

**EPA’s Reviews of New York’s November 14, 2015
Revised Draft BMP Verification Program Plan**

Transmitted January 26, 2016

For New York’s reference and consideration as New York works to further enhance its BMP verification program over the coming two years, please find a compilation of EPA’s reviews of New York’s November 14, 2015 Revised Draft BMP Verification Program Plan in the form of a series of evaluation forms.

New York Overarching Comments

Formatting and General Content:

1. The Panel felt that the approach of building a program plan around citations of verification procedures provided in often-lengthy attached appendices was not effective or transparent. The Panel highly recommends pulling out the relevant information (text, tables etc.) from such referenced appendices and placing them directly in the jurisdiction’s program plan, and then provide a link to the full document within the program plan’s text.

Was this comment sufficiently addressed?					
Addressed:	<input checked="" type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input type="checkbox"/>
Comments:					

Use of Statistical Sampling Approaches and Practice Prioritization:

2. Anytime the jurisdictions select a subsampling percentage—e.g., 5 percent—they should document the process and rationale for how they selected that specific percentage. Simply citing a methodology used by NRCS or other data submitting partners is not sufficient in the Panel’s opinion. Emphasis should be placed on documenting the criteria for subsample selection on how that percent subsampling meets the jurisdiction’s own WIP and verification objectives to ensure they have achieved the Partnership’s BMP Verification Principles.

Was this comment sufficiently addressed?					
Addressed:	<input checked="" type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input type="checkbox"/>
Comments:					

3. When using a statistical sampling based verification protocol (e.g., CTIC), the jurisdiction should clearly document how they plan to translate the findings from the statistical survey into the actual numbers and geographical distribution of practices submitted through NEIEN for crediting through the Partnership's annual progress runs.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:
Comments:

4. Jurisdictions should consider basing the rigor of their verification protocols by a practice's contributions to planned pollutant reductions under the jurisdiction's Watershed Implementation Plans (WIPs). Risk of practice failure may also be a workable means to prioritize verification if clear justification for assignment of risk to individual BMPs is provided.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:
Comments:

5. Jurisdictions should provide the overall percentage of the total WIP load reductions contributed by BMPs that the jurisdiction has included in its BMP verification protocols. Pennsylvania's draft program plan provides good examples of this approach (see page 5 for one example).

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:
Comments: Addressed for practices in the agricultural sector.

6. While the Panel recommends the prioritization of BMPs, they note that verification protocols must be developed for *all* BMPs that a jurisdiction plans to report. Therefore, the Panel is asking for the jurisdictions to fill in the blanks for any low and medium priority BMPs for which verification protocols have not yet been submitted. The Panel asks for a specific timeframe for providing verification protocols for these low and medium priority BMPs, as well as a description of the envisioned level(s) of verification, recognizing the Basinwide Framework allows for less rigorous levels of verification for these low priority practices.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: Addressed for the agricultural sector, but not for the wetlands, forestry, stream restoration and urban storm water sectors.

7. The Panel requests that all six states describe their proposed verification of septic systems/on-site treatment systems **EVEN** if those treatment technologies may be low priority and/or if the jurisdiction does not have plans to submit these technologies in the near future for pollutant reduction credit.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments:

Practice Inspections:

8. Training requirements for inspectors were not clearly documented throughout the verification program plans. (See New York’s draft agricultural plan for a good working example of what the Panel was looking for across the jurisdictions.)

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments: Addressed for the agricultural sector, but not for the wetlands, forestry, stream restoration and urban storm water sectors.		

9. The Panel feels that independent, third party review is necessary in most cases to meet the Public Confidence Principle.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input checked="" type="checkbox"/>
Comments:		

10. If a BMP has been inspected and found to meet standards, then the jurisdiction needs to clearly document their plans to ‘restart the clock’ on that practice and apply a new life span.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input checked="" type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments: Addressed for the agricultural sector, but not for the wetlands, forestry, stream restoration and urban storm water sectors.		

11. If a BMP has been inspected and found not to meet standards, then the jurisdiction needs to clearly document the process for corrective maintenance and the application of a new life span, or alternatively, to remove it from the jurisdiction's tracking data base.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: Addressed for the agricultural sector, but not for the wetlands, forestry, stream restoration and urban storm water sectors.

12. Across the jurisdictions, the way that verification of erosion and sediment control for active construction and stormwater management for post-construction was conflated and/or confusing at times. A clear distinction between the verification approaches for these very different categories of BMPs should be provided.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: New York addresses tracking and reporting of erosion and sediment control for active construction but not stormwater management for post-construction

Enhancing Existing Programs:

13. If a jurisdiction has not finished issuing all its MS4 permits, the Panel questions relying on MS4 permits for carrying out verification. Jurisdictions must develop a program plan that is consistent with the urban sector guidance, and cannot simply default to MS4 methodologies.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: Unclear if New York has issued all of its MS4 permits in the Chesapeake Bay watershed.

14. Where Bay TMDL NPDES permit limits are not yet met, a schedule for treatment upgrades and issuance of associated permits should be included in the jurisdictions' wastewater treatment verification sections.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input checked="" type="checkbox"/>
Comments:		

15. Verification procedures for BMPs owned or operated by Federal agencies, facilities and landowners were essentially absent from the jurisdictions' initial draft BMP verification program plans—this is an issue that needs to be addressed by both the jurisdictions AND their federal agency and facility partners.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input checked="" type="checkbox"/>
Comments: New York has very, very limited number and acreage of federal facilities so this comment is really not applicable.		

New York

Agriculture (Red)

New York appears to be collecting some of the recently approved resource improvement practices, but there is no mention of the approved verification procedures and visual indicators.

Was this comment sufficiently addressed?

Addressed:

Partially Addressed:

Not Addressed:

Comments: Limited documentation provided on pages 5-6, with reference to the Resource Improvement work of the CBP, but not explicit commitments to follow those visual indicators.

Provide documentation on verification of agricultural conservation programs.

Was this comment sufficiently addressed?

Addressed:

Partially Addressed:

Not Addressed:

Comments:

Many Panel members are well aware of the procedures followed by USC members in carrying out their agricultural inspections and the New York's AEM program so please provide documentation of these programs.

Was this comment sufficiently addressed?

Addressed:

Partially Addressed:

Not Addressed:

Comments: Need direct links to the actual AEM on-farm inventory procedures.

The Panel asked New York to expand the discussion of how New York is handling verification of annual practices, particularly in terms of what they are going to sample and how they plan to go about the sub-sampling after the initial on-site verification.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

The Panel asked for more documentation of New York's plans for verification of nutrient management plans.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

Page 5, A7, 1 – The ability to generate a report from the AEM Data Management System by county would be very helpful. However, the report will only be valuable to Bay tracking if it will be able to distinguish between farms inside and outside the watershed.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

Page 5, A8 – This indicates that each Soil and Water Conservation District is designated as the lead for water quality issues in their respective counties. Since each District has at least several employees, would it make sense to designate one individual and an alternate?

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input type="checkbox"/>
Comments: Beyond verification.					

Page 6 – Please clarify what is meant by “days of concurrent training”.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

Page 7 – Please indicate how many certified agricultural professionals of each type (e.g., Erosion and Sediment Control) there are in the watershed and if these numbers are expected to stay the same or change in the next few years.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

Page 9 – Please provide a link to the “User Guide for Agricultural Environmental Management Web Application” listed in the first paragraph.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

Page 9, paragraph 3 – Indicates that “All BMP data is collected using the latitude and longitude coordinates of the farm where the BMPs are applied.” Since the location of the BMP is on some part of the farm, wouldn’t additional GPS data be necessary to accurately identify the location of a BMP?

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

EPA understands that the identifying information about individual farms must be kept confidential. However, would it be possible to develop a farm database that includes BMPs but does not include the identifying information for individual farms?

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

Page 13, Data Validation and Usability – Please provide a link to the “New York verification protocols”. As indicated in the general comments, this section appears to be a partial plan for verification protocols and statistical methods that will be developed in the future.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: Unsure if this comment has been addressed.

Forestry (Red)

New York mentions forest buffers as an agricultural BMP (page 11) and forest conservation (page 15 as part of urban). They do not track forest harvest. There are no other details provided, such as on verification or inspections.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

The Panel asked that New York move its verification protocols for riparian forest buffers from their agriculture section of their BMP verification program plan to the forestry section.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: No forestry section was provided by New York.

The Panel asked that New York place emphasis on following the Forestry Workgroup’s verification guidance, particularly the recommended follow-up site visits to ensure the buffer is maintained over time.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

The Panel asked that New York develop a set of urban tree planting and urban riparian buffer verification protocols reflective the Forestry Workgroup’s verification guidance and consistent with the forthcoming Urban Tree Canopy BMP Expert Panel report and the Urban Tree Canopy Management Strategy.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

Given the high reliance on tracking and reporting forest harvesting practices for getting nutrient and sediment pollutant loading reduction credit, the Panel asked that New York submit verification protocols for forest harvesting practices.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

The Panel asked New York to document if they have practices for which they will not have specific verification protocols developed by the November 16th submission deadline. The Panel asked that New York provide a schedule and plans for when these verification protocols will be developed and submitted to EPA.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

The Panel asked that New York specifically document that they don't report a riparian forest buffer until it's clearly established.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

Stream Restoration (Red)

No verification protocols were submitted for stream restoration practices.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

Provide a Verification Framework Table 8 formatted set of information on New York's existing and planned stream verification program and answers the series of questions in the stream restoration sector's section of the Panel's evaluation form.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

The Panel asked New York to review and answer the applicable stream restoration evaluation review questions contained within Appendix A on page 50 in the Panel’s August 7th report to the jurisdictions in their revised stream restoration verification protocol documentation.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

Urban Stormwater (Red)

Stormwater program description is based on New York’s erosion and sediment control construction general permit program. The Panel assumes the regulations outline inspection requirements, but they are not described.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input checked="" type="checkbox"/>	Not Addressed:	<input type="checkbox"/>
Comments: References to the “DEC SPDES Inspector Guidance Manual” are made on page 21, but no URL links provided and no real description of the verification protocols addressed by this manual.					

There is a requirement for the local permittee to hire an inspector for conducting the inspection of post construction practices—this approach seems flawed from the beginning, given the conflict of interest.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input type="checkbox"/>
Comments: Not sure if this was addressed or that the above referenced text was just eliminated from the document entirely.					

Initial inspection program needs to build on verification of the inspection process.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments: Not sure if this was addressed or that the above referenced text was just eliminated from the document entirely.		

The state should review the Verification Framework and Table 8 and develop a document consistent with that guidance.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input checked="" type="checkbox"/>
Comments:		

Does New York have Phase II MS4 permittees in the Bay watershed? If so, it needs to upgrade its stormwater protocol and respond to the Panel evaluation form questions and elements within the urban stormwater sector guidance.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input checked="" type="checkbox"/>
Comments:		

The Panel pointed out that hiring a local inspector for conducting stormwater inspections needs to be balanced with documentation of some type of oversight of those local inspectors.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: Not sure if this was addressed or that the above referenced text was just eliminated from the document entirely.

The Panel asked that New York provide clear documentation of the post construction inspections and planned follow up actions.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

The Panel asked for a more specific description of the schedules for MS4 inspections.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

Page 10, Collecting Stormwater BMP data – There is no discussion of how Erosion and Sediment Control practices are verified using for example, inspection data to reduce the assumption of 100% compliance with these controls.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

Pages 14-15, Reporting construction stormwater BMP data – This provides a plan for how the data would be collected if the Stormwater Practice Reporting Tool (SPRT) were fully functional. EPA understands that this tool is not functional. It is not clear why CBRAP funding was not used to restore the tool’s functionality to allow these BMPs to be tracked. Can this task be added to the workplan revision?

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

Pages 18-19- Currently it is not possible for EPA to use a database and determine what actions have taken to return a facility receiving a marginal or unsatisfactory inspection rating back to satisfactory. EPA understands that NYSDEC is working on a compliance verification form that might be able to address this need. What is the status of implementing this form/system?

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

Page 27, Appendix E, Reporting Construction Stormwater BMPs for Annual Progress Runs - EPA understands that the SPRT is not fully functional. Therefore, this Appendix is not currently applicable.

Was this comment sufficiently addressed?			
Addressed:	<input checked="" type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments: NY deleted the appendix.			

Wastewater (Yellow)

New York did not provide sufficient documentation in order for the Panel answer the wastewater treatment facilities sector's questions within the Panel's evaluation form (see Appendix A).

Was this comment sufficiently addressed?			
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input checked="" type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments:			

No verification procedures for septic systems/on-site treatment systems were included in the verification program plan. This is alright if the WIP does not include septic nitrogen reductions, but that should be clearly documented.

Was this comment sufficiently addressed?			
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>
		Not Addressed:	<input checked="" type="checkbox"/>
Comments:			

No verification procedures for CSOs.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:
Comments:

CSO is not covered, but should be.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:
Comments:

Page 10, Collecting Significant Wastewater Data – This section refers to spreadsheets that permittees use to calculate DMRs and are available on DEC’s internal website. Please provide an example spreadsheet as an attachment to this plan.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:
Comments:

Page 10, Non-significant Wastewater Treatment Plants – The draft plan for monitoring these plants just needs to be finalized by submitting the revised plan with the supporting spreadsheet as an appendix.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

Page 24, Appendix B: Discharge Monitoring Report Submittal Process – The main body of the report describes the spreadsheets that permittees use to develop DMRs, yet these are not included in the diagram. The spreadsheets are also not mentioned on pages 24-25. The text and workflow diagram should be consistent.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input checked="" type="checkbox"/>	Not Addressed:	<input type="checkbox"/>
Comments:					

Wetlands (Red)

No wetlands verification protocols were provided in the verification program plan.

Was this comment sufficiently addressed? Addressed: <input type="checkbox"/> Partially Addressed: <input type="checkbox"/> Not Addressed: <input checked="" type="checkbox"/>
Comments:

The Panel asked New York to emphasize functionality as well as strictly presence.

Was this comment sufficiently addressed? Addressed: <input type="checkbox"/> Partially Addressed: <input type="checkbox"/> Not Addressed: <input checked="" type="checkbox"/>
Comments:

The Panel asked New York to review and answer the applicable wetlands evaluation review questions contained within Appendix A on page 52 in the Panel's August 7th report to the jurisdictions in their revised wetlands verification protocol documentation.

Was this comment sufficiently addressed? Addressed: <input type="checkbox"/> Partially Addressed: <input type="checkbox"/> Not Addressed: <input checked="" type="checkbox"/>
Comments:

Format

Agriculture BMPs (including Wetland and Stream Restorations on Ag Lands)

- Format very good. Section D is incomplete - need to describe the verification procedures. Be sure to include *Table 8, Verification Program Design*, for all three sectors.
- What responsibilities does USC have for CAFO data collection and inspection activities? CAFOs are also mentioned in NYSDEC QAPP. Add definition(s) for stream restoration to Appendix 3.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input checked="" type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments:		

Wastewater and Urban Stormwater QAPP

- One QAPP for both sectors; some CAFO info.
- Format is OK, some deviations. The QAPP has separate sections for WW & SW sectors that describe procedures for data sources, data reporting and validation. The description of WW data processing in § 4.1.2 is very brief; additional information is needed such as: a) parameters downloaded from ICIS, b) conversions made and c) parameters not available from ICIS and the source(s) of those data. In Section 4.2: a) Describe how it is estimated that 85% of nutrient loads from non-significant plants comes from 37 plants, and b) attach a list of names for these 37 plants. In Section 7, describes in detail the WWTP compliance inspections. Additional detail for the CAFO and stormwater inspections is needed.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input checked="" type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments:		

New York Overarching Comments

Formatting and General Content:

16. The Panel felt that the approach of building a program plan around citations of verification procedures provided in often-lengthy attached appendices was not effective or transparent. The Panel highly recommends pulling out the relevant information (text, tables etc.) from such referenced appendices and placing them directly in the jurisdiction’s program plan, and then provide a link to the full document within the program plan’s text.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments: The appendices provided in the point source (PS) and Agricultural QAPPs are not lengthy, so the applicability of this comment is unclear.		

Use of Statistical Sampling Approaches and Practice Prioritization:

17. Anytime the jurisdictions select a subsampling percentage—e.g., 5 percent—they should document the process and rationale for how they selected that specific percentage. Simply citing a methodology used by NRCS or other data submitting partners is not sufficient in the Panel’s opinion. Emphasis should be placed on documenting the criteria for subsample selection on how that percent subsampling meets the jurisdiction’s own WIP and verification objectives to ensure they have achieved the Partnership’s BMP Verification Principles.

Was this comment sufficiently addressed?		
Addressed: <input checked="" type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments: NY’s statistical subsampling approach meets or exceeds the verification framework recommendations. The WIP does not have verification objectives yet.		

18. When using a statistical sampling based verification protocol (e.g., CTIC), the jurisdiction should clearly document how they plan to translate the findings from the statistical survey into the actual numbers and geographical distribution of practices submitted through NEIEN for crediting through the Partnership's annual progress runs.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: The statistical sampling approach discusses how verification data will be used to report variable number of BMPs and indicates that it will be updated in order to meet verification goals.

19. Jurisdictions should consider basing the rigor of their verification protocols by a practice's contributions to planned pollutant reductions under the jurisdiction's Watershed Implementation Plans (WIPs). Risk of practice failure may also be a workable means to prioritize verification if clear justification for assignment of risk to individual BMPs is provided.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments:

20. Jurisdictions should provide the overall percentage of the total WIP load reductions contributed by BMPs that the jurisdiction has included in its BMP verification protocols. Pennsylvania's draft program plan provides good examples of this approach (see page 5 for one example).

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

21. While the Panel recommends the prioritization of BMPs, they note that verification protocols must be developed for *all* BMPs that a jurisdiction plans to report. Therefore, the Panel is asking for the jurisdictions to fill in the blanks for any low and medium priority BMPs for which verification protocols have not yet been submitted. The Panel asks for a specific timeframe for providing verification protocols for these low and medium priority BMPs, as well as a description of the envisioned level(s) of verification, recognizing the Basinwide Framework allows for less rigorous levels of verification for these low priority practices.

Was this comment sufficiently addressed?			
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input checked="" type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments: Identified practices but did not provide schedule or envisioned verification levels.			

22. The Panel requests that all six states describe their proposed verification of septic systems/on-site treatment systems EVEN if those treatment technologies may be low priority and/or if the jurisdiction does not have plans to submit these technologies in the near future for pollutant reduction credit.

Was this comment sufficiently addressed?			
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments: This does not make sense. NY stated that it does not currently report or have any plans to report on septic systems. Why do they need to discuss verification of data they will not submit?			

Practice Inspections:

23. Training requirements for inspectors were not clearly documented throughout the verification program plans. (See New York’s draft agricultural plan for a good working example of what the Panel was looking for across the jurisdictions.)

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: Not clear in what PS program this was a problem in. However, there was no specific discussion of training in the compliance and Enforcement section of the PS QAPP. However, the QAPP did indicate that all inspectors need to have an in-depth understanding of the state and federal laws and specific permit requirements.

24. The Panel feels that independent, third party review is necessary in most cases to meet the Public Confidence Principle.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: Not sure what this is referring to, is it the QAPP itself? Impossible to determine if NY falls in the “most cases” or not. The likelihood of someone caring about these in NY is quite low.

25. If a BMP has been inspected and found to meet standards, then the jurisdiction needs to clearly document their plans to ‘restart the clock’ on that practice and apply a new life span.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: Addressed for agricultural practices but not for stormwater

26. If a BMP has been inspected and found not to meet standards, then the jurisdiction needs to clearly document the process for corrective maintenance and the application of a new life span, or alternatively, to remove it from the jurisdiction's tracking data base.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: This was addressed well for agriculture but not stormwater.

27. Across the jurisdictions, the way that verification of erosion and sediment control for active construction and stormwater management for post-construction was conflated and/or confusing at times. A clear distinction between the verification approaches for these very different categories of BMPs should be provided.

Was this comment sufficiently addressed?
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Comments:

Enhancing Existing Programs:

28. If a jurisdiction has not finished issuing all its MS4 permits, the Panel questions relying on MS4 permits for carrying out verification. Jurisdictions must develop a program plan that is consistent with the urban sector guidance, and cannot simply default to MS4 methodologies.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: Not applicable

29. Where Bay TMDL NPDES permit limits are not yet met, a schedule for treatment upgrades and issuance of associated permits should be included in the jurisdictions' wastewater treatment verification sections.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input type="checkbox"/>
Comments: Not applicable.					

30. Verification procedures for BMPs owned or operated by Federal agencies, facilities and landowners were essentially absent from the jurisdictions' initial draft BMP verification program plans—this is an issue that needs to be addressed by both the jurisdictions AND their federal agency and facility partners.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input type="checkbox"/>
Comments: Federal Facilities' contributions to nutrient and sediment reductions are negligible since less than 100 acres of the watershed are controlled by Federal Facilities.					

New York

Agriculture (Red)

New York appears to be collecting some of the recently approved resource improvement practices, but there is no mention of the approved verification procedures and visual indicators.

Was this comment sufficiently addressed?		
Addressed: <input checked="" type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments:		

Provide documentation on verification of agricultural conservation programs.

Was this comment sufficiently addressed?		
Addressed: <input checked="" type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments:		

Many Panel members are well aware of the procedures followed by USC members in carrying out their agricultural inspections and the New York's AEM program so please provide documentation of these programs.

Was this comment sufficiently addressed?		
Addressed: <input checked="" type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments:		

The Panel asked New York to expand the discussion of how New York is handling verification of annual practices, particularly in terms of what they are going to sample and how they plan to go about the sub-sampling after the initial on-site verification.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: The QAPP does mention subsampling for annual practices but its applicability is unclear. My understanding of annual practices is that if they are not verified (observed) every year they cannot be counted.

The Panel asked for more documentation of New York's plans for verification of nutrient management plans.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

Page 5, A7, 1 – The ability to generate a report from the AEM Data Management System by county would be very helpful. However, the report will only be valuable to Bay tracking if it will be able to distinguish between farms inside and outside the watershed.

Was this comment sufficiently addressed?			
Addressed:	<input checked="" type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments:			

Page 5, A8 – This indicates that each Soil and Water Conservation District is designated as the lead for water quality issues in their respective counties. Since each District has at least several employees, would it make sense to designate one individual and an alternate?

Was this comment sufficiently addressed?			
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input checked="" type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments: Addressed by assigning each SWCD a unique identifier.			

Page 6 – Please clarify what is meant by “days of concurrent training”.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: “days of concurrent training” refers to the two concurrent tracks on the same day – one for planners and one for technicians during training. Each day of training has two agendas and audiences.

Page 7 – Please indicate how many certified agricultural professionals of each type (e.g., Erosion and Sediment Control) there are in the watershed and if these numbers are expected to stay the same or change in the next few years.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

Page 9 – Please provide a link to the “User Guide for Agricultural Environmental Management Web Application” listed in the first paragraph.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

Page 9, paragraph 3 – Indicates that “All BMP data is collected using the latitude and longitude coordinates of the farm where the BMPs are applied.” Since the location of the BMP is on some part of the farm, wouldn’t additional GPS data be necessary to accurately identify the location of a BMP?

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: The USC does not report on farm-specific information due to confidentiality requirements.

EPA understands that the identifying information about individual farms must be kept confidential. However, would it be possible to develop a farm database that includes BMPs but does not include the identifying information for individual farms?

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: Not a critical comment

Page 13, Data Validation and Usability – Please provide a link to the “New York verification protocols”. As indicated in the general comments, this section appears to be a partial plan for verification protocols and statistical methods that will be developed in the future.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: This reference to pre-existing Verification Protocols has been removed

Forestry (Red)

New York mentions forest buffers as an agricultural BMP (page 11) and forest conservation (page 15 as part of urban). They do not track forest harvest. There are no other details provided, such as on verification or inspections.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Forest buffers now include inspections and verification.in the Agricultural plan

The Panel asked that New York move its verification protocols for riparian forest buffers from their agriculture section of their BMP verification program plan to the forestry section.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: There is no forestry section

The Panel asked that New York place emphasis on following the Forestry Workgroup’s verification guidance, particularly the recommended follow-up site visits to ensure the buffer is maintained over time.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: The document does not fully address non-agricultural BMPs such as forest harvesting, wetlands or stream restoration but states that verification and usability protocols will be developed as needed or funds become available.

Agricultural buffers will be verified at a rate of 5-10 percent annually.

The Panel asked that New York develop a set of urban tree planting and urban riparian buffer verification protocols reflective the Forestry Workgroup’s verification guidance and consistent with the forthcoming Urban Tree Canopy BMP Expert Panel report and the Urban Tree Canopy Management Strategy.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: NY does not currently report on urban riparian buffers or tree planting and there are no goals for these practices in NY’s Phase II WIP.

Given the high reliance on tracking and reporting forest harvesting practices for getting nutrient and sediment pollutant loading reduction credit, the Panel asked that New York submit verification protocols for forest harvesting practices.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: NY does not currently report forest harvesting practices.

The Panel asked New York to document if they have practices for which they will not have specific verification protocols developed by the November 16th submission deadline. The Panel asked that New York provide a schedule and plans for when these verification protocols will be developed and submitted to EPA.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: Protocols were identified (e.g, wetlands, riparian restoration) but no schedules were provided

The Panel asked that New York specifically document that they don't report a riparian forest buffer until it's clearly established.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: NY does not report or have goals in it's WIP for riparian forest buffers. However, there is a goal under agriculture for "forest buffers". This assumes that they are the same. Ten percent of all forest buffers will be verified annually.

Stream Restoration (Red)

No verification protocols were submitted for stream restoration practices.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: The plan indicates that these are under development.

Provide a Verification Framework Table 8 formatted set of information on New York's existing and planned stream verification program and answers the series of questions in the stream restoration sector's section of the Panel's evaluation form.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: Not applicable until the verification plan for stream restoration is developed..

The Panel asked New York to review and answer the applicable stream restoration evaluation review questions contained within Appendix A on page 50 in the Panel’s August 7th report to the jurisdictions in their revised stream restoration verification protocol documentation.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input type="checkbox"/>
Comments: Not applicable until the verification plan for stream restoration is developed..					

Urban Stormwater (Red)

Stormwater program description is based on New York’s erosion and sediment control construction general permit program. The Panel assumes the regulations outline inspection requirements, but they are not described.

Was this comment sufficiently addressed?					
Addressed:	<input checked="" type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input type="checkbox"/>
Comments: The plan states that the construction permit requires all owner/operator to provide coverage under the general permit by providing a Notice of Intent. The plan states that the permit requires that qualified inspector to perform weekly inspections. The inspector is also required to do a final inspection and certify in the notice of termination the BMPs have been constructed in conformance with the SWPPP.					

There is a requirement for the local permittee to hire an inspector for conducting the inspection of post construction practices—this approach seems flawed from the beginning, given the conflict of interest.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

Initial inspection program needs to build on verification of the inspection process.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments: This comment is confusing.		

The state should review the Verification Framework and Table 8 and develop a document consistent with that guidance.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input checked="" type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments: The QAPP relies very heavily on compliance and enforcement inspections at WWTPs, MS4, CSOs and CAFOs, but does not indicate how often facilities are inspected. However, based on the CBRAP grant agreement, expected inspection frequencies have been stepped up and may be obtained from progress reports.		

Does New York have Phase II MS4 permittees in the Bay watershed? If so, it needs to upgrade its stormwater protocol and respond to the Panel evaluation form questions and elements within the urban stormwater sector guidance.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input checked="" type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments: MS4 verification is only addressed in terms of compliance and enforcement inspections.		

The Panel pointed out that hiring a local inspector for conducting stormwater inspections needs to be balanced with documentation of some type of oversight of those local inspectors.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: This type of oversight is not part of NY's current general MS4 permit. However, NY can consider this change in the revised permit in 2017.

The Panel asked that New York provide clear documentation of the post construction inspections and planned follow up actions.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: The QAPP states that a qualified inspector must perform a final inspection and certify in the Notice of Termination that the BMPs have been constructed in conformance with SWPPP. The certified NOTs are then submitted to DEC's stormwater section.

The Panel asked for a more specific description of the schedules for MS4 inspections.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments: This information can be readily obtained from CBRAP progress reports but was not provided.					

Page 10, Collecting Stormwater BMP data – There is no discussion of how Erosion and Sediment Control practices are verified using for example, inspection data to reduce the assumption of 100% compliance with these controls.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

Pages 14-15, Reporting construction stormwater BMP data – This provides a plan for how the data would be collected if the Stormwater Practice Reporting Tool (SPRT) were fully functional. EPA understands that this tool is not functional. It is not clear why CBRAP funding was not used to restore the tool’s functionality to allow these BMPs to be tracked. Can this task be added to the workplan revision?

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: The plan now indicates that NY is looking into the development of a new database similar to what has been developed by Tetra Tech in DE and WV.

Pages 18-19- Currently it is not possible for EPA to use a database and determine what actions have taken to return a facility receiving a marginal or unsatisfactory inspection rating back to satisfactory. EPA understands that NYSDEC is working on a compliance verification form that might be able to address this need. What is the status of implementing this form/system?

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: Not a significant comment.

Page 27, Appendix E, Reporting Construction Stormwater BMPs for Annual Progress Runs - EPA understands that the SPRT is not fully functional. Therefore, this Appendix is not currently applicable.

Was this comment sufficiently addressed?			
Addressed:	<input checked="" type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments:			

Wastewater (Yellow)

New York did not provide sufficient documentation in order for the Panel answer the wastewater treatment facilities sector's questions within the Panel's evaluation form (see Appendix A).

Was this comment sufficiently addressed?			
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input checked="" type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments: QAPP is consistent with WW verification guidance Tables B-15 and B-18 and addresses most of the questions listed in Appendix A, with the exception of CSOs.			

No verification procedures for septic systems/on-site treatment systems were included in the verification program plan. This is alright if the WIP does not include septic nitrogen reductions, but that should be clearly documented.

Was this comment sufficiently addressed?			
Addressed:	<input checked="" type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments: The plan states that it is not reporting septic reductions.			

No verification procedures for CSOs.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: Addressed in terms of compliance monitoring and follow-up enforcementComment.

CSO is not covered, but should be.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments:

Page 10, Collecting Significant Wastewater Data – This section refers to spreadsheets that permittees use to calculate DMRs and are available on DEC’s internal website. Please provide an example spreadsheet as an attachment to this plan.

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: This comment was a request, not a requirement

Page 10, Non-significant Wastewater Treatment Plants – The draft plan for monitoring these plants just needs to be finalized by submitting the revised plan with the supporting spreadsheet as an appendix.

Was this comment sufficiently addressed?			
Addressed:	<input checked="" type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments:			

Page 24, Appendix B: Discharge Monitoring Report Submittal Process – The main body of the report describes the spreadsheets that permittees use to develop DMRs, yet these are not included in the diagram. The spreadsheets are also not mentioned on pages 24-25. The text and workflow diagram should be consistent.

Was this comment sufficiently addressed?			
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>
		Not Addressed:	<input checked="" type="checkbox"/>
Comments:			

Wetlands (Red)

No wetlands verification protocols were provided in the verification program plan.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input checked="" type="checkbox"/>	Not Addressed: <input type="checkbox"/>
<p>Comments: The QAPP is somewhat inconsistent. It states on Page 16 that “Verification for BMPs collected by USC from other source sectors is not currently developed. Though wetlands are reported, they result in no functional change or load reduction triggering verification.” However, it also states on P11 that wetland data is entered manually into the online tool and later submitted via NEIEN. Page 5 of the Statistical sampling appendix indicates that wetlands will be verified at a rate of 5% annually. The statement on Page 16 is incorrect and should be removed.</p>		

The Panel asked New York to emphasize functionality as well as strictly presence.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input checked="" type="checkbox"/>	Not Addressed: <input type="checkbox"/>
<p>Comments: Page 16 of the QAPP states that for non-agricultural data, “as practices are changed and reported for CBP, verification and usability protocols will be developed as needed or as fund become available”. Page 6 of Appendix 3 describes wetland functional gains as well as restoration.</p>		

The Panel asked New York to review and answer the applicable wetlands evaluation review questions contained within Appendix A on page 52 in the Panel’s August 7th report to the jurisdictions in their revised wetlands verification protocol documentation.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input checked="" type="checkbox"/>
<p>Comments: See above.</p>		

Format

Agriculture BMPs (including Wetland and Stream Restorations on Ag Lands)

- Format very good. Section D is incomplete - need to describe the verification procedures. Be sure to include *Table 8, Verification Program Design*, for all three sectors.
- What responsibilities does USC have for CAFO data collection and inspection activities? CAFOs are also mentioned in NYSDEC QAPP. Add definition(s) for stream restoration to Appendix 3.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: Includes responsibilities for CAFO data collection. Inspection is a NYSDEC responsibility, but funding has been allocated for USC staff to observe NYSDEC inspections and share NYSDEC data to evaluate the presence and effectiveness of BMPs. Stormwater is only addressed by compliance and enforcement activities and stream restoration will be addressed later in this process.

Wastewater and Urban Stormwater QAPP

- One QAPP for both sectors; some CAFO info.
- Format is OK, some deviations. The QAPP has separate sections for WW & SW sectors that describe procedures for data sources, data reporting and validation. The description of WW data processing in § 4.1.2 is very brief; additional information is needed such as: a) parameters downloaded from ICIS, b) conversions made and c) parameters not available from ICIS and the source(s) of those data. In Section 4.2: a) Describe how it is estimated that 85% of nutrient loads from non-significant plants comes from 37 plants, and b) attach a list of names for these 37 plants. In Section 7, describes in detail the WWTP compliance inspections. Additional detail for the CAFO and stormwater inspections is needed.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments:

The discussion presented in Section 7 provides additional detail for all inspections including CAFO and Stormwater.

New York Agriculture Evaluation Questions

1. Will agriculture BMPs be identified and verified according to the recommended verification categories (Visual Assessment-Single Year, Visual Assessment-Multi-Year, and Non-Visual Assessment)?

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input checked="" type="checkbox"/>	Not Addressed: <input type="checkbox"/>
<p><i>Comments: Plan only states that ag BMPs (annual or single year) will be reported in AEM data management system when they are verified (once). Multi-year structural BMPs are only reported once (A5:4). Details are not given re: how identification or verification is done even though B10:3 states details are provided in A9:1 when they are not.</i></p> <p><i>NY also submitted a Statistical Sampling Approach to Agricultural BMP Verification in NYS which outlined its approach. From this document, it wasn't clear how this objective was met.</i></p>		

2. Will agriculture BMPs be identified and verified according to oversight categories (non-cost shared, cost-shared, regulatory, and permitted)?

Was this comment sufficiently addressed?		
Addressed: <input checked="" type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input type="checkbox"/>
<p><i>Comments: NY's Statistical Sampling Approach to Agricultural BMP Verification in NYS document outlined its approach as to how it would verify BMPs in the individual oversight categories (initial and re-verification). However, the narrative in the QAPP itself did not specifically identify its approach other than brief mention on p. 5 in A5:4 where USC states that there are practices that are not cost shared that may not meet the practice standard associated with state and/or federal cost shared programs but still provide a similar annual env. benefit for water quality. The USC calls these Resource Improvement (RI) BMPs and will document these via Tier 2 AEM worksheets and complete a visual assessment of these practices. No detail on these RIs were provided in Section A7 as indicated in A5:4.</i></p>		

3. Does the program define the frequency of verification assessments for initial and subsequent years of implementation and reporting? (For priority BMPs, onsite visits are recommended for 10% of BMPs per year)

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: *Addressed in Statistical Sampling Approach to Agricultural BMP Verification in NYS document*

4. If an alternative strategy to sub-sampling is utilized than the strategy outlined in the sector guidance, is it properly identified and appropriately justified?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: *N/A*

5. Does the program identify a process where BMP assessment methods would change with a change in BMP oversight (i.e. cost-shared contractual BMP to non-contractual BMP)?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: *NYS conducts whole farm visual assessments for 100% of farms participating in AEM (non cost shared BMPs); 100% of farms under contract (cost shared BMPs); and 100% of CAFO permitted facilities (permit issuing programs)*

6. Does the program identify the difference in sub-sampling for subsequent years for BMPs under a CAFO permit oversight? (I.e. 20% compared to 10/5%)

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: *Table 1 of Statistical Sampling Approach to Agricultural BMP Verification in NYS document illustrates that at least 20% will be followed-up or re-verified during annual CAFO inspections. In addition, p. 5 (Step 2) states that w/ NY inspecting 50% of CAFO-permitted farms annually, 100% of CAFO-permitted farms will be inspected every 2 years. Therefore, this approach to CAFO re-verification will result in easily meeting the target of 20% for permit-based BMPs.*

7. Are the assessment methods utilized to verify BMPs based on type and category of oversight clearly explained and consistent with the sector guidance?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: *“Statistical Sampling Approach to Agricultural BMP Verification in NYS” document*

8. Does the program identify the level of verification effort in relation to TMDL sector nutrient and sediment reduction goals?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: *Table 3*

9. For on-site non-visual assessments of plans for Nutrient Management, does the program identify the assessment methods utilized to verify each component of the plans, the degree of compliance with the CBP-defined practice standards, and the ability to track and report data on compliance levels of each component or standard?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: *Not addressed in QAPP*

10. Is the intensity of verification efforts prioritized in proportion to a practices contribution to the overall TMDL pollution reduction in the jurisdiction's WIP?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: *Not clear to this reviewer*

11. Does the program make an effort to increase the transparency of its BMP verification programs? If so, what steps have been proposed?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: *Intent of question not clear to reviewer; "Statistical Sampling Approach to Agricultural BMP Verification in NYS" document outlines approach in series of tables that appear to be clear & understandable*

New York Agriculture

New York appears to be collecting some of the recently approved resource improvement practices, but there is no mention of the approved verification procedures and visual indicators.

Was this comment sufficiently addressed?

Addressed:

Partially Addressed:

Not Addressed:

Comments: *“Statistical Sampling Approach to Agricultural BMP Verification in NYS” document states NYS will be using an adaptive management approach in selecting sites to inspect for verification. Techniques used to inspect BMPs at selected sites and record & track findings are described in the QAPP. Reviewer was not able to clearly discern NYS inspection techniques in the QAPP (other than NYS intent to do “whole farm” approach and the AEM system.*

Provide documentation on verification of agricultural conservation programs.

Was this comment sufficiently addressed?

Addressed:

Partially Addressed:

Not Addressed:

Comments: *Not clear to reviewer*

Many Panel members are well aware of the procedures followed by USC members in carrying out their agricultural inspections and the New York’s AEM program so please provide documentation of these programs.

Was this comment sufficiently addressed?

Addressed:

Partially Addressed:

Not Addressed:

Comments: *QAPP discusses USC’s trainings and certifications and various roles they play. However, the QAPP does not describe or identify the role of the USC members as they relate to agriculture inspections and AEM program. If NYS believes this is outlined, it is not clear to reviewer and should be clearly stated.*

The Panel asked New York to expand the discussion of how New York is handling verification of annual practices, particularly in terms of what they are going to sample and how they plan to go about the sub-sampling after the initial on-site verification.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: *“Statistical Sampling Approach to Agricultural BMP Verification in NYS” document*

The Panel asked for more documentation of New York’s plans for verification of nutrient management plans.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: *Not addressed in any of the documentation submitted*

Page 5, A7, 1 – The ability to generate a report from the AEM Data Management System by county would be very helpful. However, the report will only be valuable to Bay tracking if it will be able to distinguish between farms inside and outside the watershed.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: *Not clear to reviewer; data management system appears to have been developed by USC for use by SWCD within USC. No mention if system will generate reports that distinguish between farms that are inside or outside the CB watershed.*

Page 5, A8 – This indicates that each Soil and Water Conservation District is designated as the lead for water quality issues in their respective counties. Since each District has at least several employees, would it make sense to designate one individual and an alternate?

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: *No detail provided*

Page 6 – Please clarify what is meant by “days of concurrent training”.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: *training is held in March (looking online at NYS Conservation District Employees Association, it seems that the symposium is an annual event that lasts 3 to 4 days. The use of the word “concurrent” may not be the best fit here – recommend omitting completely since this is a relatively minor comment.*

Page 7 – Please indicate how many certified agricultural professionals of each type (e.g., Erosion and Sediment Control) there are in the watershed and if these numbers are expected to stay the same or change in the next few years.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: *Not identified in QAPP or “Statistical Sampling Approach to Agricultural BMP Verification in NYS” document*

Page 9 – Please provide a link to the “User Guide for Agricultural Environmental Management Web Application” listed in the first paragraph.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: *no link*

Page 9, paragraph 3 – Indicates that “All BMP data is collected using the latitude and longitude coordinates of the farm where the BMPs are applied.” Since the location of the BMP is on some part of the farm, wouldn’t additional GPS data be necessary to accurately identify the location of a BMP?

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: *Without a copy of the prior plan / statement, the reviewer cannot determine if the comment has responded to. P. 11 of QAPP (B10:3, paragraph 4) specifically states that lat long data is collected and data is tagged w/ CB identifier to indicate that the BMPs are geographically part of the CB watershed. Data is then aggregated by county according to NYS Ag & Mkts confidentiality laws and processed into req’d XML data exchange files for NEIEN.*

EPA understands that the identifying information about individual farms must be kept confidential. However, would it be possible to develop a farm database that includes BMPs but does not include the identifying information for individual farms?

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: *See previous comment; data is processed into req’d XML data exchange files for NEIEN after data aggregation into county per NYS Ag & Mkts confidentiality laws*

Page 13, Data Validation and Usability – Please provide a link to the “New York verification protocols”. As indicated in the general comments, this section appears to be a partial plan for verification protocols and statistical methods that will be developed in the future.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

New York Stream Restoration Evaluation Questions

1. Is a professionally appropriate checklist or other tool used to assess the design of the project and whether the project was installed according to the design?

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input checked="" type="checkbox"/>	Not Addressed:	<input type="checkbox"/>
Comments: Only some of the BMP’s use checklists or other tools to assess the design of the project. These checklists are important tools that can assist the success of projects and should be added to the BMP.					

2. Does the verification program seek to identify the key features that relate to stream function?

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input checked="" type="checkbox"/>	Not Addressed:	<input type="checkbox"/>
Comments: Some of the state BMP have check systems that would review stream functions. Several of the BMP’s do not have a proper program to identify key features.					

3. Is a professionally appropriate checklist or other tool used to assess post-construction performance?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: Only a few of the states use or discuss an appropriate checklist or tool to access post-construction performance.

4. Is the frequency of field verification defined?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: Only some of the states define the frequency of field verification. Some states do not mention the frequency of field verification. This is important to the success of the BMP and should be added to all of the BMP's.

5. Are inspections required two years after the initial construction and once every five years after that?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments:
None of the state BMP's require inspections 2 years after the initial construction with periodic inspections.

6. Does the program require a post-construction certificate to ensure that the project was installed properly, meets its functional restoration objectives, and is hydraulically and vegetatively stable?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments:
It is not clear that all the state BMP's require post-construction certificate.

7. What is the defined amount of time a locality/federal facility has to take corrective maintenance or rehabilitation to bring a sub-standard BMP back into compliance?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: This is not mentioned in most of the BMP's.

8. Are separate procedures necessary, and if so, identified for verifying restoration projects built for the purpose of nutrient trading within a state or to offset new loads elsewhere in the watershed?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: This is not mentioned in most of the BMP's.

9. Is the program consistent with the Bay Program-approved reporting standards as far as reporting units, geographic location, and removal rates?

Was this comment sufficiently addressed?
Addressed: Partially Addressed: Not Addressed:

Comments: Only some of the BMP's discuss or mention if their BMP is consistent with the Bay Program-approved reporting standards. This should be a consistent section of all the BMP's.

New York Stream Restoration

No verification protocols were submitted for stream restoration practices.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input checked="" type="checkbox"/>
Comments: NY – Page 16: Over time as practices are changed and reported for CBP, verification and usability protocols will be developed as needed or as funds become available.		

Provide a Verification Framework Table 8 formatted set of information on New York’s existing and planned stream verification program and answers the series of questions in the stream restoration sector’s section of the Panel’s evaluation form.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input checked="" type="checkbox"/>
Comments: NY – No table was provided.		

The Panel asked New York to review and answer the applicable stream restoration evaluation review questions contained within Appendix A on page 50 in the Panel’s August 7th report to the jurisdictions in their revised stream restoration verification protocol documentation.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input checked="" type="checkbox"/>
Comments: Table from Appendix A was not use.		

New York Wastewater

New York did not provide sufficient documentation in order for the Panel answer the wastewater treatment facilities sector's questions within the Panel's evaluation form (see Appendix A).

This comment is unclear.

Was this comment sufficiently addressed?		
Addressed: <input type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments:		

No verification procedures for septic systems/on-site treatment systems were included in the verification program plan. This is alright if the WIP does not include septic nitrogen reductions, but that should be clearly documented.

Was this comment sufficiently addressed?		
Addressed: <input checked="" type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments:		

No verification procedures for CSOs.

Was this comment sufficiently addressed?		
Addressed: <input checked="" type="checkbox"/>	Partially Addressed: <input type="checkbox"/>	Not Addressed: <input type="checkbox"/>
Comments:		

CSO is not covered, but should be.

Was this comment sufficiently addressed?			
Addressed:	<input checked="" type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments:			

Page 10, Collecting Significant Wastewater Data – This section refers to spreadsheets that permittees use to calculate DMRs and are available on DEC’s internal website. Please provide an example spreadsheet as an attachment to this plan.

Was this comment sufficiently addressed?			
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input checked="" type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments: A link to the internal website is provided, however, the page doesn’t open.			

Page 10, Non-significant Wastewater Treatment Plants – The draft plan for monitoring these plants just needs to be finalized by submitting the revised plan with the supporting spreadsheet as an appendix.

Was this comment sufficiently addressed?			
Addressed:	<input checked="" type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>
		Not Addressed:	<input type="checkbox"/>
Comments:			

Page 24, Appendix B: Discharge Monitoring Report Submittal Process – The main body of the report describes the spreadsheets that permittees use to develop DMRs, yet these are not included in the diagram. The spreadsheets are also not mentioned on pages 24-25. The text and workflow diagram should be consistent.

Was this comment sufficiently addressed?					
Addressed:	<input type="checkbox"/>	Partially Addressed:	<input type="checkbox"/>	Not Addressed:	<input checked="" type="checkbox"/>
Comments:					

New York Wetlands

No wetlands verification protocols were provided in the verification program plan.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: No additional wetland verification protocols were provided.

The Panel asked New York to emphasize functionality as well as strictly presence.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: It does not seem that NY has added any language to increase the use of functionality in the program plan.

The Panel asked New York to review and answer the applicable wetlands evaluation review questions contained within Appendix A on page 52 in the Panel's August 7th report to the jurisdictions in their revised wetlands verification protocol documentation.

Was this comment sufficiently addressed?

Addressed: Partially Addressed: Not Addressed:

Comments: It does not seem that the wetland evaluation review questions were incorporated into the protocol.