

## 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))

- By letter dated 7/29/20, EPA provided their final review of Virginia's progress on our 2018-2019 WIP Milestones as well as the proposed 2020-2021 Milestones. In their review, EPA found many areas in which the Commonwealth achieved the goals it had set. EPA also identified key areas to address during the 2020-2021 milestone period and beyond, such as providing programmatic milestones to support the anticipated implementation for soil and water conservations plans, animal waste management storage, and cover crops. According to EPA, based on the data provided by Virginia for the 2019 progress run, the Commonwealth did not achieve its statewide 2019 targets for nitrogen and phosphorus. **Virginia still asserts that the progress results for the 2018-2019 simulations are not indicative of Virginia's actual 2019 progress and EPA acknowledges this in their review documentation.** The data used for the 2019 progress simulation were incomplete, missing approximately 44,000 BMP records. These data transmission errors have been corrected for the release of the new version of the progress model, CAST 2019, which will be used for evaluations of 2020-2021 milestone goals. The full text of EPA's milestone review is available at this [Chesapeake Bay Program link](#).

### 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. The efforts of SWCD staff through their interactions with the agricultural community has been instrumental in communicating reporting requirements. Contact 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 delayed planned Risk-Based Inspections for 2020. However, groundwater permit desktop compliance reviews of facility records and field inspections of well houses restarted in June, and will continue through the summer. Desktop compliance reviews and field inspections for surface water withdrawal permits will begin again in August. Compliance staff continue following all COVID-19 inspection health and safety protocols for both staff and permittees. There are several legislative actions related to the Groundwater Withdrawal Regulations in process. House Bill 1599 (2019 Session) 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. A virtual RAP meeting is being planned for September. SB673 (2020 Session) directed the State Water Control Board to develop regulatory actions to conserve groundwater in the confined aquifers within the Groundwater Management Areas for potable needs and to prohibit the construction of new wells for nonagricultural irrigation purposes except in the surficial aquifer. SB673 includes direction to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. A NOIRA for SB673 is under review.
- **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 continue in 2020. Several agricultural operations in western Virginia have received requests for information to ascertain water withdrawal source and use information in response to general permitting inquiries or citizen complaints related to reported decreases in stream flow in some locations.



- **SB 679 - Eastern Virginia Groundwater Management Advisory Committee:** The Eastern Virginia Groundwater Management Advisory Committee was re-established by SB 679. The Committee is required to meet quarterly through 2025. Invitations from the DEQ Director will be sent out in early September 2020. DEQ anticipates continued participation by VASWCD. The first meeting of the Committee is expected on October 22, 2020.
- **HB 542 – Local and Regional Water Supply Planning Amendments:** The General Assembly made some significant changes to the statute related to the development of local and regional water supply plans. These changes will be developed through a Regulatory Advisory Panel process. A NORIA is under development. Please contact Scott Kudlas related to this item and the EVGMAC (SB679).
- The **contact** for the Water Withdrawal Permitting and Compliance Program is Joe Grist, 804-698-4031, [Joseph.Grist@DEQ.Virginia.gov](mailto:Joseph.Grist@DEQ.Virginia.gov).

Office of Watershed and Local Government Assistance Programs (Contact Kelly Meadows, [Kelly.Meadows@DEQ.Virginia.gov](mailto:Kelly.Meadows@DEQ.Virginia.gov))

- DEQ's Office of Watershed and Local Government Assistance Programs frequently works with the Districts, primarily through non-point source pollution efforts. This is a newly created Office combining the work of the watersheds programs and the Local Government Assistance program (LGAP) under the Chesapeake Bay Preservation Act. This allows increased coordination and engagement with partners including localities and the SWCDs.
- 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.
  - On July 9th, DEQ issued a Request for Applications (RFA) for nonpoint source implementation projects, with up to \$1.5 million in EPA Section 319(h) grant funding available. Soil and water conservation districts are among the entities eligible to apply. The application deadline is August 31st. Interested applicants can visit <https://www.deq.virginia.gov/Programs/Water/CleanWaterFinancingAssistance/NonpointSourceFunding.aspx> for information, including a webinar related to the RFA.
  - Since 2018, DEQ has awarded over \$4.9 million in EPA funding to approximately 20 projects. These awards support implementation in watersheds with eligible Implementation Plans and address agricultural, residential septic, pet waste, suburban, urban, and mining NPS pollution. See <https://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLImplementation/TMDLImplementationProjects.aspx> for more 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. The State Water Control Board authorized a 60-day public comment period on the proposed regulation, which is currently open through October 2, 2020. Two virtual public hearings will be held on September 12 and September 14. 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 examined standard water quality parameters at each station during dry periods (2 sampling events) and after rainfall events (4 sampling events). In general, the spatial variability in the data for all parameters and the lack of correlation of any high values to poultry sites does not suggest stormwater runoff impacts from poultry operations. Further analysis or future sampling at these locations could monitor any changes in these water quality parameters as the poultry operations mature, and will help to assess the adequacy of siting regulations to ensure they are protective downstream of these operations.

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 128 applications for a total of \$16.3 million in financial assistance.
- An Ag BMP Project Manager, Philip Davis, was hired in the Valley Regional Office on June 25, 2020.
- Stakeholder engagement regarding updates to the Ag BMP Loan Program Guidelines is planned for September 2020.
- Contact Lars Bolton (Lars.Bolton@DEQ.Virginia.gov) for more information.

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

Application Status	Total Number	Total Value
Application Pending	28	\$ 2,797,046.16
Conditionally Authorized	48	\$ 5,348,249.94
Not Authorized	0	\$ -
Application Withdrawn	12	\$ 1,045,820.86
Credit Approved	16	\$ 2,892,737.37
Credit Rejected	1	\$ 106,500.00
Application Data Confirmation	0	\$ -
Loan Approved	4	\$ 1,325,514.00
Loan Closed	18	\$ 4,006,457.10
Construction Complete	1	\$ 88,993.00
Equipment Purchase Complete	0	\$ -
<b>Total Projects and Funds Obligated</b>	<b>128</b>	<b>\$ 16,370,004.57</b>
Total Ag BMP Loan Program Funds		\$ 28,000,000.00
<b>Total Unobligated Funds</b>		<b>\$ 11,629,995.43</b>