

**CBP WQGIT BMP Verification Committee**  
**Tuesday, July 19, 2012 Conference Call**

**SUMMARY OF DECISIONS AND ACTIONS**

**Objectives of Today's Conference Call**

Rich Batiuk convened the call shortly after 9:00 AM.

- Rich commented that the focus of this call was for participants to understand how each of the seven jurisdictions currently handles, or plans to handle, tracking and reporting of BMPs in each source sector.
- He requested Committee members to view the different jurisdictions' BMP tracking and reporting presentations in the context of the draft BMP verification protocols and the draft Verification Principles and ask questions accordingly to understand what future changes may be needed.
- Rich outlined the agenda and noted a minor change, allotting time toward the end for Pat Buckley to discuss some concerns regarding the draft verification principles and the timeline and approach to how they are reviewed and finalized.

**Review of states' existing tracking and reporting systems**

*Overview of CBP's BMP tracking and reporting systems*

Jeff Sweeney and Olivia Deveurex briefed participants on the Chesapeake Bay Program's tracking and reporting systems.

- Jeff quickly described NEIEN (National Environmental Information Exchange Network) and the existing data flow from states, up through the Bay Watershed Model.
- Olivia updated the Committee on her efforts working with USGS and the USDA-NRCS:
  - USGS has an agreement to receive comprehensive data for the Bay watershed cost shared agricultural conservation practices from NRCS
  - To ensure protection of confidentiality of individual producers the USGS aggregates the data before reporting it to the CBPO
  - The next step is to remove duplicate data from the states and NRCS
  - This will help meet the CBP's reporting requirements
  - With enough detail, this data will provide verification
- Rich Batiuk noted that Dean Hively is working with each of the six states to develop individual, jurisdiction-specific procedures for addressing double counting of conservation practices. Dean will report to the BMP Verification Committee at the September 12 meeting on the proposed jurisdiction-specific procedures.
- Bill Angstadt asked how jurisdictions will determine if there are duplication records from an individual producer. Olivia responded by stating that based on a review of the individual records, direct comparisons can be made and any duplicate records eliminated prior to aggregation of the business confidential data.
- Susan Marquart asked if there is a long term role for USGS in the process for addressing duplicate records/eliminating double counting. Olivia responded that USGS is working to ensure there are 1619 data sharing agreements in place for all six states with the necessary agencies so that all the states can get direct access to the business confidential

data and address duplicate records themselves without USGS getting directly involved as a third party.

- Olivia pointed out that there is an ongoing programmatic level of verification conducted by CBPO staff working with the jurisdictions as they submit their progress data annual through NEIEN.
- Olivia commented that tracking data needs to be reported every year, not survey data gathered every few years.
  - Pat Buckley expressed concern about this decision, contending that (for example) repeating PA's manure survey every year would be unnecessary.
  - Rich and Pat agreed that the use of survey data for verification and tracking purposes should be considered by the Watershed Technical Workgroup (WTWG).

#### **Post Conference Call Note:**

This issue really needs to be addressed by the agricultural workgroup, not the Watershed Technical Workgroup, as it is a verification protocol issue, not a BMP tracking and reporting issue.

**ACTION:** The issue of how to convert survey data collected for BMP tracking and verification purposes can be converted into annual progress reporting data will be presented to Agricultural Workgroup for consideration and resolution as part of their more comprehensive set of BMP verification protocols.

- Ann Swanson asked what the timeline is for alignment and communication of the crosswalk of NRCS standards and CBP partnership approved BMPs. Olivia responded that this fall would be when she would complete work on updating the existing crosswalk within the NEIEN documentation.
- Pat Buckley requested that there be a single manual or central location where the jurisdictions can find definitions for all CBP partnership-approved BMPs.
  - Rich Batiuk noted that there are different tiers of BMPS: 1) CBP partnership approved BMPs that have detailed definitions and documentation, 2) BMPs currently being reviewed by expert panels convened by the different workgroups; and 3) placeholder, or interim, BMPs requested by partners that still require partnership review and approval; as well as different tiers of information available: 1) list of the BMPs themselves; 2) detailed definitions for each listed BMP; and 3) detailed documentation on the development of the BMP pollution reduction efficiency.
  - Jeff Sweeney commented that much of this information is already available online and has been for years (e.g., CBP's "WIP tools" page: [http://www.chesapeakebay.net/about/programs/watershed\\_implementation\\_plan\\_tools/](http://www.chesapeakebay.net/about/programs/watershed_implementation_plan_tools/)).
  - Several members asked that the full set of information be made accessible in a manner that is easy to access.

**ACTION:** Chesapeake Bay Program Office (CBPO) staff will work to consolidate information for all approved, in-review, and placeholder BMPs, including, but not limited to documentation

and definitions for approved and interim BMPs, and review status of pending BMPs and make that information readily accessible to users of the CBP partnership's web sites.

**Post Conference Call Note:**

Changes to the partnership's ChesapeakeStat web site are underway which will accommodate this tiered listing of BMPs. In the near term, committee members can find most BMP definitions and documentation in the on-line Scenario Builder document:

[http://archive.chesapeakebay.net/pubs/SB\\_V22\\_Final\\_12\\_31\\_2010.pdf](http://archive.chesapeakebay.net/pubs/SB_V22_Final_12_31_2010.pdf).

*Virginia*

- Stephanie Martin briefed participants on [Virginia's Agricultural BMP data collection and spot check system](#).
  - Currently all agricultural BMP programs in Virginia (cost-share, tax credit, and voluntary) stipulate following NRCS specifications; this database includes all cost-shared and voluntary practices.
  - All of Virginia's tracking and reporting procedures are full described within their quality assurance plan required under their Chesapeake Bay Implementation Grant.
  - Participants requested information about the contractor who developed the Virginia system: WorldView Solutions, Inc.
  - Rich Batiuk observed that Tetra Tech is contracted by a number of jurisdictions to carry out similar BMP tracking and reporting data and system development. We want all the jurisdictions well positioned to share their experiences and successes with each other.

**Post Conference Call Note:**

Here's contact information the contractors responsible for developing Virginia's BMP tracking and report system (WorldView Solutions Inc.) as well as the contractor working with several jurisdictions (e.g., West Virginia, New York) on development of their storm water tracking and reporting systems (Tetra Tech).

**WorldView Solutions, Inc.**

101 South 15th Street, Suite 104  
Richmond, Virginia 23219  
Phone: (804) 915-7628  
Fax: (804) 545-0792  
Website - <http://worldviewsolutions.com/>  
Principal Contact – Jamie Christensen

**Tetra Tech**

10306 Eaton Place, Suite 340  
Fairfax, Virginia  
22030-2201  
[www.ttwater.com](http://www.ttwater.com)  
Principal contact: Andrew Parker  
[andrew.parker@tetrattech-ffx.com](mailto:andrew.parker@tetrattech-ffx.com)

### *West Virginia*

- Alana Hartman updated the Committee on reporting efforts to track and reporting on the wastewater, septic, and urban sectors within West Virginia.
  - Wastewater reporting info is described on p. 21 of WV's [Phase 2 WIP](#)
  - WV never had reason to consider verification for septic systems, connections, and denitrification before the publication of the Bay TMDL and adoption of their WIP, so efforts to develop a tracking and reporting remain in the early stages; some tracking info is available for system repairs that are funded through section 319 grants. Other information about septic systems is gathered by making phone calls to each county's health department.
  - The state is working with Tetra Tech and the Regional Planning Commission to develop a system for the urban stormwater sector.
- Doug Griffith briefed participants on [WV's agriculture tracking system](#), which currently collects information that is gathered from farmers for both cost-shared and non-cost-shared practices.
- In response to a question from Pat Buckley as to whether WV planned to visit every farm, Doug responded that the goal is to achieve a specific percentage of all the farms, but that 100 percent was achievable given this is a voluntary effort.

### *New York*

- Aaron Ristow described agricultural tracking and reporting efforts in New York, under its umbrella program—Agricultural Environmental Management (AEM)—which is a five step process that really embodies an ongoing evaluation and verification process.
  - Aaron's presentation was provided after the conference call and can be accessed at:  
[http://www.chesapeakebay.net/channel\\_files/18512/nys\\_existing\\_bmp\\_tracking\\_and\\_reporting\\_system\\_7-19-12\\_presentation\\_2.pdf](http://www.chesapeakebay.net/channel_files/18512/nys_existing_bmp_tracking_and_reporting_system_7-19-12_presentation_2.pdf)
  - Aaron pointed out the New York's portion of the Bay watershed has over 1,000 dairy operations covering all or parts of 17 counties (many of which there is only a small portion in the Bay watershed). Over 95 percent of these farms have been visited at least once.
  - NY recognizes they need to make some additional changes to their system to better capture the non-cost shared annual practices (e.g., conservation tillage, cover crops).
  - Aaron noted the status of other sectors:
    - The New York Department of Environmental Conservation (DEC) collects BMP data for wastewater and stormwater sectors
    - DEC is working with Tetra Tech to develop a system for tracking and reporting of stormwater data
    - The stormwater data is given to the Upper Susquehanna Coalition to report via the NEIEN node maintained by the Coalition
    - Jackie Lendrum and Ron Entringer (both DEC) are the contacts for questions about these source sectors.

### *District of Columbia*

- Steve Saari and Sarah Sand presented on the [District's BMP tracking and reporting systems](#)
  - Rich Batiuk asked if there was an available document, other than their Powerpoint, which describes DC's tracking process?
    - Steve Saari indicated that DDOE is working on a more accessible version of such a document, and will share the document when available.

#### *Delaware*

- Bryan Bloch described [Delaware's BMP tracking and reporting system](#) for all sectors, noting the current status and issues for each sector [slides 5-7], gaps in the BMP data [slide 8], challenges [slide 9], and ways that DE is working to improve their system [10].
- Beth McGee asked how DE avoided double-counting BMPs, and was also curious when the State's new septic regulations take effect
  - Jen Volk responded that state and federally cost shared practices are all entered into the same system (NRCS's "Toolkit"), which should avoid the double accounting problem, with a couple exceptions for annual practices like cover crops
  - Jen Volk indicated that a public hearing about the new septic regulations have been held and internal discussions are taking place; no date has been set issuance of the final regulations, but the end of the year is likely the goal

#### *Pennsylvania*

- Ted Tessler described [Pennsylvania's current efforts to track and report BMPs](#)
  - He explained that most BMPs in PA are tracked at the federal level; to avoid double-counting, the State does not count any state or local BMPs that also used federal money
  - Ted provided a draft spreadsheet to demonstrate the level of detail collected, which can be downloaded at the [event page](#) for the conference call.

#### *Maryland*

- Greg Sandi explained [Maryland's reporting process](#).
- Beth Horsey described MD's Conservation Tracker, which was created following a request from Gov. O'Malley in 2009; this system compiles agricultural conservation practice data from a variety of sources, as indicated on the flowchart, and accounts for 92 agricultural conservation practices.
  - As a BMP is entered into Conservation Tracker, its cost-share type must be entered; this prevents double-counting.
  - There are field checks on 10 percent of all BMP with life spans entered into the system.
  - Maryland's Phase I WIP section on agriculture has a lot more documentation on Maryland agricultural verification procedures.
  - Beth McGee asked where verification and other information from Conservation Tracker ends up. Beth Horsey replied that MDA houses this data; she was unsure if it is reported on the web, but indicated that it can be provided upon request.

#### **Current status of the CBP basinwide verification program**

- Rich [updated the Committee](#) on current status of the Draft BMP Verification Principles, setting up the BMP Verification Review Panel (which accepted nominations through Monday, July 23), and draft BMP Review Protocols currently under development by the partnership's source sector and habitat restoration workgroups.

### **Communication of BMP verification to stakeholders and the public**

- Tom Wenz and Margaret Enloe thanked the Committee for including them so early in the process, which they explained will prove very helpful in the long run
- They indicated that effective communication of the Committee's efforts and purpose is the eventual goal for the [draft communication strategy](#)
- Rich Batiuk observed that this is merely the beginning of a dialogue about communication; no decisions are being made at this point or in the near future
- Tom and Margaret welcomed comments from the Committee about the draft strategy; they explained that this strategy belongs to the Committee itself, so members should engage with the CBP communications team.
- Pat Buckley and Russ Baxter expressed confusion and concern regarding the Committee's discussion of communication so early in the process; Russ commented that it is unclear what the messages should even be at this stage.
  - Tom and Margaret responded that early inclusion of discussions and framing of the communications strategy and messages will lead to more accurate, effective messages later. They emphasized the more immediate need for effective internal to the partnership communications.
- Ann Swanson observed that constant improvement of our public messages will be part of the Committee's storyline over time.
- Ann described her view of a two-pronged communication effort:
  - Pre-January 2013 – describe the Committee's process and communicate recommendations internal with the CBP partnership
  - Post-January 2013 into Spring 2013 – communicate what happens following the Principal's Staff Committee's decision about the BMP verification program to targeted public audiences
- Margaret stated the initial focus will be placed on communicating within the CBP partnership.
- Bill Angstadt requested we carefully craft the messages directed towards the agricultural community, taking full advantage of focus groups and not communicating through EPA.
- Rich Batiuk encouraged the Committee to review Tom and Margaret's [draft strategy](#) and provide feedback directly to them.

**ACTION:** Committee members will provide their comments on the draft BMP Verification Program communication strategy to Tom Wenz and Margaret Enloe. This deadline is ongoing, as comments are welcome and will be solicited for each iteration of the strategy.

### **Draft BMP Verification Principles—Agenda Items Added at the Beginning of the Call**

- Pat Buckley outlined her concerns to the Committee:
  - Pat perceived a need to discuss the draft principles, specifically Principle #2: Scientific Rigor, with the Committee as a whole.

- PA DEP objects to current phrasing, suggesting that it presents the jurisdictions with unbalanced BMP data collection/reporting requirements.
  - PA DEP is concerned about the high level of confidence required for state reporting of non-cost share practices.
  - PA DEP also suggested that new resources are better directed toward BMP implementation rather than “enhancement of the [BMP crediting] process.”
- PA DEP feared that the proposed schedule [completing the BMP verification program recommendation by the Committee September 12 meeting]:
  - Does not allow adequate time for incorporation into Tetra Tech projects
  - Does not allow for substantive review and input by the Agricultural Workgroup on work underway by Tetra Tech to synthesize information on how to credit less than functionally equivalent practices within the matrix under consideration by the Agricultural Workgroup.
- PA DEP does not support the discounting of credit for BMPs, and consequently, does not feel this activity should be undertaken.
- Other jurisdictions concurred with most of Pat’s concerns:
  - Aaron Ristow expressed the need for development of the necessary tools to support verification by the states, and observed the time frame does not seem achievable.
  - Russ Baxter noted that the protocols are already working through the system, yet the driver for this process and why it is so urgent are poorly understood. In addition, we have yet to convene the BMP Verification Review Panel which will be charged, in part, with helping us review the principles and the protocols. The current schedule will preclude any role for the panel members in such reviews.
  - George Onyullo agreed the timeline is a problem, but thought it was still important to “take stock of what we have” and recognize some practices are not performing as they should and, therefore, should not be fully credited.
- Russ Baxter pointed out that our agricultural cost shared tracking and reporting programs are effectively carrying out verification as we held from all the jurisdictions today.
- Pat Buckley asked that all cost shared and all non-cost shared practices be given 100 percent credit.
- Ann Swanson suggested another face-to-face meeting in August among key members to have a discussion about the draft principles and review the current schedule; Pat agreed this was a good idea.
- Ann Swanson and Pat Buckley requested specific language be drafted and shared to address Pennsylvania’s express concerns about parts of Principle #2.

**ACTION:** Committee discussion of the current draft BMP verification principles will be added to the agenda for the scheduled August 16<sup>th</sup> conference call. Committee members will be asked to provide very specific comments and shared edited text to address those comments in advance of the August conference call so that the process of partnership agreed on the principles can move forward ahead of partnership review and decisions on the protocols.

- Ann Swanson and Russ Baxter expressed interest in a decision tree to illustrate the role of the BMP Verification Committee versus the Ag. Workgroup, Principal’s Staff

Committee, Watershed Technical Workgroup, and other CBP entities; this would clarify where relevant decisions are made.

**ACTION:** Committee discussion of the decision process (with clearly identified roles and responsibilities) will be added to the agenda for the August 16<sup>th</sup> conference call.

- Ann Swanson expressed that she was glad to see the CBP partnership taking real, tangible steps toward a BMP verification framework and growing agreement on the draft revised principles, with room for further refinement as discussed during the conference call.
  - She commented that implementation without verification is not implementation; verification is needed to demonstrate implementation to the public

### **Wrap-up and Next Steps**

Chesapeake Bay Program Office (CBPO) staff committed to post the following on the BMP Verification Committee's web page as well on other appropriate pages on the partnership's web site ([www.chesapeakebay.net](http://www.chesapeakebay.net)) as a follow up to requests expressed during the call:

- Contact information for all seven watershed jurisdictional leads for BMP tracking and reporting;
- Links to all seven jurisdictions' quality assurance project plans which document in detail each respective jurisdictions' BMP tracking and reporting system (a condition under each of the jurisdictions' Chesapeake Bay Implementation Grants);
- Copies of all the seven jurisdictions' BMP tracking and reporting presentations, including New York once received from Aaron Ristow;
  - Complete: <http://www.chesapeakebay.net/calendar/event/18512/>
- Links to seven jurisdictions' Phase I and Phase II Watershed Implementation Plans as most jurisdictions provided extensive documentation on their tracking, verification and reporting systems and planned enhancements;
- Full listing of all the Chesapeake Bay Program partnership's approved BMPs along with a separate listing of the agreement to interim BMPs;
- Detailed definitions of the CBP's approved BMPs; and
- Links to the detailed technical documentation for each of the CBP's approved BMPs.

The Committee's next conference call is scheduled for Thursday, August 16<sup>th</sup> for 9-11AM. The conference call agenda will be distributed next week and will reflect the additional agenda items as agreed to by the Committee during the conference call.

**Conference call was adjourned at 12:10 PM**

### **Participants**

Bill Angstadt  
Rich Batiuk  
Russ Baxter  
Bryan Bloch  
Pat Buckley

### **Affiliation**

Delaware-Maryland Agribusiness Association  
U.S. EPA Chesapeake Bay Program Office  
Virginia Department of Environmental Quality  
Delaware Department of Natural Resources and Environmental Control  
Pennsylvania Department of Environmental Protection



Olivia Devereux	Devereux Consulting (under contract with USGS and Tetra Tech)
Margaret Enloe	Alliance for Chesapeake Bay/Chesapeake Bay Program Office
Valerie Frances	USDA Office Environmental Markets
Norman Goulet	Northern Virginia Regional Planning Commission
Douglas Griffin	West Virginia Department of Agriculture
Jeremy Hanson	Chesapeake Research Consortium/Chesapeake Bay Program Office
Alana Hartman	West Virginia Department of Environmental Protection
Beth Horsey	Maryland Department of Agriculture
Susan Marquart	USDA Natural Resources Conservation Service
Stephanie Martin	Virginia Department of Conservation and Recreation
Beth McGee	Chesapeake Bay Foundation
George Onyullo	District of Columbia Department of the Environment
Andra Popa	ORISE Fellow/U.S. EPA Chesapeake Bay Program Office
Aaron Ristow	Upper Susquehanna Coalition
Sarah Sand	District of Columbia Department of the Environment
Greg Sandi	Maryland Department of the Environment
Steve Sari	District of Columbia Department of the Environment
Ann Swanson	Chesapeake Bay Commission
Jeff Sweeney	U.S. EPA Chesapeake Bay Program Office
Ted Tesler	Pennsylvania Department of Environmental Protection
Jennifer Volk	University of Delaware
Tom Wenz	U.S. EPA Chesapeake Bay Program Office

**Next meeting**

The Committee's next meeting is scheduled for Thursday, August 16, 2012 from 9:00 AM to 11:00 AM.