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HOUSE BILL NO. 1830

Offered January 12, 2011

Prefiled January 11, 2011

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.*

Patrons—Scott, E.T., Lewis, Morgan and Sickles

Referred to Committee on Agriculture, Chesapeake and Natural Resources

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 to implement a resource management or nutrient management plan.*

C. *Landowners who implement and maintain a resource management plan in accordance with § 3.2-304 shall be eligible for matching grants for agricultural best management practices provided through the Virginia Agricultural Best Management Practices Cost-Share Program administered by the Department of Conservation and Recreation.*

§ 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:*

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

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

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

d. *Cover crops meeting best management practice specifications as determined by the Natural Resources Conservation Service;*

e. *An assessment of all best management practices currently in place, whether as part of a cost-share program or through voluntary implementation;*

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

g. *An implementation schedule and plan.*

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

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

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

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

d. *An assessment of all best management practices currently in place, whether as part of a cost-share program or through voluntary implementation;*

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

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- 59 *f. An implementation schedule and plan.*
60 3. *For all pasture, include the following components as needed and based upon an individual*
61 *on-farm assessment to determine which practices will result in needed nutrient and sediment reductions:*
62 *a. A nutrient management plan that meets the nutrient management specifications developed by the*
63 *Department of Conservation and Recreation, if the pasture received any application of mechanically*
64 *applied manure, poultry litter, or biosolids within the past three years or will receive such applications*
65 *in the future;*
66 *b. A pasture management plan or soil conservation plan that achieves a maximum soil loss rate of*
67 *"T," as defined by the Natural Resources Conservation Service;*
68 *c. An assessment of all best management practices currently in place, whether as part of a cost-share*
69 *program or through voluntary implementation;*
70 *d. Such other best management practices as may be developed and adopted by the Board; and*
71 *e. An implementation schedule and plan.*