CBP Partnership Proposal for Ensuring Full Accountability of Best Practices and Technologies Implemented

CBP Water Quality Goal Implementation Team Briefing

January 9, 2012 Conference Call

Overview

- Calls for/commitments to verification
- BMP verification work underway
- Proposal to the partnership
- Verification framework
- Verification principles
- Proposed partnership approach
- Proposed schedule
- Source sector current status
- WQGIT questions
- WQGIT requests for decisions/actions

Verification Requests

- Citizen Advisory Committee
  - Repeated requests for BMP verification
- Chesapeake Executive Order Strategy
  - USDA and EPA commitment to develop/implement mechanism for tracking/reporting 'voluntary conservation practices' by July 2012
- NRC's Ches Bay Independent Evaluation Report
  - Five science-based conclusions focused on 'accurate tracking of BMPs'
- Chesapeake Bay TMDL's Appendix S
  - EPA expectations for offset credit verification

Verification Requests

- ## September 8, 2008 Letter
  - "…EPA will use the Bay TMDL to promote transparency and accountability…"

- ## November 4, 2009 WIP Expectations Letter
  - "…reasonable assurance…"

- ## December 29, 2009 Accountability Letter
  - "…the establishment of an accountability framework…"

- ## April 2, 2010 Phase I WIP Guide
  - "Element 6: Tracking and Reporting Protocols"

Verification Work Underway

- NEIEN
  - Successful submission of 2010 progress data
- NACD
  - Project for development of data collection/verification protocols for non-cost shared ag practices
- USGS MOU's with NRCS/FSA
  - Improving access to federal cost-shared data
- USDA Office of Environmental Markets
  - Synthesis of verification of environ. credits
- Responses to NRC CB Indep. Evaluation Report
  - MB's recommended responses sent to PSC

Proposal to Partnership

- Build and work integrated set of recommendations up through CBP Partnership
  - Source/Habitat Workgroups ➡ GITs ➡ MB ➡ PSC
- Address full array of practices across all sources
  - Agricultural lands, forest lands, wetlands, developed lands, on-site treatment systems, wastewater dischargers, stream corridors, tidal shorelines
- Factor in innovative approaches taken by jurisdictions, local municipalities, and conservation districts
  - Recognize unique circumstances across the partnership and that one size does not fit all

Verification Framework

- Verification **principles**
  - Partnership agreement on principles to guide the jurisdictions' development of verification programs

- Source sector-specific verification **protocols**
  - Developed through the WQGIT's source sector workgroups and Vital Habitat GIT's habitat workgroups and approved by the Partnership

- Verification **panel**
  - Verification experts charged by the Partnership to review/make recommendations on jurisdictions' proposed verification programs (aka BMP panels)

Draft Verification Principles

- Partnership support

- Clear definition of verification

- Credible/defensible

- Consistent application across source sectors

- Build off successful verification protocols

- No lowest common denominator

PROPOSED PARTNERSHIP APPROACH

1) CBPO Source Sector Teams' presentation of proposed approach to WQGIT

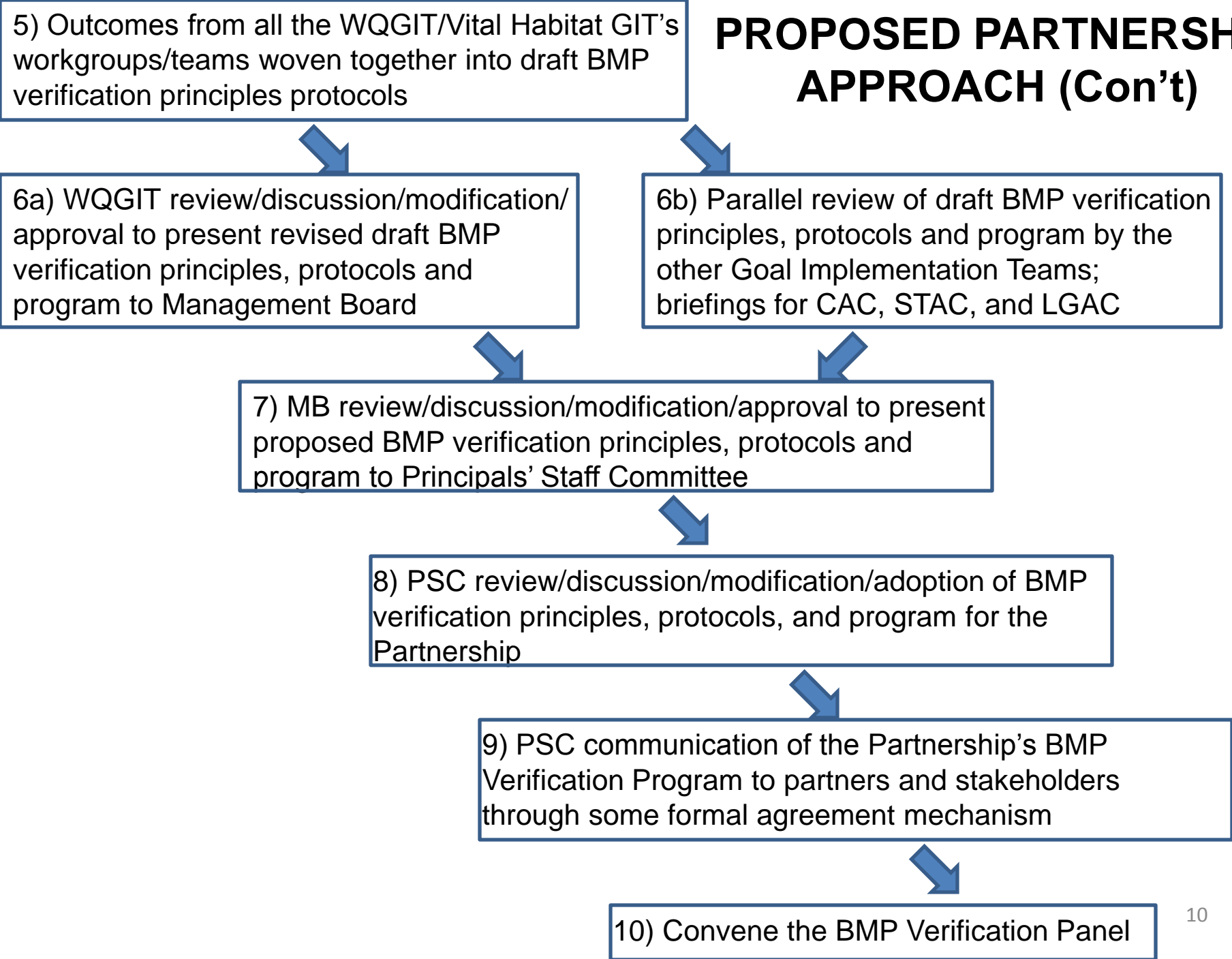2) WQGIT review/approval to proceed with proposed approach

3) CBPO Source Sector Teams' narrative syntheses of available info on verification protocols shared with workgroups/teams

4a) Source Sector and Habitat Workgroups review, discuss, and agree on source sector-specific verification protocols

4b) Watershed Technical Wkgp, NEIEN Team, Bay TAS Team, and Offsets and Trading Wkgp consider implications for Partnership's model simulation, tracking, reporting and accountability systems, offset/trading programs

5) Outcomes from all the WQGIT's and Vital Habitats GIT's workgroups/teams woven together into draft BMP verification principles and protocols

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PROPOSED PARTNERSHIP APPROACH (Con't)

5) Outcomes from all the WQGIT/Vital Habitat GIT's workgroups/teams woven together into draft BMP verification principles protocols

6a) WQGIT review/discussion/modification/ approval to present revised draft BMP verification principles, protocols and program to Management Board

6b) Parallel review of draft BMP verification principles, protocols and program by the other Goal Implementation Teams; briefings for CAC, STAC, and LGAC

7) MB review/discussion/modification/approval to present proposed BMP verification principles, protocols and program to Principals' Staff Committee

8) PSC review/discussion/modification/adoption of BMP verification principles, protocols, and program for the Partnership

9) PSC communication of the Partnership's BMP Verification Program to partners and stakeholders through some formal agreement mechanism

10) Convene the BMP Verification Panel

Proposed Schedule

- **January**: WQGIT briefing/decisions on proposed approach

- **Jan-March**: Source sector/habitat workgroups review syntheses, reach agreement on protocols

- **Jan-March**: Workgroups/teams with model simulation, tracking, reporting, accountability, and offsets/trading responsibilities address in parallel

- **Late March**: CBPO source sector/habitat teams weave together integrated set of draft recommendations

Proposed Schedule

- **April**: WQGIT reviews/modifies/approves set of recommendations to go to Management Board

- **Spring**: Reviews by the other five GITs; BMP verification briefings for CAC, LGAC, and STAC

- **May-June**: MB reviews/modifies/approves set of recommendations to go to Principals' Staff Committee

- **Summer**: PSC reviews/modifies/adopts the BMP verification program for the partnership and formally communicates to partners/stakeholders

Proposed Schedule

- **Fall**: Convene BMP Verification Panel

- **Starting Fall/Winter 2012**: jurisdictions present their proposed BMP verification programs to the Panel for review

- **2013**: Following CBP Partnership approval of their BMP verification program, jurisdictions can track, verify, report and receive credit for the full array of cost shared and non-cost shared practices

Current Status of Source Sector Verification

Current Level of Urban BMP Verification

- Most localities have some existing mechanisms for new stormwater BMP construction inspections and ongoing maintenance inspections for new stormwater BMPs

- Fewer mechanisms exist for other urban BMPs (street sweeping, urban nutrient management, reforestation, and stream restoration)

- Localities and states are struggling with reporting and tracking of all urban BMPs for the Chesapeake Bay TMDL

Urban BMP Verification Status

- Four new Urban BMP Expert Panels addressing verification issues
    - Urban Stormwater Retrofits
    - Stream Restoration
    - Urban Fertilizer Management Practices
    - New State Stormwater Performance Standards

- USWG to address verification issues, including the development of verification protocols, for existing CBP-approved Urban BMPs (approx. 20) in Feb 2012

- CSN has drafted general principles for urban BMP verification for consideration by USWG

Proposed Urban BMP Verification Principles

- Avoid Double-counting and Mitigation credit
- Shift from permanent BMP removal rates to shorter term BMP removal credits
- Initial Verification of Performance
- Ongoing Field verification of BMP performance
- Simplified Local BMP Reporting to the State
- Detailed Local BMP Record-keeping
- State Oversight of Local BMP Reporting
- EPA Review of State Verification Oversight

Current Level of Agriculture BMP Verification

- Cost-Shared Practices: Practices funded through state cost share or USDA Farm Bill programs have some level of verification (contracts, practices designed according to practice standard, certain level of inspections/spot checks, penalties, etc.).

- USDA Data: USDA has entered into data sharing agreement with USGS to ensure more complete accounting of USDA-funded conservation practices.

- Plans: Verifying "nutrient management plans" versus visible BMPs is a challenge that has been raised. What's in the plan and how can you verify that the plan is being followed?

- Non-Cost Shared Practices: Most states do not have current mechanism for tracking and verifying the non-cost shared practices.

Agricultural BMP Verification Status

- Verifying Non-Cost Share Practices:
  - NACD non-cost share tracking and verification project is complete and offers guidance on how to track and verify non-cost share practices.
  - States are finalizing non-cost share tracking and verification pilots.

- Verifying Cost-Shared Practices:
  - CBP has developed a response to NRC report findings on agricultural BMP tracking and verification.
  - State discussions with agricultural and environmental groups are on-going regarding how to verify "plans" versus physical practices (e.g., nutrient management plans).

- AgWG is in a good position to develop verification protocols based on these on-going verification efforts.

Proposed Agricultural BMP Verification Principles

- Practices are properly designed, installed and maintained.
- Practices are consistent with model definitions.
- Practices are not previously reported (no duplicate records).
- Practices are deleted from model if failed ,expired, or removed from the land.
- Verification rigor is consistent across states.
- Verification protocols should consider recommendations from NRC, NACD, and citizen/environmental critiques to garner full partnership support.
- Clearly articulate how verification protocols relate to verification needed in trading and Ag Certainty programs.

Wastewater Facilities

- Will address the BMP Verification for both wastewater treatment plants (WWTP)and onsite treatment (septic) systems

- Wastewater facility upgrades are not reported as BMPs, but recognized and credited through the DMR data monitored at the discharging outfalls

- Current NPDES compliance regulations on WWTP and DMR data reporting provide for full verification so there is no need to propose additional verification for WWTPs with individual permits and monitoring requirements for nutrients

Wastewater Facilities

- The Workgroup needs to address the non-significant facilities covered by general permits which undergo unmonitored voluntary treatment upgrades
  - Any proposed verification approach would be based on the well defined engineering design and operation standards

On-site Treatment Systems

- Load reduction efforts in the onsite wastewater treatment (septic) systems sector are counted through reported BMPs
  - There is no monitoring data reported for septic systems

- The Workgroup is currently working with the Onsite System BMP Review Expert Panel to:
  - Review the septic BMPS proposed by the jurisdictions and establish the BMP efficiency or reduction level for each septic system BMP
  - Develop the septic BMP verification approaches, using the current state regulations and programs on the advanced septic system qualification and operation inspection as the starting point

- The Workgroup will also consider the certification of the system manufacturers, engineering companies and inspectors as important components of the verification measurement

Requests for Decisions/Actions

- **Requested Decision**: WQGIT agreement to proceed forward with the proposal as outlined or modified

- **Requested Action**: WQGIT Chair clearly communicates the schedule and expectations to the involved WQGIT workgroup chairs and team leaders and works with Vital Habitats GIT chair

- **Requested Action**: WQGIT Chair transmits the agreed to approach and schedule to the Management Board and makes a presentation at their next meeting/conference call

Questions from WQGIT Members