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SENATE BILL NO. 648

Offered January 8, 2020

Prefiled January 7, 2020

A BILL to amend and reenact §§ 10.1-104.8 and 62.1-44.5, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to goat grazing on stream buffers.

Patron—Boysko

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-104.8 and 62.1-44.5, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 10.1-104.8. Resource management plans; criteria.

A. The Soil and Water Conservation Board shall by regulation, and in consultation with the Department of Agriculture and Consumer Services and the Department of Environmental Quality, specify the criteria to be included in a resource management plan.

B. The regulations shall:

1. Be technically achievable and take into consideration the economic impact to the agricultural landowner or operator;

2. Include (i) determinations of persons qualified to develop resource management plans and to perform on-farm best management practice assessments; (ii) plan approval or review procedures if determined necessary; (iii) allowable implementation timelines and schedules; (iv) determinations of the effective life of the resource management plans taking into consideration a change in or a transfer of the ownership or operation of the agricultural land, a material change in the agricultural operations, issuance of a new or modified total maximum daily load (TMDL) implementation plan for the Chesapeake Bay or other local total maximum daily load water quality requirements, and a determination pursuant to Chapter 4 (§ 3.2-400 et seq.) of Title 3.2 that an agricultural activity on the land is creating or will create pollution; (v) factors that necessitate renewal or new plan development; and (vi) a means to determine full implementation and compliance with the plans including reporting and verification;

3. Provide for a process by which an on-farm assessment of all reportable best management practices currently in place, whether as part of a cost-share program or through voluntary implementation, shall be conducted to determine their adequacy in achieving needed on-farm nutrient, sediment, and bacteria reductions;

4. Include agricultural best management practices sufficient to implement the Virginia Chesapeake Bay TMDL Watershed Implementation Plan and other local total maximum daily load water quality requirements of the Commonwealth; and

5. Specify that the required components of each resource management plan shall be based upon an individual on-farm assessment. Such components shall comply with on-farm water quality objectives as set forth in subdivision B 4, including best management practices identified in this subdivision and any other best management practices approved by the Board or identified in the Chesapeake Bay Watershed Model or the Virginia Chesapeake Bay TMDL Watershed Implementation Plan.

a. For all cropland or specialty crops such components shall include the following, as needed and based upon an individual on-farm assessment:

(1) A nutrient management plan that meets the nutrient management specifications developed by the Department;

(2) A forest or grass buffer between cropland and perennial streams of sufficient width to meet water quality objectives and consistent with Natural Resources Conservation Service standards and specifications;

(3) A soil conservation plan that achieves a maximum soil loss rate of "T," as defined by the Natural Resources Conservation Service; and

(4) Cover crops meeting best management practice specifications as determined by the Natural Resources Conservation Service or the Virginia Agricultural Best Management Practices Cost-Share Program.

b. For all hayland, such components shall include the following, as needed and based upon an individual on-farm assessment:

(1) A nutrient management plan that meets the nutrient management specifications developed by the Department;

(2) A forest or grass buffer between cropland and perennial streams of sufficient width to meet water

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59 quality objectives and consistent with Natural Resources Conservation Service standards and
60 specifications; and

61 (3) A soil conservation plan that achieves a maximum soil loss rate of "T," as defined by the Natural
62 Resources Conservation Service.

63 c. For all pasture, such components shall include the following, as needed and based upon an
64 individual on-farm assessment:

65 (1) A nutrient management plan that meets the nutrient management specifications developed by the
66 Department;

67 (2) A system that limits or prevents livestock access to perennial streams. *For purposes of this*
68 *subsection, and notwithstanding the provisions of the State Water Control Law (§ 62.1-44.2 et seq.)*
69 *"livestock access to perennial streams" shall not include the procurement and utilization of goats by a*
70 *locality for the temporary grazing of stream buffers; and*

71 (3) A pasture management plan or soil conservation plan that achieves a maximum soil loss rate of
72 "T," as defined by the Natural Resources Conservation Service.

73 **§ 62.1-44.5. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c.**
74 **345) Prohibition of waste discharges or other quality alterations of state waters except as**
75 **authorized by permit; notification required.**

76 A. Except in compliance with a certificate or permit issued by the Board or other entity authorized
77 by the Board to issue a certificate or permit pursuant to this chapter, it shall be unlawful for any person
78 to:

79 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious
80 substances;

81 2. Excavate in a wetland;

82 3. Otherwise alter the physical, chemical or biological properties of state waters and make them
83 detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic
84 or industrial consumption, or for recreation, or for other uses; or

85 4. On and after October 1, 2001, conduct the following activities in a wetland:

86 a. New activities to cause draining that significantly alters or degrades existing wetland acreage or
87 functions;

88 b. Filling or dumping;

89 c. Permanent flooding or impounding; or

90 d. New activities that cause significant alteration or degradation of existing wetland acreage or
91 functions.

92 5. Discharge stormwater into state waters from Municipal Separate Storm Sewer Systems or land
93 disturbing activities.

94 B. Any person in violation of the provisions of subsection A who discharges or causes or allows (i)
95 a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or
96 upon state waters or (ii) a discharge that may reasonably be expected to enter state waters shall, upon
97 learning of the discharge, promptly notify, but in no case later than 24 hours the Board, the Director of
98 the Department of Environmental Quality, or the coordinator of emergency services appointed pursuant
99 to § 44-146.19 for the political subdivision reasonably expected to be affected by the discharge. Written
100 notice to the Director of the Department of Environmental Quality shall follow initial notice within the
101 time frame specified by the federal Clean Water Act.

102 C. *Nothing in this section shall be construed to prohibit a locality from procuring and utilizing goats*
103 *for the temporary grazing of stream buffers.*

104 **§ 62.1-44.5. (For effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345)**
105 **Prohibition of waste discharges or other quality alterations of state waters except as authorized by**
106 **permit; notification required.**

107 A. Except in compliance with a certificate, land-disturbance approval, or permit issued by the Board
108 or other entity authorized by the Board to issue a certificate, land-disturbance approval, or permit
109 pursuant to this chapter, it shall be unlawful for any person to:

110 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious
111 substances;

112 2. Excavate in a wetland;

113 3. Otherwise alter the physical, chemical, or biological properties of state waters and make them
114 detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic
115 or industrial consumption, or for recreation, or for other uses;

116 4. On and after October 1, 2001, conduct the following activities in a wetland:

117 a. New activities to cause draining that significantly alters or degrades existing wetland acreage or
118 functions;

119 b. Filling or dumping;

120 c. Permanent flooding or impounding; or

121 d. New activities that cause significant alteration or degradation of existing wetland acreage or
122 functions; or

123 5. Discharge stormwater into state waters from Municipal Separate Storm Sewer Systems or land
124 disturbing activities.

125 B. Any person in violation of the provisions of subsection A who discharges or causes or allows (i)
126 a discharge of sewage, industrial waste, other wastes, or any noxious or deleterious substance into or
127 upon state waters or (ii) a discharge that may reasonably be expected to enter state waters shall, upon
128 learning of the discharge, promptly notify, but in no case later than 24 hours the Board, the Director of
129 the Department of Environmental Quality, or the coordinator of emergency services appointed pursuant
130 to § 44-146.19 for the political subdivision reasonably expected to be affected by the discharge. Written
131 notice to the Director of the Department of Environmental Quality shall follow initial notice within the
132 time frame specified by the federal Clean Water Act.

133 C. *Nothing in this section shall be construed to prohibit a locality from procuring and utilizing goats*
134 *for the temporary grazing of stream buffers.*