

VIRGINIA ACTS OF ASSEMBLY -- 2012 RECONVENED SESSION

CHAPTER 781

An Act to amend and reenact § 10.1-104.2 of the Code of Virginia, relating to the Voluntary Nutrient Management Plan Program.

[H 932]

Approved April 18, 2012

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-104.2 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-104.2. Voluntary nutrient management training and certification program.

A. The Department shall operate a voluntary nutrient management training and certification program to certify the competence of persons preparing nutrient management plans for the purpose of (i) assisting landowners and operators in the management of land application of fertilizers, municipal sewage sludges, animal manures, and other nutrient sources for agronomic benefits and for the protection of the Commonwealth's ground and surface waters and (ii) *assisting owners and operators of agricultural land and turf to achieve economic benefits from the effective management and application of nutrients.*

B. The Department shall develop a flexible, tiered, ~~voluntary nutrient management plan program~~ *Voluntary Nutrient Management Plan Program* to assist owners and operators of agricultural land and turf in (i) preparing nutrient management plans for their own property that meet the nutrient management specifications developed by the Department and (ii) *achieving economic benefits for owners and operators as a result of effective nutrient management.* The Department shall convene a stakeholder group composed of individuals representing agricultural and environmental organizations to assist in the development of this ~~program~~ *Program*. *Individuals representing the agricultural stakeholders shall include both farmers who currently operate farms and agribusiness representatives who serve the farming community. Individuals representing environmental stakeholders shall include at least two members and a staff member of the Virginia Delegation to the Chesapeake Bay Commission and one representative from the Rappahannock River Basin Commission.* The ~~program~~ *Program* shall: ~~(i)~~ (a) allow owners and operators of agricultural lands and turf who are not required to have a certified nutrient management plan to prepare their own nutrient management plans; ~~(ii)~~ (b) include a tiered approach for lands of different sizes, agricultural production, and nutrient applications; ~~(iii)~~ (c) consider similar online programs in other states or sponsored by universities; ~~(iv)~~ (d) address how the nutrient management plans can be verified and receive credit in the Chesapeake Bay Watershed Model for properties in the Chesapeake Bay watershed; ~~(v)~~ *establish an effective date for implementation* (e) *begin testing the software for the Program by July 1, 2013, and begin full implementation by July 1, 2014;* and ~~(vi)~~ (f) include any other issues related to developing a flexible, tiered, ~~voluntary nutrient management plan program~~ *Voluntary Nutrient Management Plan Program* for owners and operators of agricultural lands and turf.

C. *Any personal or proprietary information collected pursuant to subsection B shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that the Director may release information that has been transformed into a statistical or aggregate form that does not allow identification of the persons who supplied, or are the subject of, particular information. This subsection shall not preclude the application of the Virginia Freedom of Information Act in all other instances of federal or state regulatory actions.*

D. The Department shall, with the approval of the Virginia Soil and Water Conservation Board, adopt regulations:

1. Specifying qualifications and standards for individuals to be deemed competent in nutrient management plan preparation, and providing for the issuance of documentation of certification to such individuals;

2. Specifying conditions under which a certificate issued to an individual may be suspended or revoked;

3. Providing for criteria relating to the development of nutrient management plans for various agricultural and urban agronomic practices, *including protocols for use by laboratories in determining soil fertility, animal manure nutrient content, or plant tissue nutrient uptake for the purpose of nutrient management;*

4. Establishing fees to be paid by individuals enrolling in the training and certification programs;

5. Providing for the performance of other duties and the exercise of other powers by the Director as may be necessary to provide for the training and certification of individuals preparing nutrient management plans; and

6. Giving due consideration to relevant existing agricultural certification programs.

~~D~~ E. There is hereby established a special, nonreverting fund in the state treasury to be known as the

Nutrient Management Training and Certification Fund. The fund shall consist of all fees collected by the Department pursuant to subsection *€ D*. No part of the fund, either principal or interest, shall revert to the general fund. The fund shall be administered by the Director, and shall be used solely for the payment of expenses of operating the nutrient management training and certification program.

F. For the purposes of this section, the term "turf" shall have the same meaning as defined in § 3.2-3600.

2. That if no funds are available to the Department of Conservation and Recreation for the purpose described in clause (e) of subsection B of § 10.1-104.2 of the Code of Virginia as amended in this act, the Department may defer the development of the necessary software until such funds become available.