

## First Public Comments April 2004

Abby Chapple  
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**I don't know how to put in the rest of the form I filled out online. Here are my overall comments. I have sent a copy to Jennifer. Please let me know that you received this email.**

**Page 13 – Section on Sampling Programs in West Virginia** -Not included in this section is the very large contribution that is made by volunteers through the West Virginia Save Our Streams (WVSOS) program that certifies monitors in the bio-assessment method and had been documenting findings. Credit should be given to these workers. While this method will not give chemical analysis, that actually give only a sampling at a specific time (like a snapshot), the WVSOS evaluates “resident” water and is a better indicator over the long run. Tim Craddock does an excellent job with this program and the input from this program needs to be included.

**Page 16 - Sentence about line 14.-** I suspect that the statement that “Seventy-four percent of these discharge less than 50,000 gallons per day and are considered negligible” may be incorrect. While the gallons are less than the “significant” facilities I believe that the “pollution” from these facilities could be great, and they could be having a considerable negative impact on waterways.

**Page 17 – line 22 concerning phosphorus** - Shouldn't we consider using fertilizers without phosphorus in flood plains, as well as elsewhere.

**Page 18 – line 37** - If phosphorus from point sources “has been going up” wouldn't this indicate that it is time for West Virginia to join Maryland, Virginia, Pennsylvania and the District in establishing a Phosphate Ban. I can see no reason for not instituting a Phosphate Ban. Such a ban would certainly help to deal with the problem we are looking at.

**Page 24 – line 4** - It is my opinion that voluntary implementation of best management practices (BMPs) is not working. Perhaps this is why the BMPs for forestry by timber operators are required by law and are not voluntary. To begin with BMPs are only MINIMUMS, and West Virginia should be doing more than minimums if we are going to be successful. Enforcement of BMPs also needs to be established.

**Page 24 – line 26** - I believe that the sentence finishing with “will not occur if funding is not secured” is not totally correct. While it is obvious that funds must be established to implement the majority of goals, there is also much that can be done if the public buys in and makes a commitment, in earnest, to find solutions. Currently the public is ill informed on the problem and is not sufficiently involved.

**Page 24 - Section beginning at line 29** - I do not feel that the Urban and mixed Open Strategy sufficiently covers the recreational cabins, trailers, hunting cabins and camping sites, fishing camps, tourist facilities and other similar homes and establishments that have proliferate along

the tributaries. Being “temporary,” or at least not occupied full-time, many if not the majority of these facilities are owned or used by people from out of state. It is my experience that these people are the least likely to understand the tributary strategy problems that we feel need to be solved. Further, I believe that a specific outreach needs to be made to this constituency. If the figures that I heard recently are true—that 26,000+ people who own forested land in West Virginia live out of state—then I think the number of people who use or occupy the facilities I have listed above will equal or double this number. At the least the true number of these nonresidents needs to be calculated and their impact on West Virginia rivers needs to be evaluated.

**Page 25 – line 9** - The statement that “...urban and suburban development has a profound influence on the Quality of West Virginia water,” would seem to beg the question, Why doesn’t West Virginia on every level—municipality, county and state—develop “smart growth” programs?

**Page 26 – line 7** - I believe that the idea that the Potomac Basin should be “managed by watershed boundaries,” is an excellent concept. In addition, I believe that this approach should apply to all aspects of this implementation process.

**Page 26 – para Management of On-site Wastewater Treatment.** - This paragraph pays attention to the need to improve septic systems and septic tank pump outs. What I think needs to be added is an analysis of where the material goes after it is pumped out. I do not believe that there are enough facilities in West Virginia and I want to know what is being done with what is pumped out. Is it always being handled appropriately?

**Page 27 – para at lines 5,6,7** - Not only do additional management practices need to be developed to include buffer, greenway, riparian easements, as suggested, flood plain ordinances need to be developed that protect the waterways and not just the dwellings in the flood plain. If I understand correctly the ordinances that now exist were created to meet the National Flood Insurance Act requirements. The problem is that they only deal with part of the need, and while many specifics of these ordinances do help to protect the waterways many more need to be instituted in order to protect the water.

**Page 27 – line 15-17** - This paragraph needs to be expanded and solution found on how to institute these protective methods. Just listing them is good, but not implementation.

**Page 27 – Section on Outreach and Public Education** - This section is, as it were, is just the tip of the iceberg. Nine/tenth of what needs to be done is left unsaid. Outreach and Public Education, I feel, is the crux of accomplishing a reduction in nitrogen, phosphorus and sediment. (This is a repeat and a continuation of my statement re page 33.)

**Page 28 – Line 47** - See previous comments re page 16 – line 14.

**Page 31 – lines 3 & 4, line 12** I find it outrageous that agriculture should be unwilling to become involved enough to give specific figures. Without figures agriculture is the problem not part of the solution.

**Page 31 – line 19** - It is not enough for West Virginia to simply “encourage and support” the installation of BMPs, to be effective it must enforce BMPs and find even more stringent mandates..

**Page 33 – line 42** - Yes, new and innovative BMPs must be found. They should also advance the solution and become more than minimums.

**Page 34 – line 12** - Natural Stream Restoration is excellent and must be put in the toolbox of solutions.

**Page 34 – para on Water Quality Testing** - Since I have heard that there is a debate as to the authenticity or accuracy of the original water quality data given to agriculture I suggest that there be a program of double checking, I believe there needs to be an independent verification of the monitoring being done by the West Virginia Department of Agriculture. It has been my experience that they are very reluctant to have their monitoring (including location and techniques) observed and verified. Under such circumstance their data cannot be trusted.

**Page 39 – para on Wildfire Hazard and page 40 Projected Budget** - While the educational materials that have been prepared on Wildfire Hazard that I have seen displayed at workshops and conferences are very good I do not believe that the information is reaching the public. Therefore I suggest an increase of at least \$10,000 per county to be used for landowner education. In addition, I suggest the investigation of additional techniques including the installation of water tanks, large swimming pools or ponds in remote residential locations so that water would be instantly available to fight fires instead of it having to be trucked in. I believe that homeowner should be required to make such water available for the fire companies, and should have to bear the cost. Currently, not only wildfire but also common everyday fires are not being dealt with effectively in many cases because of lack of water. Dry hydrants are wonderful but not always practical, for example along rivers that become thickly covered with ice. So a different kind of “dry” hydrant needs to be developed. In addition, fire-protecting chemicals/materials, such as the product known as Baracade, needs to be promoted and made readily available to homeowners.

**Page 42 – lines 12-15** - This paragraph is correct and points out the need to quickly establish water quality criteria for total nitrogen and phosphorus from all sources. This cannot and should not wait until 2008. Haven’t these criteria been established in other states?

**Final Note:** - I would like to see the addition of a program to reintroduce freshwater SAVs to West Virginia tributaries. These are vital to the health of a river and in most WV waterways they have been eliminated by sediment. The Chesapeake Bay Program has a massive program to reintroduce saltwater SAV’s to the bay. Why can’t a similar program be developed here, using their knowledge and techniques as a model?

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March 29, 2004

To: Potomac Tributary Strategy Stakeholders Group

From: Clifton Browning  
Berkeley County PSSD

Re: Point Source Workgroup strategy

On behalf of the Berkeley County PSSD I would like to offer the following comments to the proposed strategy. And also note our concerns of the proposed limits as we are currently in the design phase for new treatment plant to serve the north end of Berkeley County. A plant that is vital to our District meeting the needs of new homes and schools being built in this area.

Also, before I list our comments, I would like to request that it be included in this report that the DEP require all private waste water treatment plants connect to public collection/treatment plants when they become available. This is a requirement of each permit and would eliminate sources of nutrients you have included in this document. A larger well-run facility would discharge far less nutrients than the smaller facilities are.

In addition, I would request that this point source workgroup include members of the PSDs and municipalities. This would improve the costs and operational needs you will be assigning. Our District would volunteer to participate.

The greatest concern and you do not address other than "as funding becomes available" is the costs associated with any proposal. Prior to placing any language in the point source's permit, a funding source needs to be made available to bear the cost of all the necessary upgrades in treatment and continual O&M costs associated with these upgrades.

The limits that are proposed will be impossible to be met with most existing technology. The smaller the facility, the more difficult it becomes. We will ask our consultant, Woolpert Engineering, to give general options available to us. This would allow a more accurate cost associated with the proposed limits. It should also be noted that the costs of construction encountered by our District may prove that the cost section of this report may be too low. And, during telephone discussions with Teresa Koon, she pointed out that this may still not be enough to meet the goals of reductions in West Virginia and thus further driving up the cost.

The limits that are proposed for any of the point sources do not grant any seasonal variations. This would accommodate for the increased flow, lower water temperature,

etc. associated with the winter and spring months. The load of nutrients to impact the Bay should show that this would be able to be considered.

There is also no mentioning of how the removal of any of the existing facilities listed from service would affect the permitted discharge of a larger facility. It is only mentioned of trading with other Bay jurisdictions.

Thank you for the opportunity to participate in the stakeholder committee and I look forward our next meeting. I will also fill out the on-line comment form.

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## **West Virginia's Potomac Tributary Strategy Public Comment Form**

**Comment Period March 15<sup>th</sup> – March 29<sup>th</sup>**

The West Virginia Stakeholder Group has released the first draft Potomac Tributary Strategy for public comment. The document will be available at the end of business Monday March 15<sup>th</sup> on the website: [www.wvnet.org](http://www.wvnet.org), at the Martinsburg USDA Office at 1450 –6 Edwin Miller Boulevard, the Moorefield Field WVDA and WVCA field offices at 60 Moorefield Industrial Park Road and at all WVU County Extension Offices in the Potomac headwaters.

All comments must be attributed to an individual to be incorporated into the document, therefore name and contact information is required. Use additional sheets if needed. Deadline for submitting comments is March 29<sup>th</sup>. Submission of this form as an attachment to an e-mail is encouraged:

### **Document Background**

Do you feel the overall document is written on a level that the general public can and will understand? Yes  No

No, Specifically, what section(s) pages would you change?

Did the document clearly explain WV's commitment and reason for participation?

Yes  No

No, Comments or Questions?

Specific Document Comments (include section, page, and comment)

**Specific Process Comments**

**Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes  No

No, What areas did we miss?

There were few numbers associated with various BMPs, and no figures in the Agricultural section.

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No

No, What BMPs would you like to see promoted and or explored?

More and better: 1. Pre and Post Construction stormwater management, 2. Riparian management, especially reducing livestock contact with surface water, 3. Karst protections

Throughout document, use a hyphen between non-point. It is inconsistently used.

Section 1, Page 3, What a Watershed Means Box: second sentence could be modified to not leave out the James River portion of the Ches Bay drainage. Suggest beginning with “For this strategy, the West Virginia....

Section 1, Page 3, Line 34, adding at the end of the sentence “along with New York and Delaware.” This shows that WV is not alone coming into this agreement at this time.

Page 4, Line 24, spell out Cap Load Allocations before (CLA).

Page 6, Line 11: after “and state” add “and regional” then make government plural. ICPRB is multi-state, but regional works, and this change would also include RC&Ds.

Page 7, Line 14: change to: The 3,505 square mile Potomac Watershed in WV drains.....

Page 9, Line 1, change to: “and as a result, the drainage density, or number of surface streams, is low.”

Page 18, the “What it means:” box was not complete.

Page 18, line 35: should be sewage treatment plants, not plans.

Page 18, Line 37. Suggest changing “In addition,” to “Importantly.”

Page 21, Figure 4, and other figures: Please use hatch-marks on pie- and box charts, to better differentiate categories when printed using only black and white.

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**Name: W. Neil Gillies**

**Participating Stakeholder:**  Yes  No

**Address: 1005 Skaggs Run Road, Baker, WV 26808**

**Affiliation: Cacapon Institute**

**E-mail: [pcrel@mountain.net](mailto:pcrel@mountain.net)**

### **Stakeholder Process**

Did you know about the stakeholder process? Yes  No

No, or Yes, but did not participate, How could we have gotten you involved?

**Document Background**

Do you feel the overall document is written on a level that the general public can and will understand? Yes  No

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Did the document clearly explain WV's commitment and reason for participation?

Yes  No

No, Comments or Questions?

Since I was the primary author of the document, perhaps any response from me would be inappropriate

**Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes  No

No, What areas did we miss?

The failure to develop specific numeric actions for agriculture is a real problem, and the reasons presented in the agriculture implementation section for not doing so are insufficient.

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No

No, What BMPs would you like to see promoted and or explored?

Achieving the Cap Load Reductions will require an emphasis on various kinds of buffers for agricultural land. I recognize that installing buffers is problematic for many area farmers. I would like to see a program assessing the development of buffers that have both agricultural and environmental benefits.

**Specific Process Comments**

Failure to produce a complete set of specific numeric actions will prevent WV from submitting a credible budget document. This is a real problem, as the process is about funding nearly as much as about management actions.

It was also a mistake to make the development of criteria a stakeholder process up-front. This was a technical process that required technical expertise. The initial plan should have been developed by experts in water quality and pollution reduction, and then submitted to stakeholder review.

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**Name:** *Jerry Burke*

**Participating Stakeholder:** *x*  Yes  No

**Address:** *9 Point Drive*

*Petersburg, WV 26847*

**Affiliation:** *Landowner with tributary thru property*

## Stakeholder Process

Did you know about the stakeholder process? Yes *x*  No

No, or Yes, but did not participate, How could we have gotten you involved?

**Document Background**

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Did the document clearly explain WV's commitment and reason for participation?

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### **Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes  No

No, What areas did we miss?

*Specific attention should be given to trout hatcheries and rearing facilities as potential point sources of N, P and sediment and that reductions of these pollutants is technically possible. Responsibility and actions of WVDNR to implement practices to reduce and minimize pollution should be recognized.*

*Dirt roads need more specific attention as sources of sediment with recognition of WVDoH responsibility to use practices which reduce and minimize sediment entering streams.*

*Sediment is not given enough attention.*

Do you feel WV is adequately implementing best management practices to reduce pollution?

Yes  No  *Intuitively ,no, but without specific examples.*

### **Specific Process Comments**

**The document has serious deficiencies re: sediment.  
Sediment reduction needs more emphasis.**

**Failure to recognize WV Division of Highways role and responsibility re: sediment is a mayor deficiency. WVDoH role and responsibility should be addressed. If not the document cannot be considered complete.**

**Line 35, under Point Sources states, “Sediment is not an issue for point sources.” This statement is not accurate and needs to be changed. Trout hatcheries and rearing facilities can be a source of sediment. Other point sources of sediment can exist, e.g., a quarry. Line 35 should be changed to reflect the reality that some point sources may be significant contributors of sediment. “Point Source Strategies” p 28 should reflect concerns about sediment.**

**“4. Sources” acknowledges dirt roads as a source of sediment. However, there is no mention of dirt roads in “Strategy”. Maintenance of dirt roads and associated maintenance and construction of ditches, culverts, and bridges are significant potential sources of sediment. This oversight needs correction. WVDoH should be identified as responsible for assuring that care of dirt roads is done in a way to avoid and minimize sediment runoff into streams and for taking the initiative to implement practices on dirt roads and in other highway situations which minimize sediment runoff into streams.**

**“Wildlife Agencies”, p 43 should recognize WVDNR responsibility and actions for eliminating effluent pollution where it is now occurring at trout hatcheries and assuring that trout hatcheries are not polluters.**

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**Name:** Jerry Yates

**Participating Stakeholder:** X  Yes  No

**Address:** 1695 State Route 259 North

Wardensville, WV 26851

**Affiliation:** Production Agriculture

**E-mail:** [jyates4@wvu.edu](mailto:jyates4@wvu.edu)

## Stakeholder Process

Did you know about the stakeholder process? Yes X  No

No, or Yes, but did not participate, How could we have gotten you involved?

**Document Background**

Do you feel the overall document is written on a level that the general public can and will understand? Yes  No

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Yes  No

No, Comments or Questions?

**Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes  No

No, What areas did we miss?

See attachment

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No

No, What BMPs would you like to see promoted and or explored?

See Attachment

**Specific Document Comments** (include section, page, and comment)

See Attachment

**General Comments and Suggestions**

**Jerry Yates**

**Wardensville, West Virginia**

My first impression of this process was one of hope and sincere willingness to cooperate with others as we continue to improve the water quality in our watershed. However, it quickly became evident that this entire process is based upon some of the most flawed predictions possible. The Chesapeake Bay Watershed Model, so often quoted throughout the stake holder document, simply does not accurately portray what is happening at the local level. Furthermore, a “new model,” complete with substantial upgrades is set for release in 2006. Yet, we have invested significant time and effort in developing a program based on a model that is outdated!

Its own developers admit it falls far short of accurately predicting land uses and their applications within a watershed because the sample unit is too broadly defined and not all points are relevant to our situation.

Now, coupled with model concerns we have a complete disregard to include items that cannot be accurately measured. Throughout the document statements are made alluding to the “potential impact” or possible contribution from sources such as dirt roads, private sewage treatment facilities and wildlife. It seems as if the group has decided to ignore the impact these, and other factors play in nutrient loads delivered to the Bay. Deciding to concentrate efforts on the traditional players including agriculture, point source and forestry is a sure way to guarantee failure. Continually demanding decreases from these players without addressing other significant problem areas is the largest shell game ever devised. The law of diminishing returns, borrowed from the business world, but very applicable suggests each new demand placed upon these traditional players will return less efficiencies at much greater cost per unit achieved. Unfortunately the ultimate outcome for many farmers would be to exit the business. Then, not only have we lost another member of the global food community, we have contributed more to our problem opening that land mass up to increased development and nutrient contribution.

Numerous other problems are found within the document as well. I have pointed out some of these in the direct comment section listed below. I have come to know many of the folks involved with this process and respect their work and appreciate the time each has devoted. However, in the end, I simply cannot put my faith in a document conceived in part to generate funds built upon such a questionable model. Therefore, it is with deepest regret that I ask that those in charge of this process please remove my name from all affiliated documentation and records associated with this stakeholder process.

Direct Comments:

I challenge the statement made on page 17, line 22. I cannot review the statement that nutrients are applied at their heaviest rates along the flood plain. Is this peer reviewed work? What crops does this entail? Their nutrient use? Timing of application?

Page 18 - Wildlife do play a significant role here!

Generalities have been drawn regarding agricultural production, the different segments of each industry and their role in the regions economy. I believe the economic multiplier effects of this industry have been severely understated. For example, most of the manufacturing jobs in Hardy County still rely on agricultural-based products (wood). Vast majorities of the service industries within the region rely heavily upon the dollars generated at these agricultural affiliated production sites.

Finally, I would like to add my thoughts about the CBP and its evaluation of Best Management Practices or BMP's. It seems those at the Bay Program with responsibility for setting efficiencies for BMP's need to reevaluate their programs. The role of cover crops, education, grazing and feed additives have been underestimated by Bay. Education programs are the cornerstones this state's efforts and successful improvements in water quality. Feed additives

have been approved as a BMP, but others are looming on the horizon and we must be ready to accept these practices. Extensive research has been conducted in many states and countries that show the benefits of management intensive grazing, grass waterways and sod and grass only stream buffers. These, along with other new BMP's hold the only hope that agriculture can make additional significant reductions. The only alternative we may have is retirement of farm land. While this may be a lofty and achievable goal for some, the result will be catastrophic. The loss fo the family farm and a net increase in nutrients delivered to the bay because of impending development. I just wonder how we are going to continue to feed all those new residents??????

Sincerely,

Jerry Yates  
1695 State Route 259 North  
Wardensville, WV 26851

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**Name: Kathleen S. Rogers**

**Participating Stakeholder:**  Yes \* No

**Address: P. O. Box 587, Romney, WV 26757**

**Affiliation:**

**E-mail: [huckabone@hardynet.com](mailto:huckabone@hardynet.com)**

**Document Background**

Do you feel the overall document is written on a level that the general public can and will understand? Yes \*\* No

No, Specifically, what section(s) pages would you change?

Did the document clearly explain WV's commitment and reason for participation?

Yes \*\* No

No, Comments or Questions?

**Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes \*\* No

No, What areas did we miss?

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No \*\*

No, What BMPs would you like to see promoted and or explored? Use limits on wastes for fertilizer, better application practices for fertilizer, keep campers off riparian zones, replanting & stabilizing stream banks, keep cattle out of river, cover crops on fields, keep up on all current research and literature for BMPs in all areas.

**Specific Document Comments** (include section, page, and comment)

See extra attached pages 1-5

West Virginia's Potomac Tributary Strategy  
Public Comment Form, Continued  
Kathleen S. Rogers  
March 29, 2004

A. Section 7.d.35-36 : "The farming community questions the assumption that the water quality in the Potomac Headwaters Region is poor."

Water quality concerns for the Potomac River Basin, specifically the South Branch, are necessary to preserve stream health for upstream users as well as the health of the Chesapeake Bay. A short-sighted approach to water quality has shown itself detrimental to fair multiple use of water resources in many places around this country. Without specific, detailed, numeric strategy for reducing nutrients, equal treatment of all water users will not be possible on the South Branch, or on any other bay tributary. Enforcement of the Clean Water Act is not possible without quantifiable data. A narrative nutrient policy will not be enough science, and finger pointing between tributary users will not make the problems disappear. At risk of belaboring a point, it must first be established that the South Branch of the Potomac does, indeed, have water quality problems. The following points (1-7) deal with data and potential problem sources:

1. The WV DEP has listed the entire length of the South Branch as impaired in its draft list of impaired streams ([http://www.wvdep.org/Docs/5183\\_A%202004%20303\(d\)%20Rationale%20Only.pdf](http://www.wvdep.org/Docs/5183_A%202004%20303(d)%20Rationale%20Only.pdf)). There

are clearly water quality problems in the South Branch. The agricultural community must not ignore 2003 sampling data (WVDEP, USGS, no cite available). This study has already given evidence that water in the South Branch of the Potomac is not supporting healthy populations of small mouth bass. The study, initiated due to an extensive fish kill in 2002, shows an alarmingly high incidence of both lesions and intersex in small mouth bass. Correlation between the two is yet unknown, as are the sources of the fish kill, with xenoestrogens or EDCs presumably causing the intersex.

2. There is more than adequate documentation that major fish kills have been caused by CAFOs (Concentrated Animal Feeding Operations): “Episodic fish kills resulting from manure runoff, spills, and other discharges from CAFOs remain a serious problem in the United States. As described in Chapter 2, large releases of nutrients, pathogens, and solids from CAFOs can cause sudden, extensive kill events. In less dramatic cases, nutrients contained in runoff from CAFOs can trigger increases in algae growth—often called algae blooms—that reduce concentrations of dissolved oxygen in water and can eventually cause fish to die. (EPA-821-R-01-002)

3. In addition to killing and harming fish directly, pollution from CAFOs can affect other aquatic organisms that in turn harm fish.” (EPA-821-R-01-002)

4. CAFOs and poultry litter on field have also shown to clearly affect water quality (see “National and Local Effects of Animal Agriculture, National Water Quality Inventory Results” <http://www.epa.gov/guide/cafo/pdf/EnvAssessPt2of2.pdf>). In addition, a USDA publication states: “In 1998, the U.S. poultry industry produced 12 Tg (>13 million tons) of broiler litter, most of which was applied to agricultural fields within fifteen miles of its production. Broiler litter, like all animal manures, is a source of plant nutrients, but also ammonia, and the greenhouse gases methane and nitrous oxide. Broiler litter is also a source of pathogenic bacteria like Salmonella, Campylobacter, and Clostridium perfringens, and the sex hormones estradiol and testosterone. Both pathogenic microorganisms and sex hormones may be transferred from crop and pasture lands to surface and ground waters that are used for recreation or drinking, and thus, pose an environmental health risk to humans as well as wild and aquatic life. The pathogens may also be transported in the atmosphere. Information on the fate and transport of pathogens and sex hormones from poultry litter is needed.” From the same document: “Thousands of Americans become ill each year through exposure to organisms that are known to exist in animal manures, including poultry. Much of the manure is applied to crop and pasture land to provide plant nutrients, but little is known about the risks of survival and transport of pathogens in the environment that might be associated with land applications of manure. Because of concern about the presence of endocrine disrupters (chemicals that mimic sex hormones) in the environment, and suggestions that these chemicals lead to decreased sperm counts in men, prepubescent development in children and widespread disorders in a variety of wildlife, the presence of the actual sex hormones in broiler litter cannot be ignored. With poultry litter applications on agricultural fields these hormones can potentially appear in soil, groundwater, and surface water.” ([http://www.ars.usda.gov/research/projects/projects.htm?ACCN\\_NO=403531&fy=2001](http://www.ars.usda.gov/research/projects/projects.htm?ACCN_NO=403531&fy=2001))

5. CAAP facilities (Concentrated Aquatic Animal Production), such as hatcheries, have also been shown to impact water quality, (see <http://www.epa.gov/guide/aquaculture/ea/complete.pdf>).

6. Wastewater Treatment Plants: WWTP also have documented impacts: “Waste discharges from municipal sewage treatment plants are a significant source of water quality problems throughout the country. States report that municipal discharges are the second leading source of water quality impairment in all of the nation's waters (rivers and streams, lakes, and estuaries and coastal waters). Pollutants associated with municipal discharges include nutrients (which can stimulate growth of algae that deplete dissolved oxygen which is essential for aquatic ecosystems, since most fish and other aquatic organisms "breathe" oxygen dissolved in the water column), bacteria and other pathogens (which may impair drinking water supplies and recreation uses), as well as metals and toxic chemicals from industrial and commercial activities and households.” (<http://www.ncseonline.org/NLE/CRSreports/water/h2o-29.cfm?&CFID=13176261&CFTOKEN=80468588>)

7. Multiple Use: If multiple uses of the South Branch are not being preserved, this indicates water quality impairment. By personal communication, many local residents have ceased all recreational activities in and on the river, including swimming, boating, fishing, and duck hunting, due both to visual presence of algae and foam, closure of the river for recreation due to a public health warning (several years ago-perhaps 2001), fish kill, and catching fish with lesions. It is sadly noted that gradual degradation of overall stream quality, while perhaps not quantified with data, has nonetheless been noted by long-term residents of the area. Multiple use of the South Branch is clearly not being protected, once again stressing the need for numerical study data as well as numerical limits on nutrients (and other pollutants.) West Virginia Law (46-1-6.1.a) states that: "The classification of the waters must take into consideration the use and value of water for public water supplies, protection and propagation of fish, shellfish and wildlife, recreation in and on the water, agricultural, industrial and other purposes including navigation."

B. Other comments on the document include the following sections:

1. Nitrogen: Section 4.b.1-5

“Atmospheric deposition of nitrogen is more evenly distributed throughout the watershed. It is generally believed that, in this region at least, our abundant forests still have substantial capacity to store additional nitrogen deposited from the atmosphere. Nitrogen falling on non-forested lands becomes a source of fertilizer and part of the nutrient cycle there. Nitrogen deposited on water immediately becomes part of the problem.”

It is interesting to note that the latest information regarding nitrogen release into the bay is that it (like non-point phosphorus) may occur in a rapid event, such as during a fast snow melt. “On average, air pollution is thought to contribute about a quarter of the nitrogen to the Bay. Such averages, though, mask how extreme events can alter ecosystems, often with devastating results...People often look at annual averages and ignore these episodic things, which are huge.” (“Storming the Bay: Sudden snow melt could create surge of nutrients”, *Bay Journal*, March, 2004)

## 2. Wildlife Populations: Section 6.e.18-21

Claiming white-tailed deer or Canada geese as major sources of widespread nutrient pollution, with data gathered by ribotyping e-coli is questionable. A USDA, ARS project states: “For ribotyping of indicator organisms like Escherichia coli to be a reliable tool for identifying nonpoint sources of fecal contamination, ribotypes ought to display temporal stability. In collaboration with Dr. Peter Hartel, University of Georgia, we completed a study of temporal variability of E. coli from a herd of steers at a J. Phil Campbell, Sr., Natural Conservation Center experimental pasture. Comparisons of over 600 ribotypes of E. coli isolates from the feces of 30 steers and 5 sampling dates (six steers per sampling date) indicated that no single ribotype was present at all sampling dates, and therefore no resident ribotypes was associated with this herd; clonal diversity was greater than 90%. This study is the first to examine temporal variability of E. coli ribotypes for a single animal source, and it indicated that the temporal variability would make the construction of a stable animal data base problematic.” (USDA, ARS Project: [Preventing Pathogen Transport to Southern Piedmont Landscapes from Poultry Production Systems](#), 2001 Annual Report).

## 3. Water Quality Sampling : Section 3.b.18-47

It is also of concern that the WV Department of Agriculture is conducting water quality sampling in an area in which it has a vested interest in the stimulation of agricultural production. Has this conflict of interest been addressed? It was hoped that Appendix WQ would be included in the document, so the public could review water sampling techniques and sample sites. The appendix was not available in the download or the hard copy.

## 4. Tributary Proposal: Section 6.c.“Development of new BMPs”, lines 6-8

The tributary proposal (Section 6.c.“Development of new BMPs”, lines 6-8) mentions that new feed additives may decrease amounts of “supplementation within rations” and show “increased efficiencies of nutrient class conversion.” If reduction of N and P from animal production litter involves the use of estradiol or other similar substances, benefits may be outweighed by harm to local organisms due to effects of estrogenicity on a variety of animal classes (“Managing Feedlot Cattle to Reduce Nutrient Waste”, College of Agriculture & Biological Sciences, South Dakota State University, USDA, ExEx 2029, August 2001). While bay monitoring concerns focus on nutrients, methods potentially harmful to upstream organisms should not be encouraged without further study.

## 5. Challenges to Implementation: 7.a.WV Economy and Growth “The West Virginia Tributary Strategy Stakeholder Group was convened to provide these communities, and others, with a seat at the table in deciding how to proceed and the opportunity to express their concerns about the process and changes that might be required.”

It is hoped that communities with WWTPs will be involved in this process and develop economic strategies in conjunction with public education. Development fees should be implemented. A watershed bond (created by joint cooperation between counties) to upgrade wastewater treatment facilities could be potentially financed by user fees and wastewater surcharges. Matching grants from the Water Quality Improvement Fund could be used as well.

County commissions and planners must be involved. It would be nice to mention specific departments of county government by name to encourage their involvement. For example, local health departments and county sanitarians would be very beneficial to generate practical ideas regarding septic systems. One topic for discussion might be: “Could county assessors check for

leaking septic systems at the same time they do property assessments, then notify the sanitarian, who will perform a detailed inspection.”

Public service groups should also be educated and asked to perform specific tasks.

Polls, (both informal and scientific) could be conducted to raise public awareness. Reaching the general population through media and personal polls, and tallies conducted at fisherman access sites would not be cost-prohibitive. Results could be published in the media and distributed in the form of tracts.

6. The Watershed Model: “The agriculture community believes that actual numbers generated by the Chesapeake Bay model are inaccurate and unsubstantiated. The agriculture stakeholders believe that these numbers do not have validity or relationship to the actual nutrient and sediment contribution being made by agriculture or any other segment of society in West Virginia.”(Section 7.d.35-39)

It must be recognized that most linear relationships in science have been documented, and that the study of ecology is increasingly complex. Models, while not exact replicas of real life, are formatting intricate relationships that do reflect real-life events. Numerical data from water quality studies may indicate that model estimates of nutrient loads from the South Branch have been underestimated, especially given West Virginia is without N and P limits from even point sources. Numerical standards should be implemented now, and updated under improved sampling methods reflected in the Phase 5 revised Watershed Model.

#### C. History

It may be of final interest to note that the South Branch has had water quality issues in the past. Major fish kills in the late 1800s and early 1900s prompted legal action, resulting in tannery industry cooperation, restoration of river health, and resumption of recreational uses (camping, fishing, boating.)

#### D. Conclusion

Strict caps on nutrient and sediment loads from a variety of point sources, including WTPs, poultry processing, fish hatcheries, etc., combined with aggressive pursuit of BMPs for non-point sources are necessary to both preserve stream health at the headwaters of the South Branch, as well as in the bay. Local education should be pursued aggressively, as should cooperation from county and city officials. TMDL formulations should be detailed, numeric plans that WV makes a firm commitment to follow, both for the sake of the Chesapeake Bay, as well as South Branch residents, recreants, and tourists.

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# West Virginia's Potomac Tributary Strategy Public Comment Form

Comment Period March 15<sup>th</sup> – March 29<sup>th</sup>

The West Virginia Stakeholder Group has released the first draft Potomac Tributary Strategy for public comment. The document will be available at the end of business Monday March 15<sup>th</sup> on the website: [www.wvnet.org](http://www.wvnet.org), at the Martinsburg USDA Office at 1450 –6 Edwin Miller Boulevard, the Moorefield Field WVDA and WVCA field offices at 60 Moorefield Industrial Park Road and at all WVU County Extension Offices in the Potomac headwaters.

All comments must be attributed to an individual to be incorporated into the document, therefore name and contact information is required. Use additional sheets if needed. Deadline for submitting comments is March 29<sup>th</sup>. Submission of this form as an attachment to an e-mail is encouraged: [survey@wvnet.org](mailto:survey@wvnet.org)

**Name: Margaret Janes**

**Participating Stakeholder:** X  Yes  No

**Address: 5640 Howards Lick Road  
Mathias, WV 26812**

**Affiliation: Appalachian Center for the Economy and the Environment**

**E-mail: [mjanes@hardynet.com](mailto:mjanes@hardynet.com)**

## Stakeholder Process

Did you know about the stakeholder process? Yes x  No

No, or Yes, but did not participate, How could we have gotten you involved?

## Document Background

Do you feel the overall document is written on a level that the general public can and will understand? Yes  No X

No, Specifically, what section(s) pages would you change? I think the process is complicated and necessarily lengthy – the average citizens will be (has been) put off by the time needed to fully understand the document and the process. To help over come this problem, a one page plain English executive summary should be created to outline the process, impacts to specific categories of citizens/activities and the consequences of strategy failure.

Did the document clearly explain WV's commitment and reason for participation?

Yes X  No

No, Comments or Questions?

**Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes  No

No, What areas did we miss?

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No

What BMPs would you like to see promoted and or explored? No, Since most BMPs are voluntary WV Agencies or citizens do not know what is actually being implemented. Most tracking of BMPs involves paper tracking - there are few ways to verify actual on the ground activities. This is particularly true of agricultural NMPs that are key to N, P and sediment reductions in local and distant waterbodies.

**Specific Document Comments** (include section, page, and comment)**Specific Process Comments**

The failure of various groups to commit to specific load reductions or to fully meet their allocated load reduction in the plan undermines the entire tributary strategy. The result is a document that in significant areas simply rehashes existing programs. That rehash is part of a strategy by special interest groups to avoid future reductions - regulatory or otherwise – even if they are in the best interest of the general public.

---

West Virginia's Potomac Tributary Strategy Draft March 15, 2004

Name: Ronald W. Wilson

Participating Stakeholder: ??? I attended the first meeting in Hedgesville????

Address: 8207 Ellingson Dr. Chevy Chase, MD 20815

Also cabin in Morgan Co. on the Cacapon River

Affiliation: Friends of the Cacapon River, President

E-mail: ronwwilson@earthlink.net

Phone: 301-585-8965

#### Stakeholders Process

Know about it , attended one meeting

#### Specific Document Comments

##### Chap.2

P.7, Fig. 1 Please add county names to map

p. 8, Fig. 2 Add the names to the watersheds

##### Chap.3

p. 12, l 27-29 “..all other sources...” is confusing, since in the of this sentence there is only one other source, i.e. “point source” pollution.

p. 12, l.55 This para is unclear. Does it mean that MD and VA and WV are not using the TMDL process? Can it be clarified? Is the TDML approach inconsistent with the “cooperative and voluntary” approach?

P. 13, l. 28 Something is wrong here with the word “were.”

P. 13, l. 29 This is first time all these river names have been mentioned. Somewhere earlier in the report or in an appendix, there should be a list of all rivers and streams in each watershed, may by Fig. 2. Also special statement on relationship between the Cacapon and the Lost.

P.13. L.31 How many sites are there? How often are the sites tested? Can they be identified on a map?

P.13, L.36 Is this a separate program than the previous para? How many sites? Identify where?

P.14. L.12 The Cacapon and the Little Cacapon are 2 separate watersheds!!!

P.14, L.13 Again , how many sites and how often.

##### Chap. 4

P.16, l.4-5 “...not applicable....” to WV, odd wording. Just say WV has no law banning, as you say on p. 18, l.37

P.17, L. 16 Haven't yet defined N and P inputs

P. 17, L.30 “Ultimately” Are talking 20 years, 200 years or 2000 years?

P.18 Box. Text not complete

Chap 5

P.19 Box, point 3. What are these 94 “segments” I’m sure they are discussed later, but it is meaningless in this box.

Chap. 6

P.24, L. 10 I don’t think NRCS has been defined yet.

P.26, L.24 What about the Martinsburg Air Guard airport? Why exclude non-public use runways? Aren’t any of the runways at the Cumberland airport (in WV) paved?

P.28., L. 17-18 When will it be functionable? Short term or long term problem?

P.28, L.38 Need to say how before all currently permitted sites will be in compliance.

P.29, L.25 I don’t think “trading programs” have been mentioned before this point.

P.31, L. 10 “Grant” should be plural.

P.32, L.32. “ Preserve the family farm...” How much of the agriculture in the WV Potomac basin is family farm vs agri-business (especially poultry)

P.33, L.25 “...within the next decade...” Is this likely to have any impact on 2010 goals?

P.33, L. 36 “streams” is probably a poor choice of words here

P.34, L.37 Is there a program for regularly notifying farmers of these options. If not add that to the plan.

P.35, L. 27 Does this act also use voluntary compliance?

P.35, L.34 What about small logging operations not covered by the act? How significant are small operations to pollution? Is there money and staff to enforce the Act?

P. 38 Table at top showing managed acres by county would be more helpful if it also showed % of total forest area managed.

P.43, L.27 This para is rather defensive, but probably need politically

Document Background Yes Yes

Implimentation Plans

Yes

Not really since much is voluntary and no complete monitoring activity

Process Comments

No real problem. There should have been more time for comment. It was very frustrating and time consuming for a computer dummy to figure out that the emailed comment form cannot be used on all computers!!! A note to this effect would have been helpful.

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Randy Sovic, DEP

Took draft strategy with me last week to review for discussions at PSWG and NSC meetings in Anapolis. Unfortunately, 1st chance to get back with any comments.

- 1) Pg. 7, Lines 7-9---Might expand on why the efficiencies are different. (Anyone?)
- 2) Pg. 11:
  - Line 9---Is "Georges" correct or is this Tyson? **Georges is correct**
  - Line 35---May want to caveat that although construction sites can be classed as NPS, hundreds or more are required to obtain permits as point sources and particularly now that the area has been reduced to 1 acre.
- 3) Pg.12: **Author's decision (Neil?)**
  - Line 4---Since technically you "measure" only the concentration of a pollutant and "calculate" its loading, suggest change "measure" to "address".
  - Line 5---Noting above, revise to "Concentration is **a measure of** how much..
  - Line 6---Add the word "principally" before designed.
  - Line 7---Change "wildlife" to "aquatic life".
  - Line 12---Add "a calculation" before "equal".
  - Line 44---Change "measuring" to "addressing".
- 4) Pg 13: **Neil**
  - Line 18---Delete comma
  - Line 28---Delete "were".
- 5) Pg.15: (Anyone?)
  - Line 14, 1st bullit---Add "municipal and ppoultry processing" before "ewastewater"
  - Line 31---Again, add " municipal" before "wastewater"
- 6) Pg.16: **Point Source Sub Committee**
  - Line 11---Still need to reflect the 10 mining operations in the total.
  - Line 31` ---Can't see how this figure of less than 100,000 gpd is accurate. If all 138 operations only discharge 1000gpd the value would exceed 100,000 gpd and I'm certain a number of these operations would have to be in the range of 5000 to 50,000 gpd. Might check with Cliff's or John Perkin's group to get an accurate number.
- 7) Pg.18, Lines 33 & 35--- Typo on "plants". **Neil**
- 8) Pg. 19, Line 8---Add the word "accurately" before "access" **Neil**
- 9) Pg. 28, Lines 25-28---Suggest adding "As a result" as lead in to the 2nd sentence beginning "Land pplication" and also suggest that this sentence be moved to after the 3rd sentence. (Anyone?)
- 10) Pg. 29: **Point Source Sub Committee**
  - Lines 9-12---Phrase "Future upgrades" could be misinterpreted here as the reader could interpret that this means that all these operations may be including NRT and although I'm not sure, but I don't believe this is the case. May want to make clear what "Future upgrade" means in this context.
  - Line 21--- Suggest check with Allyn/Bill but we may want to include the phrase "Aggressively seek" here.
  - Line 31---71% accurate if using reduction in lb/yr vs the 2003 load but believe may be more accurate to reflect the % 2010 to 2003 load which will yield 72%.
  - Lines 42-43---May want to expand on why these loans don't represent affordable financing alternatives. Presume this is alluding that these are not profitable for the banks as opposed to being affordable to the recipient? If presumption incorrect, may still want to expand.
- 11) Pg. 32: **Agriculture Sub Committee**
  - Line 24---"Is" a positive step or "would be" a positive step? In other words, is this occuring now or is this suggesting that this should be pursued?
  - Lines 43-47---Wouldn't seeking 100% cost share for "new partiipants" be unfair to all those past participants who did cost share BMPs in the past?
- 12) Pg.33, Line 19---Delete the word "to" aafter "can" **Agriculture Sub Committee**
- 13) Pg. 34, Line 22---Typo after "dignificant" **Agriculture Sub Committee**

14) Pg. 35, Lines 14-15---This atatement is not accutrate which leads to a **major** question of where is the TS for the James? Believe we have contribution from Greenbrier and Monroe Counties to this drainage basin which is nowhere reflected in our Draft Strategy. Did the Stakeholder groups only look at the Potomac? **No TS for the James, Yes stakeholders only looked at the Potomac**

15) **Forestry Sub Committee** Pg 38, Lines 6, 10, 15, & 19 ---Should these Roman Numerals instead be bullits to reflect additional assistance programs listed on the previous pg.? Consequently, should "V" be "I" on Line 28?

16) Pg. 41, Line 24---Typo on "runoff" **Neil**

17) Pg 42: **Neil**

Line 15---Believe reference to "Section III" should be "Chapter IV b"?

Line 29---Semicolin after "process"? Was there something more to be offered here? Doesn't fit with Lines 31-32?

Apologize for not using form requested but quickest way for me to get some comments in that hopefully will be of some benefit.

Absent accurate data which is absolutely critical to complete this project as well as the sorely insufficient time offered to produce the document, I applaud you and the other members of the groups for your dedicated efforts in undertaking this immense committment this past year.

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## United States Department of the Interior

NATIONAL PARK SERVICE  
Chesapeake Bay Program Office  
410 Severn Avenue, Suite 109  
Annapolis, MD 21403

IN REPLY REFER TO:

March 26, 2004

The Conservation Fund Freshwater Institute  
1098 Turner Road  
Shepherdstown, West Virginia 25443

RE: March 15, 2004 Draft of West Virginia's Potomac Tributary Strategy

This letter is submitted in response to the draft document entitled, "West Virginia's Potomac Tributary Strategy" available to the public on the [www.wv.net](http://www.wv.net) website for the West Virginia Tributary Strategies Stakeholders Group. In general, we found the document to be well-prepared and highly professional. The background and explanatory material was very helpful and should be quite readable for most citizens. In particular, the chapter overviews (*at a glance*) were very useful and prepared the reader for each chapter.

The National Park Service, Rivers, Trails and Conservation Assistance Program provides watershed assistance to state and local organizations throughout the Chesapeake Bay watershed. Our staff have been providing assistance to the Cacapon and Lost Rivers Land Trust and the South Branch Watershed Association of Hampshire County. This assistance is provided by National Park Service staff located in the Chesapeake

Bay Program's Watershed Assistance Workgroup of the Land, Growth and Stewardship Subcommittee. Representatives of the newly organized Watershed Assistance Workgroup have discussed West Virginia's future participation on the workgroup. We encourage the active participation of a West Virginia watershed representative on this workgroup.

The following specific comments reflect our interest and conviction in the benefits of comprehensive watershed management.

**Page 8, Land Use WV Potomac Basin**

It would be informative to the public to label each of the watersheds on the map.

**Page 27, Lines 9-10**

We believe that effective growth management, environmentally-sensitive design and strategic land conservation is the single-most effective approach to address future increases in loads caused by new development.

**Page 27, Lines 10-11**

The preparation and use (implementation) of a "comprehensive land management plan for the entire basin" would be of exceptional value and utility in managing the region's land use, particularly if such a plan included a watershed management component. Such an approach would also serve as a valuable example to guide similar efforts other jurisdictions. We recommend expanding this approach in the final strategy to compliment local land use activities. Similarly, the Commonwealth of Virginia has established Planning District Commissions which provide assistance to multi-county efforts and play a key role in coordinating among jurisdictions.

**Page 27, Outreach and Public Education**

Stakeholder-based watershed management planning would be an ideal mechanism to engage citizens, provide

education, develop guidelines for managing water resources, and foster stewardship and a conservation ethic.

**Page 27, Technical Assistance**

Through the Chesapeake Bay Program Watershed Assistance Workgroup, National Park Service staffs provide technical assistance in preparing and implementing watershed management plans to guide land use decisions, implement best management practices (BMP's), and address storm water needs and other related actions.

**Page 27, Tracking Strategy Implementation**

This discussion fails to specifically describe an approach or process to accomplish implementation of the tributary strategy. This discussion should be expanded to more fully address implementation. It would also be helpful to identify Federal, State, local and private programs available to assist with the implementation of BMP's and other activities. Virginia and other jurisdictions are viewing watershed management plans as a key step in the implementation process.

**Page 28, Lines 1-2**

We recommend explaining the local relevance and benefits of the West Virginia tributary strategy, best management practices and other implementation activities first, then describing how those benefits assist in meeting the Chesapeake Bay Program goals.

**Page 30, Lines 31-36**

According to our understanding, the West Virginia tributary strategy is a voluntary activity which has no relation to any possible future action associated with the development of a TMDL (Total Daily Maximum Load). In the event that the strategy does not effectively reduce the cap load allocations, more rigorous requirements may be necessary in the future.

Page 31, **Strategy**

An effective method for implementing agricultural BMP's is in conjunction with a proactive farm conservation easement program. Such an approach would preserve farmland as well as the significant cultural and economic dimensions of the West Virginia family farm, while installing important practices to improve area water quality. This would be augmented by newly organized farmland protection boards.

Page 31, **Education**

Education efforts should also target "early adopters;" those in the agricultural community who are viewed by others as leaders and who are receptive to new ideas and approaches.

Page 34, **Water Quality Testing**

Water quality testing to measure the effectiveness of BMP's is an extremely valuable tool to document efficiencies and provide feedback for adaptive management.

Page 42, Lines 43-47

The tributary strategy is a very equitable and objective way to "level the playing field" among all land uses and should be viewed as a balanced approach to managing the water resources of the region.

Page 43, Lines 27-31

Loss of family farms in West Virginia also results from the retirement of older farmers who have no family members interested in continuing to farm. Often, these farmers are forced to sell in order to financially afford retirement. A viable farmland conservation program could effectively address this issue.

We appreciate the opportunity to provide our comments and look forward to future involvement.

Sincerely,

*/s/ Wink Hastings*

Wink Hastings  
Director  
Rivers, Trails and Conservation Assistance  
Chesapeake Bay Program

cc: Rebecca Hanmer, U. S. Environmental Protection Agency  
Nancy Ailes, Cacapon and Lost Rivers Land Trust  
Bill Milleson, South Branch Watershed Association of Hampshire County

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# West Virginia's Potomac Tributary Strategy Draft Document

Public Comments

**March 31, 2004**

To Whom It May Concern:

Please find the attached Public Comment Form regarding West Virginia's Potomac Tributary Strategy and West Virginia Rivers Coalition's (WVRC's) comments. While these comments are submitted beyond the March 29, 2004 submission deadline, we hope that you will incorporate them and consider them as valid comments.

While it is no excuse, we have been inundated with public hearings and public comments. In the past few days we have attended, commented publicly and provided written comments on the Mettiki Coal NPDES and Article III permits for their E-mine in Tucker County, as well as for the federal Office of Surface Mining's proposed Buffer Zone Rule change which had hearings in both Charleston and Washington, DC. Additional commenting on DEP's consent decree with Pilgrim's Pride, an intervention before the WV Environmental Quality Board regarding Evergreen Mining's attack on the Category A public drinking standard, and an appeal before the Surface Mine Board on Mettiki's other permit for the same mine have had our meager resources stretched to their limit.

Due to WVRC having two board members, Ms. Abby Chapple and Ms. Margaret Janes, and several general members participating in the Potomac Tributary Strategy and submitting written comments, we deemed our comments to be a low priority for this week. However, WVRC does consider the West Virginia Potomac Tributary Strategy to be an important and pertinent effort to reducing nutrients in the Potomac basin, and to doing our share in cleaning up the Chesapeake Bay.

Again, this is important work to be conducted and we value the efforts of DEP and most of the stakeholders in developing the draft document. A lot of time, effort and hard work has gone into this document. Therefore, we ask that our comments be accepted.

Our concerns with the WV Potomac Tributary Strategy focus on two significant sources of nutrients that are deposited into the Potomac: small sewage treatment plants and agriculture.

Regarding the former, the 138 small sewage treatment plants that are deemed insignificant by the Chesapeake Bay model (and by DEP as well?) are anything but. Often these small plants are operated improperly and cannot handle the loads during storm events. They are considerable sources of nutrient deposition and must be incorporated in any plan to reduce nutrients.

The latter is the most disheartening. Arguably the most significant source of nutrient deposition in the Potomac basin is agriculture. Yet, this community has been obstinate in refusing to participate with the rest of the stakeholders in determining what can be done to reduce nutrient deposition. While others have arrived at actual numbers to determine needed reductions, agriculture has steadfastly refused. They fear these numbers will lead to regulations demanding reductions.

As such, the Potomac Tributary Strategy draft is meaningless without ag's numbers. West Virginia will never be able to accomplish the necessary reductions when the primary source(s) will not participate. Everyone else will be held accountable for reductions, except the largest constituent. It is a shame that the document proceeded to the draft stage without ag's numbers. If ag cannot play well with others, then the others should determine ag's numbers for them – an outcome I would guess ag would be most displeased with.

Again, until agriculture is forced to put numbers into the document, it is worthless. The real shame is that many citizens and volunteers, as well as agency personnel, spent significant time, money and hard work to achieve something for the greater good, but in the end it will be meaningless. It is a further shame that DEP allowed this to occur.

Sincerely,

Jeremy P. Muller  
Executive Director

# West Virginia's Potomac Tributary Strategy Public Comment Form

Comment Period March 15<sup>th</sup> – March 29<sup>th</sup>

The West Virginia Stakeholder Group has released the first draft Potomac Tributary Strategy for public comment. The document will be available at the end of business Monday March 15<sup>th</sup> on the website: [www.wvnet.org](http://www.wvnet.org), at the Martinsburg USDA Office at 1450 –6 Edwin Miller Boulevard, the Moorefield Field WVDA and WVCA field offices at 60 Moorefield Industrial Park Road and at all WVU County Extension Offices in the Potomac headwaters.

All comments must be attributed to an individual to be incorporated into the document, therefore name and contact information is required. Use additional sheets if needed. Deadline for submitting comments is March 29<sup>th</sup>. Submission of this form as an attachment to an e-mail is encouraged: [survey@wvnet.org](mailto:survey@wvnet.org)

**Name:** *Jeremy P. Muller*

**Participating Stakeholder:**  Yes  No

**Address:** *801 North Randolph Ave, Elkins, WV 26241*

**Affiliation:** *West Virginia Rivers Coalition*

**E-mail:** *jmuller@wvrivers.org*

## Stakeholder Process

Did you know about the stakeholder process? Yes  No

*No, or Yes, but did not participate, How could we have gotten you involved? West Virginia Rivers Coalition was represented by Abby Chapple and another board member, Margaret Janes, participated as well. The process is too lengthy and the problems facing WV's rivers and streams are far too great for us to devote staff time and resources to the tributary strategy, despite it being a worthy effort.*

**Document Background**

Do you feel the overall document is written on a level that the general public can and will understand? Yes  No

No, Specifically, what section(s) pages would you change? *The entire process is much too lengthy and esoteric for the average West Virginian to pay attention to. Who is going to follow a year-long process incorporating models and pollutant loads, etc. Your average citizen will have lost interest after the first month. You need to develop a method for this and other DEP endeavors that a working citizen can attend and participate in. It must be conducted to ease the burden on the participant. One must miss work and there was no funding to cover costs incurred by citizens.*

Did the document clearly explain WV's commitment and reason for participation?

Yes  No

No, Comments or Questions?

**Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes  No

No, What areas did we miss? *You did not incorporate the 138 small sewage treatment plants. Yes, the Bay model considers them small, but they are often operated improperly and can be overwhelmed by storm events. They are a significant source of nutrients and considerable reductions in nutrient deposition could be averted if existing permits for these facilities were enforced by DEP's Environmental Enforcement division. Additionally, a phosphate ban, such as those existing in each of our neighboring states ought to be enacted immediately. Why is WV always the last to do something?*

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No

No, What BMPs would you like to see promoted and or explored? *How can anyone tell if BMPs are being implemented adequately? They are voluntary and unless DEP visits each and every site, no one will know what's been done and what the result is for water quality. DEP needs to have regulated BMPs. Voluntary obviously is insufficient.*

**Specific Document Comments** (include section, page, and comment)

# West Virginia's Potomac Tributary Strategy Public Comment Form

## Comment Period March 15<sup>th</sup> - March 29<sup>th</sup>

The West Virginia Stakeholder Group has released the first draft Potomac Tributary Strategy for public comment. The document will be available at the end of business Monday March 15<sup>th</sup> on the website: [www.wvnet.org](http://www.wvnet.org), at the Martinsburg USDA Office at 1450 -6 Edwin Miller Boulevard, the Moorefield Field WVDA and WVCA field offices at 60 Moorefield Industrial Park Road and at all WVU County Extension Offices in the Potomac headwaters.

All comments must be attributed to an individual to be incorporated into the document, therefore name and contact information is required. Use additional sheets if needed. Deadline for submitting comments is March 29<sup>th</sup>. Submission of this form as an attachment to an e-mail is encouraged: [survey@wvnet.org](mailto:survey@wvnet.org)

Name: *Andy Wilkins*  
 Participating Stakeholder:  Yes  No *Note: However only at last Moorefield meeting on March 11 because I did not know about it before.*  
 Address: *21371 South Fork Road*  
*Milan, WV 26038-6005*  
 Affiliation: *Farmer*  
 E-mail:

**Stakeholder Process**  
 Did you know about the stakeholder process? Yes  No  *but late in the process*  
 No, or Yes, but did not participate, How could we have gotten you involved?

**Document Background**  
 Do you feel the overall document is written on a level that the general public can and will understand? Yes  No   
 No, Specifically, what section(s) pages would you change?  
 Did the document clearly explain WV's commitment and reason for participation?  
 Yes  No   
 No, Comments or Questions?  
*With WV signing on late, could we get an extension so we have the same amount of time to meet the cap loads?*

**Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes  No  I'd you can follow up on all of them

No, What areas did we miss?

Note: I disagree with the DNR about how much wildl. is likely to add. (I believe they are underestimating.)

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No

No, What BMPs would you like to see promoted and or explored?

While I believe great progress has been made in agriculture and non point sources, I believe urban landowners are becoming a greater source. (Everyone wants a nice green yard and many use ~~the~~ fertilizer without ~~the~~ soil testing.)

Note: my personal opinion

**Specific Document Comments (include section, page, and comment)**

See attached page

**Specific Process Comments**

Please return comment form by March 29<sup>th</sup>

Survey@wvnet.org

Fax: (304) 870-2205

Survey: 1098 Turner Road, Shepherdstown, WV 25443

## 5. The Chesapeake Bay Watershed Model and Load Estimates

page 20 "b. How the Watershed Model works."

As new, higher precision models are released, will the cap loads change to reflect the greater precision?

## 6. Implementation Strategies

### a. Urban and Mixed Open Strategy Nutrient Management

page 26 line 24 "... public use airport runway (none of which are paved) ..."

Although I have not specifically checked, I believe the Grant County Airport in Petersburg is paved.

### a. Agriculture Strategies

#### Background Information and Intro

page 30 lines 33-36 "It is one concern of the agriculture community that if exact Best Management Practices (BMP) numbers are developed and included within this document, farmers could be forced to implement those BMP's if ..."

It is my understanding that on the North Fork (with the North Fork Watershed Association), if there were funds in the 319 and 534 programs that were not being used for their planned BMP's, they were transferred to other BMPs in the watershed. This approach worked on the North Fork. Please give us the same option.

page 30 line 36 – page 31 line 3 "A second concern of the agriculture community is that the actual numbers generated by the Chesapeake Bay model are inaccurate. ... The actual water quality must be verified by water quality monitoring."

Please note that several of the WV DEP's proposed Tier 2.5 & 3 streams are in or near this area.

page 32 line 34

#### BMP Installation Program

The program also needs to note that if a BMP takes land out of production (as a buffer strip could), the farmer will lose production and therefore income as long as the BMP is in place unless offset by a continuing income replacement program.

page 35

### b. Forestry Strategies

I did not see any plans or comments from public forest representatives. (Both the Monongahela National Forest and the George Washington National Forest have land in the watershed.)

## 7. Challenges to Implementation

### d. Agriculture

page 42 lines 24-25 "... West Virginia has been actively involved in pollution reduction programs for more than twenty years. Many of the regions farmers have participated in these voluntary programs ..."

With this past history, are we beginning to see the effects of the Law of Diminishing Returns where it will take more dollars or other inputs for the same or less return?

# West Virginia's Potomac Tributary Strategy Public Comment Form

**Comment Period March 15<sup>th</sup> – March 29<sup>th</sup>**

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All comments must be attributed to an individual to be incorporated into the document, therefore name and contact information is required. Use additional sheets if needed. Deadline for submitting comments is March 29<sup>th</sup>. Submission of this form as an attachment to an e-mail is encouraged: [survey@wvnet.org](mailto:survey@wvnet.org)

**Name: Robert L. Williams**

**Participating Stakeholder: X Yes  No**

**Address: 1 Red Rock Road**

**Buckhannon, West Virginia 26201**

**Affiliation: , West Virginia Farm Bureau**

## **Stakeholder Process**

Did you know about the stakeholder process? Yes X No

No, or Yes, but did not participate, How could we have gotten you involved?

## **Document Background**

Do you feel the overall document is written on a level that the general public can and will understand? Yes X No

No, Specifically, what section(s) pages would you change?

Did the document clearly explain WV's commitment and reason for participation?

Yes  No X

No, Comments or Questions?

See Attached

**Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes  No

No, What areas did we miss?

See Attached

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No

No, What BMPs would you like to see promoted and or explored?

See Attached

**Specific Process Comments**

**Please return comment form by March 29<sup>th</sup>**

**Survey@wvnet.org**

**Fax: (304) 870-2205**

**Survey: 1098 Turner Road, Shepherdstown, WV 25443**

# West Virginia Farm Bureau

Member of American Farm Bureau Federation

1 Red Rock Road, Buckhannon, WV 26201  
(304) 472-2080 • 1-800-398-4630  
FAX (304) 472-6554



## Comments on

## West Virginia's Potomac Tributary Strategy

By

West Virginia Farm Bureau

Prepared by

**Robert L. Williams**  
Executive Secretary

Submitted March 29, 2004

### General Comments:

The strategy developed by the stakeholders and government agencies has focused on attempting to develop plans which will indicate that we can and will affect reductions in nitrogen, phosphorus and sediment originating in West Virginia and having an impact on the Chesapeake Bay. All of these plan and strategies focus all of our attention on the cap load allocations as predicted by the Chesapeake Bay Watershed Model (CBWM). No attention has been given to actually reducing the nutrient and sediment deposited in the Bay. In reviewing the data generated by the CBWM, most if not all of the stakeholders felt that the model has serious flaws and inaccuracies and does not accurately reflect the impacts generated by West Virginia. We believe the contributions are grossly overstated for the agriculture sector. Water quality data that has been collected for several years has not, as of yet, been incorporated into the CBWM. Until all of the available data which includes the efforts made to reduce runoff by agriculture, forestry, point sources and others has been adequately evaluated and the data examined by the model, developing strategies to have a real affect are a waste of resources. We must know where the problems are and how large they are before any useful plan can be developed.

Nearly all of the effort of the stakeholders has gone into four areas, urban, point sources, agriculture and forestry. While all of these segments of the society will need to be a part of the long-term strategy, there are some segments that obviously contribute huge amounts of one or more of the studied components and are virtually ignored in this plan. Some of those areas include runoff from dirt roads, road banks and unstable stream banks that contribute tons of sediment each year. Failing and non-existent waste treatment systems, both residential and commercial, are prevalent throughout the region. The

nutrient contribution of native and non-native wildlife is not considered although populations have skyrocketed. The proliferation of new housing throughout the Potomac River basin has been dramatic over the past fifteen years. No effort has been made to identify the affect of these changes in land use. Homeowners, lawn treatment companies and golf courses are all obvious and substantial contributors of nutrients and must be reviewed and managed.

The West Virginia Farm Bureau encourages those in positions of authority to reevaluate the entire process of strategy development and to focus on the actual contributions of pollutants to the Bay and not an inaccurate computer model.

#### **Document Specific Comments:**

The lack of a bibliography or literature citation in the draft document has hindered the review of the literature. Throughout the document, references are made to various publications through citation. Only literature that has been through a review process should be cited as fact. Popular articles and those published in non-refereed journals may be factual but without peer review they may be suspect.

Page 12- We suggest adding the word “according to the model” after the word harm on line 42.

Page 13- We suggest striking the final sentence in the second paragraph (lines 12-14). This is a threat that seems inappropriate at a time when we are so early in the planning of a strategy document.

Page 15- The information in the box between lines 14 and 15 needs to be expanded to include other sources of nutrients and sediment as outlined in our general comments. In addition, in the last bullet in the box, the word potential needs to be removed. I do not think there is any doubt about dirt roads, untreated sewage, etc. being sources

Page 15- We suggest removing the words “ such as those found in Hardy County, WV” from the sentence. They serve no purpose.

Section a-Point Sources (pages 15 & 16). This section outlines the contributions from point sources. It seems inappropriate to eliminate those point sources that contribute less than 50,000 per day as insignificant. They certainly contribute something and should be considered. Line 38 mentions 29 non-significant facilities, twelve of which are privately owned sewage treatment facilities. Some reports have indicated that many of these private package plants are the worse performing treatment facilities and should probably be considered in the plan.

Page 18- Line 24-25. This role of wildlife is indisputable. The volume of their contribution may be hard to estimate but their role is clear. This statement needs to be rewritten to reflect a clear contribution due to an overpopulation of wildlife species.

Chapter 5- CBWM. We believe this section should be removed in its entirety. One of the few areas of consensus in the stakeholder process was that the CBWM does not accurately reflect the current water quality in West Virginia or the level of nutrient and sediment contributions that impact the Chesapeake Bay. We should not spend five pages describing something we do not believe. At a minimum, there should be a **strong** statement of disagreement at the beginning of the section.

### **Implementation Strategies:**

#### **Urban and Mixed Open Strategy**

The efforts proposed in this strategy seem minimal when compared to the explosion of growth in housing that has occurred in the region over the past several years. No efforts have been made to control nutrient and sediment contributions other than through stormwater management programs. These programs have been and will likely continue to be effective. Nutrient runoff from golf courses and home lawns is an area of potential significant contribution to the Bay. This plan does little to address these areas. They are difficult to manage but the plan falls short in addressing them.

Page 26, lines 23-26. This information is wrong. There are airports with paved runways in Martinsburg, Berkeley Springs and Wiley Ford. There may be others. Two of these are located on the banks of the Potomac River or its tributaries. The contributions may be significant and to plan to “explore” seems like a weak approach.

Page 26, lines 28-38. This section deals with wastewater treatment but fails to consider households with no sewage treatment. The State Journal reported that 137,000 households in West Virginia had no form of sewage treatment. If that number were evenly distributed across the State, it would equal more households in the Chesapeake Bay drainage without sewage than the entire populations of Hardy and Grant Counties. This is a significant contribution and should not be ignored.

#### **Agriculture Strategies**

The West Virginia Farm Bureau reserves the right to comment on the agriculture strategies on a future date. In a meeting between Agriculture Commissioner Gus R. Douglass and the Agriculture Sub-committee on March 24, Commissioner Douglass assured those in attendance of the right to comment on the final draft of this strategy. We will comment as appropriate at that time.

#### **Wildlife Strategies**

This section is an insult to those who own land in West Virginia. Wildlife populations have exploded over the past several years and the status quo approach is not an acceptable.

**Conclusion:**

Thank you for the opportunity to comment on this document. Farmers in West Virginia are committed to do all they can reasonably do to improve water quality. Agriculture producers have for more than 20 years been taking steps to reduce nutrient flows into the streams. Farmers regard the nutrients applied to their land as an asset that provides them with financial gains when utilized by the plant thereby increasing production. No farmer applies nutrients to the land so that they may runoff to the stream and no farmer allows soil erosion to take his or her valuable land and wash it to the stream intentionally.

Much effort and investment by the landowner and the government has been directed at agriculture over the past several decades and much has been accomplished. Many other segments of society have not invested their resources in preventing nutrient and sediment runoffs. We must identify the problems through water quality testing and develop directed strategies. Improving the Chesapeake Bay will not be accomplished by computers, it will be accomplished by government and landowners working together to address problem areas. This effort should be supported by real water quality data not speculation.

CC: Gus R. Douglass

Phyllis Cole

J.D. Wilkins

Steve Hannah

Matt Monroe

Charles Wilfong

Rodney Branson

Steve Conrad

Bill Milleson

Andy Walker

Mark Hedrick

Emily Funk

Doug Stolifer

Tom Brand

# Region 8 Planning and Development Council

Grant County Industrial Park  
PO Box 849  
Petersburg, WV 26847

Telephone (304) 257-2448  
Fax (304) 257-4958  
E-Mail: region8mail@region8pdc.org

## MEMORANDUM

TO: WV Tributary Strategy Stakeholders Working Group  
FROM: Kenneth W. Dyche   
RE: WV Potomac Tributary Strategy  
DATE: March 26, 2004

---

I offer the following comments on the draft WV Potomac Tributary Strategy:

- On page 9 the document states that the Potomac Valley Conservation District is one of West Virginia's most agricultural areas. The 1997 Census of Agriculture indicates that the region accounts for over 52% of West Virginia's sales of agricultural products. It is more accurate to describe the District as West Virginia's most significant agricultural area.
- On page 9 line 34 the document states that populations in Grant, Mineral, and Pendleton Counties may decline. These counties have enjoyed essentially stable or growing populations for many decades. Nothing in information currently available to the Region 8 Planning and Development Council indicates that the counties will experience population decline.
- On page 25 the document discusses the need for storm water management on approximately 50% of urban lands. It suggests an annual cost of \$12,400,000 for implementing Urban and Mixed Open Best Management Practices. This represents a significant new cost for the identified area. Significant attention must be directed toward identifying resources to cover the estimated cost. Imposing a major portion of this cost on local governments will overburden public funding systems.

- On page 26 the document states that it is important that all counties and municipalities understand and have the capacity to develop storm water management plans and follow current state storm water regulations. This may require an increase in state personnel responsible for the oversight of storm water programs. Few if any of the local governments in Region 8 have the capacity to develop storm water management plans. Increasing state personnel responsible for the oversight of storm water programs will not give these local governments the required capacity. Local governments in Region 8 are extremely concerned about water quality. Unfortunately they lack the resources to develop and implement programs. Their budgets are overburdened by existing costs. Development of the required capacity will require substantial financial support from federal and state agencies.
- Also on page 26 the document indicates that the best method for reducing pollutant loads from onsite and decentralized wastewater treatment systems would be through management by an entity such as a public service district. Public Service Districts are challenged by the operational requirements of existing water and sewer systems. Implementation of this strategy would require a significant educational effort. Sheltering of the PSDs from adverse financial consequences would enhance effective implementation of this strategy.
- On page 27 beginning at line 37 the document discusses technical assistance and tracking strategy implementation. As previously noted in these comments, local governments will require direct financial assistance to achieve strategy implementation. Technical assistance alone will not give these burdened local governments the capacity to develop, implement, and track best practices.
- On page 28 beginning at line 42 the document discusses a voluntary partnership with local governments to achieve load goals. While the intent may be to establish voluntary goals, I believe that West Virginia permitting agencies will act to effectively require their use. While the document recognizes that 100% grant funding is required for capital costs, it does not address the additional operating costs. The addition of \$7-17 per month per average customer for an operating cost will be a burden on sewer customers in the Potomac Highlands. Many of the wastewater treatment facilities in Region 8 were developed under guidelines from the West Virginia Infrastructure and Jobs Development Council. These guidelines required the maximum rate participation by sewer users. Adding operating costs of this scale will create a rate burden for sewer users. Agencies involved in this effort should direct attention to developing funding sources that would

subsidize this operational cost. Failure to develop such a subsidy will result in a high level of rate protests from sewer customers.

- Beginning at page 30 significant portions of the document are not available for review. Completion of the document without public review of these sections seems to make a mockery of the public review process. Likewise the abbreviated public review period will do little to develop public support for the final document. Adoption of the final document should be delayed until the document is complete and the public has had at least a 30-day review and comment period. Additionally, an effort should be made to involve county commissions, municipalities and local development authorities in the review process. At a minimum these impacted agencies should be provided a complete review document at the beginning of the review period.

I am attaching a copy of the Region 8 Planning and Development Council's Regional Development Plan for FY 2004-2008. I direct your attention to the area development characteristics and trends that begins on page 7. This portion of the document provides a substantial economic analysis of the Potomac Valley District.

The Region 8 Planning and Development Council shares the desire of the Working Group and cooperating agencies to protect and improve waters in the Potomac River Basin. I look forward to your consideration of these comments in completion of a final document.

# West Virginia's Potomac Tributary Strategy Public Comment Form

Comment Period March 15<sup>th</sup> – March 29<sup>th</sup>

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All comments must be attributed to an individual to be incorporated into the document, therefore name and contact information is required. Use additional sheets if needed. Deadline for submitting comments is March 29<sup>th</sup>. Submission of this form as an attachment to an e-mail is encouraged: [survey@wvnet.org](mailto:survey@wvnet.org)

<b>Name:</b> Robert McCalley
<b>Participating Stakeholder:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (what is the definition of Participating Stakeholder?)
<b>Address:</b> 11 Dogwood Dr. Petersburg, WV 26847
<b>Affiliation:</b> Land owner
<b>E-mail:</b> mccalley@Frontier.net.net

<b>Stakeholder Process</b>
Did you know about the stakeholder process? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
No, or Yes, but did not participate, How could we have gotten you involved? More visibility of the process throughout the media - paper, radio, etc.

<b>Document Background</b>
Do you feel the overall document is written on a level that the general public can and will understand? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
No, Specifically, what section(s) pages would you change? Most - in order to provide a better document flow including Glossary, methodology for study, support for conclusions and recommendations, missing tables and cost/benefit analysis. Also, a breakdown of funding requests would be helpful.
Did the document clearly explain WV's commitment and reason for participation? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
No, Comments or Questions?

**Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes  No  Can't tell.

No, What areas did we miss? A listing of BMP's with definitions, level of implementation required to meet reduction goals, amount of reduction that can be achieved and costs - would be a big help.

Do you feel WV is adequately implementing best management practices to reduce

pollution? Yes  No  Can't tell from this document because no real data was given that says this BMP had this impact.

No, What BMPs would you like to see promoted and or explored?

WV is implementing BMP's but it appears the cause and effect is unknown in a quantitative way. Said another way,

**Specific Document Comments (include section, page, and comment)**

Establish intermediate goals prior to 2010 in order to measure success and to have time for mid-term corrections.

**Specific Process Comments**

Leave more time for review and comments. The availability of this document was in the 3/24 local paper.

Please return comment form by March 29<sup>th</sup>

Survey@wvnet.org

Fax: (304) 870-2205

Survey: 1098 Turner Road, Shepherdstown, WV 25443



# Town of Moorefield

206 WINCHESTER AVENUE - MOOREFIELD, WEST VIRGINIA 26836  
PHONE & TDD: 304-538-6142 FAX: 304-538-6933  
E-MAIL: townofmofd@hardynet.com (City Hall)  
mofdtn@hardynet.com (All Other Departments)

## FAX TRANSMITTAL COVER SHEET

**DATE:** March 26, 2004

**# OF PAGES:** 2

**TO:** WV Tributary Strategy Plan

(Including Cover Sheet)

**FAX #:** 1-304-870-2205

**FROM:** Phyllis Sherman

Town of Moorefield  
206 Winchester Avenue  
Moorefield, WV 26836  
Phone: (304) 538-6142  
Fax: (304) 538-6933

**SUBJECT:** Re: Comments ref. survey

**ALL PAGES OF THIS FAX TRANSMISSION ARE NOT RECEIVED OR  
FAX TRANSMISSION IS NOT CLEAR, PLEASE CALL US AT (304) 538-  
6142 TO ADVISE US OF THIS.**



# Town of Moorefield

206 WINCHESTER AVENUE - MOOREFIELD, WEST VIRGINIA 26836  
PHONE & TDD: 304-538-6142 FAX: 304-538-6933  
E-MAIL: townofmfd@hardynet.com (City Hall)  
mfdin@hardynet.com (All Other Departments)

March 26, 2004

Mr. John H. Wagoner  
Chairman  
Potomac Headwaters  
151 Aikens Center  
Martinsburg, WV 25401-6211

Dear Mr. Wagoner:

We appreciate the opportunity to respond to the draft WV Potomac Tributary Strategy. The Town of Moorefield concurs with the strategy as it relates to the necessity of providing grant funds for capital costs.

The Town is currently proposing a "state of the art" Regional Wastewater Facility to include two poultry plants, a portion of Hardy County and the Town of Moorefield. The proposed plant will eliminate three discharge points and two combined sewer overflows into the Potomac River. Additionally, it will reduce nitrogen by 90% and phosphorus by 85%. To accomplish this costly endeavor, the Town is actively seeking grant funds to design and construct this project.

Sincerely,

Phyllis J. Sherman  
Recorder

# West Virginia's Potomac Tributary Strategy Public Comment Form

**Comment Period March 15<sup>th</sup> – March 29<sup>th</sup>**

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All comments must be attributed to an individual to be incorporated into the document, therefore name and contact information is required. Use additional sheets if needed. Deadline for submitting comments is March 29<sup>th</sup>. Submission of this form as an attachment to an e-mail is encouraged: [survey@wvnet.org](mailto:survey@wvnet.org)

**Name:** Billy Riggleman

**Participating Stakeholder:**  Yes  No

**Address:** 302 S. Water Street, Martinsburg WV

**Affiliation:**

**E-mail:** Briglman@aol.com

## Stakeholder Process

Did you know about the stakeholder process? Yes  No

No, or Yes, but did not participate, How could we have gotten you involved?

## Document Background

Do you feel the overall document is written on a level that the general public can and will understand? Yes  No

No, Specifically, what section(s) pages would you change?

Did the document clearly explain WV's commitment and reason for participation?

Yes  No

No, Comments or Questions?

**Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes  No

No, What areas did we miss?

Combined sewers in cities that cause overflow of the sanitary sewers ~~and~~ <sup>which then</sup> empty into the streams

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No

No, What BMPs would you like to see promoted and or explored?

**Specific Process Comments**

As noted above, stormwater flows in cities and towns is mentioned but not taken seriously as a pollutant source. Yet , in at least some cities such as Martinsburg, the storm water either by infiltration or by direct connection flows into the sanitary sewers causing them to overflow with each heavy rainstorm

**Please return comment form by March 29<sup>th</sup>**

**Survey@wvnet.org**

**Fax: (304) 870-2205**

**Survey: 1098 Turner Road, Shepherdstown, WV 25443**



[www.potomac.org](http://www.potomac.org)

10 South Loudoun Street • Winchester, VA 22601 • 540.667.3606 • Fax 540.667.7748

Shenandoah Resource Center

3/26/04

Dear Matt-

Enclosed is a copy of Potomac Conservancy's comments on the Trib Strategy. You & Christy have done a great job, under difficult circumstances. I hope we can continue to work together to move this process forward in a constructive & collaborative way. Please give a call if there are ways you think Potomac Conservancy might be able to lend assistance.

All the best,

Heather



[www.potomac.org](http://www.potomac.org)

March 26, 2004

West Virginia Tributary Strategy Survey  
1098 Turner Road  
Shepherdstown, WV 25443

**RE: Potomac Conservancy's Comments on  
West Virginia's Potomac Tributary Strategy**

Dear Strategy Stakeholders:

Please accept the following comments on West Virginia's Potomac Tributary Strategy from the Potomac Conservancy. I was pleased to participate in the WV Tributary Strategy Stakeholders Working Group and look forward to future collaboration with the people involved in that effort. While the Tributary Strategy may not be as comprehensive as some would like, the process of talking over these issues as a group makes future progress on reducing nutrient and sediment loads to the Chesapeake Bay a possibility.

Overall, the document makes a strong start at outlining a plan to reduce West Virginia's contribution of nutrients to the Chesapeake Bay. Although many have suggested that the state's contribution to the Bay's nutrient load is so small as to be negligible, reducing the flow of nitrogen, phosphorus and sediment into WV's waters will help benefit local residents, as well as those who live and work on the Chesapeake Bay, by providing clean water for both drinking and recreation. The Strategy should make clear that the steps outlined in the implementation plan will not only contribute to cleaning up the Chesapeake Bay, but will also contribute to making West Virginia's waters cleaner, safer and more enjoyable for both local residents and the tourists who flock to the state for its recreational opportunities.

Potomac Conservancy suggests the following changes and additions to the Tributary Strategy:

- Implementation actions for non-point source pollution should be targeted, especially in the first years, toward the most impaired watersheds, thereby helping to both achieve the Cap Load Allocations and clean up the local waterways most in need.
- The Strategy needs to be stronger in emphasizing its voluntary nature of both the process and the implementation plan. The process of creating the Tributary Strategy is unique in that instead of the federal government dictating solutions that may or may not be acceptable or appropriate for the region, the process

allows local communities to decide how best to meet the stated objectives. This point should be emphasized to encourage more constructive and collaborative participation during the refinement and implementation of the Tributary Strategy. Increased cooperation between all stakeholders will be a vital component in achieving the Cap Load Allocations and maintaining nutrient and sediment loads.

- The Tributary Strategy should outline a plan to identify those Best Management Practices (BMPs) that are the most efficient at removing nutrients, most acceptable to landowners, and the most cost-effective to install and maintain. We understand the reluctance on the part of farmers to commit to specific numbers pertaining to BMPs, but in order to receive federal and private funding, the Stakeholder Group will need to generate a list of specific BMPs that are effective and estimate what it would cost to install them. Significant opportunities for funding will present themselves if the stakeholders can present a comprehensive, workable, meaningful plan to use that funding.
- Since the agriculture implementation plan is somewhat light on the details of what BMPs will be installed, I would suggest adding a section outlining how the refinement and implementation will be carried out. A lead agency and roles in implementation for the varying groups involved in the stakeholder process should be at least suggested.
- The Strategy should also include a specific plan for reaching out to landowners and farmers to help determine how much money would be necessary to implement specific BMPs in WV's Potomac Basin.

Overall, this Strategy provides a good start for both cleaning up the Chesapeake Bay and West Virginia's waters. Potomac Conservancy looks forward to continued collaboration with the Stakeholder Group to further refine this plan and put it into action. Please feel free to call me at (540) 667-3606 if you have any questions about our comments.

All the best,



Heather M. Richards  
Land Protection Manager

Cc: Matt Monroe, WV Department of Agriculture

## Round Two Comments May 2004

May 26, 2004

To: Potomac Tributary Strategy Stakeholders Group

From: Clifton Browning  
Berkeley County PSSD

Re: Point Source Workgroup strategy

On behalf of the Berkeley County PSSD I would like to offer the following comments to the revised proposed strategy. Some of our comments submitted previously we believe should be addressed more clearly before this document is finalized.

As requested before, I would like to request that it be included in this report that the DEP require all private waste water treatment plants connect to public collection/treatment plants when they become available. As you pointed out in your response we agree that the statement requiring these wastewater treatment systems connect upon availability is in every WV/NPDES permit issued. However, we request that the DEP enforce this section of their permits and make it mandatory to connect to public sewer. This is a requirement of each permit that if enforced would eliminate sources of nutrients you have included in this document. A larger well-run facility would discharge far less nutrients than the smaller facilities are.

The greatest concern still remains and you do not address other than “as funding becomes available” is the costs associated with any proposal. If these funding sources are not available, then the DEP should not place any language in the point source’s permit. This funding source needs to be made available to bear the cost of all the necessary upgrades in treatment and continual O&M costs associated with these upgrades. You noted in this report that the cost to the point sources would be between \$7 and \$17 per month per customer. This cost we believe would be greater due to the statement in your report that all sludges would banned from being land applied.

Potomac Stakeholders Strategy  
March 29, 2004  
Page 2

No changes were made in the proposed effluent limits. We believe that it will be difficult to obtain an engineering company that will certify a treatment system would be able to meet these limits for phosphorus much less any limits more stringent.

Our suggestion for seasonal limits assigned should still be discussed. This would accommodate for the increased stream flow, lower water temperature, etc. associated with the winter and spring months. The stream model should be run with the seasonal

conditions to determine the load of nutrients during various seasonal changes and the impact to the Bay during these times.

There is also mentioning of disallowing the land application of the sludge as a result of the additional needed technology. We believe that this is premature and should be removed from the document unless the DEP has scientific information that would prove this would be necessary. We suggest a pilot project at small facility that currently land fills all sludges. Install needed technology and monitor the metal content.

Thank you again for the opportunity to participate in the stakeholder committee and I look forward to any future meeting. I will also fill out the on-line comment form.

---

## Region 8 Planning and Development Council

Kenneth W. Dyché  
Executive Director  
Grant County Industrial Park  
2292  
PO Box 849  
kdyché@region8pdc.org  
Petersburg, WV 26847

Telephone (304) 257-2448  
Mobile (304) 668-2655  
Fax (304) 257-

# MEMORANDUM

**To:** West Virginia Tributary Strategy Stakeholders Working Group  
**From:** Ken Dyché  
**Subject:** Comments on Revised WV Potomac Tributary Strategy  
**Date:** 8/3/05

I appreciated the opportunity to review the revised Potomac Tributary Strategy. The revised document represents a significant improvement from the first draft. I offer the following comments.

Implementation of the proposed strategy for wastewater treatment plants will significantly increase operation and maintenance costs. These increased O&M costs will lower the ability of treatment systems to borrow funds while maintaining affordable rates as defined by the West Virginia Infrastructure and Jobs Development Council. Implementation of the strategy will require development of additional grant resources for all components of wastewater

systems, not just those directly related to the strategy.

The Potomac Highlands agricultural community continues to face economic challenges. The strategy must continue to reflect a need to provide the maximum level of grant assistance to farmers as they struggle to implement needed measures.

I would greatly appreciate the Working Group adding the Region 8 PDC to its mailing list for meeting notices and other materials.

## West Virginia's Potomac Tributary Strategy Public Comment Form

**Comment Period March 15<sup>th</sup> – March 29<sup>th</sup>**

The West Virginia Stakeholder Group has released the first draft Potomac Tributary Strategy for public comment. The document will be available at the end of business Monday March 15<sup>th</sup> on the website: [www.wvnet.org](http://www.wvnet.org), at the Martinsburg USDA Office at 1450 –6 Edwin Miller Boulevard, the Moorefield Field WVDA and WVCA field offices at 60 Moorefield Industrial Park Road and at all WVU County Extension Offices in the Potomac headwaters.

All comments must be attributed to an individual to be incorporated into the document, therefore name and contact information is required. Use additional sheets if needed. Deadline for submitting comments is March 29<sup>th</sup>. Submission of this form as an attachment to an e-mail is encouraged: [survey@wvnet.org](mailto:survey@wvnet.org)

**Name: Sherry Evasic**

**Participating Stakeholder:**  Yes  No

**Address: 512 Paxton Cut Drive Hedgesville WV 25427**

**Affiliation: Blue Heron Environmental Network Inc.**

**Bluheron7@earthlink.net**

### **Stakeholder Process**

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Did you know about the stakeholder process? Yes  No

No, or Yes, but did not participate, How could we have gotten you involved?

I was involved for a while, however issues in our own watershed (Back Creek) of Immediate concern limited my involvement.

## **Document Background**

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Do you feel the overall document is written on a level that the general public can and will understand? Yes  No

No, Specifically, what section(s) pages would you change?

Did the document clearly explain WV's commitment and reason for participation?

Yes  No

No, Comments or Questions?

## **Implementation Plans**

---

Do you feel that we included adequate sources to target for pollution reductions?

Yes  & No

No, What areas did we miss? You did an excellent job on targeting known and Recurrent pollution reductions from well-known activities. However there is one Activity that should be addressed if possible, that being the surface mining of shale in various watersheds in the eastern panhandle. With more development, there is a sudden need for shale for road bases building foundations etc.. Whole mountains Are "coming down" with little or no regulation, or BMPs to prevent runoff, or sediments Entering tributaries to larger water bodies or protection of #1 streams in watersheds.

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No

No, What BMPs would you like to see promoted and or explored? Required education On proper implementation of BMPs. Enforcement! Not just "NOVs" but stiff fines First offense. Asking for "voluntary" actions is just not working in our county.

## **Specific Process Comments:**

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All new Construction Storm water applicants would be required to take at least a two Hour course in the proper implementation of BMPs, as is recommended by the state. NPS could establish Quality Assurance /Quality Control Guidelines. The course would Be a requirement before the permit would be granted. Those completing the course would Receive a certificate from the state. Valid for one year, persons completing the course And certification could be made to "re-test" on an annual basis for repeated applications by the same individual as in the case of residential Developers. Or take the course over again. The whole process would depend on QA/QC development and guide lines.

MEMO

TO: Jennifer Pauer

FROM: Robert N. Jarnis, P.E.

SUBJECT: Public Comment on Second Draft of "West Virginia's Potomac Tributary Strategy"

DATE: May 25, 2004

In reviewing the April Second Draft of the "West Virginia's Potomac Tributary Strategy", I noted two items related to wastewater treatment point sources;

- P. 29 states that for significant facilities (> 400,000 gpd), Enhanced Nutrient Removal will be required (annual average total nitrogen of 5 mg/l and average total phosphorus of 0.5 mg/l)
- P 30 indicates a capital cost estimate to meet the Point Source Strategy for the significant facilities (requiring Enhance Nutrient Removal) of \$ 56.85 million and an annual Operations and Maintenance cost estimated to be \$2.19 million.

#### COMMENT 1

The Enhance Nutrient Removal standard (5 mg/l Total N and 0.5 mg/L Total P) is a very stringent standard not easily attainable. To meet this standard, the treatment facilities will require substantial upgrading. Several technical approaches are available that require significant evaluation and planning before the most appropriate approach can be determined for each facility. Further, these plants will require sophisticated operations to be successful.

The Strategy should include costs to adequately evaluate each plant and determine the appropriate level of upgrade, redundancy and process safeguard to reliably meet the Enhanced Nutrient Removal standards. The Strategy should also include time and costs for training. Training would be very helpful for WVDEP State Regulators to assist with their review and approval regulatory tasks. Such training is regularly funded by USEPA when undertaking technically complex initiatives such as Enhanced Nutrient Removal. Training facility operations staff should also be required to be better prepared for the challenges of Enhanced Nutrient Removal. Training for operators should be long-term with refresher training scheduled over time.

#### COMMENT 2

The Strategy does not provide the basis for the construction cost estimates and annual O&M cost estimates provided on Page 30. These estimates should be reviewed to confirm that all the required costs are included. Required costs include plant upgrade costs, annual O&M costs as well as planning and training costs.

The West Virginia's Potomac Tributary Strategy is a thorough and well written document. It is an ambitious program and I hope my comments will be of value.

---



*MIKE'S*  
*[Signature]*

**PILGRIM'S PRIDE CORPORATION**  
**SPECIALTY BUILDING**  
**P. O. BOX 7275**  
**BROADWAY, VA 22815-7275**  
**(540) 896-0886**  
**(540) 896-0633 Fax**

40 TOTAL PAGES INCLUDING COVER

DATE: 5-27-04

TO: Whom it may concern

LOCATION: Broadway Va.

FROM: John Gungwer

MESSAGE: I sent this <sup>commit</sup> yesterday by e-mail. Today  
it was returned saying it could not make the  
connection. I know it was due yesterday and it  
was sent. Please accept it today.

**John Gangwer**

---

**From:** Mail Delivery System [Mailer-Daemon@da006.wh01.infopop.net]  
**Sent:** Thursday, May 27, 2004 1:06 PM  
**To:** John Gangwer  
**Subject:** Warning: message 1BT1Qb-0004V4-UO delayed 24 hours

This message was created automatically by mail delivery software. A message that you sent has not yet been delivered to one or more of its recipients after more than 24 hours on the queue on da006.wh01.infopop.net.

The message identifier is: 1BT1Qb-0004V4-UO  
The subject of the message is: Comment on WV Trib. Strategy  
The date of the message is: Wed, 26 May 2004 11:42:11 -0500

The addresses to which the message has not yet been delivered are:

m.schwartz@freshwaterinstitute.org  
(ultimately generated from survey@wvnet.org)  
Delay reason: Connection timed out  
c.doggett@freshwaterinstitute.org  
(ultimately generated from survey@wvnet.org)  
Delay reason: Connection timed out

No action is required on your part. Delivery attempts will continue for some time, and this warning may be repeated at intervals if the message remains undelivered. Eventually the mail delivery software will give up, and when that happens, the message will be returned to you.

May 19, 2004

Survey  
1098 Turner Road  
Shepherdstown, WV 25443

To Whom It May Concern:

Pilgrim's Pride Corporation is the second largest poultry processor in the U.S. and has two major operations in West Virginia. We are one of the largest 15 employers in the State of West Virginia with approximately 2,300 partners. It is our goal to operate all of our facilities in compliance with all environmental rules and regulations. We operate in a very competitive environment, thus it is essential to our national and State by State business success that rules and regulations be necessary, beneficial, and fair. Toward that end we appreciate the opportunity to submit these comments on West Virginia's Draft Potomac Tributary Strategy published on April 24, 2004. We look forward to your favorable consideration of our comments and to the development of a beneficial and fair rule.

Pilgrim's Pride has been an active member of the WV Tributary Strategy Stakeholders Working Group and has dedicated many hours of effort to making the Strategy a workable plan to protect our valuable natural resources as well as maintain the viability of industry in West Virginia. While much progress has been made, some of the information and analysis presented in the Draft Strategy falls short in fundamental ways.

As previously mentioned Pilgrim's operates two facilities in West Virginia, both facilities are listed as significant sources in the Draft Strategy. There are errors contained in the information listed for each one of them. One of our facilities, listed as #13 in the Strategy shows a design flow of 0.860 MGD. We upgraded the system several years ago and routinely discharge between 1.6 and 2.0 MGD. The discharge permit issued in 1998 for this facility allows a discharge flow of 2.16 MGD. The second facility listed as #18 shows a 2003 flow of 0.080 MGD. This facility has discharged over 0.50 MGD for many years.

The magnitude of these errors is of concern to Pilgrim's. If there are mistakes in both of our facilities listed in the Draft Strategy, how many other data errors exist for the other sources. Since the entire Strategy model is based on this data a more rigorous data quality assurance plan must be implemented before a final program is implemented. Long ranging decisions are being made based on bad information.

The second area of concern is the limits of 5 mg/L TN and 0.5 mg/L TP being imposed on point sources. While some municipalities might be able to achieve that level of

treatment, certain industries, such as ours, will not be able to accomplish these limits. We have an elevated level of these nutrients to begin with when compared to municipal wastewater plants and the proposed limits would require a treatment efficiency not economically feasible. A more appropriate level to target would be a limit of 10 TN and 2 TP. If the lower limits are used, we are just being set up for failure.

I hope you will consider these comments as information to help improve and make the Tributary Strategy Program a success. We need to plan to make the program successful and not set it up for failure.

Sincerely,  
Pilgrim's Pride Corporation



John Gangwer  
Director of Environmental Affairs, Eastern Region

CITY OF MARTINSBURG WATER & SEWER  
DEPARTMENT

---

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FACSIMILE TRANSMITTAL SHEET

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TO: Survey	FROM: Steve Knipe
COMPANY:	DATE: 5/26/2004
FAX NUMBER: 304/870-2205	TOTAL NO. OF PAGES 3 Including Cover
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Survey Comments	YOUR REFERENCE NUMBER:

---

URGENT                       FOR REVIEW    PLEASE COMMENT  PLEASE REPLY

---

Please find attached comments on the Potomac Tributary Strategy

Steve

*MICHAEL S.*

---

232 NORTH QUEEN STREET, MARTINSBURG, WV 25402

# West Virginia's Potomac Tributary Strategy Second Public Comment Form

**Comment Period April 26<sup>th</sup> – May 26<sup>th</sup>**

The West Virginia Stakeholder Group has released the second draft Potomac Tributary Strategy for a thirty-day public comment period. The document will be available at the end of business Monday April 26<sup>th</sup> on the website: [www.wvnet.org](http://www.wvnet.org)

All comments must be attributed to an individual to be incorporated into the document, therefore name and contact information is required. Use additional sheets if needed. Deadline for submitting comments is May 26<sup>th</sup>. Submission of this form as an attachment to an e-mail is encouraged: [survey@wvnet.org](mailto:survey@wvnet.org)

**Name:** Stephen Knipe, City of Martinsburg  
**Participating Stakeholder:**  Yes  No  
**Address:** 232 North Queen Street  
Martinsburg, WV 25402  
**Affiliation:**  
**E-mail:** [sknpmtbgwater@adelphia.net](mailto:sknpmtbgwater@adelphia.net)

## Stakeholder Process

Did you know about the stakeholder process?  Yes  No

No, or Yes, but did not participate. How could we have gotten you involved?

Notification of meetings

## Document Background

Do you feel the overall document is written on a level that the general public can and will understand?  Yes  No

No. Specifically, what section(s) pages would you change?

Did the document clearly explain WV's commitment and reason for participation?

Yes  No

No. Comments or Questions?

**Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes  No

No, What areas did we miss?

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No

No, What BMPs would you like to see promoted and or explored?

I would like to see more funding toward storm water projects.

**Specific Document Comments (include section, page, and comment)**

On page 28 of document, under Point Source Strategies Section "The City of Martinsburg's WWTP have incorporated technology for BNR". I want to clarify this I would to state that during our upgrade of 89-90 the city constructed one of their secondary clarifiers to accomodate additional equipment for flocculation of solids.

Please return comment form by May 26<sup>th</sup>

Survey@wvnet.org

Fax: (304) 870-2205

Survey: 1098 Turner Road, Shepherdstown, WV 25443

# West Virginia's Potomac Tributary Strategy Second Public Comment Form

Comment Period April 26<sup>th</sup> – May 26<sup>th</sup>

The West Virginia Stakeholder Group has released the second draft Potomac Tributary Strategy for a thirty-day public comment period. The document will be available at the end of business Monday April 26<sup>th</sup> on the website: [www.wvnet.org](http://www.wvnet.org)

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Name: *G. Michael Mower, Darrell W Mower, Nancy L. Hess*  
Participating Stakeholder:  Yes  No  
Address: *11617 Peacocke Trail Hagerstown, Md 21742*  
Affiliation: *Property owner along South Branch River in Hampshire County*  
E-mail: *Mower - BM@MSN.COM*

**Stakeholder Process**  
Did you know about the stakeholder process? Yes  No  , But not until about a month before your March draft release  
No, or Yes, but did not participate, How could we have gotten you involved?  
*Much, much more earlier publicity about the process would have helped. Also, the use of a non government entity of "nd" stakeholder" name recognition disguised what was really happening here.*

**Document Background**  
Do you feel the overall document is written on a level that the general public can and will understand? Yes  No   
No, Specifically, what section(s) pages would you change?  
Did the document clearly explain WV's commitment and reason for participation? Yes  No   
No, Comments or Questions?

### Implementation Plans

Do you feel that we included adequate sources to target for pollution reductions?  
Yes  No

No, What areas did we miss?

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No

No, What BMPs would you like to see promoted and or explored?

### Specific Document Comments (include section, page, and comment)

Believe you chose the most politically, easy target for nutrient reduction - the sewer system user.

You need to get more reduction from the farm factories. Their reduction burden should be at their point source - the bann yard or chicken and turkey house.

Their management currently, used, field spread is not at all scientific or adequately regulated. Plant uptake is minimal reduction the rest either runs off into our waters or permeates into the ground water and then into our waters via base flow. Control of runoff should be into point discharges and monitoring wells should be placed along

Please return comment form by May 26<sup>th</sup>

Survey@wvnet.org

Fax: (304) 870-2205

Survey: 1098 Turner Road, Shepherdstown, WV 25443

river banks.

I have lived and played along South Branch river over 60 years. The only pollution sources that have changed adverse to the watershed are chicken and turkey factories increases and minimal increase in some wildlife species. All other pollution sources have decreased including the # of 4 legged farm animals & PEOPLE. Indeed, people pollution has decreased due to construction of newer and better operated waste water treatment facilities.

The water quality in the South Branch River has drastically declined due to chicken litter.

# West Virginia's Potomac Tributary Strategy Second Public Comment Form

**Comment Period April 26<sup>th</sup> – May 26<sup>th</sup>**

The West Virginia Stakeholder Group has released the second draft Potomac Tributary Strategy for a thirty-day public comment period. The document will be available at the end of business Monday April 26<sup>th</sup> on the website: [www.wvnet.org](http://www.wvnet.org)

All comments must be attributed to an individual to be incorporated into the document, therefore name and contact information is required. Use additional sheets if needed. Deadline for submitting comments is May 26<sup>th</sup>. Submission of this form as an attachment to an e-mail is encouraged: [survey@wvnet.org](mailto:survey@wvnet.org)

**Name:** Robert L. Williams  
**Participating Stakeholder:**  Yes  No  
**Address:** 1 Red Rock Road  
Buckhannon, West Virginia 26201  
**Affiliation:** West Virginia Farm Bureau  
**E-mail:** [bwilliams@wvfarm.org](mailto:bwilliams@wvfarm.org)

## Stakeholder Process

Did you know about the stakeholder process? Yes  No

No, or Yes, but did not participate, How could we have gotten you involved?

## Document Background

Do you feel the overall document is written on a level that the general public can and will understand? Yes  No

No, Specifically, what section(s) pages would you change?

Did the document clearly explain WV's commitment and reason for participation?

Yes  No

No, Comments or Questions?

**Implementation Plans**

Do you feel that we included adequate sources to target for pollution reductions?

Yes  No

No, What areas did we miss?

Do you feel WV is adequately implementing best management practices to reduce pollution? Yes  No

No, What BMPs would you like to see promoted and or explored?

**Specific Document Comments (include section, page, and comment)**

See Attached

**Please return comment form by May 26<sup>th</sup>**

**Survey@wvnet.org**

**Fax: (304) 870-2205**

**Survey: 1098 Turner Road, Shepherdstown, WV 25443**

**Comments on**  
**West Virginia's Potomac Tributary Strategy**

**By**  
**West Virginia Farm Bureau**

**Prepared by**  
**Robert L. Williams**  
**Executive Secretary**

**Submitted May 25, 2004**

**General Comments:**

West Virginia's Potomac Tributary Strategy, a joint project of stakeholders and government agencies, has focused on attempting to develop plans that indicate we can and will affect reductions in pollutants originating in our state that purportedly affect the quality of water on the Chesapeake Bay. Pollutants identified include nitrogen, phosphorus and sediment.

Most, if not all, of the stakeholders feel that the model used to develop this strategy, the Chesapeake Bay Watershed Model, has serious flaws and inaccuracies and does not correctly reflect the contribution of the aforementioned materials by West Virginia. One of many evidential points to support our viewpoint is the fact that all existing water quality data collected for several years, has not, as of yet, been incorporated in this model. Particularly, we believe that estimated contributions for the agriculture sector are grossly overstated.

Additionally and unfortunately, all of the strategies and plans developed, thus far, concentrate on cap load allocations. Not only are these cap load allocations a product of the flawed CBWM, but have no relationship with actually reducing the nutrients and sediment deposited in the Bay.

We also object to the statement on Page II of the Executive Summary that says, "This document presents a voluntary strategy developed by the WV stakeholders and seeks to reduce nutrient and sediment loads while minimizing economic and social burdens".

Although stakeholders were involved in the development process, West Virginia's Potomac Tributary Strategy was not born from stakeholder input. This document **does not** represent the views of the stakeholders. Among those who worked on the agriculture section of this document, there was no consensus that the strategy developed was the best approach. It was developed by government agencies, not stakeholders. The stakeholders were forced to adopt the numeric approach to meeting the cap load allocation by government agencies.

Nearly all of the effort of the stakeholders has gone into four areas -- urban, point sources, agriculture and forestry. While all of these segments of the society need to be a part of the long-term strategy, there are some segments that obviously contribute huge amounts of one or more of the studied components and are virtually ignored in this plan. Some of those areas include

- runoff from state-owned dirt roads, road banks and unstable stream banks that contribute tons of sediment each year.
- failing and non-existent waste treatment systems, both residential and commercial, are prevalent throughout the region.
- nutrient contribution of native and non-native wildlife is not considered although populations have skyrocketed.
- no effort has been made to identify the affect of changes in land use following the proliferation of new housing throughout the Potomac River basin, which has been dramatic over the past fifteen years.
- homeowners, lawn treatment companies and golf courses are all obvious and substantial contributors of nutrients and must be reviewed and managed.

The West Virginia Farm Bureau encourages those in positions of authority to reevaluate the entire process of strategy development and to focus on the actual contributions of pollutants to the Bay and not an inaccurate computer model.

#### **Urban and mixed open strategy**

The efforts proposed in this strategy seem minimal when compared to the explosion of growth in housing that has occurred in the region over the past several years. Golf courses and home lawns are easily identified areas of potential significant nutrient runoff contribution to the Bay. No efforts have been made to control nutrient and sediment contributions other than through stormwater management programs. We acknowledge that these sources may be difficult to manage, but should not be ignored because they are, indeed, significant contributors.

The Urban strategy section is full of comments such as “should be evaluated”, “should be assessed” and “an assessment needs to be undertaken”. These statements do not reflect a plan, only an attempt to ignore the contributions of these segments of society to the overall nutrient situation.

There is no plan to control runoff from airport runways even though we know that they often use nitrogen based products as deicers and that a number of airports are located directly adjacent to streams in the basin.

The strategy discusses non-existent and failing septic systems, but calls primarily for evaluation of the problem. The existence of failing septic systems is well known and homes with no sewage treatment, while often ignored, are common throughout the region. To simply ignore these growing contributors without specific plans to correct these problems seems inappropriate. It is an expensive effort, but one that must be undertaken.

## **Agriculture strategy**

The agriculture strategy outlines a number of efforts undertaken by the agricultural community to address these concerns over the past several years, including extensive BMP installations and poultry litter transfer programs. The strategy also outlines efforts underway such as the conversion of poultry litter to diesel fuel and other products, natural stream restoration and farmland protection programs.

Nothing in this strategy, however, addresses the clear bias of the CBWM toward agriculture. Until the impacts of agriculture are documented by direct water quality data, the entire tributary strategy plan development is inappropriate. The efforts made by farmers have been extraordinary, and the model gives little credit. The model fails to take into account the other significant contributors while pointing to agriculture as the problem. Little acceptance of this process will occur by the agriculture community until this is corrected.

The agriculture stakeholders oppose the submission of the numeric information in table 6. It is believed that submission of data that is indefensible as to our ability to install these practices should not occur. Is there enough land in a particular type of agriculture production method that can be converted to another to meet the numeric standards submitted? It is doubtful that there are enough acres of row crops in hi till types of production to allow for 5,183 acres per year to be converted to conservation tillage. Submitting numeric information, such as that in table 6, just to satisfy a perceived need should not occur.

## **Wildlife Strategy**

This entire section be removed. The Division of Natural Resources is completely unresponsive in recognizing that wildlife is a contributor to the nutrients flowing to the Chesapeake Bay. The explosion in the population of deer and Canada geese within the watershed are undoubtedly contributing to the nutrient flow and only a reduction in that population will help mitigate the level of nutrients.

## **End Notes**

The majority of the references used in this document are reports; not scientific articles from referred journals. While data in the reports may be accurate, without peer review to challenge the scientific accuracy, they are in question. Statements made throughout the document as fact based on these reports should be reviewed and reconsidered.

The “available for download at [cacaponinstitute.com](http://cacaponinstitute.com)” is somewhat self-promoting for the author and should be removed.

## **Conclusion:**

Thank you for the opportunity to comment on this document. Farmers in West Virginia are committed to do all they can reasonably do to improve water quality. Agriculture producers have for more than 20 years been taking steps to reduce nutrient flows into the streams. Farmers regard the nutrients applied to their land as an asset – an asset that provides them with financial gains when utilized by their crop, thereby increasing production. No farmer intentionally applies nutrients to the land knowing that it will runoff or allows soil erosion to take his or her valuable land. That is the equivalent of throwing money into the water.

Much effort and investment by landowners and government has been directed at agriculture over the past several decades and much has been accomplished. Many other segments of society have not invested their resources in preventing nutrient and sediment runoffs. Therefore, we must identify ALL major

contributors of nutrients and sediment through water quality testing and then redevelop these directed strategies accordingly. Otherwise, the goal of this project will never be realized.

The improvement of water quality in the Chesapeake Bay will not be brought to fruition by computers. It will be accomplished by true stakeholder participation in the development of this strategy, along with the acceptance of government agencies of this process and the use of real water quality data, not speculation.

CC: Gus R. Douglass  
Phyllis Cole  
J.D. Wilkins  
Steve Hannah  
Matt Monroe  
Charles Wilfong  
Rodney Branson  
Steve Conrad  
Bill Milleson  
Andy Walker  
Mark Hedrick  
Emily Funk  
Doug Stolifer  
Tom Brand

From: RANDOLPH SOVIC [RSOVIC@wvdep.org]  
Sent: Wednesday, May 19, 2004 8:17 AM  
To: JENNIFER PAUER; TERESA KOON  
Cc: ALLYN TURNER; BILL BRANNON; BOB COONTZ; Cliff Whyte; JERRY RAY  
Subject: Trib Strategy comments

Review of the 2nd Draft in Notice reveals the following:

1) Each Chapter's "At a Glance" box as well as numerous other areas of the document wherever "?" character used to reflect a bullited item.--suggest any other character other than "?". I began reading these as questioned areas.

2) Pg. 14, 2nd para. under "Point Sources" --Although potentially likely, can we say for certain that "decline in phosphorus was due to region -wide ban" or should this be stated as "decline in phosphorus may be or can be attributable"?

3) Pg 15, last para., 1st column--Phrase "and do not contribute loads large enough to be modeled by the CPB". Is this an accurate statement? I'm no expert on the model but I can't imagine why any flow could not be modeled. Believe it is just that we elected to use the 50,000 gpd cutoff. Also, phrase "are considered to deliver...model (see Chapter 5)". Unless I missed, don't see any reference in Chap. 5 to consideration of the significance level chosen.

4) Pg 15, 1st para., 2nd column-- Need to add the Mining #s. After review of input from Mining group earlier this week, looks like we will be adding 9, six (6) significant and three (3) nonsigs

5) Pg 28, Table 3--Not clear what the "Total Units"applies to? Presume acres to be provided? Also, would help to know how were the numbers generated?

6) Pg 28, 2nd column, 3rd para.-- Should read "Martinsburg's phosphorus removal equipment"...

7) Pg. 29, 1st full para in 1st column.--Need to begin 2nd sentence with "As a result, land application of sewage sludge..." and further, need to move this entire sentence after the 3rd sentence as it is because of the metals that LA will likely be prohibited.

8) Pg. 30-- For consistency, need to bold the "Costs" section. Also, believe references to BNR in the following two paragraphs should be "NRT". Further, what about a "disclaimer" for Table 4 similar to disclaimers used in other Tables in the document? Also, 1st para. under Background Info.--wording problem in 1st sentence??

9) Pg 31, 1st column, 1st full para.--believe "partially completed" and "not yet complete" mean the same thing in the 3rd sentence. Suggest delete "partially completed" phrase.

10) Pg.41--2nd column--Outside date for nutrient criteria promulgation is 2009, however NCC recommendations are proposed for 2008. Also, unless missed, don't see a Chapter 6.b.

11) Appendix2, Summary Table--Year Assessed dates ????. Also, no % for several years? 2nd pg, 1st full para., 2nd sentence--Should read "These permits include the use of technology based approaches to point source control as well as water quality based requirements...". It is not an either/or scenario. Tech based limits must minimally be applied with respective WQ based reviews if Tech based levels cannot satisfy WQ.

>>> RANDOLPH SOVIC [RSOVIC@wvdep.org] 9/10/2005 12:36 AM >>>

Have not critically reviewed the entire document again and not sure I'll have time before end of PN period so thought I'd float this out. Have only focused on selected areas and offer the following suggested changes prior to finalization:

- 1) Pg. III under Chapter 6 para--suggests SH group only "attempted to designate subcommittees". Even if no formalized subcommittees, weren't work groups for each eventually created? Also, suggest change reference to "Plan" to "Strategy".
- 2) Pg.5, 1st para.--Not true for Point Sources as believe we have incorporated facilities from all counties as part of this sector for TS purposes.
- 3) Pg. 10, At a glance-, 1st bullet--delete "source" after "non point" as redundant in this context. Also, under Assessing Pollution section, 3rd sentence of 1st para.--add "generally" before "based" as a few WQS are not concentration based. Similarly under the 2nd para., suggest add "The majority of" before "Water Quality Standards" in the 3rd sentence. Also, change 4th and then 5th sentences to read--"However, and particularly in the evaluation of far field nutrient impacts, total load...of non point source pollution. While major NPS...at all other times."
- 4) Pg. 14, 1st para., next to last sentence--suggest add "nutrients" as well as sediment, as trout rearing operations contribute significant levels of nitrogen as well as sediment and certain quarries may be found to contribute significant levels of phosphorus as well as sediments.
- 5) Pg 30, The Challenge section, 2nd sentence--should reword "have only in recent years". Additionally, under Point Source NRS section, item 1)--still strongly urge we address this monitoring thru a Major Modification across the board so before finalization, further urge one final meeting with Bill/Cliff/Lisa/ogesh to address the issue. Note that it is additionally very likely that the PSIWG will be recommending this avenue.
- 6) Pg.44, Point Sources section, 2nd para, 1st sentence--delete phrase "from point sources" as inappropriate use in this context. If trying to suggest no WQC for TN and TP, this would be correct but WV does have certain nitrogen speciation criteria (i.e. nitrate, nitrite, and ammonia) that are evaluated and imposed upon point sources when reasonable potential exists to violate these criteria. Finally, in 2nd para., 1st sentence--Point Sources are permitted to "provide" for designated uses?? Maybe its just too late but I 'm not sure this is the intent here? Maybe meant to say "are permitted to protect the designated uses"?

Hope this helps to add some additional clarity to the document. But most importantly I must congratulate all those who diligently spent the many hours crafting this Strategy over the past months that will not only allow the voluntary process of which WV is a participant to continue to assist in the recuperation of the Bay, but will aid in addressing some long overdue localized water quality problems here in WV. And the process has certainly elevated long overdue emphasis to the impacts of non point sources and the need to address these sources in a coordinated and cooperative fashion.

So to you , Jennifer, Alana, Michael, Neil, Joe, Matt, Christina. Lauri, and the many others participants of other Agencies, local governments, farmers and other citizens contributing to the process, a task well done.

Sept. 19, 2005  
4222 Mt. Olive Road  
Kirby, WV 26755

Survey  
1098 Turner Road  
Shepherdstown, WV 25443

West Virginia Potomac Tributary Strategy Committee:

I, Dennis Funk, a farmer of a beef and poultry operation would like to submit the following comments on the West Virginia Potomac Tributary Strategy.

I have a great deal of concern with the model, its calculations and the lack of scientific proof that was demonstrated to the stakeholders in the various meetings in 2004. If the agriculture communities were to follow all the guidelines by 100%, the models calculations did not change the outcome. This brings us to the conclusion that either the model calculations are wrong or agriculture is not the major factor in the calculations of nutrients and sediments loads. The urban sprawl, lawn nutrients application, sanitary waste, and sediment loads from developments should not be added to the agriculture calculations. Your report stated that between 1985 and 2002 it estimates that West Virginia Nitrogen loads dropped 5%, Phosphorus increased 1 % and sediment dropped 17%. During the same time, your reported stated that agriculture reduced nitrogen 14%, Phosphorus 6 % due to aggressive implementation of Best Management Practices. We feel this supports our beliefs that the calculations are inaccurate and therefore the agriculture community will be unable to meet their expectations by 2010.

I feel the agriculture community has and will continue voluntarily to follow the Best Management Practices and Nutrients Management Plans implemented on their farms.

Sincerely,



Dennis Funk



Sept. 19, 2005

Survey  
1098 Turner Road  
Shepherdstown, WV 25443

West Virginia Potomac Tributary Strategy Committee:

Thank you for the opportunity to comment on this document. As you are aware, poultry production and its allied industry components make the largest agricultural contribution to the economy of the eastern panhandle. The economic impact of a poorly thought out strategy for future environmental protection can be devastating to our industry. We clearly believe this is a poorly thought out strategy. We have been a leader in implementation of over \$12,000,000 in voluntary BMP's in recent years. Yet this document suggests that our industry is expected to incur \$200,000,000 dollars in additional costs by 2010. It is simply not possible for the agricultural industry to survive under such a burdensome scenario. Nor would we view any government support, either federal, state or local warranted if it is based solely on the evidence provided in this document. We would argue up front that this document provides absolutely no basis for management practices other than reliance upon a fatally flawed modeling exercise. One lacks statistical variance, makes assumptions about facts not in evidence and is readily dismissed by the development of a new, more inclusive and localized version. The old model contemplates retirement of 19,000 acres from production, requires the movement of 15,000 tons of litter out of the watershed and 290,000 acres of pasture to be fenced with off-stream watering access installed. Furthermore, we as poultry producers feel genuinely disenfranchised with the entire process and consider it inappropriate label this a "stakeholder" document. We would be interested in viewing a list of the people who contributed to the writing of this document and their endorsement as a matter of policy for the state of West Virginia and in particular, the poultry industry.

Again, we would like to thank the agencies involved for the opportunity to comment on the document and wish to express our gratitude to those producers who attempted to participate in the process. Following are specific comments referenced by printed page number.

Page 2 Sentence begins "West Virginia's goal is to ... This sentence should be deleted because this document fails to provide a pathway to reach the goal as stated.

Page 4 As outlined in our opening statement, we simply do not accept the labeling of this document as stakeholder driven. Therefore, we request that all references to imply such a notion be stricken from the entire document.

Page 8 - The Sentence describing the PVCD as: containing “concentrated cattle and poultry operations” is not accurate. While one could argue the poultry statement, by no means can the cattle operations there be described as concentrated; a term which implies feedlot confinement scenarios. To attempt to project this image of cattle production would be equivalent to assuming the entire watershed has a significant human population density based on a grid sampling of only the town of Moorefield.

Page 9 - Economic census data refers to Manufacturing and retail trade as being the driving forces of the local economy. However, this statement is misleading due in part to the classification of poultry and wood processing into the general manufacturing category. These industries are entirely dependent upon local production of raw material inputs to survive. Coupled with the dollar figures for agricultural production in the area, one easily understands that agriculture is the industry in the PVCD watersheds!

Page 9 Statement indicates a “significant number of poultry farms are now found in Hampshire and Mineral Counties. The use of significant is totally unwarranted here! How is this defined? What is the actual percentage? What are the increases and how do the rank in a ratio comparison of total farms in each county within the PVCD?

Page 9 The Virginia Poultry Growers Cooperative needs to be added to the list of integrators.

Page 9 The statement is made that “Farmers consider these commodities dependent on one another in maintaining the stability of the local economy” This is a fact and should not be attributed to only producers. It appears the document is attempting to isolate this fact, while making it appear there is only a belief in the statement and question it authenticity.

Page 13 The statement that correlation analysis suggested agriculture, especially row crops, was an important source of nitrogen must have the actual numerical statistics included. One simply does not make these statements without including that data!

Page 15 Paragraph describing nutrient importation to the watershed contains two far reaching conclusions unsupported and unfounded to date: First, the statement that the foods we eat and the nutrients in the feed for animals in the agricultural industry are mostly imported is only partially correct. Most of the food we eat is imported as is feed for some agriculturally significant species (poultry). However, we cannot concur that this is the case for the beef cattle industry. In fact, a large segment of that industry’s yearly production is exported from the watershed in the form of weaned calves. In addition, a second exportation occurs simultaneously in which large numbers of yearling cattle exit the watershed in the late summer/early fall period. This time line is of significance because it reduces total cattle numbers to their lowest yearly totals during the winter months when crop growth is retarded and thus nutrient uptake limited.

The economics of raising beef cattle do not support large scale application of commercial fertilizers. Therefore, most fertility used in this industry is generated via by-product use

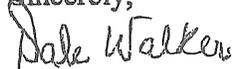
such as poultry litter. Now we have a dynamic situation unfolding. Nutrients imported into the watershed are utilized within other segments of production agriculture that are net exporters of nutrients in the form of biological specimens (cattle and calves). Couple that, with the fact that, most beef production is forage-based and we quickly appreciate the complementary roles that beef and poultry production enjoy.

Secondly, the statement regarding how the various imported nutrients are "introduced into the environment" is an inflammatory remark meant to conjure up images akin to of illegal dumping or direct spreading of manure into waterways, streams and lakes! The wastewater treatment plants discussion belongs in the point source section as do all the subsequent nutrient input theory data since the final method for dealing with this "waste stream" defines the classification. Furthermore, just because a nutrient is introduced into the environment does not automatically mean it will be "washed into streams and on to the Chesapeake Bay!

Again under the USGS survey estimates section the authors' continually cloud an already murky picture by invoking the point source contributions of atmospheric deposition, which is estimated to be the largest single source of nitrogen inputs, which are mostly in very unstable states and readily transmissible through the soil profile as well as direct input via mostly nonexistent storm water treatment plans.

An interesting side note relates to imported nutrients for non production class animals. Aquatic feeds, including fish food for private homcowner use (as well as production aquaculture facilities) contain 2-4 fold increases of nitrogen levels and slightly higher phosphorous concentrations as well. Other pet foods, primarily dog and cat food also contains higher levels of N and P when compared with most maintenance rations for beef cattle and all these feeds are utilized without any underlying fundamental economic consideration.

Sincerely,



Dale Walker, President  
West Virginia Poultry Association

# West Virginia Farm Bureau

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**Comments on  
West Virginia's Potomac Tributary Strategy  
By  
West Virginia Farm Bureau  
Prepared by  
Robert L. Williams  
Executive Secretary**

**Submitted September 21, 2005**

## **General Comments:**

The West Virginia Farm Bureau has been a participant in the process of the development of this strategy from very near the beginning. It has been a very unsatisfactory process in which the opinions of some stakeholders were ignored and the written comments disregarded. As discussed in these comments, we believe the premise of the source of potential pollutants is flawed and therefore the process is invalid. The excessive burden placed on the agriculture community by the Chesapeake Bay Watershed Model (CBWM) is unsubstantiated by the actual water testing. Therefore, the strategies developed to correct these perceived problems are also flawed and simply a bureaucratic exercise with no basis in reality.

West Virginia's Potomac Tributary Strategy, a joint project of stakeholders and government agencies, has focused on attempting to develop plans that indicate we can and will affect reductions in pollutants originating in our state that purportedly affect the quality of water on the Chesapeake Bay. Pollutants identified include nitrogen, phosphorus and sediment.

Most if not all, of the stakeholders feel that the model used to develop this strategy, the Chesapeake Bay Watershed Model, has serious flaws and inaccuracies and does not correctly reflect the contribution of the aforementioned materials by West Virginia. We believe that estimated contributions for the agriculture sector are grossly overstated.

Additionally and unfortunately, all of the strategies and plans developed, thus far, concentrate on cap load allocations. Not only are these cap load allocations a product of the flawed CBWM, but have no relationship with actually reducing the nutrients and sediment deposited in the Bay.

West Virginia's Potomac Tributary Strategy was not born from stakeholder input. This document **does not** represent the views of the stakeholders. Among those who worked on the agriculture section of this document, there was no consensus that the strategy developed was the best approach. It was developed by government agencies, not stakeholders. The stakeholders were forced to adopt the numeric approach to meeting the cap load allocation by government agencies.

Nearly all of the effort of the stakeholders has gone into four areas -- urban, point sources, agriculture and forestry. While all of these segments of the society need to be a part of the long-term strategy, there are some segments that obviously contribute huge amounts of one or more of the studied components and are virtually ignored in this plan. Some of those areas include

- runoff from state-owned dirt roads, road banks and unstable stream banks that contribute tons of sediment each year.

- failing and non-existent waste treatment systems, both residential and commercial, are prevalent throughout the region.
- nutrient contribution of native and non-native wildlife is not considered although populations have skyrocketed.
- while population growth is mentioned, no effort has been made to identify the affect of changes in land use following the proliferation of new housing throughout the Potomac River basin, which has been dramatic over the past fifteen years and continues.
- homeowners, lawn treatment companies and golf courses are all obvious and substantial contributors of nutrients and must be reviewed and managed.

The West Virginia Farm Bureau encourages those in positions of authority to reevaluate the entire process of strategy development and to focus on the actual contributions of pollutants to the Bay and not an inaccurate computer model.

### **Urban and Mixed Open Strategy**

The efforts proposed in this strategy seem minimal when compared to the explosion of growth in housing that has occurred in the region over the past several years. Golf courses and home lawns are easily identified areas of potential significant nutrient runoff contribution to the Bay. Stormwater management and educational programs may help, but plans are vague and sketchy. We acknowledge that these sources may be difficult to manage, but should not be ignored because they are, indeed, significant contributors.

The Urban strategy section provides comments such as “should be assessed” and “efforts will be undertaken to identify problems”. The plan should contain very specific approaches, timelines and designations of responsibility.

The strategy discusses non-existent and failing septic systems, but calls primarily for evaluation of the problem. The existence of failing septic systems is well known and homes with no sewage treatment, while often ignored, are common throughout the region. To suggest these contributors are minor and may not be significant is inappropriate. It is an expensive effort, but one that must be undertaken.

### **Agriculture strategy**

The agriculture strategy outlines a number of efforts undertaken by the agricultural community to address these concerns over the past several years, including extensive BMP installations and poultry litter transfer programs. The strategy also outlines efforts underway such as the conversion of poultry litter to diesel fuel and other products, natural stream restoration and farmland protection programs.

Nothing in this strategy, however, addresses the clear bias of the CBWM toward agriculture. Until the impacts of agriculture are documented by direct water quality data, the entire tributary strategy plan development is inappropriate. The efforts made by farmers have been extraordinary, and the model gives little credit. The model fails to take into account the other significant contributors while pointing to agriculture as the problem. Little acceptance of this process will occur by the agriculture community until this is corrected.

The agriculture stakeholders oppose the submission of the numeric information in table 4. It is believed that submission of data that are indefensible should not occur. Is there enough land in a particular type of agriculture production method that can be converted to another to meet the numeric standards submitted? It is doubtful that there are enough acres of row crops in hi till types of production to allow for 29,840 acres per year to be converted to conservation tillage. Submitting numeric information, such as that in table 4, just to satisfy the computer model should not occur. The agriculture

community has a proven track record of correcting actual problems and we believe that their efforts will continue when problems are actually identified.

### **Wildlife Strategy**

This entire section should be removed. The Division of Natural Resources is completely unresponsive in recognizing that wildlife is a contributor to the nutrients flowing to the Chesapeake Bay. The explosion in the population of deer and Canada geese within the watershed are undoubtedly contributing to the nutrient flow and only a reduction in that population will help mitigate the level of nutrients.

### **End Notes**

The majority of the references used in this document are reports; not scientific articles from refereed journals. While data in the reports may be accurate, without peer review to challenge the scientific accuracy, they are in question. Statements made throughout the document as fact based on these reports should be reviewed and reconsidered.

### **Conclusion:**

Thank you for the opportunity to comment on this document. Farmers in West Virginia are committed to do all they can reasonably do to improve water quality. Agriculture producers have, for more than 20 years, been taking steps to reduce nutrient flows into the streams. Farmers regard the nutrients applied to their land as an asset – an asset that provides them with financial gains when utilized by their crop, thereby increasing production. No farmer intentionally applies nutrients to the land knowing that it will runoff or allows soil erosion to take his or her valuable land. That is the equivalent of throwing money into the water.

Much effort and investment by landowners and government has been directed at agriculture over the past several decades and much has been accomplished. Many other segments of society have not invested their resources in preventing nutrient and sediment runoffs. Therefore, we must identify ALL major contributors of nutrients and sediment through water quality testing and then redevelop these directed strategies accordingly. Otherwise, the goal of this project will never be realized.

The improvement of water quality in the Chesapeake Bay will not be brought to fruition by computers. It will be accomplished by true stakeholder participation in the development of this strategy, along with the acceptance of government agencies of this process and the use of real water quality data, not speculation.

CC: WVFB Board of Directors

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