

**Virginia Department of Conservation and Recreation
Public Meeting on 4 VAC 5-15-00 et seq.
Nutrient Management Training and Certification Regulations
Henrico County Government Complex
Human Services Building, 2nd Floor Board Room
8600 Dixon Powers Drive
Richmond, VA 23228**

**Thursday, May 6, 2004
7:00 p.m.**

Meeting Officer: Leon E. App
Chief Deputy Director
Department of Conservation and Recreation

Mr. App: Good Evening, I would like to call this meeting to order. I am Leon App, Chief Deputy Director for the Department of Conservation and Recreation. I will be serving as the meeting officer this evening. I would like to welcome you to this meeting.

I would like to thank Henrico County for allowing us to use this facility.

With me tonight I have Russ Perkinson, Nutrient Management Program Manager for DCR's Division of Soil and Water Conservation. Russ will serve as our technical presenter.

Also with me is Michael Fletcher, DCR Director of Development. Michael will be audio taping our meeting and developing a set of minutes that will be entered online under the Commonwealth's town hall.

Also here are Stuart Wilson, Assistant Division Director for the Division of Soil and Water Conservation, David Kindig, Nutrient Management Training and Certification Coordinator and David Dowling, Policy and Planning Manager.

I hope that all of you have registered on our attendance list. If not, please do so. Those wishing to speak should sign in on the speaker's list.

The purpose of this hearing is to receive input from interested citizens on the proposed DCR Notice of Intended Regulatory Action on the Department's Nutrient Management Training and Certification Regulations.

The Department is seeking comments on the intended regulatory action, including ideas to assist in revising the Virginia Nutrient Management Standards and Criteria, which were last revised in November 1995, in the development of a regulatory proposal, and on the costs and benefits of the alternatives stated in this notice or other alternatives. The Virginia Nutrient Management Standards and Criteria can be found at <http://www.dcr.state.va.us/sw/docs/ntmgstds.pdf>.

The Department is using the participatory approach to develop the proposal. The Department will be forming an ad hoc committee to assist in the development of the proposed regulations. The entire action is necessary to bring the regulations and attendant documents into compliance (by December 31, 2005) as may be necessary with § 62.1-44.17:1.1 of the Code of Virginia and with the requirements set forth in 40 CFR Parts 9, 122, 123, and 412 as published in the Federal Register Volume 68, No. 29, dated February 12, 2003 or as may otherwise be necessary to protect water quality.

This concludes my introductory remarks. I would like to introduce Russ Perkinson, the DCR Nutrient Management Plan Manager, who will explain in more detail what we are proposing to do with the regulations.

Mr. Perkinson: Thank you Mr. App.

The department is considering modification of nutrient management plan content and required nutrient management plan procedures to address several issues. Existing nutrient management training and certification regulations will be amended to include revised criteria capable of reducing nitrogen and phosphorus loss from land to ground and surface waters.

Modifications to phosphorus management practices are necessary to reduce water quality impacts from the land application of fertilizer, animal manure, sewage sludge, and industrial wastes. There is increased regional and national focus on management of phosphorus to reduce water quality impacts from all land applied sources of nutrients. When the regulations were first promulgated in the mid 1990s, phosphorus was emerging as an area of significant concern with increasing scientific understanding. Both the Virginia Poultry Waste Management Act and recently promulgated federal confined animal feeding regulations and associated effluent guidelines require the department to adopt more stringent requirements for phosphorus management than is contained in the existing Nutrient Management Training and Certification regulations. Other states in the Chesapeake Bay watershed and the Natural Resources Conservation Service have also adopted more stringent phosphorus management policies.

The department seeks to identify phosphorus criteria for nutrient management plans that meet several objectives. The method should: (1) protect water quality by controlling soil concentrations of phosphorus or phosphorus loadings, (2) be straightforward and time efficient to apply, (3) produce consistent results when applied by different persons, (4) be relatively easy to understand and convey to farmers, and (5) have the ability to be reasonably compatible with nutrient management plan software presently used in Virginia. There are several alternative phosphorus management structures the agency will consider in developing revised regulations that include: (1) soil test phosphorus based on crop response potential, (2) soil test phosphorus based on environmental thresholds, (3) a phosphorus index, or (4) other potential structures or combinations of the listed approaches.

Amendments in nitrogen application criteria in nutrient management plans will be primarily addressed through improved timing of land application of nitrogen containing materials to better protect ground water from nitrate contamination and subsequent transport to surface water.

Additional changes will include, but will not be limited to, a revised listing of Virginia soils by management group and productivity group to include those soil series established since the last regulatory adoption in 1995, the addition of several crops, and addition and modification of several defined terms.

Thank you. Mr. App.

Mr. App: Thank you Russ. We will now go to the speaker's list. If you have anything in writing we can include it with the records. Is there anyone wishing to speak.

Mr. Zahradka: I am Neil Zahradka with Murphy-Brown, LLC. I do not have remarks, but I would like to know when will the Department comment on the specific changes they intend to make to the regulations?

Mr. App: This is just a meeting to allow comments on the DCR Notice of Intended Regulatory Action. As to the specific regulatory changes, that will be the responsibility of the technical advisory committee to recommend. They will be meeting any number of times, in public meetings and the general public will have opportunity to comment during these meetings. The regulations must go through a process of review, both internally and externally. They also must be reviewed by the Attorney General's office and must be available for a period of public comment. Once the proposed regulations are published there must be a minimum of 60 days for public comment. There will also be another public hearing at that time.

Mr. Zahradka: I believe the Department has done a good job in framing the issues needing to be discussed.

Are there other individuals who would wish to comment or leave written remarks?

Persons desiring to submit written comments pertaining to this notice and this meeting may do by mail, by the Internet, or by facsimile. Comments should be sent to the Regulatory Coordinator at: Virginia Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia 23219. Comments also may be emailed to the Regulatory Coordinator at: regcord@dcr.state.va.us. Or comments may be faxed to the Regulatory Coordinator at: (804) 786-6141. All written comments must include the name and address of the commenter (e-mail addresses would be appreciated also). In order to be considered, comments must be received or postmarked by 5:00 PM on May 13, 2004.

I want to thank you for coming out this evening and sharing your thoughts with us. This hearing is now closed.

I hope that everyone has a safe trip home.

Meeting Attendees

Missy Neff, Aqualaw PLC

Ann Jennings, Chesapeake Bay Foundation

Jacob Powell, Murphy-Brown LLC

Neil Zahradka, Murphy-Brown LLC

Kilby D. Majette, USDA NRCS