

**Virginia Agricultural Resource Management Plan Regulations
Department of Environmental Quality Piedmont Regional Office
Richmond, Virginia
Monday, August 15, 2011**

MINUTES

Subcommittee Members Present

Patrick Cushing, Chair, Virginia Grain Producers Association
Ann Jennings, Chesapeake Bay Foundation
Eric Paulson, Virginia State Dairymen's Association
Jacob Powell, Virginia Conservation Network
Stephanie Martin, Department of Conservation and Recreation
Wilmer Stoneman, Virginia Farm Bureau
Don Wells, Virginia Association of Soil and Water Conservation Districts

Technical Staff Present

Blaine Delaney, Natural Resources Conservation Service
Neil Zahradka, Department of Environmental Quality
Matt Poirot, Department of Forestry
Bob Waring, Department of Conservation and Recreation
Christine Watlington, Department of Conservation and Recreation

Others Present

Kristen Evans, Chesapeake Bay Foundation
Jim Tate, Hanover-Caroline Soil and Water Conservation District
Jack Frye, Chesapeake Bay Commission
Katie Frazier, Virginia Agribusiness Council

Meeting

The chair called the meeting to order and welcomed members and attendees. A regulatory timeline was provided for the subcommittee which outlined the process going forward. The goal is to present proposed regulations to the Virginia Soil and Water Conservation Board at their December meeting.

The subcommittee discussed the incentives for an operator to implement a resource management plan. The Department of Forestry (DOF) has a forest stewardship program that may be a good example for this program. For property owners that implement the 10-year forest stewardship plan, DOF provides a sign for the property and recognition in the form of an award and pin. Additionally, the owner is eligible for incentive cost-share funds. DOF does perform periodic spot checks and does keep all records of the stewardship plans.

The subcommittee discussed what entity should determine whether the plan was well written or not. It was decided that DCR should be the entity responsible for ensuring compliance. It was noted by the soil and water conservation districts that any role the districts had with compliance might hurt the relationship with the agricultural operator. It was noted that having joint spot checks on the implementation of the resource management plans with both DCR and district staff might be an option.

The subcommittee discussed when the agricultural operator would receive the “safe harbor”. It was stated that the legislation requires that the resource management plan be fully implemented before the presumption of compliance with the Chesapeake Bay TMDL (total maximum daily load), Phase I Watershed Implementation Plan, and other local TMDLs would be given.

It was stated that one of the biggest issues may be verifying that the best management practices (BMPs) in the resource management plans are actually implemented. It was noted that the Department of Environmental Quality does not inspect its permitted facilities annually after legislation was passed this year. To be granted the “safe harbor”, all components of the resource management plan must be in place at the time of verification. The process that was discussed by the subcommittee included a request for verification of the BMPs that was received either by the local soil and water conservation board or DCR, depending on the locality. The local soil and water conservation board, in consultation with the local soil and water conservation district, would conduct an onsite verification of the BMPs implemented. If all the BMPs were implemented, the local board would “sign off” on the agricultural operator’s request for “safe harbor” and forward the request to DCR. DCR would issue a letter granting “safe harbor”.

The subcommittee then discussed the idea of “noncompliance” with the resource management plan. At the time that “safe harbor” is provided to the agricultural operator, that operation would be included in DCR’s compliance process which would include periodic inspections to ensure the resource management plan was being maintained. During those periodic inspections, if a deficiency was noted, it may be included on an inspection report with a certain period of time to address the deficiency, similar to many existing regulatory programs. Additionally, there could be a letter to the operator informing them that they could be at risk for losing their “safe harbor”. It was stated that the operator should have the option of opting out of the resource management program at any time. There was discussion of whether each operation should be inspected every so many years or whether there should be a percentage of random inspections. Some agricultural operations regulated under the Department of Environmental Quality are inspected every 10 years. It was also noted that if an operator loses the “safe harbor”, that other regulatory agencies should be notified to ensure that applicable laws and regulations are implemented.

The meeting was adjourned at 3:00 p.m.