



Joseph W. Guthrie
Commissioner

COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

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August 21, 2023

Matthew S. Wells, Director
Department of Conservation and Recreation

Charles A. Arnason, Chair
Soil and Water Conservation Board

Soil and Water Conservation Districts

The Virginia Agricultural Stewardship Act (ASA) program recently completed its 26th year of responding to water quality complaints involving agricultural operations in the Commonwealth. Over the years, we have benefited greatly from the continued support and cooperation of local soil and water conservation districts; Virginia's agricultural community; and other local, state, and federal agencies that assist VDACS in our efforts to carry out the provisions of the ASA.

As required by the ASA, I am providing the attached annual report of the ASA program for the period April 1, 2022, through March 31, 2023. The report offers a summary of the cases received and processed by the ASA staff.

The ASA program provides a practical and positive way of addressing water pollution problems on farms in Virginia. My staff and I are committed to providing a timely response to the citizens of the Commonwealth and resolving water quality issues with reasonable and effective stewardship measures.

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

Sincerely,

A handwritten signature in black ink that reads "Joseph W. Guthrie".

Joseph W. Guthrie
Commissioner

ATTACHMENT



**ANNUAL REPORT
ON THE
AGRICULTURAL STEWARDSHIP ACT**

**Joseph Guthrie
Commissioner**

August 31, 2023

VIRGINIA AGRICULTURAL STEWARDSHIP ACT ANNUAL REPORT

For Program Year April 1, 2022 - March 31, 2023

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, 2022, through March 31, 2023.

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, 2022, through March 31, 2023. Forty-six of these cases became official complaints. The official complaints fell into 14 categories according to the type of agricultural activity:

- Beef (15)
- Equine (7)
- Land Conversion (7)
- Dairy (3)
- Swine (3)
- Beef, Dairy (2)
- Cropland (2)
- Orchard (1)
- Other (1)
- Cropland, Other (1)
- Beef, Dairy, Goats, Poultry, Sheep (1)
- Beef, Equine (1)
- Poultry (1)
- Equine, Goats (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 nine pollution categories during the program year of April 1, 2022, through March 31, 2023:

- Sediment (12)
- Nutrients,Sediment (11)
- Bacteria,Nutrients (9)
- Bacteria,Nutrients,Sediment (8)
- Nutrients (2)
- Bacteria (1)
- Bacteria,Toxins (1)
- Bacteria,Nutrients,Toxins (1)
- Nutrients,Toxins (1)

COMMISSIONER'S FINDINGS

During the program year, 11 (24 percent) of the 46 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 (39 percent) of the 46 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.

Seventeen (37 percent) of the 46 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. No corrective orders were issued during the 2022 - 2023 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 2022 - 2023 program year.

CASE DECISIONS April 1, 2022 - March 31, 2023 Founded Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1263	Buckingham County	Land Conversion	Sediment
1265	Fauquier County	Equine	Nutrients
1268	Grayson County	Land Conversion	Sediment
1269	Augusta County	Dairy	Bacteria, Nutrients, Sediment
1272	Orange County	Beef, Dairy, Goats, Poultry, Sheep	Bacteria, Nutrients, Sediment
1273	Rockingham County	Beef	Nutrients, Sediment
1276	Washington County	Beef	Nutrients, Sediment
1278	Carroll County	Land Conversion	Sediment
1279	Grayson County	Beef	Nutrients, Sediment
1289	Albemarle County	Beef	Bacteria, Nutrients, Sediment
1290	Rockingham County	Beef	Bacteria, Nutrients, Sediment

CASE DECISIONS April 1, 2022 - March 31, 2023 Unfounded Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1247	Albemarle County	Orchard	Sediment
1248	Augusta County	Beef	Nutrients, Sediment
1251	Grayson County	Swine	Nutrients, Sediment
1253	Rockingham County	Beef, Dairy	Nutrients, Sediment
1256	Cumberland County	Other	Bacteria, Nutrients
1264	King William County	Dairy	Bacteria, Nutrients

1266	Caroline County	Cropland, Other	Bacteria, Nutrients, Toxins
1267	Craig County	Land Conversion	Sediment
1270	Nelson County	Land Conversion	Sediment
1271	Buckingham County	Land Conversion	Sediment
1274	Halifax County	Swine	Bacteria, Nutrients, Sediment
1275	Fauquier County	Beef, Equine	Nutrients, Sediment
1280	Nottoway County	Land Conversion	Sediment
1281	Prince William County	Equine	Bacteria, Nutrients
1282	Prince William County	Equine	Bacteria, Nutrients
1286	Loudoun County	Equine	Bacteria, Nutrients
1287	Scott County	Poultry	Bacteria, Nutrients, Sediment
1292	Russell County	Beef	Bacteria, Nutrients, Sediment

CASE DECISIONS April 1, 2022 - March 31, 2023 Dismissed Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1249	Rockingham County	Beef, Dairy	Bacteria, Nutrients
1250	Washington County	Beef	Bacteria
1252	Spotsylvania County	Equine	Bacteria, Nutrients
1254	Grayson County	Cropland	Sediment
1255	Grayson County	Cropland	Sediment
1257	Nelson County	Swine	Bacteria, Nutrients
1258	Bedford County	Beef	Bacteria, Toxins
1259	Albemarle County	Beef	Nutrients, Sediment
1260	Madison County	Beef	Nutrients, Sediment
1261	Madison County	Beef	Nutrients, Sediment
1262	Rappahannock County	Beef	Nutrients, Sediment
1277	Loudoun County	Beef	Bacteria, Nutrients, Sediment
1283	Floyd County	Dairy	Nutrients, Toxins
1284	Tazewell County	Beef	Sediment
1285	Goochland County	Equine	Nutrients
1288	Fauquier County	Equine, Goats	Sediment
1291	Henry County	Equine	Bacteria, Nutrients

CASE TRENDS

Compared to the previous program year, the ASA program experienced an eight percent reduction in official complaints, from 50 to 46. There was a 35 percent reduction in the total number of founded complaints requiring plans, from 17 to 11. Unfounded complaints increased by one case, from 17 to 18, while the overall percentage of unfounded complaints increased from 34 percent to 39 percent of the total number of official complaints. There was an increase in the overall number of dismissed complaints, from 16 to 17, a six percent change.

COMPLAINT TRACKING

With the assistance of the Virginia Department of Conservation and Recreation (DCR), the ASA program has the ability to use a geographic information system (GIS) to track and report certain best management practices implemented to address water pollution on founded complaint sites. This GIS 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. The ASA program has prioritized visiting past complaint sites to measure, document, and verify the livestock exclusion fencing that was implemented as a result of stewardship plan implementation prior to the ASA program having the GIS capability to track best management practices. During the 2022-2023 program year, the ASA program staff recorded a total of 8,504 feet of livestock exclusion fencing and 23 acres of stream bank buffer implemented from current and past complaint sites. Within the Chesapeake Bay watershed, 7,124 linear feet of exclusion fencing, and 20.5 acres of buffer were recorded. These figures include only the livestock exclusion fencing and buffer acres installed without cost-sharing assistance involving past ASA complaints.

CONTACTS

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