



*VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES*

**ANNUAL REPORT
ON THE
AGRICULTURAL STEWARDSHIP ACT**

**Sandra J. Adams
Commissioner**

August 31, 2017

VIRGINIA AGRICULTURAL STEWARDSHIP ACT ANNUAL REPORT

FOR PROGRAM YEAR APRIL 1, 2016, THROUGH MARCH 31, 2017

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, 2016, through March 31, 2017.

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 good stewardship practices and encourage them to implement such practices, even in instances where water quality problems 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 accepted farming practices and the impact those practices may have on the environment; and
- Provide SWCDs with training and ASA materials, to the extent that resources 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, 2016, through March 31, 2017. Sixty-seven of these cases became official complaints. The official complaints fell into 16 categories according to the following types of agricultural activity:

- Beef (33)
- Dairy (6)
- Equine (6)
- Tobacco (3)
- Land Conversion (3)
- Swine (3)
- Other (3)
- Cropland (2)
- Llamas/Alpacas, Poultry (1)
- Equine, Goats, Land Conversion, Llamas/Alpacas, Poultry (1)
- Goats, Swine (1)
- Land Conversion, Beef (1)
- Poultry (1)
- Land Conversion, Other (1)

- Goats (1)
- Land Conversion, Sheep (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 seven pollution categories during the program year of April 1, 2016, through March 31, 2017:

- Bacteria, Nutrients, Sediment (30)
- Sediment (11)
- Bacteria, Nutrients (9)
- Nutrients, Sediment (9)
- Nutrients (5)
- Bacteria (2)
- Bacteria, Nutrients, Toxins (1)

COMMISSIONER'S FINDINGS

During the program year, 22 (33 percent) of the 67 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.

Twenty-six (39 percent) of the complaints received during the program year were determined to be unfounded because there was insufficient 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.

Nineteen (28 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 and complete implementation of the agricultural stewardship plan based on the findings of an informal fact-finding conference held to receive the facts on a case. Two corrective orders were

issued during the program year for not implementing and maintaining the measures included in approved agricultural stewardship plans.

ASA CASE DECISIONS

The following tables provide the information about the individual ASA cases that were received, investigated, and decided during the 2016 - 2017 program year.

CASE DECISIONS			
April 1, 2016 - March 31, 2017			
Founded Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
896	Warren County	Beef	Bacteria, Nutrients, Sediment
908	Page County	Beef	Bacteria, Nutrients, Sediment
912	Page County	Beef	Bacteria, Nutrients, Sediment
913	Alleghany County	Goats, Swine	Nutrients, Sediment
916	Warren County	Beef	Bacteria, Nutrients, Sediment
917	Page County	Beef	Bacteria, Nutrients, Sediment
919	Scott County	Beef, Land Conversion	Nutrients, Sediment
921	Lunenburg County	Tobacco	Sediment
922	Pittsylvania County	Tobacco	Sediment
923	Page County	Beef	Bacteria, Nutrients, Sediment
925	Rockingham County	Beef	Bacteria, Nutrients, Sediment
926	Page County	Beef	Bacteria, Nutrients, Sediment
927	Page County	Beef	Bacteria, Nutrients, Sediment
929	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
933	Page County	Beef	Bacteria, Nutrients, Sediment
935	Page County	Dairy	Bacteria, Nutrients, Sediment
936	Page County	Beef	Bacteria, Nutrients, Sediment
937	Franklin County	Land Conversion, Other	Sediment
940	Warren County	Beef	Bacteria, Nutrients, Sediment
948	Scott County	Land Conversion, Sheep	Bacteria, Nutrients, Sediment
956	Nelson County	Beef	Nutrients, Sediment
960	Rockingham County	Beef	Bacteria, Nutrients, Sediment

CASE DECISIONS
 April 1, 2016 - March 31, 2017
Unfounded Complaints

Complaint Number	Locality of Complaint	Activities Category	Complaint Type
894	Hanover County	Cropland	Sediment
898	Wythe County	Swine	Nutrients, Sediment
900	Rockbridge County	Llamas/Alpacas, Poultry	Nutrients, Sediment
902	Loudoun County	Equine	Bacteria, Nutrients
904	Powhatan County	Equine	Nutrients
905	Prince William County	Equine, Goats, Land Conversion, Llamas, Alpacas, Poultry	Nutrients, Sediment
907	Wythe County	Beef	Nutrients
909	Rockingham County	Beef	Nutrients
910	Pittsylvania County	Tobacco	Sediment
911	Northumberland County	Cropland	Nutrients, Sediment
915	Scott County	Beef	Bacteria, Nutrients, Sediment
918	Loudoun County	Beef	Sediment
920	Smyth County	Dairy	Bacteria, Nutrients, Sediment
930	Mecklenburg County	Swine	Nutrients
931	Spotsylvania County	Equine	Nutrients, Sediment
932	Floyd County	Swine	Bacteria, Nutrients, Sediment
938	Buckingham County	Beef	Bacteria, Nutrients, Sediment
941	Rockingham County	Dairy	Bacteria, Nutrients
943	Middlesex County	Equine	Bacteria, Nutrients, Sediment
947	Roanoke County	Land Conversion	Sediment
949	Loudoun County	Equine	Bacteria, Nutrients
951	Augusta County	Beef	Bacteria, Nutrients
952	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
954	Rockingham County	Dairy	Bacteria, Nutrients
955	Page County	Beef	Bacteria, Nutrients, Sediment
959	Alleghany County	Beef	Bacteria, Nutrients

CASE DECISIONS
 April 1, 2016 - March 31, 2017
Dismissed Complaints

Complaint Number	Locality of Complaint	Activities Category	Complaint Type
895	Augusta County	Equine	Bacteria, Nutrients
897	Rockingham County	Land Conversion	Sediment
899	Wythe County	Other	Nutrients
901	Rockingham County	Beef	Bacteria, Nutrients
903	Warren County	Beef	Bacteria, Nutrients, Sediment
906	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
914	Carroll County	Land Conversion	Sediment
924	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
928	City of Harrisonburg	Poultry	Sediment
934	Fauquier County	Dairy	Bacteria
939	Prince William County	Goats	Bacteria, Nutrients, Sediment
942	Pulaski County	Other	Bacteria, Nutrients, Toxins
944	Augusta County	Beef	Bacteria, Nutrients, Sediment
945	Augusta County	Beef	Bacteria
946	Rockingham County	Dairy	Nutrients, Sediment
950	Augusta County	Beef	Bacteria, Nutrients
953	Floyd County	Beef	Bacteria, Nutrients, Sediment
957	Brunswick County	Other	Sediment
958	Warren County	Beef	Bacteria, Nutrients, Sediment

CASE TRENDS

Compared to the previous program year, The ASA program experienced a three percent increase in official complaints, from 65 to 67. There was an eight percent decrease in founded complaints requiring plans, from 24 to 22. Unfounded complaints decreased by four cases, from 30 to 26, while the overall percentage of unfounded complaints decreased from 46 to 39. There was an increase in dismissed complaints, from 11 to 19, a 73 percent change.

CONTACTS

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