

Written Comments on Draft Agricultural BMP Verification Guidance
Submitted by the Virginia Department of Conservation and Recreation

Virginia understands and supports the need to standardize BMP verification across the Chesapeake Bay watershed. VA has followed an EPA approved Quality Assurance Project Plan (QAPP) since at least 2005. This QAPP requires Virginia to perform follow up verification inspections on 5% of the previous year's BMPs implemented and 5% of all BMPs that are within their contractual lifespan. Virginia feels that the "Draft Agricultural Verification Guidance" currently being proposed is not clearly communicated or ready for acceptance. As a result Virginia is submitting these written comments about language contained in section **3b. Cost-shared BMPs** of the Ag. Workgroups BMP verification Guidance document.

Specifically Virginia is concerned about the language contained in the paragraph titled: **The minimum expectation of verification for cost-shared BMPs**. We understand and support 100 percent initial physical installation of annual or multi-year BMPs. We inspect 100% of our cost-shared BMPs inspection during our BMP practice certification process prior to issuing a cost-share payment. However, it is the requirement of 10% annual verification for BMPs achieving greater than 5% of the jurisdictions WIP agricultural sector goals that concerns us. Based upon many years of performing verification inspections we feel that there is no reasonable basis for demanding 10% annual follow up inspections and that this requirement will reduce Virginia's ability to implement additional practices towards meeting the WIP goals due to an excessive amount of time being necessary to meet the verification goals. Virginia does not have the staff resources to conduct this number of verification inspections annually.

Virginia has dramatically expanded both its BMP Cost-share Program funding and implementation of BMPs in the last ten years as part of its efforts to restore the Chesapeake Bay. Ten years ago in 2004 Virginia allocated less than \$500,000 for Ag BMP implementation, those funds implemented 1,769 ag. BMPs that benefitted 68,156 ag. acres. In 2013 (last data year available) Virginia allocated over \$25M for Ag BMPs those funds implemented 6,968 BMPs that impacted 254,628 ag. acres. Due to the large increase in BMPs implemented each year Virginia has struggled to complete verification inspections on its in lifespan BMPs in accordance with our QAPP. Time spent verifying the existence of in lifespan BMPs will reduce the Soil and Water Conservation Districts ability to design and engineer new practices for future implementation. Further as Virginia continues to implement larger numbers of BMPs especially those that are contained in our WIP we are conducting larger numbers of verification inspections.

Virginia's follow up inspections include one staff person from the Soil and Water Conservation District where the practice was implemented and one DCR staff person familiar with the program and practice specifications. In program year 2013 DCR and SWCD staffs performed 553 verification inspections of these more than ninety-five percent were either fully operational or in need of minor maintenance that was addressed within the program year. This maintenance typically involved the addition of stone in heavy use areas such as around watering troughs and was quickly resolved between the SWCD and the participant. Only 3.44 percent or 19 of these inspections required additional follow up with the participant. This is a typical annual result, approximately 3% of our verification inspections require additional follow up. Given this track record we submit that the 10% required annual inspections are both arbitrary and excessive.

We further suggest that the language in the last sentence in this paragraph is not clear. Are you proposing verifying 10% of the number of BMP proposed to be implemented in the WIP

or inspection of 10% of the type of BMP implemented in the past year if that type of BMP accounted for more than 5% of the WIP reductions? Both explanations have been offered when this language was questioned. We submit that this language needs additional clarification. Given the issues raised Virginia proposes that the rush to move the consideration of this guidance to the Ag. Workgroup and then the WQGIT is premature. Additional discussion and input from those organizations that will be most directly impacted by this guidance will yield a better product.

In conclusion Virginia is focused on implementing BMPs to meet our WIP commitments, a ten percent annual verification inspection requirement will reduce our ability to continue to implement at the levels necessary to meet the WIP goals.

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