



**ANNUAL REPORT
ON THE
AGRICULTURAL STEWARDSHIP ACT**

**Joseph Guthrie
Commissioner**

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VIRGINIA AGRICULTURAL STEWARDSHIP ACT
ANNUAL REPORT
For Program Year April 1, 2024 - March 31, 2025

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, 2024, through March 31, 2025.

PROGRAM OBJECTIVES

The ASA Program is designed to:

- Identify water quality problems and help farmers correct them 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 stewardship and encourage them to enhance it even in instances in which a water quality problem 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; and
- Educate Virginia citizens about normal farming practices and the impact those practices may or may not have on the environment.

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 he determines 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 the 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, implement a plan within the given timeline, or maintain an approved plan, the Commissioner is required by law to take enforcement action.

AGRICULTURAL ACTIVITIES

The ASA program received numerous inquiries regarding possible agricultural pollution during the program year of April 1, 2024, through March 31, 2025. Thirty-nine of these cases became official complaints. The official complaints fell into 10 categories according to the type of agricultural activity:

- Beef (14)
- Swine (6)
- Land Conversion (5)
- Equine (5)
- Dairy (3)
- Other (2)
- Goats, Sheep (1)
- Beef, Equine, Goats, Swine (1)
- Equine, Goats (1)
- Cropland, Dairy (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 six following pollution categories during the program year of April 1, 2024 through March 31, 2025:

- Bacteria, Nutrients, Sediment (11)
- Nutrients, Sediment (10)
- Bacteria, Nutrients (8)
- Sediment (7)
- Nutrients (2)
- Bacteria (1)

COMMISSIONER'S FINDINGS

During the program year, 17 (44 percent) of the 39 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.

Ten (26 percent) of the 39 official complaints received during the program year were determined to be unfounded because there was either insufficient evidence 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.

Twelve (31 percent) of the 39 official 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 completion of the investigation process. Others were cases in which the ASA program had no jurisdiction in the matter, were withdrawn by the complainant, 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 established by the ASA. Under the ASA, the Commissioner is required to issue a corrective order when an owner or operator fails to submit, complete, or implement an agricultural stewardship plan based on the findings of a conference held to receive the facts on a case. Two corrective orders were issued during the 2024 - 2025 program year for failure to maintain the measures necessary to prevent water pollution that were included in the approved agricultural stewardship plan on past complaint sites. During the program year, one corrective order was appealed and two notices of violation of a corrective order were issued by the Commissioner. Civil penalties for the violations of the corrective order were suspended due to the appeal process.

ASA CASE DECISION TABLES

The following tables provide the information about the individual ASA cases that were received, investigated, and decided during the 2024 - 2025 program year.

CASE DECISIONS April 1, 2024 - March 31, 2025 Founded Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1332	Augusta County	Beef	Nutrients, Sediment
1334	Floyd County	Land Conversion	Sediment
1337	Rockingham County	Goats, Sheep	Nutrients
1338	Page County	Beef	Bacteria, Nutrients, Sediment
1339	Carroll County	Land Conversion	Sediment
1346	Botetourt County	Other	Sediment
1350	Rockingham County	Dairy	Nutrients
1351	Page County	Beef	Bacteria, Nutrients, Sediment
1353	Page County	Beef	Bacteria, Nutrients, Sediment
1354	Page County	Beef	Bacteria, Nutrients, Sediment
1356	Page County	Beef	Bacteria, Nutrients, Sediment
1357	Page County	Beef	Bacteria, Nutrients, Sediment
1361	Buckingham County	Equine, Goats	Bacteria, Nutrients, Sediment
1363	Rockingham County	Cropland, Dairy	Bacteria, Nutrients, Sediment
1367	Albemarle County	Other	Sediment
1369	Shenandoah County	Beef	Bacteria, Nutrients, Sediment
1370	Mathews County	Swine	Bacteria, Nutrients, Sediment

CASE DECISIONS			
April 1, 2024 - March 31, 2025			
Unfounded Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1336	Gloucester County	Equine	Bacteria, Nutrients
1342	Cumberland County	Dairy	Nutrients, Sediment
1343	Bedford County	Beef	Nutrients, Sediment
1344	Bedford County	Land Conversion	Sediment
1347	Gloucester County	Swine	Bacteria, Nutrients, Sediment
1355	Montgomery County	Equine	Nutrients, Sediment
1362	Scott County	Swine	Nutrients, Sediment
1364	Appomattox County	Dairy	Bacteria, Nutrients
1366	City of Chesapeake	Equine	Bacteria, Nutrients
1368	Smyth County	Swine	Nutrients, Sediment

CASE DECISIONS			
April 1, 2024 - March 31, 2025			
Dismissed Complaints			
Complaint Number	Locality of Complaint	Activities Category	Complaint Type
1333	Grayson County	Beef	Bacteria
1335	Mathews County	Swine	Bacteria, Nutrients
1340	Louisa County	Beef	Bacteria, Nutrients
1341	Spotsylvania County	Beef	Bacteria, Nutrients
1345	Chesterfield County	Beef, Equine, Goats, Swine	Nutrients, Sediment
1348	Dinwiddie County	Equine	Bacteria, Nutrients

1349	Augusta County	Equine	Nutrients, Sediment
1352	Bath County	Land Conversion	Sediment
1358	Page County	Beef	Bacteria, Nutrients
1359	Highland County	Beef	Nutrients, Sediment
1360	Amherst County	Swine	Nutrients, Sediment
1365	Grayson County	Land Conversion	Sediment

CASE TRENDS

Compared to the previous program year, the ASA program received the same number of official complaints (39). There also was no change in the total number of founded complaints requiring plans (17). Unfounded complaints increased by three complaints, from 7 to 10, while the overall percentage of unfounded complaints increased from 18 percent to 26 percent of the total number of official complaints. There was a 20 percent decrease in the overall number of dismissed complaints, from 15 to 12.

COMPLAINT TRACKING

With the assistance of the Virginia Department of Conservation and Recreation (DCR), the ASA program uses a geographic information system (GIS) to track and report certain best management practices implemented to address water pollution on founded complaint sites. This GIS tracking module assists ASA staff in the verification process and contribute to the goals outlined in the Chesapeake Bay Phase III Watershed Implementation Plan. The ASA program has prioritized visiting past complaint sites to measure, document, and verify the livestock exclusion fencing that was implemented as a result of stewardship plan implementation prior to the ASA program having the GIS capability to track best management practices. During the 2024-2025 program year, ASA program staff recorded a total of 3,599 linear feet of livestock exclusion fencing and 0.82 acres of buffer installed from current and past complaint sites statewide. These figures include only the livestock exclusion fencing and buffer acres installed without cost-sharing assistance involving ASA complaints.

CONTACTS

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