



*VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES*

**ANNUAL REPORT
ON THE
AGRICULTURAL STEWARDSHIP ACT**

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Commissioner**

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VIRGINIA AGRICULTURAL STEWARDSHIP ACT
ANNUAL REPORT
For Program Year April 1, 2019 - March 31, 2020

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, 2019, through March 31, 2020.

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 SWCDs 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, 2019, through March 31, 2020. Forty-eight of these cases became official complaints. The official complaints fell into 12 categories according to the following types of agricultural activity:

- Beef (17)
- Equine (8)
- Land conversion (7)
- Cropland (4)
- Dairy (4)
- Swine (2)
- Beef, Dairy (1)
- Beef, Cropland (1)
- Beef, Cropland, Dairy (1)
- Sod (1)
- Goats, Sheep (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 eight pollution categories during the program year of April 1, 2019, through March 31, 2020:

- Sediment (16)
- Nutrients, Sediment (9)
- Bacteria, Nutrients, Sediment (8)
- Nutrients (6)
- Bacteria, Nutrients (5)
- Bacteria, Nutrients, Sediment, Toxins (2)
- Bacteria, Sediment (1)
- Bacteria (1)

COMMISSIONER'S FINDINGS

During the program year, 15 (31 percent) of the 48 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.

Eighteen (38 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.

Fifteen (31 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 or 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 2019 - 2020 program year for failure to submit a stewardship plan, implement an approved stewardship plan, or maintain the measures included in an approved stewardship plan.

ASA CASE DECISIONS

The following tables provide the information about the individual ASA cases that were received, investigated, and decided during the 2019 - 2020 program year.

CASE DECISIONS
 April 1, 2019 - March 31, 2020
Founded Complaints

Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1085	Augusta County	Beef	Bacteria, Nutrients, Sediment
1090	Grayson County	Beef, Cropland	Sediment
1091	Warren County	Beef	Bacteria, Nutrients, Sediment
1093	Grayson County	Land Conversion	Sediment
1094	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
1097	Northumberland County	Cropland	Sediment
1100	Grayson County	Equine	Bacteria, Nutrients, Sediment
1101	Roanoke County	Beef	Nutrients, Sediment
1102	Westmoreland County	Cropland	Sediment
1115	Pittsylvania County	Land Conversion	Sediment
1118	Bedford County	Land Conversion	Sediment
1119	Albemarle County	Land Conversion	Sediment
1120	Grayson County	Beef	Nutrients, Sediment
1122	Lunenburg County	Beef	Bacteria, Nutrients, Sediment, Toxins
1128	Albemarle County	Land Conversion	Sediment

CASE DECISIONS
 April 1, 2019 - March 31, 2020
Unfounded Complaints

Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1084	Warren County	Swine	Sediment
1086	Fairfax County	Equine	Nutrients
1089	Brunswick County	Beef	Bacteria, Nutrients, Sediment, Toxins
1095	Amherst County	Beef	Bacteria, Nutrients
1098	Craig County	Beef	Bacteria, Sediment
1099	Orange County	Equine	Nutrients, Sediment
1103	Prince William County	Sod	Sediment
1107	Amherst County	Land Conversion	Sediment
1108	Loudoun County	Equine	Bacteria, Nutrients
1110	Warren County	Beef	Bacteria, Nutrients, Sediment
1111	Botetourt County	Dairy	Nutrients, Sediment
1112	Smyth County	Beef	Nutrients, Sediment
1121	Page County	Beef	Bacteria, Nutrients, Sediment
1123	Mecklenburg County	Other	Sediment
1124	Pittsylvania County	Beef	Sediment
1125	Grayson County	Beef	Sediment
1126	City of Suffolk	Equine	Bacteria, Nutrients
1130	Greene County	Beef	Nutrients

CASE DECISIONS April 1, 2019 - March 31, 2020 Dismissed Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1087	Rockingham County	Dairy	Bacteria, Nutrients, Sediment
1088	Loudoun County	Equine	Nutrients
1092	Bedford County	Beef, Cropland, Dairy	Bacteria, Nutrients
1096	Albemarle County	Equine	Nutrients, Sediment
1104	Prince William County	Goats, Sheep	Bacteria
1105	Rockingham County	Cropland	Bacteria, Nutrients
1106	Augusta County	Beef, Dairy	Nutrients
1109	Fauquier County	Swine	Bacteria, Nutrients, Sediment
1113	Patrick County	Dairy	Nutrients, Sediment
1114	Rockingham County	Beef	Nutrients, Sediment
1116	Hanover County	Land Conversion	Sediment
1117	Rockingham County	Equine	Nutrients, Sediment
1127	Grayson County	Dairy	Nutrients
1129	Rappahannock County	Beef	Nutrients
1131	Albemarle County	Cropland	Sediment

CASE TRENDS

Compared to the previous program year, the ASA program experienced a twenty-four percent decrease in official complaints, from 63 to 48. However, the number of founded complaints requiring plans decreased by only four, from 19 to 15. Unfounded complaints decreased by one case, from 19 to 18, and the number of dismissed complaints decreased from 25 to 15 from the previous program year.

CONTACTS

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