

BULLPASTURE RIVER TMDL DEVELOPMENT

PRELIMINARY TECHNICAL ADVISORY COMMITTEE MEETING

HIGHLAND COUNTY PUBLIC LIBRARY, MONTEREY VA

JUNE 6, 2018

ATTENDEES

Chris Swecker, Mountain Soil and Water Conservation District

Lorie Baldwin, Mountain Soil and Water Conservation District

Charlie Ivins, Natural Resource Conservation Service

Jeff Barr, Natural Resource Conservation Service

Lucas Manweiler, VA Department of Environmental Quality

Ethan Mathews, VA Department of Environmental Quality

Sara Bottenfield, VA Department of Environmental Quality

Nesha McRae, VA Department of Environmental Quality

Karen Kline, VA Tech Biological Systems Engineering

Kim Manion, Cowpasture River Preservation Association

Dave Peters, Cowpasture River Preservation Association

Puggy Farmer, Cowpasture River Preservation Association

Liza Vick, Central Shenandoah Planning District Commission

Sammy Vest, Trout Unlimited

SUMMARY

Nesha McRae began the meeting with a round of introductions, then moved on to offer an introductory presentation to the Bullpasture River TMDL project. Nesha provided the group with some background on the TMDL process in Virginia, and shared both VADEQ and Cowpasture River Preservation Association (CRPA) bacteria monitoring data for the watershed. The group discussed the fact that a series of agricultural BMPs had been installed in the watershed between 2014 and 2016, and that it is likely that improvements in bacteria concentrations will be observed now that VADEQ has resumed monitoring at the Route 250 site in McDowell. One participant asked how CRPA data is treated in comparison to VADEQ data. Nesha explained that only Level 3 data can be used in listing or delisting a waterbody and that the CRPA coliscan data is considered Level 2. This means that VADEQ and contractors will use the data in TMDL development to better understand sources and hot spots, but that it will not be used for delisting of the Bullpasture. It was also noted that VADEQ did not have the most recent coliscan data

from CRPA (the latest VADEQ had was 2014) and that we needed to make sure that these data got into the appropriate hands. The committee discussed VADEQ's monitoring process, particularly with respect to capturing high flow events like those that we had in May in the regular monitoring schedule. Nesha explained that safety of the monitors must be considered, but that VADEQ attempts to set a regular monitoring schedule and stick to that schedule regardless of streamflow and weather. This allows VADEQ to capture all conditions in our waterways, which are supposed to support standards at all times. Tara Sieber added that our monitoring staff is more likely to postpone a monitoring run based on road conditions and bridge access as opposed to flow conditions. The group discussed the fact that waterbodies may violate the bacteria standard 10.5% of the time before they are considered impaired, which allows for natural spikes in bacteria during/following large rain events. Hopefully this is not a time that people are recreating in a river.

Another participant asked what VADEQ's approach will be if a landowner in the watershed is resistant to correcting issues on their property should monitoring show that they have a problem. Nesha explained that the TMDL program has a voluntary incentive based approach when it comes to controlling non point source pollution and shared some EPA examples from other watersheds where this has proven successful. Participants asked about EPA's overall role in the TMDL process, particularly with respect to implementation. Nesha explained that states are required to develop TMDLs as a result of federal legislation, but that implementation plan development is actually a state requirement, and implementation actions for non point source pollution are voluntary. Sara Bottenfield shared some information with the group about the Agricultural Stewardship Act, which is enforced by the VA Department of Agriculture and Consumer Services (VDACS). This act allows stakeholders to issue formal complaints regarding land use management practices and associated pollution, to which VDACS staff will respond with an investigation. If they find that the landowner is in violation of the act, they can follow up with enforcement actions, typically requiring some sort of BMP installation to address the issue.

Nesha explained to the committee that VADEQ would be using the Bullpasture TMDL project as an opportunity to explore potential impacts of a new draft bacteria standard that is currently under development by the state. Participants wanted to know how the new standard would impact the likelihood of delisting of the Bullpasture. Nesha explained that without a defined assessment methodology in place yet, that really can't be determined.

The committee moved on to discuss plans for a community meeting later in the summer. August is a busy month in Highland County with school starting back the third week in August and the Highland Fair the last week in August. From about August 10th on, people are very busy. The group discussed having the meeting in mid August or early September. The Board of Supervisors meetings are held on Tuesdays and Wednesdays. It was noted that 6:00 or 7:00 is the best time for a meeting. If the meeting was held at 6:00, it would be nice to offer light refreshments. The group discussed meeting locations. The Ruritan Hall in McDowell or the Fire Department would be ideal. Nesha is waiting to hear back from the Ruritans as to whether the fee for use can be waived. There is also a modular building next to the Highland Center in Monterey where the BOS meets that could be a possibility if a location in McDowell cannot be found. Nesha asked the group if there was anyone who could do a welcome at the meeting. Mountain SWCD is going to follow up with the County Administrator, Roberta Lambert, once we have a date and time. Nesha asked the committee how to spread the word about the meeting. One participant advised against sending letters out, noting that VADEQ is not very popular in the area right now. He suggested worked closely with local partners to get the word out, and to avoid using the word

“impaired.” He suggested focusing on recreation and germs in outreach about the issue. Many landowners in the area have concerns about the identification of the Bullpasture River as a navigable waterway. This identification was made by the Virginia Marine Resources Commission in March 2015 as part of an effort to clarify the criteria for navigable waterways, for which the state is considered the owner of the stream bottom. Letters going out from another state agency may lead to misconceptions and confusion. VADEQ should be prepared to respond to questions about this and other controversial issues related to private property rights at the community meeting. The group advised against roadside signs, but thought that fliers with partner information on them could be good. There aren’t many locations to post things, there are two stores in McDowell. The courthouse in Monterey was noted as a good location along with the Dollar Store. Getting an article in the Bath Highland Reporter would be great, along with something on Alleghany Mountain Radio at the noon hour. Participants recommended sharing success stories from other watersheds and encouraging a sense of local ownership of the planning process. Nesha will follow up with Mountain SWCD staff on meeting invites and refreshments. With that, Nesha thanked participants for attending and the meeting was adjourned.