

# Draft Management Board Response to WQGIT BMP Verification Memo

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**Chesapeake Bay Program**  
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# WQGIT Requests to Management Board re: BMP Verification Program Changes

- Letter from WQGIT leadership to MB Chair Dana Aunkst on **September 26, 2019**
- Requests to consider alternatives on the following:
  1. **Timing and format of annual updates** to jurisdictions' verification program plans
  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 between states
  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
  4. **Improving the reporting of verification actions** that remove or discount reported BMPs from the model

# WQGIT Requests to Management Board re: BMP Verification Program Changes

- Requests to consider alternatives on the following:
  - 5. The current all-or-nothing approach** to BMP reverification. (The partnership should explore the potential for partial credit, or variable duration or otherwise removed for verification.)
  - 6. Make recommendations on procedures for updating or establishing** BMP credit durations
  - 7. Review BMP back-out and cut-off** procedures
  - 8. Determining and including an estimate of the costs of verification** for each BMP in CAST

# WQGIT Requests to Management Board re: BMP Verification Program Changes

Two additional issues of concern that were raised by the WQGIT:

- **The process and methods used by the CBPO modeling team to evaluate** annual progress data submissions
- **Ensuring jurisdictions have full access to all federally cost-shared conservation practice data** and enhancing reporting of federally cost-shared practices.

# Three Themes of WQGIT Memo

1. Modification of existing BMP verification protocols (e.g., credit duration and re-verification)
2. Transparency of CAST reporting
3. EPA verification assessment

# Draft Management Board Response to WQGIT

- **May be premature to re-open** and formally modify the verification protocols after just the first year of verification reporting.
- Prior to the memo's release, the CBP partnership's Watershed Technical Workgroup **addressed the concerns with the back-out and cut-off procedures** through additional documentation in CAST and **simplified NEIEN error reports.**
- **EPA will provide further documentation of its procedures for conducting reviews** associated with the annual submissions of BMP data for the progress assessments, including a detailed description of how these procedures are consistent with the CBP partnership's 2014 BMP verification framework document.



# Draft Management Board Response to WQGIT

The **CBP partnership could explore taking the following actions** to address other concerns identified by the WQGIT:

- **EPA may revisit and document the schedule** for submissions of updates to the jurisdictions' BMP Verification Program Plans.
- **Further discussion amongst the CBP partnership** is needed to determine the appropriate forum and group to explore **any modifications to the BMP credit-life and duration** protocols that were established by the BMP Verification Committee.
- **STAC** should work closely with the jurisdictions in that process but any revisiting and potential refinements of the BMP verification protocols **should be handled by the CBP partnership's scientific experts.**

# Additional responses

1. **Timing and format of annual updates** to jurisdictions' verification program plans
  - Current deadline for revised QAPPs is Dec 1 or 2 of each year, consistent with annual BMP progress submissions
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 between states
  - EPA has committed to provide detailed documentation on how it conducts its annual progress and verification assessment
  - Review and approval is conducted between Dec 1 or 2 through Feb 8. Two months is provided for QA/QC



# Additional responses

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
  - EPA reviewed and approved the original QAPPs (i.e., verification plans) and continues to do so when revisions are made and submitted. EPA has the authority and responsibility to review these plans and associated modifications
  - EPA does not believe that its review and assessment goes beyond the partnership's BMP verification framework document
  - This oversight of the QAPPs is a key part of the partnership's accountability framework

# Additional responses

## 4. Improving the reporting of verification actions that remove or discount reported BMPs from the model

- Modifications have been made to the “error reports” to ensure greater transparency and readability. These modifications were discussed and approved by the Watershed Technical Workgroup.

## 5. The current all-or-nothing approach to BMP re-verification. (The partnership should explore the potential for partial credit, or variable duration or otherwise removed for verification.)

- Process and procedures for BMP re-verification is one of the central tenets to the BMP verification framework, that was extensively discussed by the partnership’s verification committee, the verification panel, the source sector workgroups, and the WQGIT.
- EPA believes that revisiting the re-verification process may be premature at this point, after only two years of BMP verification reporting.

# Additional responses

## 6. Make recommendations on procedures for updating or establishing BMP credit durations

- Process and procedures for establishing BMP credit durations was extensively discussed and agreed –to by the partnership’s verification committee, the verification panel, the source sector workgroups, and the WQGIT.
- BMP Expert Panels (comprised of scientific experts) should have full authority to assign credit durations to new BMPs. This is fully consistent with the charge and expectations of the expert panel.
- EPA believes that revisiting the bmp credit durations may be premature at this point, after only two years of BMP verification reporting.

# Additional responses

## 7. Review BMP back-out and cut-off procedures

- These procedures have been documented and discussed and approved by the Watershed Technical Workgroup.
- In addition, the procedures for this process were established and approved by the partnership.

## 8. Determining and including an estimate of the costs of verification for each BMP in CAST

- Cost data would likely need to originate from the states.
- What is the expectation of the partnership to collect this data?

# Additional responses

1. **The process and methods used by the CBPO modeling team to evaluate** annual progress data submissions
  - EPA has committed to provide detailed documentation on how it conducts its annual progress and verification assessment.
  - This documentation will be shared with the partnership when available.
  - As the documentation will show, this assessment is fully consistent with the partnership's BMP verification framework document.

# Additional responses

2. **Ensuring jurisdictions have full access to all federally cost-shared conservation practice data** and enhancing reporting of federally cost-shared practices.
  - This is also beyond the role of the Management Board.
  - EPA is working with USDA NRCS and USGS on a pilot project in PA.



# Next Steps

- Given the comments received on the draft response, the Management Board Chair will convene a small working group of Management Board signatory members to discuss these issues and proposed responses in more detail
- The intent of this group is to establish a clear path forward on addressing the concerns reflected in the WQGIT verification memo



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# Questions?