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HOUSE JOINT RESOLUTION NO. 72
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee on Rules
 on February 14, 2004)

(Patron Prior to Substitute—Delegate Cox)

Directing the Joint Legislative Audit and Review Commission to study the effectiveness of the implementation, performance, and enforcement of Virginia's nutrient management plans. Report.

WHEREAS, the Virginia Department of Conservation and Recreation (DCR) first began the use of Nutrient Management Plans (NMPs) in 1989; and

WHEREAS, the goal of NMPs is to address nonpoint source pollution, and specifically to encourage efficient use of nutrient sources utilized for agricultural and urban purposes in order to protect and improve Virginia's water quality, through the use of best management practices; and

WHEREAS, 4,318 stream miles in Virginia are "impaired" under the Clean Water Act, and such impairment is due primarily to nonpoint source pollution, and the Chesapeake Bay watershed has been on the Clean Water Act's list of impaired waters since 1999; and

WHEREAS, Virginia and other Bay states signed the Chesapeake 2000 Agreement, and agreed to remove the Chesapeake Bay from the list of impaired waters by 2010; and

WHEREAS, in December 2003, Virginia endorsed a goal of removing 28 million pounds of nitrogen and 3.6 million pounds of phosphorous annually; and

WHEREAS, NMPs are being implemented and used effectively by some landowners in Virginia, as evidenced by the practices of those Virginia's farmers who have been the recipients of the annual "Basin Grand Winner" awards under DCR's Clean Water Farm/Bay Friendly Farm Award Program; and

WHEREAS, more widespread implementation of NMPs may help Virginia succeed in reducing the amounts of nutrients entering its waters, including those within the Bay watershed; and

WHEREAS, NMPs are currently required under several Virginia statutes and regulations, including the Chesapeake Bay Preservation Act, the State Water Control Law's provisions for combined animal feeding operations, and the poultry waste management law; and

WHEREAS, the Joint Legislative Audit and Review Commission has experience in reviewing nonpoint source pollution issues, in studies such as the Costs of Expanding Coastal Zone Management in Virginia (1995), Virginia's Progress Toward Chesapeake Bay Nutrient Reduction Goals (1997), Review of the Department of Conservation and Recreation (1998), and Implementation of the Chesapeake Bay Preservation Act (2003); now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the effectiveness of the implementation, performance, and enforcement of Virginia's Nutrient Management Plans.

In conducting its study, the Commission shall include among other things an evaluation of (i) the current level of participation, compliance and enforcement of the NMP program; (ii) the adequacy of the requirements for the collection, recordation, and compilation of data on animal waste disposal and transfer, and shall include in this review the perspective of farmers and farming organizations on these issues; (iii) the use and implementation of NMPs by state agencies on state projects and state lands; (iv) the use of and need for nutrient management practices and related educational efforts in urban and rural environments; and (v) as applicable, examples of the effective use of NMPs in Virginia and other states. The Commission shall also make recommendations concerning improvements to nonpoint source pollution that comply with the nutrient management program.

Technical assistance shall be provided to the Commission by the Department of Environmental Quality and the Department of Conservation and Recreation, including making available all records and information necessary for the completion of the study by the Commission. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings by November 30, 2004, and the Director of the Commission shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2005 Regular Session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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