

# Upper Goose Creek, Cromwells Run, and Little River Implementation Plan Final Public Meeting

June 21, 2017  
Meeting Summary

---

**Location:** Wakefield School  
4439 Old Tavern Road  
The Plains, Virginia 20198

**Start:** 6:00 p.m.  
**End:** 8:00 p.m.

## **Meeting Attendance:**

Dave Evans, VA Department of Environmental Quality (DEQ), Facilitator  
Heidi Moltz, Interstate Commission on the Potomac River Basin (ICPRB), Facilitator  
Jenny Biche, Rappahannock-Rapidan Regional Commission (RRRC), Scribe  
Sarah Marsala, VA Department of Environmental Quality (DEQ)  
Ashley Wendt, VA Department of Environmental Quality (DEQ)  
Tom Turner, John Marshall Soil and Water Conservation District (JMSWCD)  
Deirdre Clark, John Marshall Soil and Water Conservation District (JMSWCD)  
Kimberly Fogle, Director of Community Development, Fauquier County  
Edward Fogle, Citizen  
Jeff Sledjeski, Citizen  
Gem Bingol, Piedmont Environmental Council (PEC)  
Pat McIlvaine, Loudoun Soil and Water Conservation District  
Mike Kane, Piedmont Environmental Council (PEC)  
Ben Shoemaker, Loudoun Water  
Tim Skinner, VA Department of Conservation and Recreation (DCR), Sky Meadows State Park  
Greg Cog, John Marshall Soil and Water Conservation District (JMSWCD)  
David Ward, Loudoun County

## **Meeting Summary:**

Attendees were welcomed, hand-outs were distributed, and key staff from DEQ, RRRC and ICPRB and representatives from the Steering Committee were introduced. Dave Evans, DEQ, and Heidi Moltz, ICPRB, presented an overview of the Draft Total Maximum Daily Load Implementation Plan (TMDL-IP) through a power point presentation that included information on the development of the TMDL-IP. During and after the presentation, several questions, answers and comments were shared.

- An inquiry was made as to the status of and how changes Virginia is currently proposing to the water quality standards for bacteria will affect the TMDL-IP. DEQ staff said they understood the proposed changes, which are made through the regulatory process, are being reviewed by the Governor's Office. Information on the status of the rule-making proceedings can be obtained from the Virginia Regulatory Town Hall website. DEQ is currently reviewing how the proposed changes will be implemented in affected programs
- An inquiry was made as to whether the bacteria reduction percentages recommended in the draft IP were derived by statistical modeling or by field measurements. The comment "It will be interesting to see how the model data compares to reality" was made. The bacteria reduction percentages were derived from the 2003 TMDL model, which was calibrated using field measurements. Bacteria reduction needs were updated during the TMDL-IP process, incorporating and crediting any best management practices (BMPs) that had been completed since then. The TMDL-IP BMP recommendations are for moving forward as of today, not from 2003.
- An inquiry was made as to why stormwater and pet waste was combined into one category under water quality reduction percentages. It was clarified that this category captures any residential bacteria source other than septic systems.
- An inquiry was made as to how the 75% load reduction recommended for pasture land would be obtained. BMPs such as riparian buffers and pasture management will help address the load reductions needed for pasture land by filtering runoff from farm fields before it enters streams. Exclusion fencing installed with a 35 foot buffer receives "credit" for both reductions needed from livestock exclusion from streams and pasture management improvements.
- It was recommended that the language in the TMDL-IP convey that if 100% of load reduction for agriculture is not met, and the stream is not de-listed, the agricultural community should not be "blamed." While the bacteria load from agriculture can be more economical to fix than other nonpoint sources, cost share funding is needed and should be considered when allocating grant funds for implementation of the TMDL-IP.
- An inquiry was made as to whether or not the TMDL-IP recommendations take into consideration any land use changes since the TMDL was completed in 2003. The TMDL-IP provides a broad view of the watershed and what BMPs are needed. Land use changes were addressed during the development of the TMDL-IP by an updated ICPRB analysis, and with input from the working groups and Steering Committee. It is recommended that implementation of the plan include ground-truthing to examine the reality of the watershed conditions. The TMDL-IP is a living document that is updated and adjusted as needed throughout implementation. Technical assistance to provide ground-truthing can be included in CWA §319 grant proposals.

- A comment was made stating that the watershed has seen an increase in wildlife populations over the years. In addition, some of the cattle farms and croplands are now ratiite (i.e. non-traditional farm animals such as emus and llamas) and these and other small animal farms will need to be addressed. The John Marshall Soil and Water Conservation District has received complaints about some of these farms and the repercussions of their farm management practices. When asked if there was any animal population data on these farms, it was noted that the Virginia Cooperative Extension may have the best available information.
- Another commenter noted that horses are also difficult to inventory. Fauquier County observed that they have had concerns with poor horse farm management causing problems with run off and have asked the Virginia Department of Agriculture and Consumer Services (VDACS) for assistance. VDACS is unable to provide help unless there is a direct connection to stream deterioration. Additionally, most horse owners are not eligible to receive cost share under the Virginia Agricultural BMP Cost Share (VACS) programs due to agricultural revenue eligibility requirements (however Virginia's Agricultural BMP Tax Credit program and CWA §319 grant programs are not restricted by a revenue threshold). The Agricultural Working Group and Steering Committee made recommendations that this TMDL-IP include equine BMPs, and the draft TMDL-IP includes small acreage grazing systems and a horse manure composting demonstration program.
- Loudoun County has developed an equine cost share program for farms under 5 acres to purchase fencing along adjacent streams. The program follows state guidelines and has helped to improve water quality, and has been funded at approximately \$50,000 annually for the past few years.
- An inquiry was made as to who may apply for CWA §319 grants. Typically the Soil and Water Conservation Districts or local government apply for these grants. A comment was offered that in addition to traditional BMPs, cost share funding for roof run off, harden/sacrifice areas for horses, and other practices is needed.
- An inquiry was made as to whether or not the 75% reduction in bacteria for pastureland was obtainable after 100% of the exclusion fencing was implemented; are riparian buffers capable of significantly reducing the bacteria load? John Marshall Soil and Water Conservation District stated that the combination of exclusion fencing and riparian buffers are very effective at reducing the bacteria load from pastures.
- An inquiry was made as to why the bulk of the implementation costs are proportionate in phase 1 and phase 2 for most recommended control measures, but not for pasture and cropland. The response was that if the BMPs for pasture and cropland are not able to achieve the load reduction percentages in phase 1, sediment basins would need to be implemented in phase 2 and are extremely expensive.

- An inquiry was made as to whether or not flow assessments were included in the water quality monitoring. Flow measurements are not generally included at DEQ water quality monitoring locations unless a specific study is being conducted and that information is needed. However, it was noted that flow data may be obtained from a surrogate flow gage, which are stations monitored by both US Geological Society (USGS) and DEQ. There is a flow monitoring station in the Goose Creek watershed that may be used for this project. The comment “Water flow is an important factor in water quality monitoring and it’s a shame it can’t be included in the TMDL-IP” was made.
- Fauquier County will be conducting a ground water study over the next 5 years to better understand the relationship between the ground and surface waters in the county. An inquiry was made as to how many water quality samples would be needed before the stream can be de-listed from the impaired waters list. DEQ conducts an assessment of its waters every two years as part of the CWA §303(d)/305(b) Integrated Report that is submitted to EPA. This assessment is based upon a 6 year rolling window that reviews all data collected, both from DEQ and other sources such other agencies and citizens. Minimum requirements for a dataset are reviewed in accordance with the guidance for each assessment effort.
- The TMDL-IP has had input from many regional and local stakeholders, with both counties being actively involved, creating a strong foundation from which to build on.
- The TMDL-IP is voluntary in nature, and is evaluated and adjusted as needed throughout the implementation process. In the past, many streams have been delisted ahead of schedule.
- Loudoun County has defined “floodways” rather than a “floodplains” which has created challenges for BMP’s such as fencing, tree plantings, riparian buffers. Before implementing such BMPs in floodways, the Federal Emergency Management Agency (FEMA) has often required site-specific engineering analysis, which is costly. Technical assistance will be needed to assist in implementing these BMPs in the floodway, and it will be valuable to explore potential systematic responses to this constraint to implementing vegetated riparian buffers in Loudoun County floodways.
- It was recommended that the IP be careful with the recommended percentages for Ag BMPs to prevent any back door consequences such as farmers changing land use from cropland to selling land to developers. DEQ clarified that any BMP recommendation in the IP is voluntary; land use is up to the landowner.
- An inquiry was made as to whether the TMDL-IP uses data from water quality monitoring or GIS data in determining actions needed to achieve water quality standards (and de-list the impaired waters). DEQ can only use published data that meets specified quality standards for the development of the TMDL and TMDL-IP, and only this type data was used for modeling. Stream monitoring during plan

implementation will determine whether and when de-listing criteria are met, and inform plan adjustments (“adaptive management”) that may be needed.

- An inquiry was made as to how the technical assistance would be funded. CWA §319 grant funds can be used for technical assistance. Once the TMDL-IP is finalized and approved by EPA, projects consistent with the IP are eligible for CWA §319 grant funds. DEQ releases the request for proposal (RFP) every year, typically during the late summer/early fall and grants are awarded the following summer. This IP should be approved in time to support CWA §319 grant applications in 2018 (with grant awards in mid-2019).
- It was noted that counties can apply for CWA §319 grants too, not just the Soil and Water Conservation Districts. Carrying out actions called for in the IP will need to involve a lot of stakeholders, and DEQ noted the active participation by many already, and the hope that the IP will foster more collaborative work in the future. John Marshall Soil and Water Conservation District noted that Fauquier County has been supportive of their work in the county, and also observed that Counties are eligible to apply for grants under Virginia’s Water Quality Improvement Fund (WQIF).
- An inquiry was made as to whether or not there would be a chance that a nutrient credit program would ever be included. There has been some discussion on nutrient credit program developments, and that the program could support more reforestation of steep slope/highly erodible cropland and pastures, but that the focus of this plan is on bacteria reductions.

The draft TMDL-IP is available on line at:

<http://www.deq.virginia.gov/programs/water/waterqualityinformationtmdls/tmdl/tmdlimplementation/tmdlimplementationplans.aspx>

The 30 day public comment period ends July 21, 2017. Comments and questions can be sent to:

Dave Evans

Nonpoint Source Coordinator

Virginia Department of Environmental Quality

703-583-3835

David.Evans@deq.virginia.gov