


Draft Agricultural BMP Verification Guidance Review Sessions

CBP Agriculture Workgroup Webinar

* July 10, 2014: 9:30 – 11:00

AgWG Verification Webinar

- ▶ **Welcome!**
 - ▶ Thank you for your participation in a final series of agricultural BMP verification guidance review sessions in preparation for a decision by the Agriculture Workgroup (AgWG) on July 24, 2014.
 - ▶ These sessions are intended to inform AgWG members of the proposed revisions of the verification guidance documents based on received comments.
 - ▶ Written comments received prior to July 24th will be provided to the AgWG for full consideration in the workgroup's final determination.
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- ▶ In response to a request from the BMP Verification Subcommittee Chair to provide final guidance for agricultural BMP verification by August 1st, the AgWG has asked the Ad Hoc Ag Verification Team to assist in developing the final draft documentation.
- ▶ The following volunteers are serving:
 - Kristen Saacke Blunk: Co-Chair
 - John Rhoderick: Co-Chair
 - Dave Kindig: VADCR
 - Curt Dell: USDA-ARS/NRCS
 - Roy Hoagland: NGO
 - Marel Raub: CBC
 - Jason Keppler: MDA
 - Rachel Melvin: MDA
 - Mark Dubin: UME Coordinator/Emma Giese: CRC Staffer

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► But first...

**...a quick background on the currently
proposed Agricultural BMP Verification
Guidance structure.**

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- ▶ The final draft **Chesapeake Bay Program Partnership Agriculture Workgroup's Agricultural BMP Verification Guidance** package will include three primary documents:
 - Agricultural BMP Verification Guidance
 - Jurisdictional Agriculture Verification Design Table
 - Agricultural BMP Verification Guidance Matrix 4.1
 - Agricultural Background Document (coming)

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- ▶ Verification Guidance Highlights
 - **Three BMP Categories**
 - Visual Assessment BMPs: Single Year
 - Example– Cover Crops
 - Visual Assessment BMPs: Multi–Year
 - Example– Animal Waste Management Systems
 - Non–Visual Assessment BMPs
 - Example– Nutrient Application Management

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► Verification Guidance Highlights

◦ Four BMP Implementation Mechanism Types

- Non-Cost-Shared BMPs:
 - Example– Farmer or privately funded practices.
- Cost-Shared BMPs:
 - Example– Federal, state and county financial assistance programs.
 - Public grant funded NGO programs.
- Regulatory Program BMPs:
 - Example– State nutrient management regulatory programs.
- Permit Program BMPs:
 - Example– Federal/state CAFO programs.

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- ▶ **Verification Guidance Highlights**
 - **Two Verification Inspection Categories**
 - **Initial Inspections:**
 - Example– BMP Implementation inspections for cost-shared BMPs.
 - Initial BMP identification assessments for non-cost shared BMPs.
 - **Follow-up Checks:**
 - Example– O & M compliance inspections for federal, state, and county contractual BMPs.
 - Compliance inspections for regulatory or permit state programs.

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▶ Verification Guidance Highlights

◦ Three Verification Inspection Levels

- Initial Inspections:

- Minimum 100% BMP implementation inspections for cost-shared BMPs or initial BMP identification assessments.
- Transect sub-sampling allowed for Visual Assessment BMPs: Single Year.

- Follow-up Checks:

- Minimum 10% sub-sampling for BMPs accounting for more than 5 percent of the state WIP sector goals.
- Minimum 5% sub-sampling for BMPs accounting for 5 percent or less of the state WIP sector goals.
- Minimum 100% for permit program BMPs.


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- ▶ **Verification Guidance Highlights**
 - **Jurisdiction Agricultural Protocol Design Table**
 - New Design Table
 - Developed and recommended for use by the BMP Verification Panel and Committee.
 - Reflects new BMP Categories:
 - Visual Assessment BMPs: Single Year
 - Visual Assessment BMPs: Multi-Year
 - Non-Visual Assessment BMPs
 - Incorporates BMP Implementation Mechanisms
 - Non-Cost Shared BMPs
 - Cost-Shared BMPs
 - Regulatory Program BMPs
 - Permit Program BMPs

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- ▶ **Verification Guidance Highlights**
 - **Agricultural Verification Guidance Matrix 4.1**
 - Revised to Reflect new BMP Categories:
 - Visual Assessment BMPs: Single Year
 - Visual Assessment BMPs: Multi-Year
 - Non-Visual Assessment BMPs
 - Revised Verification Method Eligibility:
 - Incorporated draft Agricultural Management Plans Subgroup recommendations.
 - Incorporated draft FE/RI Technical Review Panel recommendations.
 - Incorporated draft verification guidance recommendations.

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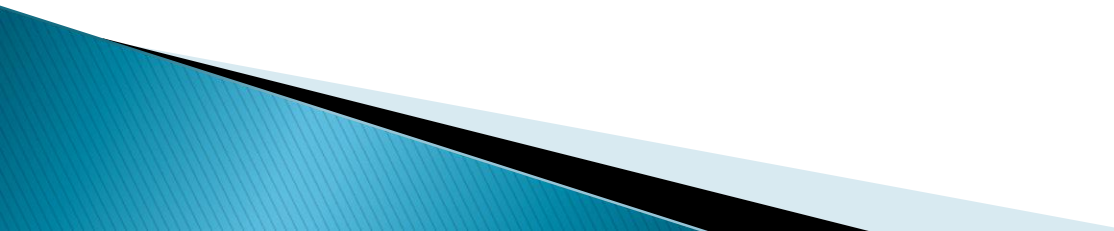
- ▶ The majority of comments received on the draft verification guidance documents focused on the following four areas:
 - 10%/5% follow-up verification required for Non-Cost Shared, Cost Shared, and Regulatory BMPs.
 - 100% follow-up verification required for Permitted BMPs.
 - Verification thresholds based on jurisdictional Watershed Implementation Plans (WIPS) vs. annual BMP implementation.
 - Recognition of possible alternative approaches to threshold verification (i.e. statistical analysis).
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- ▶ **Agricultural Verification Guidance Comment:**

1.) 10%/5% follow-up verification required for
Non-Cost Shared, Cost Shared, and
Regulatory BMPs.

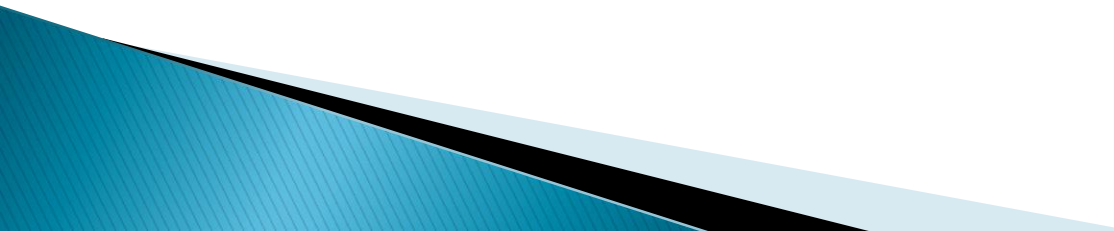
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- ▶ **Proposed Agricultural Verification Guidance Comment Response:**
 - ▶ Thresholds based on current state and federal program examples.
 - ▶ Developing state-by-state analysis with the CBPO Modeling Team to identify verification follow-up category of BMPs.
 - ▶ Developing optional alternative approaches (i.e. statistical analysis).
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- ▶ **Agricultural Verification Guidance Comment:**
 - 2.) 100% follow-up verification required for Permitted BMPs.

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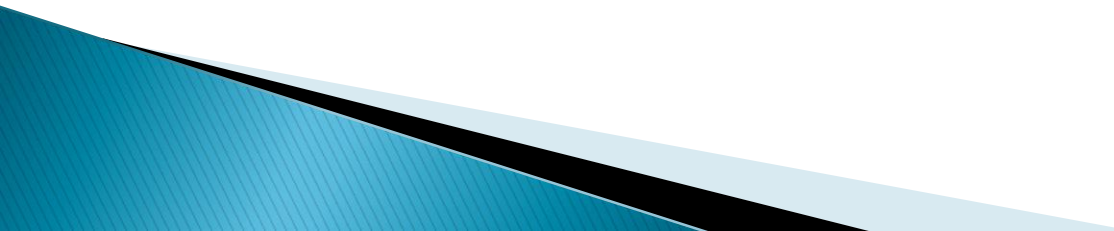
- ▶ **Proposed Agricultural Verification Guidance Comment Response:**
 - ▶ Follow-up verification thresholds will be based on existing jurisdictional CAFO program agreements with EPA.
 - ▶ Communicating with both EPA Regional offices.
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- ▶ **Agricultural Verification Guidance Comment:**
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3.) Verification thresholds based on jurisdictional Watershed Implementation Plans (WIPS) vs. annual BMP implementation.

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- ▶ **Proposed Agricultural Verification Guidance Comment Response:**
 - ▶ Verification thresholds will be proposed based on annual BMP implementation reporting from the most current jurisdictional progress report on record.
 - ▶ Similar to urban stormwater verification guidance.
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- ▶ **Agricultural Verification Guidance Comment:**
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4.) Recognition of possible alternative approaches to threshold verification (i.e. statistical analysis).

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- ▶ *A jurisdiction may propose an alternative strategy for follow up sub-sampling for BMPs achieving greater than 5% of the jurisdiction's agricultural sector annual progress nutrient and/or sediment load reductions. Any such alternative shall be accompanied by a justification providing the rationale for the alternative. The BMP Verification Review Panel shall review the alternative percentage and justification and make a recommendation to EPA on the adequacy of the alternative.*

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- ▶ **Proposed Agricultural Verification Guidance Comment Response:**
 - ▶ Developing a statistical analysis approach with Tetra Tech based on research.
 - ▶ Emphasis of verification based on physical lifespan of BMP and vulnerability of BMP to be modified or removed.
 - ▶ Higher levels of follow-up verification required for annual BMPs vs. structural.
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► Path Forward

- Final draft documents will be posted in preparation for second webinar and July 24th AgWG meeting.
- Written comments are being requested.
- Send comments to Mark and Emma.
- All comments received by COB July 22rd will be posted for the AgWG meeting on July 24th.
- AgWG recommendations on final BMP guidance expected at July meeting.
- AgWG recommendations forwarded to the BMP Verification Panel and Committee.

Questions?