

SENATE BILL NO. _____ HOUSE BILL NO. _____

A BILL to amend the Code of Virginia by adding in Title 3.2 a chapter numbered 3.1, consisting of sections numbered 3.2-303 and 3.2-304, relating to agriculture; resource management plans.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 3.2 a chapter numbered 3.1, consisting of sections numbered 3.2-303 and 3.2-304, as follows:

CHAPTER 3.1.

RESOURCE MANAGEMENT PLANS.

§ 3.2-303. Resource management plans; effect of implementation; exclusions.

A. Notwithstanding any other provision of law, agricultural landowners who implement and maintain a resource management plan in accordance with § 3.2-304 shall be deemed to be in full compliance with applicable state water quality requirements including, but not limited to, the State Water Control Law (§ 62.1-44.2 et seq.) and any regulations adopted thereunder.

B. The presumption and immunity provided in subsection A shall not extend to those operations (i) required to obtain a Virginia Pollutant Discharge Elimination System Permit, (ii) required to obtain a Virginia Pollution Abatement Permit, and (iii) otherwise required by law or regulation to implement a resource management or nutrient management plan.

§ 3.2-304. Resource management plans; criteria.

The Board shall, by regulation and with the assistance of the Department of Conservation and Recreation, determine the criteria necessary for the development of and inclusion in a resource management plan for such plan to provide for the presumption and immunity set forth in § 3.2-303. The regulations shall be both technically achievable and economically feasible. The regulations shall:

1. For all cropland or specialty crops, include the following components as needed and based upon an individual on-farm assessment to determine which practices will result in appropriate nutrient and sediment reductions:

25 a. A nutrient management plan that meets the nutrient management specifications developed by
26 the Department of Conservation and Recreation;

27 b. A forest or grass buffer of appropriate width to sufficiently limit sedimentation and nutrient
28 pollution between cropland and between and perennial streams;

29 c. A soil conservation plan that achieves a maximum soil loss rate of “T,” as defined by the
30 Natural Resources Conservation Service;

31 d. Cover crops meeting best management practice specifications developed by the Department of
32 Conservation and Recreation and planted after all summer annual crops such as corn, cotton, vegetables,
33 and tobacco if such summer annual crops received at least 50 pounds per acre of nitrogen;

34 e. An assessment of all best management practices currently in place, whether as part of a cost-
35 share program or through voluntary implementation, to determine adequacy in meeting nutrient and
36 sediment reduction objectives;

37 f. Such other best management practices as may be developed and adopted by the Board; and

38 g. An implementation schedule and plan.

39 2. For all hayland, include the following components as needed and based upon an individual on-
40 farm assessment to determine which practices will result in needed nutrient and sediment reductions:

41 a. A nutrient management plan that meets the nutrient management specifications developed by
42 the Department of Conservation and Recreation;

43 b. A forest or grass buffer of appropriate width to sufficiently limit sedimentation and nutrient
44 pollution between hayland and between and perennial streams;

45 c. A soil conservation plan that achieves a maximum soil loss rate of “T,” as defined by the
46 Natural Resources Conservation Service;

47 d. An assessment of all best management practices currently in place, whether as part of a cost-
48 share program or through voluntary implementation, to determine adequacy in meeting nutrient and
49 sediment reduction objectives;

50 e. Such other best management practices as may be developed and adopted by the Board; and

51 f. An implementation schedule and plan.

52 3. For all pasture, include the following components as needed and based upon an individual on-
53 farm assessment to determine which practices will result in needed nutrient and sediment reductions:

54 a. A nutrient management plan that meets the nutrient management specifications developed by
55 the Department of Conservation and Recreation, if the pasture received any application of mechanically
56 applied manure, poultry litter, or biosolids within the past three years or will receive such applications in
57 the future;

58 b. A pasture management plan or soil conservation plan that achieves a maximum soil loss rate
59 of "T," as defined by the Natural Resources Conservation Service;

60 c. An assessment of all best management practices currently in place, whether as part of a cost-
61 share program or through voluntary implementation, to determine adequacy in meeting nutrient and
62 sediment reduction objectives;

63 d. Such other best management practices as may be developed and adopted by the Board; and

64 e. An implementation schedule and plan.

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