

Resource Management Plan Regulations (4VAC50-70)

4VAC50-70 -10. Definitions

“Assessment” means an onsite review of a management unit conducted pursuant to 4VAC50-70-50.

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

“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.

“Local soil and water conservation district or soil and water conservation district” means a political subdivision of the Commonwealth organized in accordance with the provisions of §10.1-500 et seq.

“Management unit” means a collection of two or more fields located in proximity, under the control of the operator and identified by the operator as having a functional linkage. The management unit may consist of multiple fields and tracts, or an entire agricultural operation.

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

“Owner” means any person who owns land where an agricultural activity occurs.

“Plan” means a document prepared pursuant to 4VAC50-70-60.

“Plan writer” means a person certified by the USDA Virginia Natural Resources Conservation Service to perform conservation planning, or fulfills training, education and experience criteria established by the Board .

“Resource Management Plan” or “RMP” means...

“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.

4VAC50-70-20. Purpose and Authority

Pursuant to §10.1-104.6 and §10.1-104.7, these regulations are adopted to clarify and specify the criteria that must be included in a resource management plan.

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. Pursuant to §10.1-104.6, an assessment shall include the following components:
1. Information on the location of the management unit including geographic coordinates, USDA Farm Service Agency tract number , if applicable, or the locality tax parcel identification number;
 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, including name, address, and telephone number;
 4. Authorization for the person completing the assessment to access copies of nutrient management plans from the department and soil conservation plans from Natural Resources Conservation Service, and any other conservation or water quality plan that require the implementation of BMPs;
 5. Information on the location and type of BMPs , applicable to the type of management unit, that are currently implemented, including but not limited to, nutrient management plans, soil conservation plan, crop rotation, tillage practices, livestock exclusion, and riparian buffers .
- B. Each section of the management unit shall be evaluated to determine which BMPs, if any, are currently implemented.
- C. An interview with the operator may be conducted as part of the assessment.
- D. An assessment shall be performed by a person with training and experience that enable their objective analysis of a agricultural operation. The assessment shall be certified by an individual qualified as a RMP plan writer. The individual shall certify that that the assessment is true and correct in their professional judgment.
- E. The assessment shall be documented in a format established by the department or in a format approved by the board as equivalent.

4VAC50-70-60. Plans

- F. A plan shall include the following components:
1. A completed on-farm assessment developed pursuant to 4VAC50-70-50;
 2. The reduction goal the management unit needs to achieve pursuant to 4VAC50-70-40;
 3. A complete listing of BMPs that may be utilized to reach the management unit's reduction goal, developed as a result of the assessment required in 4VAC50-70-50, may include the BMPs listed in §10.1-104.8.5.;

4. A complete listing of the BMPs that the operator agrees to implement to meet the management unit's reduction goal; and
5. A schedule for the implementation of the BMPs.
- G. A plan must be certified by the plan writer that the plan is true and correct in their professional judgment.
- H. The plan must be 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 changes to the management unit that require revision of the plan pursuant to 4VAC50-70-70.

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

- A. When the operator of a resource management plan changes, notification of the change shall be submitted to 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 resource management plan has been established. The resource management plan shall be reviewed with the new operator by the local soil and water conservation district or the department, if applicable. A review of all elements of the resource management plan shall be conducted with the operator. Based upon the RMP review, the operator may elect to:
 1. Implement and maintain the BMPs as required in the resource management plan. This requires no revisions to the resource management plan. If a Certificate of RMP Implementation had been issued, the Certificate must be transferred to the new operator. The new operator must sign the RMP in accordance with 4VAC50-70-60 H.
 2. Implement a resource management plan, with revisions to the BMPs included in the RMP. The new operator must sign the RMP in accordance with 4VAC50-70-60 H. If a Certificate of RMP Implementation has been issued to the previous operator, the new operator may request a new Certificate of RMP Implementation be issued in accordance with 4VAC50-70-100.
 3. Choose not to continue implementing a resource management plan.
- B. A resource management plan shall be revised upon significant changes to the management unit. Changes to the management unit may include, but not be limited to,
 1. A change in the type of agricultural operation;
 2. A change in the BMPs implemented pursuant to 4VAC50-70-60 F.5;
 3. An increase or decrease in land acreage if there is change in the agricultural operation's reduction goal and the BMPs implemented pursuant to 4VAC50-70-60; or
 4. An increase or decrease in livestock population if there is a change in the agricultural operation's reduction goal and the BMPs implemented pursuant to 4VAC50-70-60.
- C. A resource management plan shall be reviewed and revised as needed to address any new or modified TMDL implementation plan that is issued or any other local TMDL requirements for the area where the agricultural operation is located and where the implementation plan or TMDL assign a load to agricultural uses.

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

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

- A. Prior to requesting a Certificate of RMP Implementation pursuant to 4VAC50-70-100, verification of the full implementation of the RMP shall be completed.

- B. The operator shall request the verification of RMP implementation through 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.
- C. The request for verification shall include the following:
 - 1. A complete copy of the RMP;
 - 2. Any conservation or water quality plans referenced by the RMP; and
 - 3. Authorization for local soil and water conservation district or department employees to conduct an onsite inspection of the agricultural operation to ensure the BMPs are fully implemented during the lifespan of the plan.
- D. If, based on onsite verification by the local soil and water conservation district, the resource management plan is determined to be fully implemented, the local soil and water conservation district board shall affirm such implementation and direct the required documentation to the department for submission to the board. The department shall submit the request from the operator to the board for action by the board, which may include the issuance of a Certificate of RMP Implementation to the operator.
- E. Where there is no soil and water conservation district operating in the locality where the agricultural operation is located, the department shall determine full implementation of the RMP through onsite verification. If, based on the onsite verification, the resource management plan is determined to be fully implemented, the department shall affirm such implementation. The department shall submit the request from the operator to the board for action by the board, which may include the issuance of a Certificate of RMP Implementation to the operator.
- F. If the resource management plan has not been fully implemented, the local soil and water conservation district or the department, as applicable, shall provide the operator with written documentation that specifies implementation deficiencies of the RMP.

4VAC50-70-100. Requesting a Certificate of RMP Implementation

- A. An operator may request a Certificate of RMP Implementation from the board upon the full implementation of the RMP.
- B. Prior to the request for a Certificate of RMP Implementation, verification of the full implementation of the RMP pursuant to 4VAC50-70-90 must be completed.

4VAC50-70-110. Inspections

- A. Each operator that has been issued a Certificate of RMP Implementation for a management unit shall be subject to periodic onsite inspections during the lifespan of the plan by the soil and water conservation district and the department when appropriate, to ensure the continued implementation and maintenance of the resource management plan.
- B. During an inspection, an operator shall provide 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 soil conservation plan as applicable.
- C. Upon the completion of the inspection, an inspection report shall be completed in a format provided by the department, to document the conditions found on the management unit. A copy of the inspection report shall be provided to the operator within five business days following the date of inspection. The inspection report shall include:
 - a. a list of all BMPs installed and implemented; and

- b. any identified deficiencies 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 noted, the department shall proceed 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 needing to be addressed for the management unit 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, which may include revisions to the RMP, shall be performed by a plan writer in consultation with the operator. The corrective action agreement, and any revisions to the RMP, shall be signed by the operator and submitted to the department for approval. The corrective action agreement shall include an implementation schedule to address the deficiencies found during the inspection that is acceptable to both the department and the operator. If the corrective action agreement, including any revisions to the RMP, is determined by the department to be reasonable and satisfactory, no further action shall be taken by the department, and the department shall not recommend any action to be taken by the board.
- C. If the department determines that the corrective action agreement, including any revisions to the RMP, does not satisfactorily address deficiencies documented from an inspection conducted pursuant to 4VAC50-70-110, the department shall document such shortcomings in writing to the operator within 10 business days following receipt of the revised plan.
- D. If the department and the operator are unable to concur on a corrective action agreement within three months of the submission of the corrective action agreement to the department, the department shall recommend to the board the revocation of the operator's Certificate of RMP Implementation for the specific agricultural operation where no concurrence on a corrective action agreement occurs.
- E. At any time, the operator may provide written notice to the board requesting that the Certificate of RMP Implementation 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.
- B. An operator that has been aggrieved by any action of the local soil and water conservation district or the local soil and water conservation district board, taken without a formal hearing, or by the inaction of the local soil and water conservation district or the local soil and water conservation district board, shall have a right to appeal to the department in accordance with §2.2-4019 through §2.2-4024 of the Code of Virginia.