

## VASWCD Update Notes from DEQ's Water Programs

### Office of Ecology (Contact John Kennedy, [John.Kennedy@DEQ.Virginia.gov](mailto:John.Kennedy@DEQ.Virginia.gov))

- EPA has provided their review of Virginia's progress on our 2018-2019 WIP Milestones and a response was sent from the Office of the Secretary of Natural Resources. While EPA's findings generally supported Virginia's efforts and accomplishments, one element concerning EPA statements about the Commonwealth's 2019 progress was addressed as being inaccurate and misleading to the public. It involved the inadvertent deletion of 44,000 BMP records from Virginia's historical implementation database, which lead to an under-estimation of nutrient and sediment load reductions in the Bay watershed. Virginia recommended that the most appropriate action by EPA is to remove the flawed analysis from the 2018-2019 evaluation or, at a minimum, provide a clear and prominent explanation of the results. It was requested the following statement be included to provide context for the 2019 load results: "*The data submitted by Virginia for 2019 progress was incomplete, missing approximately 44,000 best management practice records. As a result, the 2018-2019 simulations are not indicative of Virginia's actual 2019 progress. Virginia has worked diligently with the Chesapeake Bay Program office to restore the missing records in the new CAST2019 model that will be used for the 2020-2021 Milestones.*" The OSNR's 6/1/20 response also provided additional information for EPA's consideration in response to their comments on the 2020-2021 Milestones, for each individual source sector, both numeric and programmatic Milestones.

### Office of Water Supply (Contact Scott Kudlas, [Scott.Kudlas@DEQ.Virginia.gov](mailto:Scott.Kudlas@DEQ.Virginia.gov))

- **Water Withdrawal Reporting Regulation (9 VAC 25-200-10 et seq.):** DEQ appreciates the assistance of the VASWCD and Districts as we continue to register farms to report water withdrawals. Withdrawal reports are due by January 31 each calendar year for the previous year's withdrawals. We appreciate the efforts of SWCD staff and the poultry industry in communicating requirements to their members. As a result we have 25 new poultry facilities working with DEQ to begin reporting. Contacts for withdrawal reporting is Trevor Lawson, (804) 698-4113, [Trevor.Lawson@DEQ.Virginia.gov](mailto:Trevor.Lawson@DEQ.Virginia.gov)
- **Groundwater Withdrawal Regulations (9 VAC 25-610-10 et seq.):** Groundwater withdrawals of 300,000 gallons or more in any month in a designated groundwater management area requires a permit. Efforts to increase awareness about permitting requirements for groundwater users will continue throughout 2020 through increased efforts utilizing both compliance assistance and actions. The COVID-19 pandemic and required social distancing protocols postponed planned Risk-Based Inspections for 2020. However, desktop inspections of facilities continue and field activities are planned to begin again in June with additional health and safety protocols for both staff and permittees. Additionally, the 2019 legislative action related to the Groundwater Withdrawal Regulations (Senate Bill 1599) directed the State Water Control Board to adopt regulations providing incentives for the withdrawal of water from the surficial aquifer, rather than the Yorktown-Eastover, in the Eastern Shore Groundwater Management Area. DEQ published a Notice of Intended Regulatory Action (NOIRA) on November 11, 2019. A RAP was formed in early 2020 and held several meetings in February and March before the COVID-19 pandemic postponed public meetings.
- **Surface Water Withdrawal Permitting (9 VAC 25-210-10 et seq.):** DEQ regulates surface water withdrawals statewide through the Virginia Water Protection (VWP) Permit Program. Efforts to increase awareness about permitting requirements for surface water users will continue throughout 2020. On the Eastern Shore, several agricultural users have begun the process of applying for surface water withdrawal permits, while others have received requests for information to ascertain water withdrawal and use information. DEQ expects to see more participation in the VWP withdrawal permitting program in that region in the coming years.
- The **contact** for the Water Withdrawal Permitting and Compliance Program are Joe Grist, 804-698-4031, [Joseph.Grist@DEQ.Virginia.gov](mailto:Joseph.Grist@DEQ.Virginia.gov).

Office of Watershed Programs (Contact Kelly Meadows, Kelly.Meadows@DEQ.Virginia.gov)

- DEQ's Office of Watershed Programs frequently works with the Districts, primarily through non-point source pollution efforts.
- In implementing the Clean Water Act Section **319(h) Nonpoint Source** and **Water Quality Improvement Fund** (WQIF) programs, typically via grants and partnerships with the Districts, DEQ relies heavily on the efforts of the Districts at the local level to recruit landowners, oversee the installation of agricultural and residential septic BMPs, manage the reimbursement and financial elements, and to track and submit BMP data to ensure that reductions are properly credited. DEQ documents some of the success stories on its website at <https://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/WaterQualitySuccessStories.aspx>.
- DEQ appreciates the Districts' support and participation during annual partners meetings, development of **TMDLs and TMDL Implementation Plans**, stakeholder groups, public meetings, etc.
- DEQ continues to award funding to grantees (including Districts) to improve water quality across the state by addressing nonpoint source pollution.
  - In the fall of 2018, DEQ awarded over \$3 million to 12 projects (see <https://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLImplementation/TMDLImplementationProjects.aspx>). These awards support implementation in watersheds with eligible Implementation Plans and address agricultural, residential septic, pet waste, suburban, urban, and mining NPS pollution.
  - In August 2019, DEQ issued a request for applications (RFA) for implementation projects and has selected several implementation projects to be funded, at a total of over \$1.9 million in funding. These projects will begin work in fall 2020.
  - In the summer of 2020, DEQ expects to issue another RFA for at least \$1 million for projects that would begin in fall 2021. Interested applicants can monitor <https://www.deq.virginia.gov/Programs/Water/CleanWaterFinancingAssistance/NonpointSourceFunding.aspx> for information.
- DEQ is working to provide additional training for both DEQ and District staff on NPS program activities.

Office of Land Application Programs (Contact Neil Zahradka, Neil.Zahradka@DEQ.Virginia.gov)

DEQ's Office of Land Application Programs coordinates regulatory programs that affect a number of the farmers with which the Districts interact. Recent activity includes:

- **Biosolids and Covid-19:** EPA released a statement regarding the safety of biosolids relative to COVID-19 on May 26. EPA notes that no additional COVID-19-specific protections are recommended for the land application of biosolids, as current treatment for pathogens addresses viruses. EPA information related to COVID-19 and wastewater can be accessed here: <https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater>. Additionally, a report compiled by the Water Environment Federation states that "because the COVID-19 virus is more susceptible to treatment[...], including heat, no additional protective equipment or measures are required for managing properly treated biosolids." The full WEF report can be accessed here: <https://www.wef.org/news-hub/wef-news/residuals-and-biosolids-issues-concerning-covid-19-virus/>.
- **Reissuance of Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management:** DEQ continues the regulatory process to reissue and amend this existing VPA regulation in order to continue the general permit coverage of nearly 1000 confined poultry feeding operations. The current VPA general permit expires on November 30, 2020. The VPA Regulation and General Permit for Poultry Waste Management governs the management of poultry feeding operations which confine 200 or more animal units (20,000 chickens or 11,000 turkeys) and establishes the utilization, storage, tracking and accounting requirements related to poultry waste. A technical advisory committee of subject matter experts and stakeholders assisted DEQ in developing proposed amendments to the regulation. Meetings of the technical advisory committee have concluded. DEQ staff will present the draft regulatory amendments to the State Water Control Board for the Board's approval at their meeting on June 29. The proposed regulation will then be published for a 60-day public comment period. Information regarding the regulatory action is available at <http://townhall.virginia.gov/L/ViewAction.cfm?actionid=5118>.



DEQ Tidewater Regional Office (Contact Janet Weyland, Janet.Weyland@DEQ.Virginia.gov)

- **Poultry Water Quality Study on the Eastern Shore:** DEQ has concluded the data collection portion of the year-long monitoring study that began in September 2018. DEQ collected samples above and below the outfall location in the ditch system on the three VPDES poultry farms, as well as at an upstream and a downstream location bracketing multiple poultry farms located on Rattrap Creek. DEQ examined standard water quality parameters at each station during dry periods (2 sampling events) and after rainfall events (4 sampling events). This limited data set gives an indication that concentrations of E. coli, total nitrogen, and phosphorus may be elevated in the downstream locations and during wet weather events. A final summary of the data is being finalized.

Office of Stormwater Management (Contact Erin Belt, Erin.Belt@DEQ.Virginia.gov)

- The 2019 General VPDES Permit for Discharges of Stormwater from Construction Activities became effective on July 1, 2019. As a reminder, land disturbing activities equal to or greater than one acre or less than one acre and part of a common plan of development or sale require coverage under the general permit. Prior to permit coverage being approved for new land disturbing activities, an erosion and sediment control plan and a post-construction stormwater management plan must be approved.
- Chapters 758 and 68 of the 2016 Acts of Assembly combine the existing Virginia Stormwater Management Act (VSMA) and Virginia Erosion and Sediment Control Law (VESCL) to create the Virginia Erosion and Stormwater Management Act (VESMA) and directs the SWCB to permit, regulate, and control both erosion and stormwater runoff. In order for this legislation to become effective, the SWCB was required to initiate a regulatory action to consolidate and clarify program requirements, eliminate redundancies, and correct inconsistencies between the erosion and sediment control and stormwater management program regulations. A Regulatory Advisory Panel (RAP) for the action was selected and DEQ has held five meetings. Information regarding this regulatory action can be found at: <https://townhall.virginia.gov/L/viewaction.cfm?actionid=5213>.

Clean Water Financing and Assistance Program (Contact Karen Doran, Karen.Doran@DEQ.Virginia.gov)

- DEQ’s Agricultural BMP Loan Program has received 117 applications for a total of \$16.1 million in financial assistance.
- Stakeholder engagement and program guidelines updates are delayed due to COVID-19.
- Contact Lars Bolton (lars.bolton@deq.virginia.gov) for more information.

**Program Status by the Numbers – As of May 2020**

Application Status	Total Number	Total Value
Application Pending	18	\$ 1,758,414.92
Conditionally Authorized	60	\$ 7,375,294.88
Not Authorized	0	\$ -
Application Withdrawn	6	\$ 662,971.12
Credit Approved	17	\$ 3,536,350.17
Credit Rejected	0	\$ -
Application Data Confirmation	0	\$ -
Loan Approved	9	\$ 1,526,918.10
Loan Closed	7	\$ 1,899,641.00
Construction Complete	0	\$ -
Equipment Purchase Complete	0	\$ -
<b>Total Projects and Funds Obligated</b>	<b>117</b>	<b>\$ 16,096,619.07</b>
Total Ag BMP Loan Program Funds		\$ 28,000,000.00
<b>Total Unobligated Funds</b>		<b>\$ 11,903,380.93</b>