

Resource Management Plan Regulations (4VAC50-70)

4VAC50-70 -10. Definitions

“Best management practice” or “BMP” means structural and nonstructural practices that manage soil, nutrient losses, or other potential pollutant sources to minimize pollution of water resources and reduce soil erosion.

“Board” means the Virginia Soil and Water Conservation Board.

“Department” means the Department of Conservation and Recreation.

“Director” means the Director of the Department of Conservation and Recreation or his designee.

“Operator” means the person that has direct operational control over the agricultural operation including the day-to-day operational activities. The operator may include, but not be limited to, the agricultural landowner or farm manager.

“Total maximum daily load” or “TMDL” means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant’s sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, and load allocations (LAs) for nonpoint sources or natural background or both, and must include a margin of safety (MOS) and account for seasonal variations.

“Tract” means...

4VAC50-70-20. Purpose and Authority

Pursuant to §10.1-104.6, the Virginia Soil and Water Conservation Board, in consultation with the Department of Agriculture and Consumer Services and the Department of Environmental Quality, shall develop regulations specifying the criteria included in a resource management plan. The regulations must be technologically achievable and must take into account the economic impact to the operator.

4VAC50-70-30. Applicability of other laws and regulations

Nothing in this chapter shall be construed as limiting the applicability of other laws, regulations, or permits, including but not limited to, a Virginia Pollutant Discharge Elimination System Permit, a Virginia Pollution Abatement Permit, any requirements of the Chesapeake Bay Preservation Act, or any requirements of the Agricultural Stewardship Act.

4VAC50-60-40. Requirements of a resource management plan?

- A. Target/goal

4VAC50-70-50. Assessments

- A. An assessment shall include the following components:

1. Information on the location of the agricultural operation including geographic coordinates and Farm Service Agency tract number, if applicable
 2. Information on the type of agricultural operation, including total acreage and acreage of each type of operation (livestock, crops, pasture, hay)
 3. Contact information for the operator, as applicable, including name, address, and telephone number;
 4. Authorization for person completing assessment to access copies of nutrient management plans from the department and soil conservation plans from Natural Resources Conservation Service;
 5. Information on the location and type of BMPs currently implemented, including but not limited to, nutrient management plans, soil conservation plan, crop rotation, conservation no-till, livestock exclusion, and riparian buffers; and
 6. A listing of the operator's objectives for the agricultural operation.
- B. A field by field visit of the agricultural operation shall be conducted as part of the assessment.
- C. An interview with the operator shall be conducted as part of the assessment.
- D. An assessment shall be certified by an individual trained to Level 1 conservation planner through a Natural Resources Conservation Service program. The individual shall certify that that the assessment is true and correct in their professional judgment.
- E. The assessment shall utilize a tool provided by the department or any tool that has been approved by the board as equivalent.

4VAC50-70-60. Plans

- F. A plan shall include the following components:
1. Contact information for the operator including name, address, and telephone number;
 2. A completed on-farm assessment developed pursuant to 4VAC50-70-50;
 3. The reduction goal the agricultural operation needs to achieve;
 4. A complete listing of BMPs that may be utilized to reach the operation's reduction goal;
 5. A complete listing of the BMPs that the operator agrees to implement; and
 6. A schedule for the implementation of the BMPs.
- G. A plan must be certified by ___ that the plan is true and correct in their professional judgment.
- H. The plan must contain a certification signed by the operator agreeing to adhere to the plan, including the BMPs that will be implemented and the schedule of implementation, and agreeing to notify the plan writer of any significant changes to the agricultural operation.

4VAC50-70-70. Changes or revisions to a resource management plan

- A. A resource management plan shall be revised if the agricultural operation is transferred to a new operator and there will be a change in the implemented BMPs.
- B. A resource management plan shall be revised upon significant changes to the agricultural operation, including but not limited to, an increase or decrease in land acreage, a change in the implemented BMPs, a change in the type of agricultural operation, or changes in livestock population.
- C. A resource management plan shall be revised to address any new or modified TMDL implementation plan that is issued or any other local TMDL requirements.

4VAC50-70-80. Approval of resource management plan?

4VAC50-70-90. Verification of resource management plan implementation

- A. Upon the complete implementation the resource management plan, an operator may request a certificate of ___ from the board. The request shall be certified by the local soil and water conservation district board prior to submittal to the board, unless there is no operational local soil and water conservation district board for the locality in which the agricultural operation is located.
- B. The request shall include the following:
 - 1. a complete copy of the resource management plan; and
 - 2. authorization for local soil and water conservation district or DCR employees to conduct an onsite inspection of the agricultural operation to ensure the BMPs are fully implemented.
- C. The local soil and water conservation district shall conduct an onsite inspection of the agricultural operation to verify full implementation of the resource management plan.
- D. If there is no local soil and water conservation district operating in the locality where the agricultural operation is located, the department shall verify full implementation of the resource management plan through an onsite inspection.
- E. If the resource management plan is fully implemented, the local soil and water conservation district recommend to the local soil and water district board the certification of the request from the operator. If there is no local soil and water conservation district operating in the locality where the agricultural operation is located and the department has verified the full implementation of the resource management plan, the department shall certify the request from the operator.
- F. If the resource management plan has not been fully implemented, the local soil and water conservation district or the department if there is no soil and water conservation district operating in the locality where the agricultural operation is located shall provide the operator with technical assistance to assist with the implementation of the resource management plan.
- G. Upon certification by the appropriate local soil and water conservation district board or the department, the board shall issue a certificate of ___ to the operator.

4VAC50-70-100 Right of entry

- A. The department may, at reasonable times and under reasonable circumstances, enter an agricultural operation for the purposes of obtaining information, conducting inspections and tests or to take other actions it deems necessary to fulfill its responsibilities under this chapter.

4VAC50-70-110. Inspections

- A. Each operator that has been issued a certificate of ___ for his agricultural operation shall be subject to periodic onsite inspections by the department to ensure the continued implementation and maintenance of the resource management plan.
- B. During an inspection, an operator shall provide to the department any documents needed to verify the implementation of the resource management plan, including but not limited to, the resource management plan, nutrient management plan, and a soil conservation plan as applicable.

- C. Upon the completion of the inspection by the department, an inspection report shall be completed describing the conditions found on the agricultural operation. A copy of the inspection report shall be provided to the operator by the department. The inspection report shall include:
 - a. a list of all BMPs installed and implemented; and
 - b. a list of any deficiencies noted, including any components of the resource management plan that have not been implemented or components that need to be renewed.
- D. If based upon the inspection there are deficiencies are noted, the department shall take compliance actions pursuant to 4VAC50-70-110.

4VAC50-70-120. Compliance

- A. If there are deficiencies noted during inspections conducted in accordance with 4VAC50-70-110, the director shall provide a written notice to the operator within 30 days of the inspection. The written notice shall include a list of the noted deficiencies needed to be addressed for the agricultural operation to remain in compliance with the resource management plan.
- B. Within 60 days of the written notice being provided to the operator, a corrective action agreement shall be developed by the department, in consultation with the operator. The agreement will include an implementation schedule to address the deficiencies found during the inspection that is acceptable to both the department and the operator.
- C. If the corrective action agreement is not fully implemented in accordance with the implementation schedule, then the director will issue a notice to comply. The notice to comply shall establish a time frame for the operator to fully implement the resource management plan. If the operator fails to comply with the notice, the board shall revoke the certificate of ____.
- D. At any time, the operator may provide written notice to the board requesting that the certificate of ____ be revoked.

4VAC50-70-130. Appeals

- A. An operator that has been aggrieved by any action of the director taken without a formal hearing, or by the inaction of the director, shall have a right to appeal to the board in accordance with §2.2-4019 through §2.2-4024 of the Code of Virginia.