

# Bullpasture River TMDL Technical Advisory Committee Meeting

September 27, 2018

Stonewall Ruritan Hall, McDowell

## Participants

Nesha McRae (DEQ)

Sara Bottenfield (DEQ)

Tara Wyrick (DEQ)

Charlie Ivins (Natural Resource Conservation Service)

Karla O’Baugh (landowner)

Michael Sponaugle (landowner)

Tim Abbott (Virginia Department of Health)

Lorie Baldwin (Mountain Soil and Water Conservation District)

Chris Swecker (Mountain Soil and Water Conservation District)

Leo Schwartz (landowner)

## Meeting Summary

The meeting began with a discussion about land use in the watershed as the group reviewed a table showing estimated acreages for forest, cropland, pasture/hay and developed acres in the upper Bullpasture River watershed. A participant asked what the developed land use includes. Nesha McRae (DEQ) explained that this includes residential properties, businesses and roads. Another participant asked how cropland is differentiated from hay. Sara Bottenfield (DEQ) responded that annual crops like corn and alfalfa would be considered cropland. Nesha asked the group what the typical split between pasture and hay is in the watershed. One participant suggested a 50:50 split between the two land uses, noting that it’s really hard to estimate because the numbers vary too much from year to year and season to season. He asked just how important these estimates are in the study of the river. Nesha explained that it’s important to get estimates of pasture in the watershed right because these values are used in calculating the amount of E.coli that can wash off of the land and into the river when it rains. She noted that DEQ’s contractor, VA Tech has done some preliminary analysis of stream flow and bacteria concentrations in the Bullpasture, and has found that more violations of the water quality standard occur during higher flows, suggesting bacteria from runoff may be a problem. The participant expressed his frustration with this conclusion, stating that he believed Nesha was contradicting what she said at the public meeting held the previous week. He noted that at the meeting, he believed that she said more violations occur during dry years. Another DEQ representative noted that while average E.coli concentrations may have been lower in dry years in the data that was shared at the public meeting, it could be that individual samples show a different trend (when they are not averaged). The participant expressed further frustration with DEQ and stated that these mixed messages result in a lack of trust.

Another participant questions whether DEQ is actually testing for E.coli in the water. Nesha explained that DEQ monitors E.coli because it is the best indicator of fecal contamination in the water, and that it is indeed the parameter that is being monitored at the two monitoring sites DEQ has in the Bullpasture River watershed. The group reviewed the locations of these monitoring sites on a map. Nesha asked for additional feedback on the land use data and did not receive any further comments as participants questioned the importance of it.

The group moved on to review estimates of failing septic systems and straight pipes in the watershed. Nesha explained that these estimates were developed based on a statewide survey done by the Department of Health in 2016. The estimated failure rate for Highland County was reported at 5%. Based on local input, this estimate was increased to 20% for the Bullpasture watershed. A representative from VA Department of Health noted that he thought the estimate of 20% was too high, explaining that he has only encountered three failing septic systems in the watershed in six years and that there have been no complaints of straight pipes to date. He also commented that many people won't know if their septic system is failing due to the fact that soils in the valley portion of the watershed perk very well and that systems are often undersized. Failing septic systems are more prevalent closer to the DEQ monitoring station at the Route 250 bridge. There may be some straight pipes in the area above that site. VDH has permitted 20 new systems on Bullpasture River Road since 2000. Nesha commented that typically it's not the new systems that are failing, and that these are less of a concern than older systems that have not been properly designed or maintained. Another participant asked whether older systems that may not meet permitting criteria now are grandfathered in. The VDH representative explained that nothing is grandfathered, if it's failing it's failing. A participant commented that there are a number of absentee landowners in the watershed, and quite a few hunt camps that may be occupied for just a few weeks each year. Following a discussion of whether or not landowners are likely to come forward if they have a straight pipe or failing septic system, Nesha commented that maybe estimates aren't too high after all. If we are only looking at a six year window for three failures, that equals a 1% failure rate. This number is probably quite a bit higher than that since people don't come forward and a six-year window is pretty short. The VDH representative agreed that this is possible.

Participants expressed concerns that homeowners with failing septic systems and straight pipes do not have the income to correct them. Nesha shared information on the cost share program that DEQ operates wherein homeowners can receive up to 85% cost share to replace a failing septic system. One participant noted that this is still not enough. She stated that people in Richmond think Highland County residents are wealthy because of the value of the land and that most everyone is on assistance, and that some homeowners have no indoor plumbing. She asked who will help them. DEQ staff commented that there are programs available to assist homeowners that could be paired together to cover 100% of the cost of a septic system. The participant stated that this was not enough. She asked what it would take for DEQ to stop this study of the Bullpasture River watershed. Nesha responded that DEQ will complete the study and that it is up to local residents to participate in this process. She explained that local input is critical in order to develop an accurate study. If the community chooses not to proceed with accomplishing the E.coli reductions recommended in the study, that is their choice. DEQ relies on a voluntary incentive based approach to accomplish water quality improvements. The participant responded that the study is not needed, and that the problem not bad. Another participant commented that the lower site is fine because DEQ has more data at this site. It was suggested that DEQ add more

monitoring sites in the watershed. Nesha explained that funding restrictions limit the amount of monitoring that DEQ can do across the state. DEQ plans to complete the TMDL study and that it's up to the community where they want to take things from there. A participant stated that this was not what Nesha said at the public meeting. Another participant agreed. Nesha stated that this was indeed what she said at the public meeting. A participant responded that she was being dishonest and that the goal of this effort was to run off the farmers. It was suggested that DEQ is working in the Bullpasture River for political reasons. Nesha explained the process that DEQ uses to prioritize streams for TMDL development, which includes consideration of factors such as the potential for water quality improvement and local interest. Tara Sieber (DEQ) noted that the agency has been doing TMDLs since 1998 and that it's a federal requirement that TMDLs are developed for impaired streams.

Nesha asked that the group move on to discuss livestock population estimates shown in the handout that the group received. It was noted that livestock population estimates depend on the time of year. A participant commented that Highland County has a number of stocker farms. Cow calf operations are selling calves off halfway through the year, so it's hard to come up with an accurate number because it changes so much throughout the year. Participants agreed that estimates for horses in the watershed were too high and that there are probably 20 horses total in the watershed. Horse farms are pretty well managed with not too much runoff, horses are either stalled or out on pasture with the cattle. Participants agreed that estimates for the sheep population are too high. One participant asked why estimates for hogs or goats weren't included, noting that there are some in the watershed. It was stated that other than poultry, animal populations vary throughout the year. Cattle numbers are higher in the summer during the grazing season. Cattle populations have declined in the past couple of years.

The group moved on to review estimates of wildlife populations. A participant noted that bear and deer populations seem low, maybe also raccoons and that wildlife numbers could be bumped up in general. Sheep numbers have declined and coyote numbers have gone up. Another participant suggested that deer populations have also increased. A participant commented that wildlife populations can go down in hard winters, but numbers are probably up right now. Nesha offered to follow up with Game and Inland Fisheries and see if any additional information is available specific to Highland County. She explained that the agency has developed average population densities for different habitat types based on the type of wildlife that typically inhabit those areas.

A participant stated that if DEQ had another sampling point about halfway up between McDowell and the West Virginia line, it would be helpful in determining sources and the cause of the impairment. Nesha noted that it's unlikely that DEQ would add another station in the watershed at this point, but that citizen monitoring could be helpful in identifying sources. She suggested working with the Cowpasture River Preservation Association to add a site in the upper watershed. Nesha explained that citizen monitoring data cannot be used for purposes of listing or delisting an impairment, but that it can help to inform studies like this. A participant suggested adding a site at Botkin Hollow and noted that there had been some testing of springs done in the watershed in the past. She was not aware of who had performed the testing. A participant expressed their opinion that some of the Cowpasture River Preservation Association was false data, stating that that had been monitoring at some locations that weren't shown on DEQ's map of monitoring stations in the Bullpasture. Several participants reiterated their lack of trust of DEQ and expressed considerable frustration with DEQ staff and the TMDL process. A participant asked that DEQ send meeting handouts out in advance of future meetings. The meeting was then adjourned.