

**Potomac Tributary Strategy Stakeholders**  
**Moorefield**  
**Meeting Minutes**  
December 4<sup>th</sup>, 2003  
USDA Office 9:00 a.m.

The purpose of this meeting is for the Moorefield Stakeholders to voice their concerns to the Gus Douglass, Commissioner of WV Department of Agriculture and Stephanie Timmermeyer, Secretary of West Virginia Department of Environmental Protection prior to WV signing onto the cap load allocations on December 9, 2003.

**Stakeholders concerns – Moderated by Matt Monroe**

The following is a list of concerns the stakeholders voiced to the Steve Hannah, Deputy Commissioner of WVDA. Answers or responses follow where needed.

1. What are the BMPs for Tyson on the Delmarva Peninsula of the Eastern Shore?
  - a. There is one set of BMPs established by the Chesapeake Bay Program they apply equally to all states.
2. When does the Chesapeake Bay Program BMP subcommittee meet?
  - a. The CBP has many different subcommittees that meet monthly and WV is represented at these meetings by agency staff.
3. Is there a \$500 permit fee to spread litter?
  - a. Only if you are classified as a large CAFO, and this is a separate rule being implemented by EPA.
  - b. Fee breakdown
    - \$360 NPDES permit application fee - every 5 years
    - \$100 NPDES permit annual fee
    - \$ 50 Groundwater protection annual fee
4. Agriculture is getting a heavy share of the loads. Is this true?
  - a. The tributary strategy will address all sources and it is the stakeholders' responsibility to agree upon additional BMP implementation to effectively reduce loads.
5. Does the South Branch water quality meet drinking water standards?
  - a. The main stem of the South Branch is not on WV's 303 (d) list of impaired streams, though several of its tributaries are on the list, thus the main stem does meet drinking water standards. Drink water standard is one of five standards WV waterbodies must meet. The definition of drinking water standards includes the statement "with minimal treatment" (being processed through a water treatment plant). South Branch does not meet the contact recreation standard.
6. What is the ultimate goal here? We have spent lots of money (\$14 million) and have only made a 5% reduction?
  - a. Our goal is to develop a document that will serve as a tool to acquire additional funds through congress.
7. The model is based on a 1985 baseline. Where did this data come from?
  - a. Land use from census data and limited water quality data.

8. How often does the Model run?
  - a. A schedule is not set in stone, the model is run as needed by the signatory states collectively. Our next run is scheduled for February 2004, the purpose of this run is to see if our implementation plan meets the cap loads, so it will be run assuming additional BMPs are in place.
9. We are concerned with getting credit for actual BMPs.
  - a. We (WV) is responsible for supplying CBP with accurate data. We need to develop a better way of collecting BMP data and we will work to make sure all BMPs have been reported and we will receive credit for them.
10. There is a serious question against the allocation number itself.
  - a. We will focus on future BMP collection and work to improve 1985 data.
11. How are we going to meet these numbers with current population growth without someone (farming or development) having to go? Are we condoning an anti-growth policy?
  - a. This strategy will be a tool that will allow us to deal effectively with growth through planning and seeking resources.
12. Will we be identified as point sources? We are worried about mandatory BMPs.
  - a. We have been told this is a 100% voluntary process.
13. How are you going to address point sources?
  - a. They will be looked at through the permit process.
14. It is hard to believe that in 2010 when we have not met the loads there will not be regulations imposed upon us.
  - a. We are participating in this process to show we are working toward improvements. We will be given credit for being involved.
15. How are you going to implement voluntary practices? How are we going to convince our counterparts who are not participating in this process that they should participate?
  - a. We will encourage participation in programs that have available funding through field staff and education.
16. PL 534 told us to build litter sheds, now they are telling us to use 35-foot buffers zones. We have done what government has told us to do and it did not work.
17. Does stream bank erosion factor in?
  - a. Yes
18. Sedimentary rock holds 5% of the nitrogen. Are we getting credit for the ability of the soil to hold nutrients? Michael may know the answer.
  - a.
19. Wildlife pollution from deer and geese is a serious issue. Who has the data? DNR needs to participate.
  - a. We will work to get them to the table.
20. We need credit for farmers with cover crops.
  - a. We will address cover crop data collection through the agriculture subcommittee plan.
21. What about buffers becoming wildlife habitat or keeping them from being eaten by the deer?

22. What is the consequence of WV saying we cannot meet the April deadline?
  - a. We need to show a good faith effort to keep our seat at the table so we can have a voice in the process. It is too early to walk away.
23. Cap loads need to be attainable and not financially hurt the farmers.
24. What is the water quality standard we are trying to meet? We thought it was drinking water standard.
  - a. States have an obligation under the Clean Water Act to not only protect water within their boundaries, but also to protect down stream.
25. Point sources with NPDES permits on TMDL streams will be mandated to reduce nitrogen.
  - a. This is a voluntary program. Point sources will be included in the process and encouraged to contribute to load reductions.

**Explanation of Agency/State commitment**

**Comments from Steve Hannah, Deputy Commissioner WVDA**

We agree that the Model is not accurate, but we have committed one person to work on the BMP data to assure it is correct, and we will be making changes and corrections through 2010.

We have no other option but to work to meet the CBP deadline with the understanding that time is short and we will have to make changes throughout the process. We are committed to looking at other sources/issues.

We have talked with EPA and have been told it is not EPA's intention to turn the tributary strategy into regulations. We have also made sure EPA understands the cost involved and that farmers cannot afford these costs. EPA will be appointing a Blue Ribbon committee to address the funding issue.

WVDA is committed to the cost share programs.

WVDA is here to protect the farming community and the environment at the same time.

Moorefield lab is working on water quality.

We do not have any choice but to be involved. At this point we need to keep our seat at the table, if things go badly we can get up and make noise, but at this point it is too early to give up our seat.

The Commissioner will meet with the group if it is requested.

**Options for moving forward**

The group decided to move ahead with the plan to form an Agriculture Subcommittee.

Tasks of the subcommittee:

1. Establish a goal
2. Work with other subcommittees to assure BMP implementation is distributed evenly with urban issues

3. Develop a BMP collection and reporting plan
  - a. Verify 1985 data
  - b. Tracking mechanism for future reporting
  - c. 2003 BMP numbers are due March 1st
4. Develop attainable goals for the tributary strategy
5. Address pursuit of grant programs versus cost share programs in the tributary strategy
6. Address changes in land use in the tributary strategy
7. Complete a statistical survey of Agricultural BMPs

Committee Members:

Matt Monroe – Chairperson	mmonroe@ag.state.wv.us
Bob Williams – WV Farm Bureau	bwilliams@wvfram.org
Heather Richards – Potomac Conservancy	Richards@potomac.org
Christina Richmond – WVDA	crichmond@ag.state.wv.us
Steve Conrad – Farmer	kellyc@access.mountain.net
Tom Brand – WVU Extension	tbrandjr@yahoo.com
Andy Walker – Farmer	538-7295
Rodney Branson – Farmer	branson@hardynet.com
Debbie Nicol – Farmer	mnicol@citlink.net
Jerry Yates – WVU	874-3561
Carla Hardy – WVCA	chardy@wvca.us
Doug Stolipher – Farm Bureau	725-9561
Richard Michael – Farmer	258-6235
Jim Moore – Eastern Panhandle CD	754-8035

Meeting:

Tuesday, January 6<sup>th</sup>, 6:00 p.m.

Matt will reserve a place in Romney or Wardensville

Agenda Items:

Michael Schwartz will run scenario builder

Brainstorm BMP collection and reporting

- Who should be on the core group
- When core group should meet

**Sub Committees:**

Urban

- Survey counties and municipalities
- Work with County Health Departments
- Address homeowners use of fertilizers and golf courses
- Develop educational programs

Representatives from Moorefield

Les Shoemaker – Hampshire County Commission 257-4422

Elwood Williams – Grant County Development Authority 257-2168

Agriculture

- Continue monitoring
- Continue voluntary practices
- Work with DNR on wildlife reductions

**Next Moorefield Stakeholder Meeting Agenda Items**

Presentation from DNR on hunting policy

Agriculture sub committee update

Urban sub committee update

Update on BMP collection plan

**Next Meeting**

January 8<sup>th</sup>

9:00 a.m.

WVDA Office in Moorefield