

VASWCD Update – June 2023

Notes from DEQ's Water Programs

Permitting Enhancement and Evaluation Platform (PEEP)

DEQ has been developing an online portal to increase transparency to DEQ's permitting processes by providing current information about the critical steps and permitting schedules associated with obtaining permit approval. PEEP displays the status of each permit application in the process. The platform can be used by applicants, agents, the public, and DEQ staff to track and manage permitting and approval processes. The application has been available online for Virginia Water Protection Permits and wetland mitigation banking for several months, and now the VPDES (surface water discharge permits), VPA (non-point pollutant management), and stormwater permits should be visible to the public in July following an internal testing period. More information about PEEP can be found at

<https://www.deq.virginia.gov/get-involved/permitting-enhancement-and-evaluation-platform-peek>

Office of Ecology (Contact Bryant Thomas, Bryant.Thomas@DEQ.Virginia.gov)

- **Chesapeake Bay:** In addition to the Phase III Watershed Implementation Plan (WIP), Virginia is committed to setting and working towards two-year Nutrient and Sediment Reduction Milestones. These milestones are a part of EPA's accountability framework designed to ensure that the nitrogen, phosphorus, and sediment allocations of the TMDL will be met. These Milestones include initiatives planned to continue and accelerate implementation of best management practices in the Bay Watershed. Virginia's Chesapeake Bay 2022-2023 Programmatic Milestones Progress Report was submitted to EPA in January 2023. These milestones are available at: <https://www.deq.virginia.gov/water/chesapeake-bay/chesapeake-bay-nutrient-sediment-reduction-milestones>. Virginia's draft Chesapeake Bay 2024-2025 Programmatic & Numeric Milestones will be submitted to EPA in January 2024.
- **State Lands WIP Funding:** Funding for BMP design and implementation through the State Lands WIP has been obligated to projects at the Department of Corrections' State Farm property and Longwood University. An additional \$1 million was approved by the General Assembly through WQIF funds. These dollars are to be used for design and implementation costs and must be spent and reported by June 30, 2024. Funds can be used on state-owned lands that may not qualify for other cost-share programs.
- **Infrastructure Bill:** The second year of funding from the bipartisan Infrastructure Investment and Jobs Act (IIJA, Public Law 117-58) has been issued by EPA, including approximately \$3.6 million in total funding to the state of Virginia through DEQ's Chesapeake Bay Program office. This round of funding allows for significantly more flexibility in spending outside of EPA-designated Most Effective Basins (MEBs). Building on Year 1 funding for DCR's VACS program and VDH's Septic Pumpout program, DEQ is working with Bay watershed PDCs and other groups to develop Work Plans for these funds.
- **Water Quality Standards:** Virginia periodically reviews and updates the Water Quality Standards (WQS) to incorporate the most recent science and information into the regulations. The WQS are established as regulation in Virginia (9VAC25-260) and serve to identify and protect the designated and beneficial uses of state waters. The most recent Triennial Review of the Water Quality Standards regulation was initiated in 2021 and adopted as final by the State Water Control Board on August 25, 2022. With the exception of one provision of the regulatory update regarding freshwater aquatic life criteria for aluminum, all regulatory amendments were approved by EPA in April 2023, with the regulations becoming effective on April 18, 2023. DEQ is awaiting additional information from EPA concerning the freshwater aluminum criteria.

Office of Water Supply (Contact Weedon Cloe, william.cloe@deq.virginia.gov)

- **Recent Changes:**

- Scott Kudlas retired on June 1, 2023 and Weedon Cloe is the new Office of Water Supply Manager. Weedon has over 30 years of experience, including 28 years with Chesterfield County where he implemented and managed source water, surface water, and watershed monitoring/assessment programs in support of MS4/Chesapeake Bay/VSMR requirements. Weedon holds a MS and BS in Biology and is a Professional Wetland Scientist.
- Joe Grist left DEQ in early June to accept a position with the VMRC. His position is in the process of being filled.
- The permitting component of the Office of Water Supply has been moved to the Division of Water Permitting under a new reorganization strategy. DEQ is in the process of migrating budgetary and operational responsibilities to the new offices.
- **Water Withdrawal Reporting Regulation (9VAC25-200):** 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. In 2022, DEQ staff, continued outreach to poultry farms west of I-95. The farms use groundwater but are located outside of the groundwater management area and do not require permits; however, some likely meet the threshold that requires reporting of withdrawals. This effort continues through the 2023 reporting cycles; outreach is currently focused within the Shenandoah Valley. Collecting this data will improve estimates for agricultural water use for poultry operations and support water supply planning efforts. Additional outreach to other water use categories including data centers, public/private educational institutes, and vineyards will be a focus in the coming years. 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
- **Groundwater Withdrawal Permitting (9VAC25-610):** Groundwater withdrawals of 300,000 gallons or more in any month in a designated groundwater management area requires a permit.
 - Program goal to complete all backlogged permit applications by the end of 2023.
 - Several new permit writers have been added to the groundwater withdrawal permitting team to improve permit application processing time for both new applications and reapplications.
 - The **contact** for Groundwater Withdrawal Permitting is Eric Seavey, 804-754-6250, eric.seavey@deq.virginia.gov
- **Surface Water Withdrawal Permitting (9VAC25-210):** DEQ regulates surface water withdrawals statewide through the Virginia Water Protection (VWP) Permit Program.
 - Program goal to complete all backlogged permit applications by the end of 2023.
 - Several new permit writers have been added to the surface water withdrawal permitting team to improve permit application processing time for both new applications and reapplications.
 - The **contact** for Surface Water Withdrawal Permitting is Liz Gallup, 804-432-3581, elizabeth.gallup@deq.virginia.gov
- **SB 679 - Eastern Virginia Groundwater Management Advisory Committee:** The Eastern Virginia Groundwater Management Advisory Committee was re-established by SB 679. For FY23 most recently met on May 2, 2023, and will meet again on June 15, 2023. Contact Weedon Cloe at (804) 754-5457, william.cloe@deq.virginia.gov.
- **HB 542 – Local and Regional Water Supply Planning Amendments:** The General Assembly made significant changes to the statute related to the development of local and regional water supply plans. Amendments to the regulation in response to these changes are being made through a Regulatory Advisory Panel process which met six times and concluded in April. The proposed amendments are currently in public comment which runs through July 21, 2023. More

details on the action and how to provide comments can be found

at <https://townhall.virginia.gov/L/ViewStage.cfm?stageid=9784>. . Please contact Weedon Cloe at (804) 754-5457 related to this item and the EVGMAC (SB679).

- **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. The final regulation became effective on December 21, 2022. Information on this regulatory action can be found at <https://townhall.virginia.gov/L/viewchapter.cfm?chapterid=2963>.
- **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 Technical Advisory Committee met five times between May 3, 2021 and June 22, 2021. The proposed regulation (Chapter 920) was approved by the State Water Control Board on December 14, 2021. A public comment period was held from February 14, 2022 through April 15, 2022. Two public hearings were held, one in Accomack County (Eastern Shore Groundwater Management Area) on March 8, 2022 and a second on March 9, 2022 in New Kent County (Eastern Virginia Groundwater Management Areas). The State Water Control Board approved the final regulation (Chapter 920) on June 22, 2022. The regulation became effective on November 9, 2022. Information on this regulatory action can be found at <https://townhall.virginia.gov/L/viewchapter.cfm?chapterid=2992>.
- **SB1291 (2021 Session)** requires all withdrawal applications (surface water and groundwater) to include a water auditing plan and lead detection and repair plan. The NOIRA comment period ended March 2, 2022 and a Regulatory Advisory Panel (RAP) met four times between June 8, 2022 and August 23, 2022. The proposed amendments to Chapter 210 and Chapter 610 to include water audit plan and leak detection and repair plan requirements are currently under review by the Governor's office. Information this regulatory action can be found at <https://townhall.virginia.gov/L/ViewAction.cfm?actionid=5816>.

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

- **Reissuance of the Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations:** This regulation governs the pollutant management activities of animal wastes at confined animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system. Dairies milking 200 or more cows and swine operations with greater than 750 finishers are examples of the farms covered by this general permit regulation. The current general permit regulation expires on November 15, 2024. DEQ published a Notice of Intended Regulatory Action on January 30, 2023 describing the agency's intent to reissue and amend, as necessary, the current regulation and general permit. The first meeting of the Technical Advisory Committee will be held on June 21, 2023 at the DEQ Piedmont Regional Office. DEQ staff would like to present any proposed changes to the regulation at the next meeting of the State Water Control Board on August 23, 2023. A public comment period and public hearings will be advertised and held following the SWCB meeting. Additional information regarding this action can be found at: <https://townhall.virginia.gov/L/ViewAction.cfm?actionid=6150>
- **VPA Regulation and General Permit for Poultry Waste Management:** The first annual reporting deadline for growers will be September 15, 2023. The annual reporting deadline for end-users of litter will be next year on September 15, 2024. DEQ has developed an online portal to assist growers and end-users to submit reports through DEQ's website, and DEQ will be training existing growers in how to use the portal this summer. Additional information regarding the requirements can be found on DEQ's website at: <https://www.deq.virginia.gov/water/land-application-beneficial-reuse/animal-agricultural-waste/poultry-waste-management-requirements>.

- **EPA Animal Agriculture Programs Assessment** – EPA Region III staff are conducting a follow-up to the 2015 EPA assessment of animal agriculture programs. EPA staff have evaluated data and conducted interviews with DEQ, DCR, and VDACS staff regarding each agency’s applicable programs. On-farm evaluations were not part of the update. DEQ has responded to follow-up questions from EPA before EPA provides a draft of the report. More information about the EPA assessment can be found at: <https://www.epa.gov/chesapeake-bay-tmdl/epas-assessments-animal-agriculture-programs-chesapeake-bay-watershed>
- **HPAI Response:** DEQ continues to exercise enhanced bio-security procedures due to the cases of HPAI at poultry farms in Virginia. In lieu of on-site inspections, DEQ is currently limiting inspections to off-site records review.

Office of Stormwater Management (Contact Becky Rochet, Rebecca.Rochet@DEQ.Virginia.gov)

- **Stormwater Construction General Permit:** The 2019 General VPDES Permit for Discharges of Stormwater from Construction Activities (also known as the construction general permit or “CGP”) became effective on July 1, 2019, and expires on June 30, 2024. 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. The Notice of Intended Regulatory Action (NOIRA) for the 2024 reissuance of the CGP was published for public comment in the Virginia Town Hall on March 28, 2022. Technical Advisory Committee (TAC) membership was approved on May 19, 2022. The fourth and final TAC meeting was held on April 4, 2023. Information regarding this regulatory action can be found at: <https://townhall.virginia.gov/L/ViewAction.cfm?actionid=5921>
- **Erosion and Stormwater Management Act:** 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. The 60-day public comment forum for the Draft Virginia Erosion and Stormwater Management Regulation, 9VAC25-875, ended on April 10, 2023. The final regulatory language is scheduled to be presented to the State Water Control Board for adoption on June 22, 2023, and will become effective on July 1, 2024. Information regarding this regulatory action can be found at: <https://townhall.virginia.gov/L/viewaction.cfm?actionid=5213>
- **Stormwater Handbook:** DEQ is currently in the process of preparing a new Virginia Stormwater Management Handbook. This guidance will consolidate and update DEQ’s existing manuals, technical bulletins, design standards and specifications, and guidance documents related to post-construction stormwater management and erosion and sediment control. In addition, this guidance will create additional clarity, consistency, and time savings for design professionals preparing post-construction stormwater management and/ or erosion and sediment control plans by ensuring all programmatic requirements are in a single document. The first Stakeholder Advisory Group (SAG) meeting was held on July 12, 2022. The 11th SAG meeting is currently scheduled for July 18, 2023.
- **Agreement in Lieu for Farm Buildings or Structures:** Legislation enacted following the General Assembly’s 2023 (2023 Va. Acts Chs. 48 and 49 (HB 1848 and SB 1376)) session amended the Erosion and Sediment Control Law (ESCL) and Stormwater Management Act (SWA) to add “*farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent*” to the definitions of “*Agreement in lieu of a plan*” (Code of Virginia § 62.1-44.15:51) and “*Agreement in lieu of a stormwater management plan*” (Code of Virginia § 62.1-44.15:24) as buildings that are able to use these agreements. Per the ESCL and the SWA, farm building or structure means “*the same as that term is defined in § 36-97 and also includes any building or structure used for agritourism activity, as defined in § 3.2-6400, and any related impervious surfaces including roads, driveways, and parking areas.*” Information regarding the

implementation of the agreement in lieu for farm buildings or structures and associated impervious surfaces can be found under Resources at: www.deq.virginia.gov/our-programs/water/stormwater

Clean Water Financing and Assistance Program (CWFAP) – AG BMP Loan Program (Contact Karen Doran, Karen.Doran@DEQ.Virginia.gov)

CWFAP staff continue to participate in outreach activities in collaboration with our conservation partners. Please let CWFAP know if any SWCD wants in person or marketing support from CWFAP staff for ongoing outreach.

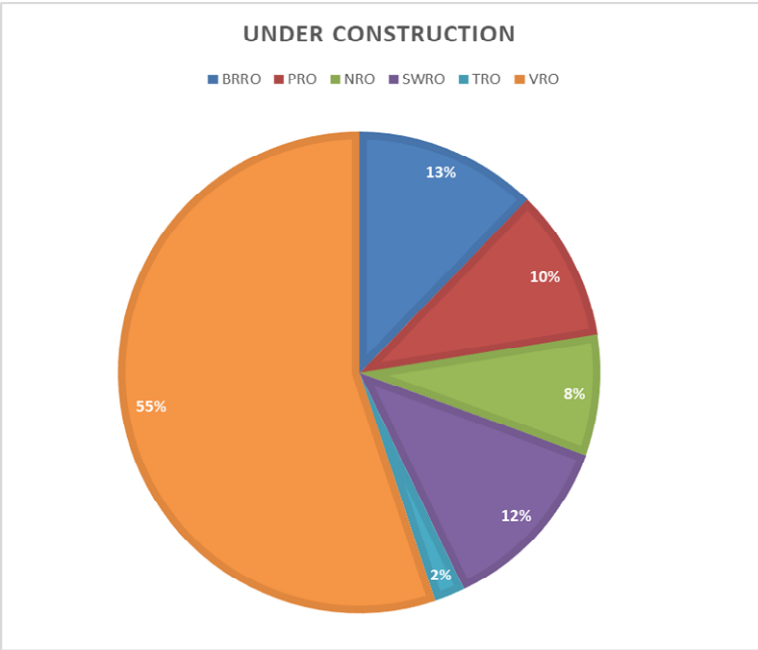
CWFAP staff participated in a Farm Self-Assessment Workshop led by the Smithsonian's Virginia Working Landscapes on March 14, 2023 in Woodstock, VA. Staff attended a farmer roundtable event sponsored by the Shenandoah Valley Conservation Collaborative on May 16, 2023 in Weyers Cave, VA. Additional outreach included staff presenting AgBMP Loan Program Updates during the annual DCR-VACS Update Webinars in June 2023.

AG Loan Program Dashboard:

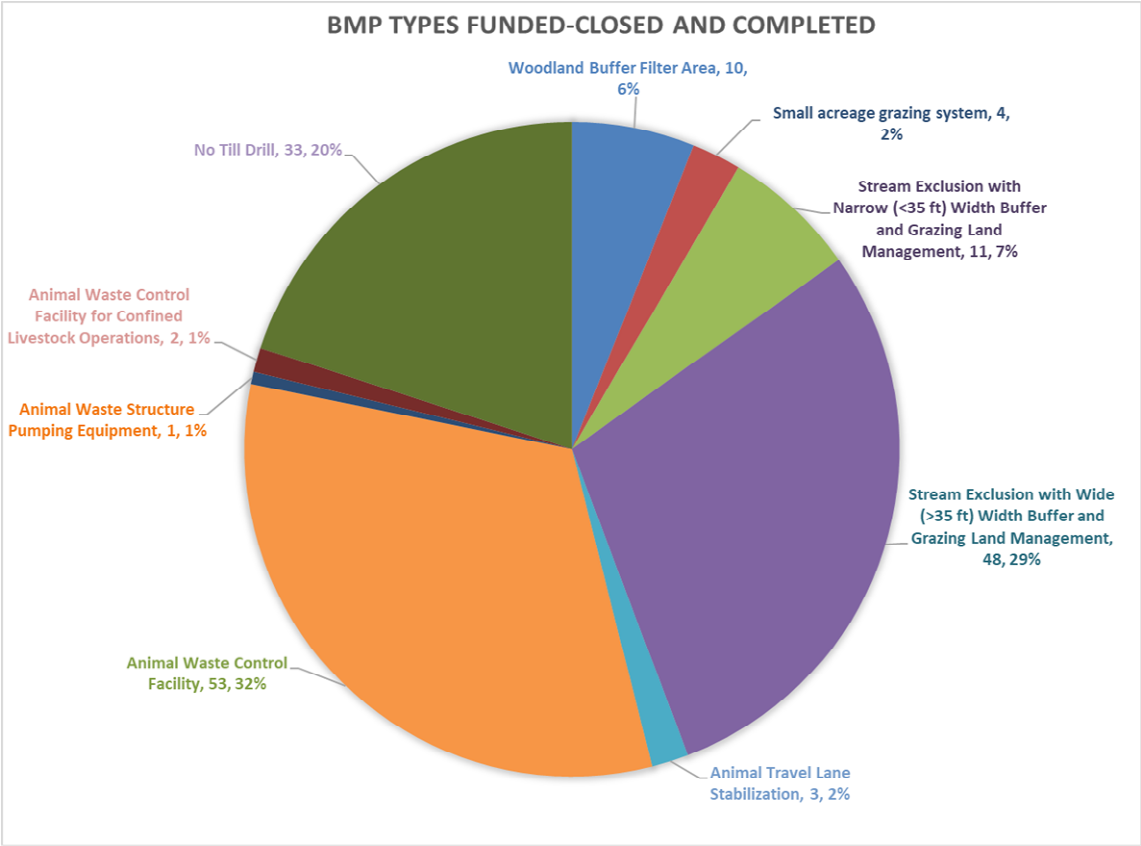
To ensure immediate funding, DEQ-CWFAP staff continue reaching out to conditionally authorized applicants to determine if they are moving forward. Projects that were completed and an AgBMP loan is no longer being pursued have been moved to the “Completed without DEQ Funding” status.

Application Status	Total Number	Total Value	Average	Median
Application Pending	0	-	-	-
Conditionally Authorized	71	\$ 15,160,353.22	\$ 213,526.10	\$ 125,772.30
Not Authorized	1	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00
Application Withdrawn	50	\$ 5,940,202.91	\$ 118,804.06	\$ 89,947.50
Inactive	6	\$ 1,058,813.69	\$ 176,468.95	\$ 135,312.79
Credit Approved	16	\$ 2,535,320.75	\$ 158,457.55	\$ 154,540.63
Credit Not Approved	8	\$ 1,425,280.65	\$ 178,160.08	\$ 133,250.00
Loan Approved	4	\$ 443,540.00	\$ 110,885.00	\$ 111,512.19
Loan Closed	49	\$ 8,077,467.37	\$ 164,846.27	\$ 131,293.73
Loan Closed with PF Granted	7	\$ 2,070,557.44	\$ 295,793.92	\$ 440,924.00
Construction Complete	48	\$ 7,173,846.42	\$ 149,455.13	\$ 97,474.35
Construction Complete with PF Granted	4	\$ 571,402.68	\$ 142,850.67	\$ 158,645.50
Completed without DEQ Funding	3	\$ 107,868.25	\$ 35,956.08	\$ -
Equipment Purchase Complete	14	\$ 997,351.00	\$ 71,239.36	\$ 42,400.00
PF Granted SWCD	15	\$ 264,188.93	\$ 17,612.60	
Total PF Granted to Producers	11	\$ 1,034,294.18	\$ 94,026.74	
Total Applications	285			
Total Active Projects	166			
Beginning Fund Balance		\$ 18,659,552.00		
Additional Funds Authorized by DEQ		\$ 10,000,000.00		
Total Projects and Loan Funds Obligated		\$ 35,995,544.70		
Total PF Granted		\$ 1,298,483.11		
Total Repayments		\$ 9,756,631.00		
Total Unobligated Loan Funds		\$ 2,420,638.30		

Closed Loans/Under Construction by DEQ Region:



Closed Loans/Construction Completed BMP Types:



SWCD No-till Drills

- Funding is still available to SWCD's towards purchases of no-till drills to be rented to their local farmers/producers. The funding agreements require a 50% match by the SWCD.
- Contact Lars Bolton (Lars.Bolton@DEQ.Virginia.gov) for more information.

Office of Watershed and Local Government Assistance Programs (Contact: Justin Williams, Justin.Williams@DEQ.Virginia.gov)

- DEQ has released its annual Request for Applications (RFA) to support implementation of best management practices (BMPs) in Implementation watersheds. This [map](#) highlights watersheds where implementation activities can be funded. Typical BMPs funded under this program include septic, agricultural, or urban BMPs and funding for technical assistance in conjunction with these grants for personnel, supplies, and travel are available. We have up to \$1.6 million available for the funding of various BMPs with typical awards in the range of \$75,000 to \$300,000 per agreement, for up to three years. The application deadline is August 31, 2023, and a webinar for interested applicants will be held June 21, 2023 – register [here](#). For more information, please visit <https://www.deq.virginia.gov/water/water-quality/nonpoint-source-management/funding-grant-and-project-resources>.