaca	Nutrient
536	Culpeper	Equine	Nutrient
537	Culpeper	Sheep	Nutrient
538	Prince William	Equine	Sediment
540	Grayson	Land Conversion	Sediment
541	Culpeper	Equine	Nutrient/Toxin
544	Scott	Cropland	Nutrient/Toxin
546	Prince William	Land Conversion	Sediment
547	Louisa	Beef	Sediment
548	Bedford	Land Conversion	Sediment
551	Smyth	Beef	Sediment/Nutrient
554	Rockbridge	Equine	Nutrient
559	Pittsylvania	Cropland	Sediment
561	Westmoreland	Beef	Sediment/Nutrient
574	Southampton	Beef	Nutrient
575	Augusta	Beef	Sediment/Nutrient

CASE DECISIONS
April 1, 2010 – March 31, 2011

Founded Complaints

Complaint Number	Locality of Complainant	Activities Category	Complaint Type
539	Orange	Land Conversion	Sediment
545	Wythe	Equine	Sediment/Nutrient
549	Rockingham	Beef	Sediment
550	Lancaster	Cropland	Sediment
552	Albemarle	Swine	Sediment/Nutrient
553	Hanover	Cropland	Sediment
557	Pittsylvania	Cropland	Sediment
558	Loudoun	Beef	Sediment/Nutrient
562	Loudoun	Equine	Nutrient
564	Rockingham	Beef	Sediment/Nutrient
565	New Kent	Beef	Sediment/Nutrient

567	Rockingham	Beef	Sediment/Nutrient
568	Augusta	Beef	Sediment/Nutrient
570	Giles	Cropland	Sediment
572	Highland	Beef	Nutrient
573	Fauquier	Land Conversion	Sediment
577	Rockingham	Beef	Sediment/Nutrient
578	Rockingham	Dairy	Sediment/Nutrient

CASE DECISIONS
April 1, 2010 – March 31, 2011
Dismissed Complaints

Complaint Number	Locality of Complainant	Activities Category	Complaint Type
542	Stafford	Cropland	Sediment
543	Grayson	Land Conversion	Sediment
555	Madison	Beef	Nutrient
556	Loudoun	Beef	Nutrient
560	Buckingham	Land Conversion	Sediment
563	Virginia Beach	Equine	Nutrient
566	Northumberland	Cropland	Sediment
569	Rockingham	Dairy	Sediment/Nutrient
571	Prince William	Cropland	Sediment

CASE DECISIONS
April 1, 2010 – March 31, 2011
Pending Complaints

Complaint Number	Locality of Complainant	Activities Category	Complaint Type
576	Rockingham	Beef	Sediment/Nutrient

EDUCATIONAL ACTIVITIES

The ASA coordinator utilized opportunities provided by meetings and field work to inform and update persons involved in ASA case investigations concerning the ASA program.

The ASA coordinator also represented the agency on technical advisory committees concerning amendments to state biosolids regulations, implementation of the Virginia Agricultural Best Management Practices (BMP) Program, the state Nutrient Management Program, development of the Chesapeake Bay Total Maximum Daily Load (TMDL), expansion of the nutrient credit exchange called for in the Phase I Watershed Improvement Plan (WIP) of the Chesapeake Bay TMDL, plasticulture on the Eastern Shore, and BMPs voluntarily implemented on agricultural lands.

CONTACTS

Questions regarding this report should be directed to the Commissioner's Office at 804/786-3501 or to darrell.marshall@vdacs.virginia.gov. Again, this report is available for review and downloading from the VDACS internet site located at <http://www.vdacs.virginia.gov/stewardship/>.