

# Chesapeake Bay Program Partnership BMP Verification Meeting

Wednesday, January 22, 2020

## Key Discussion Points and Action Items

### **ISSUE I. Timing of Updates for Jurisdictions BMP Verification Plans (i.e., Quality Assurance Project Plans (QAPPs))**

- What works best for the jurisdictions in submitting updates to the QAPPs as part of the annual BMP progress and verification reporting?
- Perhaps have revised QAPPs due to EPA by October 1 and the data still due by December 1?
- Is the QAPP the best place to provide documentation of significant implementation increases? Or should this be handled through the programmatic milestones?

➤ **Action:** Charge the Watershed Technical Workgroup (WTWG) to develop options for updating and submitting changes to the jurisdictions' QAPPs to the EPA Chesapeake Bay Program Office (CBPO). Recommendations will then be shared with the Water Quality Goal Implementation Team (WQGIT) for their review and approval.

### **ISSUE II. Timing of Review and Approval of QAPPs**

- Jurisdictions feel that the requirements of verification program plans may not have been consistently applied across and between jurisdictions.
- The BMP verification "Standard Operating Procedures" (SOPs) were distributed to the jurisdictions as part of the first round of BMP verification assessment findings in late January 2020.
- Confusion was expressed about whether guidance was given to the jurisdictions to use grouped inspection dates for those BMPs where no specific dates are known.

➤ **Action:** Jurisdictions to submit comments and questions on the SOP document to Jeff Sweeney (Sweeney.Jeff@epa.gov) by March 6, 2020.

➤ **Action:** Charge the WTWG to develop options for more consistent approaches for reporting and documentation inspection dates as part of the annual BMP verification reporting to the EPA CBPO. Recommendations will then be shared with the WQGIT for their review and approval.

### **ISSUE III. Data Collection and Verification Expectations from Review Process that go Above and Beyond Protocols**

- Pennsylvania and Delaware use a transect survey methodology for verifying conservation tillage and cover crops. Concerns were expressed at the Agriculture Workgroup (AgWG) when modifications were proposed to this transect survey approach.

➤ **Action:** The EPA CBPO (leads: Jeff Sweeney and Mark Dubin) will further investigate this issue with Pennsylvania and Delaware and propose a resolution for the transect survey methodology. The proposed resolution will be presented to the AgWG and the WQGIT for review and approval. Decisions will need to be reflected in the BMP verification plans for Pennsylvania and Delaware if they adopt the revised methodology.

### **ISSUE IV. Ensuring Transparency in How Verification is Treated in Terms of Credit Duration**

- The National Environmental Information Exchange Network (NEIEN) error reports are not readily available to broader implementation partners beyond the jurisdictional progress and verification contacts.
- **Action:** Charge the WTWG to discuss potential solutions of making the error reports available in partnership's Chesapeake Assessment Scenario Tool (CAST) after the final progress run in February of each year – particularly for those BMPs that are removed from CAST due to credit duration.
- **Action:** Lucinda Power will follow up with the CAST development and Chesapeake Bay Program Communications teams to discuss options for presenting the error reports (e.g., graphical representation or numeric tabular form), as well as the development of fact sheets about the overall progress and verification reporting and assessment.

#### **ISSUE V. Alternatives to “All or Nothing” Approach to BMP (Re)verification**

- Can there be gradual or partial credit over a period of time as opposed to zero credit for those BMPs that cannot be verified? Perhaps there's room for a compromise that's acceptable (particularly for those BMPs that are Natural Resources Conservation Service (NRCS) practices).
- Perhaps it is not too soon to revisit the verification structure and framework after only 2 years of verification reporting. Evolving the verification program was always intended, with continuous improvement.
- A one-size fits all approach will not work to verification (Maryland Department of Agriculture would be very willing to discuss what's worked well with their verification program and associated procedures)

#### **ISSUE VI. Revisiting Credit Duration**

- Credit durations established some agricultural BMPs are based on NRCS specifications. The remaining credit durations were established by the WQGIT's source sector workgroups. There is debate as to whether these credit durations were based on the best available scientific information.
- There may be some inconsistency with how these credit durations were established.
- Jurisdictions may want to consider conducting a data collection exercise to draw some statistical conclusions to what an appropriate credit duration may be.
- **Action for Issues V and VI.** Charge the WQGIT with convening an ad-hoc action team to discuss BMP credit duration and lifespan. Composition of this action team should include all WQGIT signatory representatives; WQGIT at-large members; a representative from each source sector workgroup; and a representative from each of the three Advisory Committees (Local Government, Citizens, and Science & Technical). Additional membership to include national experts on verification could be explored.
  - A specific charge, the purpose, and targeted objectives will be developed, as well as a timeline for fulfilling the charge. It is likely that this action team may be convened in the future to discuss new verification concerns and issues.

#### **ISSUE VII. Back-out and Cut-off Procedures**

- Back out and cut-off procedures have really impacted jurisdictions when reporting at a finer scale. If jurisdictions have data at a scale finer than at the county level, they may be subjected to more cut off.
- **Action:** Charge the WTWG with revisiting the back-out and cut-off procedures, working with the appropriate source sector workgroups, if necessary. This issue will be added to the March WTWG conference call

agenda. Proposed solutions will be raised and discussed with the WQGIT before any modifications are finalized and implemented.

#### **VIII. Incorporating Verification Costs into CAST**

- Much of the cost data is dependent on the jurisdictions supplying this data to the CBPO.
- **Action:** Lucinda Power will work with the CAST development team to identify what specific data is needed from the jurisdictions for including this data into CAST, as well as any constraints in doing so.

#### **Additional Discussion**

- Not all (potential) solutions to these BMP verification concerns will work on the same timeline and in parallel. There could be different Chesapeake Bay Program partnership group working on these issues.
  - Jurisdictions were encouraged to prioritize the 2019 progress and verification assessment, as the quality of the data varies greatly. The last progress run will be completed by Friday, February 7.
  - There can be great value in having a group within the partnership that can talk about verification and work through these challenges. It might be worth exploring holding a (bi)annual meeting to collectively discuss how we as a partnership can improve verification procedures and advance verification programs, as well as to discuss new procedures and methods for verification since there have been many advancements in scientific and technical data and methods.
- **Action:** The Management Board will work with the members of the WQGIT to discuss the possibility and utility of convening a larger and formalized partnership group to tackle verification issues and concerns that have watershed-wide implications.