THE BMP AD-HOC ACTION TEAM AND CURRENT BMP VERIFICATION WORK BY THE BAY PROGRAM

August 7, 2020
Presented by Vanessa Van Note, EPA

WHY HAS THIS TEAM BEEN FORMED?

September 2019 -- Letter from the WQGIT to the MB

➢ Result of WQGIT July 2019 Meeting
➢ Written by WQGIT Co-Chairs and WQGIT Vice Chair

January 22, 2020 – Management Board Direction Issued in Response to WQGIT Request

THE WQGIT REQUESTED THE FOLLOWING CONCERNS BE ADDRESSED...

- **MB Charge (from January 2020) Will be Listed in Red.**

Requested the following considerations and recommendations on:

1) **Timing and format of annual updates** to jurisdiction's verification plans. (Charged by MB to WTWG)

2) The **process and timing for review, approval and publication of the annual updates** to jurisdictions' verification program plans and QAPPs to ensure the equitable and consistent application of verification standards between states with EPA providing a detailed explanation on how it conducts its verification review. (Charged by MB to Jeff Sweeney and WTWG; Jurisdictions were to submit comments by March 6, 2020)

3) **Procedures for review and approval of any additional data collection and verification expectations that are beyond those included in jurisdictions' approved verification program plans**, particularly those that are beyond the CBP partnership's basinwide verification framework document. (Issue with PA and DE charged to Jeff Sweeney and Mark Dubin to be presented to AgWG and WQGIT)

THE WQGIT REQUESTED THE FOLLOWING CONCERNS BE ADDRESSED...

- **MB Charge (from January 2020) Will be Listed in Red.**

Requested the following considerations and recommendations on:

4) **Improving the reporting of verification actions that remove or discount reported BMPs from the model**. Efforts should focus on final progress scenarios in CAST. The verification actions to remove BMPs at the end of their credit duration are included in "error reports" that are uploaded to each state's password-protected sites but are not currently included in CAST reports. (Charged by MB to WTWG and Lucinda Power to ensure transparency.)

5) **The current all-or-nothing approach to BMP re-verification.** The partnership should explore the potential for partial credit, or variable credit through time rather than losing 100% credit for practices outside of their credit duration or otherwise removed for verification. (Charged by MB to BMP Ad-Hoc Team)

6) Procedures for **updating or establishing BMP credit durations**. The partnership should re-assess the scientific/logical basis for the established credit durations and update them as appropriate. (Charged by MB to BMP Ad-Hoc Team)

THE WQGIT REQUESTED THE FOLLOWING CONCERNS BE ADDRESSED…

- **MB Charge (from January 2020) Will be Listed in Red.**

Requested the following considerations and recommendations on:

7) **Back-out and cut-off procedures,** documenting those processes and ensuring they are consistent with the processes for updating land cover and transparent in CAST data reporting. (Charged by MB to WTWG)

8) Determining and including an **estimate of the costs of verification for each BMP in CAST**. (Charged by MB to Lucinda Power and the CAST Development Team)

THE WQGIT REQUESTED THE FOLLOWING CONCERNS BE ADDRESSED…

- **MB Response (from January 2020) Will be Listed in Red.**

1) **The process and methods used by the CBPO modeling team to evaluate annual progress data submissions.** The analysis that was done for 2018 progress did not accurately reflect the details of the data and resulted in faulty conclusions that reflected poorly on reporting jurisdictions. The jurisdictional members request that moving forward, the analysis methods be developed in coordination with the partnership and be clearly documented. (Response: 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.)

2) Ensuring jurisdictions have **full access to all federally cost-shared conservation practice data and enhancing reporting of federally cost shared practices** were among the twelve Verification Framework elements approved by the partnership.
(Action: The Management Board will discuss the possibility and utility of convening a larger and formalized partnership group to tackle verification issues and concerns that have watershed-wide implications.)

**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 groups working on these issues.

MANAGEMENT BOARD DIRECTION TO THE AD-HOC ACTION TEAM

Issue V. Alternatives to "All or Nothing" Approach to BMP (Re)verification
Issue VI. Revisiting Credit Duration

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.

HOW WILL RECOMMENDATIONS BE APPROVED?

- As stated by the management board, not all potential solutions to the BMP verification concerns will work on the same timeline and in parallel. Approval of recommendations will require collaboration across the program.

➢ Once the BMP Ad-hoc Action Team BMP Ad-Hoc Action Team develops recommendations with on-going collaboration with source sector workgroups and updates provided to the WQGIT, the recommendations should undergo a review process.

The chain of approval should follow the three-stage formal review process which is outlined in the Framework document under the BMP Review Protocol and, at minimum, includes:

✓ **Relevant Source Sector Workgroups** will review the scientific basis of the recommendation, ensuring that all pollutant source loading or BMP pollution reduction mechanisms have been included.
✓ **Watershed Technical Workgroup** analyzes the technical components of the recommendation.
✓ **WQGIT** will review the process used and the recommendation's consistency.

❑ There is a possibility that the MB could be involved in the approval process.

*Each group may be given a 10 business day review period per the CBP Partnership Review Process.

WHERE CAN I VIEW CURRENT CREDIT DURATIONS?

➤ The Phase 6 NEIEN Appendix
https://cast.chesapeakebay.net/Home/TMDLTrackingReports

- Please know, credit durations are managed through NEIEN.
  - States submit BMPs through NEIEN, and NEIEN will translate the BMPs into CAST (BMP names, units, etc. as seen in the Appendix)
  - The BMPs are not credited in CAST unless an inspection date is submitted before the duration expires.

  - Further discussions on this topic to come.