

**Chesapeake Bay Program Water Quality Goal Implementation Team's
BMP Verification Committee
February 21, 2013 Meeting**

ATTACHMENT N

Documentation of the Jurisdictions' BMP Verification Programs

Background

The below outline, subject to further modification, review, and concurrence by the Committee, describes expectations for the type and level of documentation needed from all the jurisdictions without getting too prescriptive. The recommended documentation elements draw directly from the principles, protocols, and procedures being developed, reviewed and adopted by the Chesapeake Bay Program Partnership.

This revised outline factors in responses to the feedback received from Committee members during the Committee's January 22, 2013 conference call as well as follow-up written comments received from Delaware and Virginia.

Assumptions

- The Committee has already recommended any jurisdictional BMP verification program documentation build directly upon their existing quality assurance program plans (QA plans) already drafted, approved by EPA, and in place supporting their Chesapeake Bay Implementation Grant. This documentation process will be conducted through the EPA QA plan revision process and not individually through the CBP Workgroups or any other Committees.
- The seven jurisdictions' existing QA plans are principally focused on documentation of their extensive BMP tracking and reporting programs and procedures for submitting the collected data to EPA through their state's national environmental information exchange network (NEIEN) node or via other accepted methods (for example, VA DCR does not report via the DEQ NEIEN node but via a node client software).
- Additional documentation, not already contained within the existing QA plan, will focus on describing existing procedures or commitments to carry out expanded or new BMP verification efforts across all appropriate source sectors.

Recommended Supplementary QA Plan Documentation¹

By the major source sectors:

- Provide links to the protocols adopted by the CBP Partnership which the state is adopting by reference in its QA plan.
- Describe and fully document any state specific modifications to/variations from the CBP Partnership adopted protocols and procedures.
- Document any jurisdictional decisions to focus verification efforts on a subset of practices, treatment or technologies.
- Document how the respective source sector BMP verification protocol(s), including stream and wetlands restoration, will be implemented by whom, how, and through what programs/mechanisms.
 - Document what/which verification protocols/procedures are already in place, fully operational, and routinely carried out.
 - Document what/which verification protocols/procedures are planned for future implementation, by when, by whom, how and through what programs/mechanisms.
 - Describe what further programmatic changes are necessary to be carried out by whom in order to make the verification protocols/procedures fully operational and routinely carried out.²
 - Document the agency, departmental, and organizational responsibilities for carrying out the verification protocols/procedures cross walked with existing or planned regulatory programs, cost share programs, and programs providing technical services.

Address assurance for the jurisdiction's full access to federal cost share practices by:

- Providing as an appendix or providing URL links to the existing 1619 data sharing agreements with USDA's FSA and NRCS and the USGS MOU with USDA if the jurisdiction uses USGS as a mechanism to ensure full accounting of federal cost shared practices.
- Documenting procedures in place for handling the federal cost share practice data in adherence to the agreement(s).

Address elimination of double counting by:

- Providing documentation on the jurisdiction specific procedures either being carried out or which will be carried out to eliminate double (or more) counting of a single reported practice receiving funds from two or more sources which, in turn, are independently tracking and reporting the same practice.

¹ If any of the requested information is already documented by the jurisdiction within the quality assurance plan, then the jurisdiction can turn their focus to other requested documentation.

² Jurisdictions are being asked to make the BMP Verification Review Panel and the other partners aware of their future plans to further enhance their existing BMP verification procedures which may not be currently operational.

Address historical data clean up:

- Based on the procedures developed and recommended by the Watershed Technical Workgroup and adopted by the CBP Partnership, provide documentation on how the jurisdiction plans to carry out the clean up their historical BMP implementation data based and over what time period.

Recommended Panel Presentation Documentation

For the jurisdictions' presentation of their recommended BMP verification programs to the Partnership's BMP Verification Review Panel, each jurisdiction should walk through each of the five BMP principles adopted by the Partnership and describe how their cumulative set of BMP tracking, verification, and reporting protocols and procedures upholds each of the principles.

CBPO Responses to Key Narrative Comments Received

- DE: WIP is based on source sectors. Habitat may be included under source sectors as appropriate. RESPONSE: Agreed. Changes made to text.
- DE: Instead of providing copies of references, provide links to the BMP verification protocols adopted by the CBP Partnership, so that the most up to date protocols are referenced and to reduce the length of the over documents and avoid repetitiveness. RESPONSE: Changed to providing URL links.
- DE: Appreciate flexibility to own our verification program. RESPONSE: That's the partnership's goal—good to hear we are moving in that direction with the outline.
- DE: Delaware does not have a 1619 Agreement. What is the status of the Basinwide Agreement? Will the USGS agreement remain in place long term? We are dependent on our federal partners for this assurance. RESPONSE: Basinwide agreement is moving forward—will be discussed in more detail during February 21, 2013 Committee meeting. The USGS-USDA agreement will remain in place for the foreseeable future with USGS providing requested support to each of the jurisdictions.
- DE: Haven't the source sector protocols being developed and approved by the CBP been based on the BMP principles? If so, then if we have documented how we are meeting the protocols, then we inherently meet the principles. RESPONSE: Yes, the Committee is responsible for ensuring the Workgroup's protocols adhere to the BMP verification principles. However, verification involves more than just implementation of the protocols. This is what is being asked for—does the jurisdiction's entire verification program, looked at collectively, uphold all five principles.
- DE: Is Mary Ellen Ley engaged in this discussion for verification and tying verification to the QAPP, as the QAPP coordinator for EPA? RESPONSE: Yes, she was connected into this process early on and remains very familiar with the jurisdictions' existing QA plan documentation of their BMP tracking and reporting programs.
- VA: The protocols will be available for all to see on the CBPO website. I'm not sure why they need to be repeated in the plans. RESPONSE: Good point. Changed text to providing URL links to the protocols, not physical copies in the QA plan itself.
- VA: What is a habitat BMP? This should be focused on the TMDL source sectors and BMPs contained in the WIPs. RESPONSE: Was referring to the BMP verification protocol work of the Stream and Wetlands Workgroups. Agreed the reference to habitat is confusing. Edited text and added a footnote.

- VA: These are most easily addressed by having USDA and other federal agencies (DoD, DoI) report their own data into the NEIEN. RESPONSE: That could be an option for the future, but we are not at that point yet with USDA and we are still working on basic data collection and reporting issues with DoD, DoI, and other federal partners.
- VA: Cart before the horse...The timeframe for this cleanup should coincide with the calibration of v6.0. RESPONSE: Agree on the strong connection between historical BMP database clean up and the Partnership's plans for the Phase 6 Bay watershed model. But verification is also connected with legacy practices/structures still in place which will fall under the jurisdiction's verification efforts from this point forward. Will actively seek input from the Watershed Technical Workgroup on this concern.
- VA: To the best of my knowledge, only the Ag WG has done any work developing protocols for that sector, and these have not been fully endorsed by the WQGIT or Verification groups. I thought the process was (1) Develop Principals (2) Develop Sector Protocols (3) Evaluate State Procedures (4) Document State programs for approval. It seems we have skipped some steps. RESPONSE: The "Next Steps" section in this document were only referring to work on this set of jurisdictional QA plans documentation requirements, not the larger verification review and approval process. Please see the other advance briefing materials for the Committee's February 21, 2103 meeting for more details on the decision making process and schedule.

Discussion Points for the Committee

- Member's feedback on timing for when the jurisdictions should make these changes/enhancements to their existing quality assurance plans and be ready to share the revised plans with the Partnership's BMP Verification Review Panel
- Members' response to the VA comment raised that the January draft outline presumed current verification protocols/ procedures are not fully operational and carried out—what if they are already there?
- Members' response to concerns raised by VA about request for documentation of their historical data clean up procedures—they did not see the connection with BMP verification; envisioned this being more of a Phase 6 Bay watershed model related need.
- Members' response to comment raised by DE: "Haven't the source sector protocols being developed and approved by the CBP been based on the BMP principles? If so, then if we have documented how we are meeting the protocols, then we inherently meet the principles."

Recommended Next Steps for these Documentation Requirements

- At the February 21 Committee meeting, Committee members review, make further changes, reach consensus, and approve a final set of jurisdictional documentation recommendations to move forward up through the partnership for further review and approval.