



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, 2021 - March 31, 2022**

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, 2021, through March 31, 2022.

PROGRAM OBJECTIVES

The ASA Program is designed to:

- Identify water quality problems and 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 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, provide them with the information they need, and 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, 2021, through March 31, 2022. Fifty of these cases became official complaints. The official complaints fell into 17 categories according to the type of agricultural activity:

- Beef (24)
- Equine (5)
- Dairy (4)
- Cropland (2)
- Land Conversion (2)
- Other (2)
- Cropland, Other (1)
- Sod (1)
- Goats, Poultry, Swine (1)
- Beef, Goats, Poultry (1)
- Poultry (1)
- Slaughter House (1)
- Beef, Goats, Poultry, Sheep (1)
- Christmas Trees (1)

- Christmas Trees, Land Conversion (1)
- Beef, Sheep (1)
- Vineyard (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 five pollution categories during the program year of April 1, 2021, through March 31, 2022:

- Nutrients, Sediment (18)
- Sediment (12)
- Nutrients (10)
- Bacteria, Nutrients, Sediment (8)
- Bacteria, Nutrients (2)

COMMISSIONER'S FINDINGS

During the program year, 17 (34 percent) of the 50 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.

Seventeen (34 percent) of the 50 official 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.

Sixteen (32 percent) of the 50 official 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 completion of the investigation process. Others were cases in which the ASA program had no jurisdiction in the matter, were withdrawn by the complainant, 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 established 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 and complete the implementation of the Agricultural Stewardship Plan based on the findings of a conference held to receive the facts on a case. One corrective order was issued during the 2021 - 2022 program year for failure to complete implementation and maintain the measures necessary to prevent water pollution.

ASA CASE DECISION TABLES

The following tables provide the information about the individual ASA cases that were received, investigated, and decided during the 2021 - 2022 program year.

CASE DECISIONS April 1, 2021 - March 31, 2022 Founded Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1203	Augusta County	Beef	Bacteria, Nutrients, Sediment
1209	Augusta County	Beef	Bacteria, Nutrients, Sediment*
1212	Augusta County	Beef	Nutrients, Sediment
1213	Rockingham County	Beef	Nutrients, Sediment
1215	Rockingham County	Beef	Nutrients, Sediment
1218	Rockingham County	Beef	Nutrients, Sediment
1221	Rockingham County	Beef	Bacteria, Nutrients, Sediment
1222	Rockingham County	Dairy	Nutrients, Sediment
1224	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
1225	Rockingham County	Beef	Nutrients, Sediment
1226	Page County	Sod	Sediment
1230	Augusta County	Beef	Bacteria, Nutrients, Sediment
1234	Carroll County	Land Conversion	Sediment
1235	Wythe County	Beef	Nutrients, Sediment
1242	Mecklenburg County	Other	Sediment
1243	Tazewell County	Beef	Nutrients, Sediment
1244	Bedford County	Cropland	Sediment

CASE DECISIONS
 April 1, 2021 - March 31, 2022
Unfounded Complaints

Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1199	Powhatan County	Goats, Poultry, Swine	Bacteria, Nutrients, Sediment
1200	Nelson County	Beef, Goats, Poultry	Nutrients, Sediment
1202	Franklin County	Equine	Nutrients
1204	Nelson County	Beef	Nutrients, Sediment
1205	Scott County	Beef	Sediment
1207	Fauquier County	Equine	Nutrients
1210	Augusta County	Beef	Nutrients, Sediment
1214	Pulaski County	Beef	Nutrients, Sediment
1216	Loudoun County	Beef	Nutrients
1217	Warren County	Beef	Nutrients
1219	Roanoke County	Equine	Nutrients, Sediment
1227	Augusta County	Cropland	Nutrients
1229	Bedford County	Slaughter House	Bacteria, Nutrients
1232	Carroll County	Land Conversion	Sediment
1233	Carroll County	Dairy	Nutrients, Sediment
1236	James City County	Equine	Bacteria, Nutrients
1246	Albemarle County	Vineyard	Sediment

CASE DECISIONS
 April 1, 2021 - March 31, 2022
Dismissed Complaints

Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1197	Rockingham County	Beef	Nutrients
1198	Fauquier County	Beef	Sediment
1201	Campbell County	Beef	Nutrients, Sediment
1206	Accomack County	Other	Sediment
1208	Augusta County	Dairy	Bacteria, Nutrients, Sediment
1211	Grayson County	Dairy	Nutrients
1220	Washington County	Beef	Nutrients, Sediment
1223	Fauquier County	Cropland, Other	Sediment
1228	Craig County	Poultry	Nutrients, Sediment
1231	Fauquier County	Equine	Nutrients
1237	Rockingham County	Beef, Goats, Poultry, Sheep	Nutrients
1238	Rockingham County	Beef	Bacteria, Nutrients, Sediment
1239	Grayson County	Christmas Trees	Sediment
1240	City of Harrisonburg	Beef	Nutrients
1241	Grayson County	Christmas Trees, Land Conversion	Sediment
1245	Rockingham County	Beef, Sheep	Nutrients, Sediment

CASE TRENDS

Compared to the previous program year, the ASA program experienced a 23 percent reduction in official complaints, from 65 to 50. There was a 23 percent reduction in the total number of founded complaints requiring plans, from 22 to 17. Unfounded complaints increased by 1 case, from 16 to 17, while the overall percentage of unfounded complaints increased from 25 percent to 34 percent of the total number of official complaints. There was a decrease in the overall number of dismissed complaints, from 26 to 16, a 38 percent reduction.

COMPLAINT TRACKING

With the assistance of the Virginia Department of Conservation and Recreation (DCR), the ASA program has the ability to track and report certain best management practices implemented to address water pollution on founded complaint sites. This tracking module will assist ASA staff in the verification process and contribute to the goals outlined in the Chesapeake Bay Phase III Watershed Implementation Plan. During the 2022 fiscal year, the ASA program reported 31,893 feet of livestock exclusion fencing implemented as a result of past founded complaints. This figure includes only the livestock exclusion fencing installed without cost-sharing assistance involving past ASA complaints, as exclusion fencing installed with cost-sharing assistance as a result of a founded ASA complaint is tracked and reported to DCR by the local SWCD.

CONTACTS

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