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## Proposed Regulation Agency Background Document

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|--------------------------------------------------------|------------------------------------------------------------------------------|
| Agency name                                            | Virginia Soil and Water Conservation Board                                   |
| Virginia Administrative Code (VAC) Chapter citation(s) | 4VAC50-85                                                                    |
| VAC Chapter title(s)                                   | Nutrient Management Training and Certification Regulations                   |
| Action title                                           | Amendments to the Nutrient Management Training and Certification Regulations |
| Date this document prepared                            | September 15, 2026                                                           |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

## Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Virginia Soil and Water Conservation Board (Board) is amending the Nutrient Management Training and Certification Regulations (4VAC50-85), which establish the minimum qualifications for individuals who prepare nutrient management plans and the minimum components and content of a nutrient management plan. Nutrient management plans address nutrient applications to both urban landscape and agricultural operations; these plans improve and protect water quality using best management practices such as timing, rate and placement of fertilizer, manure and biosolids for agricultural and urban purposes.

The Board is proposing substantial revisions to the Virginia Nutrient Management Standards and Criteria, which are incorporated by reference in these regulations. Amendments have been made to definitions (4VAC50-85-10) to reflect current agricultural operational practices, to ensure consistent implementation across the state, and to reflect current permit requirements.

Amendments also update the fee provisions in 4VAC50-85-50 to expressly authorize recovery of payment processing costs. The reporting requirements (4VAC50-85-100) have been simplified and revisions recognize that a significant portion of the data can be provided through the Department's Nutrient Management Module in the Conservation Application Suite. The nutrient management plan content requirements in 4VAC50-85-130 are amended to add required plan components for precision nutrient management plans and transfer nutrient management plans. Revisions throughout the regulations clarify the minimum requirements; language that is strictly a recommendation has been stricken. Requirements with expired implementation dates have been stricken throughout the regulations to reduce confusion for planners and agricultural producers.

## Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

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The following acronyms are used in this form:

Department: Department of Conservation and Recreation

DEQ: Virginia Department of Environmental Quality

RAP: Regulatory Advisory Panel

Standards and Criteria: Virginia Nutrient Management Standards and Criteria.

There are no technical terms used in the regulation that are not defined within the regulations.

Technical terms used in the Standards and Criteria are defined in that document.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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The Virginia Soil and Water Conservation Board initiated a Notice of Intended Regulatory Action at their September 16, 2025 meeting in response to comments received during a periodic review and to further Department initiatives. The public comment period for the NOIRA was held from December 15, 2025 through January 14, 2026. No comments were received. A Regulatory Advisory Panel (RAP) was established to assist the Board and the Department with the regulatory review and development of recommendations. The RAP, composed of representatives from agriculture, academia, environmental organizations, and government, held three public meetings beginning on March 30, 2026.

Information about the NOIRA may be found at:

<https://townhall.virginia.gov/L/viewstage.cfm?stageid=11013>.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

Section 10.1-104.2 A. of the *Code of Virginia* requires the Department of Conservation and Recreation to “operate a voluntary nutrient management training and certification program to certify, in accordance with regulations adopted by the Virginia Soil and Water Conservation Board pursuant to subsection D, the competence of persons preparing nutrient management plans...”

Additional requirements for the *Nutrient Management Training and Certification Regulations* (4VAC50-85) are set out in §10.1-104.2 D of the *Code of Virginia*, which states:

D. The Virginia Soil and Water Conservation Board shall 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.

## Purpose

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

The amendments to 4VAC50-85 are intended to clarify the minimum requirements for nutrient management plans and to ensure that the regulations reflect current scientific understanding, changes in agricultural operations, and developments in nutrient management technology since the regulations were last substantively amended in 2006. These regulatory revisions are essential to ensuring that the technical requirements governing the development and implementation of nutrient management plans remain current and scientifically defensible.

Specific goals include: (i) removing outdated definitions and clarifying existing definitions to ensure consistent development and implementation of nutrient management plans; (ii) incorporating precision nutrient management as a planning approach and establishing minimum plan content requirements for precision plans; (iii) simplifying reporting requirements for planners; (iv) updating fee provisions to expressly authorize recovery of payment processing costs incurred by the department; and (v) ensuring the Standards and Criteria contain the minimum technical criteria required for the development of nutrient management plans, rather than incorporating recommendations as well.

Precision nutrient management is implemented throughout Virginia and typically provides more precise fertilizer placement, timing, and application rates for growing crops. Incorporating precision nutrient management into the regulations reflects the growing use of these practices and enables the use of certain data developed for an agricultural operation to be utilized in a nutrient management plan. Restructuring the Standards and Criteria ensures that the minimum critical technical criteria related to the development and implementation of nutrient management plans is clearly outlined. Much of the information currently included in the Standards and Criteria is recommendations, which creates confusion about the minimum standards that must be included in a nutrient management plan and what information is able to be based on the expertise of the planner and the producer. Virginia's land grant universities routinely update the planting standards (ex. crop yield and nutrient needs) related to agricultural production. Removing these standards from the Standards and Criteria enables planners and producers to utilize the most recent research, as well as the producer's own records, in the development and implementation of nutrient management plans.

## Substance

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

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There are numerous amendments to 4VAC50-85-10 (Definitions) to delete outdated definitions, clarify existing definitions, and include definitions for terms that have gained use since these regulations were last substantially amended. Example of terms that have been added include "precision nutrient management" and "transfer management plan". Other definitions have been amended to reflect the current usage of the term such as "broadcast", "biosolids" and "field". Definitions that are more appropriate in the Standards and Criteria have been deleted from the regulations and included in the Standards and Criteria including "cool season grass", "hydrologic soil group", "soil management group", "soil series", "tillering", "tissue test", and "topdress".

Section 4VAC50-85-50 (Fees) has been reorganized to include both the certification and recertification fees and to authorize recovery of payment processing costs when electronic payments are made. The reporting requirements (4VAC50-85-100) have been simplified and revisions recognize that a significant portion of the data can be provided through the Department's Nutrient Management Module in the

Conservation Application Suite. Section 4VAC50-85-130 (Nutrient management plan content) is amended to include requirements for plan updates on nonagricultural land in certain situations, to fully incorporate precision nutrient management activities, and to reflect the information necessary in a transfer nutrient management plan. Section 4VAC50-85-140 (Required nutrient management plan procedures) is amended to clarify how to determine expected crop yield for new or unrecorded fields. Additional details are also provided about when plans must be modified for agricultural and nonagricultural lands.

The Documents Incorporated by Reference section is amended to revise the date of the incorporated Virginia Nutrient Management Standards and Criteria from the prior edition to the September 2026 revised edition. The Standards and Criteria has been significantly revised to only include minimum technical requirements, rather than including recommendations as well.

Revisions have been made throughout the regulations to remove references to expired implementation dates. As examples, 4VAC50-85-140 2.c.2 includes a reference to December 31, 2005 and 2.c.4 includes requirements related to December 31, 2010.

### Issues

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

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These revisions will continue to advance the implementation of nutrient management plans by being more reflective of the changing technology utilized by Virginia's agricultural operations, improving regulatory clarity, and acknowledging the importance of ongoing scientific research related to agricultural activities. Nutrient management planners will have clearly defined requirements for plans and will be able to utilize the most current scientific research to determine the most appropriate time, rate, and placement of fertilizers. Agricultural producers will be able to more fully integrate precision nutrient management into their nutrient management plans.

With the removal of many of the recommendations from the Standards and Criteria, there will need to be additional efforts made by the Board to determine the most appropriate scientific data and sources to utilize in nutrient management plans. After discussions with the RAP, it was determined that a technical work group should be convened to develop guidance regarding the appropriate scientific data and sources. This work group will be convened in the fall of 2026 and will likely be an ongoing effort as the research and technology continue to evolve.

Several amendments in nutrient management plan content more actively reflect the potential connection between nutrient management plans and permits issued by DEQ. Transfer nutrient management plans meet DEQ requirements and reflect a reduced workload for the planner, the producer, and both the Department and DEQ. Ensuring the permit number, if applicable, is included in a nutrient management plan allows for greater collaboration between the Department and DEQ when permit compliance concerns are identified.

There will be costs associated with updating training materials and communicating these regulatory changes to certified planners and producers. These costs are expected to be minimal and absorbable within existing program resources.

The amendments do not alter planner certification eligibility requirements, examination requirements, continuing education requirements, or the basic structure of the nutrient management planning program. Existing certified planners are not required to recertify.

### **Requirements More Restrictive than Federal**

*Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

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There are no directly applicable federal requirements governing the Virginia Nutrient Management Training and Certification regulations. The program operates under state authority pursuant to § 10.1-104.2 of the Code of Virginia.

### **Agencies, Localities, and Other Entities Particularly Affected**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

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#### **Other State Agencies Particularly Affected**

The Virginia Department of Environmental Quality (DEQ) issues permits for animal feeding operations that require nutrient management plans to be prepared in accordance with these regulations. The amendments made in this regulatory action do not impact the intent or language of those permits. Incorporating transfer nutrient management plans addresses permit requirements for certain agricultural producers and will simplify the plans submitted to DEQ. Additionally, the Virginia Department of Agriculture and Consumer Services (VDACS) administers the contractor-applicator program for individuals that apply fertilizers to non-agricultural lands. The amendments to this regulation do not impact that program, although education outreach about the revisions may be needed to be provided by the Department.

State agencies, including colleges and universities, that own or maintain lands where fertilizer is applied (ex. athletic field or golf courses) are required to develop and implement a nutrient management plan under §10.1-104.4; however, these amendments will clarify the content for those plans and allow the use of the most current scientific data to determine the appropriate placement, timing, and rate of fertilizer applications. These revisions may lead to cost savings in fertilizer applications and may reduce the time (and cost) associated with the development of a plan.

## Localities Particularly Affected

No specific locality is expected to bear a disproportionate material impact. Localities that are subject to a Municipal Separate Storm Sewer System Permit (MS4) and that own or maintain lands where fertilizer is applied (ex. athletic field or golf courses) are required to develop and implement a nutrient management plan by their permit. However, these amendments will clarify the content for those plans and allow the use of the most current scientific data to determine the appropriate placement, timing, and rate of fertilizer applications. These revisions may lead to cost savings in fertilizer applications and may reduce the time (and cost) associated with the development of a plan.

## Other Entities Particularly Affected

Certified nutrient management planners are the primary regulated entities. Approximately 380 active certified planners in Virginia will need to familiarize themselves with the updated regulations.

### Economic Impact

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.*

## Impact on State Agencies

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| <p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:</p> <ul style="list-style-type: none"> <li>a) fund source / fund detail;</li> <li>b) delineation of one-time versus on-going expenditures; and</li> <li>c) whether any costs or revenue loss can be absorbed within existing resources.</li> </ul> | <p>The Department will incur one-time costs to update training materials, revise examination content where it is affected by the regulatory changes, and communicate the amendments to certified planners. The Nutrient Management Module of the Conservation Application Suite may need to be updated to reflect the revisions made to the Standards and Criteria. These costs are able to be absorbed within the existing resources of the Department. The new authorization in 4VAC50-85-50 for a payment processing charge will offset processing costs that the Department would have to absorb with electronic payment options. This is an ongoing, self-adjusting charge tied to contracted payment processing rates.</p> |
| <p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>                                                                                                                                                                                | <p>There are state agencies that are required by §10.1-104.4 to develop and implement nutrient management plans. These plans are required to be updated every three years. These amendments will clarify the content for those plans and allow the use of the most current scientific data to determine the appropriate placement, timing, and rate of fertilizer applications. These revisions may lead to cost savings</p>                                                                                                                                                                                                                                                                                                     |

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|                                                                                 | <p>in fertilizer applications and may reduce the time (and cost) associated with the development of a plan.</p> <p>Both DEQ and VDACS have regulatory programs that incorporate nutrient management plans. Neither agency is expected to bear any additional costs associated with the revisions included in this proposed regulation. More closely coordinating permit requirements and nutrient management plans may result in a time savings for both DEQ and the Department.</p> |
| <i>For all agencies:</i> Benefits the regulatory change is designed to produce. | <p>Clearer regulatory requirements and updated technical standards reduce the time (and cost) for state agencies subject to §10.1-104.4. The revisions reflect potential efficiency savings for DCR and DEQ in addressing potential permit compliance issues when they are identified. Modernized definitions and updated technical guidance support Virginia's efforts to improve water quality throughout the state.</p>                                                           |

### Impact on Localities

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.*

|                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| Projected costs, savings, fees, or revenues resulting from the regulatory change. | <p>No significant cost impacts to localities are anticipated. Localities that own or manage land subject to nutrient management plans (e.g., publicly owned parks or golf courses) or localities subject MS4 permit conditions will need to work with planners to update required plans at the next scheduled revision cycle. However, these amendments will clarify the content for those plans and allow the use of the most current scientific data to determine the appropriate placement, timing, and rate of fertilizer applications. These revisions may lead to cost savings in fertilizer applications and may reduce the time (and cost) associated with the development of a plan.</p> |
| Benefits the regulatory change is designed to produce.                            | <p>Localities that own nonagricultural land covered by nutrient management plans will benefit from clearer plan content requirements applicable to turf and nonagricultural settings. Water quality improvements from more current and accurate nutrient management planning support the interests of localities and their residents.</p>                                                                                                                                                                                                                                                                                                                                                         |

### Impact on Other Entities

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.*

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| <p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Certified nutrient management planners are the primary entities directly affected by this regulatory change. Agricultural producers implement the plans developed by their planners; certain agricultural producers are required by environmental permits to implement nutrient management plans. Golf course owners are required by §10.1-104.5 to implement nutrient management plans. Consulting firms and sole proprietors operating as certified nutrient management planning businesses are affected as small businesses.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:</p> <ul style="list-style-type: none"> <li>a) is independently owned and operated, and;</li> <li>b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</li> </ul>                                                                                                                                                                                                                           | <p>There are currently approximately 380 certified nutrient management planners. A portion of these certified planners operate as independent consultants or employees of small agricultural consulting firms and are expected to qualify as small businesses under the definition in §2.2-4007.1.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:</p> <ul style="list-style-type: none"> <li>a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;</li> <li>b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;</li> <li>c) fees;</li> <li>d) purchases of equipment or services; and</li> <li>e) time required to comply with the requirements.</li> </ul> | <p>Certified planners will need to become familiar with the updated definitions, plan content requirements, and other revisions. The Department will provide training for planners on the revisions. The proposed regulations do not require all active nutrient management plans to be updated upon the effective date of the regulations; planners will be able to revise plans with the new provisions as plans expire or need to be updated for other operational reasons. Planners will be able to address any workload impacts in a staggered, appropriate way for their individual clients and business. Reporting and recordkeeping requirements have been simplified and recognize that information may be available from the Department's Nutrient Management Module. No equipment purchases are required. No costs related to real estate development result from this regulatory change. The fee associated with initial certification or recertification is not changed; the new payment processing charge applies to all applicants and is expected to be a nominal amount.</p> |
| <p>Benefits the regulatory change is designed to produce.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>These regulatory revisions will reduce confusion for planners by more clearly articulating the requirements for a plan. The revisions to the Standards and Criteria recognize the technical knowledge of the planner and provide increased flexibility for the planner to choose the most appropriate, scientifically-defensible recommendations related to fertilizer applications in the plan. Revisions aligned with actual field practice reduce unnecessary documentation burdens. Formal recognition of precision nutrient management and transfer plans reduces uncertainty for planners and operators using those approaches.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

### Alternatives to Regulation

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

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There are no alternatives to these regulatory changes. The Board is required by §10.1-104.2 to adopt regulations to implement a nutrient management training and certification program. These regulations have not been significantly revised since 2006 and currently contain outdated regulatory language and fail to recognize the technological advances within agricultural operations. The revisions made to these regulations address both of these critical issues. Additionally, the revisions provide additional flexibility to planners by removing recommendations from the regulations; this will allow planners to use the most appropriate science to develop the nutrient management plan, which will make the plan more applicable to the specific agricultural operation. Many planners and agricultural operations are small businesses. Clarifying the requirements will provide efficiency savings and utilizing current scientific data may result in cost-savings in reduced fertilizer applications.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

### Regulatory Flexibility Analysis

*Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

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Amendments do not impose new reporting or recordkeeping requirements for small businesses. The reporting requirements have been simplified and revisions recognize that a significant portion of the data can be provided through the Department's Nutrient Management Module in the Conservation Application Suite.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

### Periodic Review and Small Business Impact Review Report of Findings

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

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This form is not being used to report the result of a periodic review. The results of the periodic review of these regulations is available at: <https://townhall.virginia.gov/L/ViewPReview.cfm?PRid=2606>.

### Public Comment

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

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No public comments were received.

### Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

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The Virginia Soil and Water Conservation Board is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email, or phone to Christine Watlington Jones at 600 E. Main Street, 24<sup>th</sup> floor, Richmond, VA 23219, [christine.watlington@dc.virginia.gov](mailto:christine.watlington@dc.virginia.gov), or 804-564-1897. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

### Detail of Changes

*List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.*

*If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.*

**Table 1: Changes to Existing VAC Chapter(s)**

| Current chapter-section number | New chapter-section number, if applicable | Current requirements in VAC                                                                                                                                                                                                                                                                                                                                                                                                                  | Change, intent, rationale, and likely impact of new requirements                                                                                                                                                                                                          |
|--------------------------------|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4VAC50-85-10                   |                                           | This section defines technical terms that are used in the regulation. "Banding" or "sideband" means the placement of fertilizer approximately two inches to the side and two inches below the seed.                                                                                                                                                                                                                                          | Renamed "Banded starter fertilizer." The current definition does not reflect all banding equipment in use. Definition has been revised to remove the overly prescriptive placement specification while preserving the agronomic intent.                                   |
| 4VAC50-85-10                   |                                           | This section defines technical terms that are used in the regulation. "Biosolids" means a sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing, or distribution in accordance with 9VAC25-31 and 9VAC25-32. | "Biosolids" is redefined to align with current regulatory usage under state law, removes the prior cross-reference to specific permit regulation titles, and broadens the definition to capture the full range of materials subject to biosolids management requirements. |
| 4VAC50-85-10                   |                                           | This section defines technical terms that are used in the regulation. "Broadcast" means the uniform application of a material over a field.                                                                                                                                                                                                                                                                                                  | Revisions clarify that broadcast refers to surface application and acknowledges that in precision nutrient management the relevant application unit may be smaller than a whole field.                                                                                    |

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| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Cereal crop" or "small grain" means barley, rye, triticale, or wheat.                                                                                                                                                                                          | Added "oats" to the definition. Oats are grown in Virginia and used in cover crop and grain rotations.                                                          |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Cool season grass" means grass species of temperate zone origin which exhibit the greatest rates of dry matter production in the day/night temperature range of 60°/50°F to 80°/70°F. Examples of cool season grasses include fescue, bluegrass, and ryegrass. | Definition has been deleted as it is not used in the regulations. The term is used in the Standards and Criteria and the definition has been added there.       |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Commonwealth" means the Commonwealth of Virginia.                                                                                                                                                                                                              | This definition has been deleted as it is unnecessary. Its meaning is established by state law and common usage throughout the Code of Virginia.                |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Cover crop" definition included a bulleted list of two purposes: (1) seasonal protection of soil, or (2) assimilation of residual soil nitrogen.                                                                                                               | The definition remains the same. It has been reformatted to be consistent with Virginia regulatory drafting style and eliminates an unnecessary list structure. |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Crop" means cultivated plants or agricultural produce such as grain, silage, forages, oilseeds, vegetables, fruit, nursery stock, or turfgrass.                                                                                                                | "Sod" to the list of crops. "Turfgrass" in the definition is replaced by "turf" to conform with the terms used in the <i>Code</i> .                             |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Crop nutrient needs" and "Crop nutrient removal" each referenced "Virginia Nutrient Management Standards and Criteria, revised July 2014" as the governing document.                                                                                           | The reference to the Standards and Criteria has been updated in both definitions to reflect the revisions made in September 2026.                               |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Crop rotation" means one complete sequence of one or more                                                                                                                                                                                                      | "May" has been deleted to avoid confusion with the definition and to reflect current understanding of the term..                                                |

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|              |              | crops grown in succession that may assist in minimizing disease, insects and weeds.                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 4VAC50-85-10 |              | <p>This section defines technical terms that are used in the regulation. "Dry manure" or "semisolid manure" means manure containing less than 85.5% moisture.</p> <p>"Liquid manure" means manure containing at least 85.5% moisture or which can be applied through subsurface injection or surface application with liquid application equipment.</p>                                                                             | <p>Both definitions changed from moisture-content-based definitions to handling-method-based definitions.</p> <p>The moisture-threshold approach required laboratory measurement to categorize manure type and did not reflect how planners and producers distinguish manure in practice. The handling-method approach aligns with actual field management, reduces compliance ambiguity, and eliminates the need for moisture testing solely for definitional categorization purposes.</p> |
| 4VAC50-85-10 |              | This section defines technical terms that are used in the regulation. "Environmentally sensitive site" definition included a bulleted list of six site characteristics (soils with high leaching potential; shallow soils; subsurface tile drains; soils with lateral flow potential; floodplains; slopes greater than 15%).                                                                                                        | The definition remains the same. It has been reformatted to be consistent with Virginia regulatory drafting style and eliminates an unnecessary list structure.                                                                                                                                                                                                                                                                                                                             |
| 4VAC50-85-10 |              | This section defines technical terms that are used in the regulation. "Field" means a unit of contiguous nonwooded land generally used for crop production that is separated by permanent boundaries, such as fences, permanent waterways, woodlands, croplines not subject to change because of farming practices, and other similar features or as determined by the United States Department of Agriculture Farm Service Agency. | The definition was revised to provide clarification and to reflect the use of the land by the producer. Clarification was provided to ensure management areas are equivalent to fields for nonagricultural lands.                                                                                                                                                                                                                                                                           |
| 4VAC50-85-10 | 4VAC50-85-10 | This section defines technical terms that are used in the regulation. "Field identification number" means a number used by a farmer (or the United States Department of Agriculture Farm Service Agency) to distinguish or                                                                                                                                                                                                          | This term was renamed "field identifier: and was revised to remove reference to the number used by the Farm Service Agency. The term now recognizes the wide variety of identifying designations used by planners and producers and applies more appropriately to agricultural and nonagricultural plans.                                                                                                                                                                                   |

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|              |              | identify the location of a field on a farm.                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                 |
| 4VAC50-85-10 | 4VAC50-85-10 | This section defines technical terms that are used in the regulation. "Hydrologic soil group" means a classification of soils into one of four groups, A, B, C, or D, according to their hydrologic properties, ranging from low runoff potential (high infiltration potential) in group A to high runoff potential (low infiltration potential) in group D.                                                                              | Definition has been deleted as it is not used in the regulations. The term is used in the Standards and Criteria and the definition has been added there.                                                                                                                       |
| 4VAC50-85-10 |              | This section defines technical terms that are used in the regulation. "Industrial waste" means liquid or other waste resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources. The term "industrial waste" appears throughout the current regulations in provisions governing nutrient application timing, application methods, setbacks, and plan modification triggers. | The term "industrial waste" is replaced throughout the regulations with "industrial residuals". The revised definition is substantively narrower than the current definition and only applies to residues that contain nutrient value and are suitable for use as a fertilizer. |
| 4VAC50-85-10 |              | This section defines technical terms that are used in the regulation. "Irrigation" means the application of water to land to assist in crop growth.                                                                                                                                                                                                                                                                                       | A second sentence was added to address irrigation on nonagricultural land. The current definition addresses only crop production contexts; the revised definition also addresses the establishment and maintenance of turf.                                                     |
| 4VAC50-85-10 |              | This section defines technical terms that are used in the regulation. "Irrigation scheduling" means the time and amount of irrigation water to be applied to an area for optimum crop growth and to minimize leaching and runoff.                                                                                                                                                                                                         | The definition has been revised to reference the maintenance of turf as part of irrigation scheduling, instead of simply including crop growth.                                                                                                                                 |
| 4VAC50-85-10 |              | This section defines technical terms that are used in the regulation. "Nutrient management plan" or "plan" means a plan prepared by a Virginia certified nutrient management planner to manage the amount,                                                                                                                                                                                                                                | The definition has been revised to recognize nutrient management plans developed for turf production and to incorporate transfer management plans.                                                                                                                              |

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|              |  | placement, timing, and application of manure, fertilizer, biosolids, or other materials containing plant nutrients in order to reduce nutrient loss to the environment and to produce crops.                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Organic nutrient source" or "organic source" means manure, biosolids, sludge, industrial waste, green manure, compost, or other plant or animal residues which contain plant nutrients.                                                                                                     | "Sludge" is removed from this definition and "industrial waste" is replaced with "industrial residuals". The scope of the definition is unchanged; the revisions simply update the terminology that is used. .                                                                                                                                                                                                                                                                                                        |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Organic residuals" means nutrients released over time from manure, biosolids, industrial wastes, legumes, or other organic sources of nutrients.                                                                                                                                            | The revision simplifies the definition by cross-referencing the defined term "organic nutrient source" rather than listing source types individually.                                                                                                                                                                                                                                                                                                                                                                 |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation.                                                                                                                                                                                                                                                                                              | A definition of "precision nutrient management" has been added that reflects the use of data and technology used to manage nutrients at the sub-field level.                                                                                                                                                                                                                                                                                                                                                          |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Runoff" means that part of precipitation, snow melt, or irrigation water that runs off the land into streams or other surface water which can carry pollutants from the land.                                                                                                               | The revision simplifies the definition by removing reference to specific water sources in favor of a general description of how the water flows..                                                                                                                                                                                                                                                                                                                                                                     |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Sewage sludge" or "sludge" means any solid, semisolid, or liquid residues which contain materials removed from municipal or domestic wastewater during treatment including primary and secondary residues. Other residuals or solid wastes consisting of materials collected and removed by | The definition of "sewage sludge" or "sludge" is deleted and replaced throughout the regulations by the term "biosolids," which is separately defined. References to "sewage sludge," "sludge," "liquid sewage sludge," "dewatered sludge," "dewatered anaerobically digested sewage sludge," and "dewatered lime stabilized sewage sludge" are updated to "biosolids," "liquid biosolids," or "dewatered biosolids" as appropriate.. The revision aligns the regulations with current environmental permit language. |

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|              |  | sewage treatment, septage, and portable toilet wastes are also included in this definition. The term "sewage sludge," "sludge," and related terms appear throughout the current regulations in provisions governing application timing, application methods, setbacks, frozen ground restrictions, and plan modification triggers. |                                                                                                                                                                                                                                 |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Shall" means a mandatory requirement. "Should" means a recommendation.                                                                                                                                                                                      | Both definitions are deleted. The distinction between mandatory requirements and recommendations has been addressed throughout the regulations by removing "should" provisions from the regulatory text.                        |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Soil management group" means a grouping of soils based on their similarity in profile characteristics which affect crop production and require specific soil and crop management practices.                                                                 | Definition has been deleted as it is not used in the regulations. The term is used in the Standards and Criteria and the definition has been added there.                                                                       |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Soil pH level" means the negative logarithm of the hydrogen-ion activity of a soil which measures the relative acidity or alkalinity of the soil. The pH level affects the availability and plant utilization of nutrients.                                 | The term is shortened to "soil pH" and to reflect how the term is currently referenced in nutrient management plans. The meaning is unchanged.                                                                                  |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Soil series" means a classification of a specific soil type by name based on the morphological, chemical and physical properties of the soil.                                                                                                               | Definition has been deleted as it is not used in the regulations. The term is used in the Standards and Criteria and the definition has been added there.                                                                       |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Soil survey" means a published or electronically available document developed by a governmental entity using the standards and protocols of the National Cooperative Soil                                                                                   | The revision broadens the scope of the definition to reflect that soil surveys are used in nutrient management planning for a range of purposes beyond crop and tree production, including nonagricultural and urban land uses. |

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|              |  | Survey that includes detailed descriptions and classifications of soils, mapping of various soil series, and the interpretation of soils according to their adaptability for various crops and trees.                                                                       |                                                                                                                                                                                                               |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Split application" means utilizing a sequence of two or more nutrient applications, separated by approximately three weeks or more, to a single crop in order to improve nutrient uptake efficiency. | The definition has been clarified by removing "approximately".                                                                                                                                                |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Tillering" means the formation of lateral shoots from the axillary buds of small grains and grasses.                                                                                                 | Definition has been deleted as it is not used in the regulations.                                                                                                                                             |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Tissue test" means an analysis of crop tissue for the percentage of nitrogen at key growth stages, and used as an intensive nutrient management technique with small grain crops.                    | Definition has been deleted as it is not used in the regulations. The term is used in the Standards and Criteria and the definition has been added there.                                                     |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Topdress" means broadcast applications of fertilizer on crops such as small grains or forage after crop emergence has occurred.                                                                      | Definition has been deleted as it is not used in the regulations. The term is used in the Standards and Criteria and the definition has been added there.                                                     |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation.                                                                                                                                                                                                       | A definition of transfer nutrient management plan has been added. The definition recognizes a plan type that meets environmental permit requirements, but has not been fully recognized by these regulations. |
| 4VAC50-85-10 |  | " This section defines technical terms that are used in the regulation. Turfgrass" means selected grass species planted or sodded and managed for such uses as home lawns, golf                                                                                             | The term is renamed "Turf" and now mirrors the definition provided in §3.2-3600.                                                                                                                              |

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|              |  | courses, office parks and rights-of-way.                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                      |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation.                                                                                                                                                                                                                                                                                | A definition of “verifiable crop yield records” has been added. This definition provides an additional way for planners and producers to document and anticipate the crop yield when field-specific yield records are unavailable.                   |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Warm season grass" means a grass species of tropical origin that exhibits the highest rate of dry matter production in the day/night temperature range of 90°/79°F at a minimum to a maximum of 97°/88°F. Examples of warm season grasses include zoysia and bermuda grasses. | Definition has been deleted as it is not used in the regulations. The term is used in the Standards and Criteria and the definition has been added there.                                                                                            |
| 4VAC50-85-10 |  | This section defines technical terms that are used in the regulation. "Water insoluble nitrogen" or "WIN" means the amount of a type of slowly available nitrogen listed on fertilizer bags and reported as a percentage.                                                                                                                            | Definition has been deleted as it is not used in the regulations. The term is used in the Standards and Criteria and the definition has been added there.                                                                                            |
| 4VAC50-85-20 |  | This section describes the purpose of these regulations. 4VAC50-85-20 B states that a nutrient management plan is prepared "to indicate how primary nutrients are to be managed on farm fields and other land for crop production and in ways which protect groundwater and surface water from excessive nutrient enrichment."                       | The revisions reflect the statutory applicability of nutrient management plans to both agricultural and nonagricultural land uses. The current language implies that only lands that are used for crop production require nutrient management plans. |
| 4VAC50-85-40 |  | This section describes the eligibility requirements to become a certified nutrient management planner. 4VAC50-85-40 A 4 requires submission of "a \$100 certification fee by check or money order to the department."                                                                                                                                | The phrase "by check or money order" is deleted. The revision removes restrictions on payment methods that are inconsistent with the Department's current practice of accepting multiple forms of payment.                                           |
| 4VAC50-85-50 |  | This section outlines the fees collected for training and certification. 4VAC50-85-50                                                                                                                                                                                                                                                                | Subsection A is revised to include reference to the recertification fee; the initial certification fee is already                                                                                                                                    |

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|               |  | contains the following provisions: (A) fees shall be collected for certification and recertification; (B) a fee may be charged to supply training materials; (C) fees are nonrefundable and shall not be prorated; (D) the certification fee of \$100 shall be due with the application for certification, and applicants may retake the examination one time with no additional charge; and (E) all fees collected shall be deposited in the Nutrient Management Training and Certification Fund. The section does not address payment processing charges or expressly state the recertification fee amount. | referenced in this section. The language concerning the fees has been moved within the section; however, no fees have been increased. A new subsection B is added authorizing a payment processing charge, subject to contracted rates incurred by the department, to defray costs of payment processing services. The exam retake language currently in subsection D is relocated to 4VAC50-85-60 F. The remaining subsections are reordered accordingly. |
| 4VAC50-85-60  |  | 4VAC50-85-60 addresses examination administration, eligibility, content, scheduling, passing scores, and notification of results. The section contains no provision governing exam retakes; that provision currently appears in 4VAC50-85-50 D. The list of biosolids management concepts addressed by the examination references "types of sludges" (subsection C 8).                                                                                                                                                                                                                                        | A new subsection F has been added, which relocates the exam retake provision from 4VAC50-85-50 D to 4VAC50-85-60, where it more logically fits alongside the other examination provisions. The reference to "types of sludges" in subsection C 8 is updated to "types of biosolids," consistent with the replacement of "sewage sludge" terminology throughout the regulations.                                                                            |
| 4VAC50-85-80  |  | 4VAC50-85-80 sets out renewal requirements including a transitional provision requiring persons certified prior to January 11, 2006, to attend a department-approved training course in phosphorus nutrient management planning methods prior to certificate renewal, with those hours applicable toward other continuing education requirements.                                                                                                                                                                                                                                                             | The transitional provision requiring pre-2006 certified planners to attend a phosphorus management training course prior to renewal is deleted. This deletion removes obsolete regulatory text as the provision has expired.                                                                                                                                                                                                                               |
| 4VAC50-85-100 |  | 4VAC50-85-100 A requires certified planners to file an annual activity report by September 30 of each year on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The annual report due date is changed from September 30 to August 15. The report format is changed from "a form supplied by the department" to "a format                                                                                                                                                                                                                                                                                                   |

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|               |  | a form supplied by the department. The report must contain six specified categories of information. Subsection B requires planners to maintain a complete copy of each plan and to also separately maintain a detailed set of supporting records for each plan including soil analysis results, soil survey maps, yield records, livestock information, manure production calculations, and organic nutrient source analyses. A summary listing of all plans is required under subsection B. Subsection C references "regulations promulgated under § 62.1-44.19:3 for sewage sludge." | specified by the department," providing greater flexibility in how the department collects required information and allowing information to be submitted electronically or through the Nutrient Management Module. A new item 7 is added to the required report contents - a summary listing of all plans prepared, including plan number, landowner or operator's name, and the date the plan was prepared or revised. This item is moved from subsection B recordkeeping to subsection A reporting. Subsection B is substantially simplified: the requirement to maintain a complete copy of each plan is retained, but the detailed list of additional supporting records is removed. Subsection C is updated to replace "sewage sludge" with "biosolids," consistent with terminology updates throughout the regulations. |
| 4VAC50-85-110 |  | The section heading reads "Compliance wi regulations and disciplinary action," which appears to be a typographical error in the current regulatory text. Subdivision 6 references "regulations promulgated under § 62.1-44.19:3 of the Code of Virginia for sewage sludge."                                                                                                                                                                                                                                                                                                            | The section heading is corrected to read "Compliance with regulations and disciplinary action," adding the missing letter "t." The reference to "sewage sludge" in subdivision 6 is updated to "biosolids," consistent with the terminology updates throughout the regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4VAC50-85-130 |  | This section details the contents of a complete nutrient management plan. A plan cover sheet is required to list any permits, if applicable, without specifying the issuing agency or requiring the permit number (subsection B).                                                                                                                                                                                                                                                                                                                                                      | Subdivision B 8 is revised to require the applicable permit number if the nutrient management plan is developed to cover an activity that requires a permit issued by the Department of Environmental Quality. The revision increases the link between the required permit and the nutrient management plan, which improves the abilities of the Department and DEQ to coordinate when there are potential permit compliance issues identified.                                                                                                                                                                                                                                                                                                                                                                               |
| 4VAC50-85-130 |  | This section details the contents of a complete nutrient management plan. A plan narrative is required to identify circumstances requiring plan update, such as an increase in animal numbers (subdivision F 7 b).                                                                                                                                                                                                                                                                                                                                                                     | Subdivision F 7 b is revised to expand the description of triggers that require an update to the plan including changes in animal type and "any changes that would impact the amount of manure available from the operation." These revisions ensure that a plan update occurs when there are material changes in manure availability, such as changes in feeding                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|               |  |                                                                                                                                                                                                                                   | systems, waste treatment, or manure export arrangements, even when animal numbers and animal types remain unchanged.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 4VAC50-85-130 |  | This section details the contents of a complete nutrient management plan. There are currently no plan content requirements for precision nutrient management plans or transfer plans as distinct plan types within 4VAC50-85-130. | <p>New subsections G, H, and I have been added.</p> <p>Subsection G establishes the core components required in a precision nutrient management plan including identification information, soil sample data by management zone, georeferenced yield records, and planned nutrient application rates by zone in an electronic format acceptable to the department. Rates in each zone may not exceed those allowable under 4VAC50-85-140 A 2 calculated at the sub-field level.</p> <p>Subsection H establishes detailed plan structure requirements for fields managed under precision nutrient management including map or georeferenced data requirements, summary narrative requirements, organic nutrient source requirements where applicable, phosphorus index data information, and plan update triggers specific to precision management.</p> <p>Subsection I establishes the required components of a transfer nutrient management plan: farmer and planner identification, county and watershed code, plan date, livestock type and approximate numbers, a map identifying the farm location and manure or waste storage locations, manure production estimates and the most recent manure analysis, and the applicable requirements of subsection F.</p> <p>These provisions provide regulatory clarity for planners preparing these plan types and for permit reviewers evaluating plan compliance.</p> |
| 4VAC50-85-140 |  | This section outlines the required procedures that must be followed to determine the appropriate nutrient application rates, timing, and placement. Subdivision A 2 a: determination of crop nutrient                             | The reference to the Commercial Vegetable Production Recommendations, 2005, has been removed from subdivision A 2 a and the reference to the Standards and Criteria has been updated to reflect the current revisions. The Commercial Vegetable Production Recommendations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|                                     |  | needs was required to be consistent with the Virginia Nutrient Management Standards and Criteria, revised July 2014, and the Commercial Vegetable Production Recommendations, 2005 (VCE Publication 456-420).                                                                                                                                                                                                                                                                                                                                                                                               | has been stricken from the Documents Incorporated by Reference as well; it is an outdated reference.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4VAC50-85-140                       |  | This section outlines the required procedures that must be followed to determine the appropriate nutrient application rates, timing, and placement. Subdivision A 2 e: expected crop yield determined from one of two methods: (1) soil productivity group expected yields from the Standards and Criteria; or (2) the farmer's past experience with crop yields in specific fields, which may be used to make reasonable adjustments to expected crop yields in lieu of verifiable yield records, provided the upward adjustments impact no more than 20% of the acreage of any crop on a particular farm. | Flexibility has been added to address situations where field-specific yield records are unavailable. Where field-specific yield records are unavailable, expected crop yields for new or unrecorded fields may be determined by the planner by using verified crop yield records from similar fields under the same management, with adjustments made for soil productivity data. Clear justification and recordkeeping must be provided and field-specific records must be used once sufficient data is collected. The subsection has been renumbered to account for this methodology. This addition addresses a gap in the regulations that provided limited flexibility when field-specific yield records genuinely do not exist for new or unrecorded fields. |
| 4VAC50-85-140                       |  | This section outlines the required procedures that must be followed to determine the appropriate nutrient application rates, timing, and placement. Subdivision A 2 f: established very prescriptive requirements for a soil sample - a single standard applied to all fields, requiring a composite soil sample representing up to approximately 20 acres, with cores from 0-4 inches for fields not tilled within the past three years and from 0-6 inches for tilled or recently tilled fields.                                                                                                          | The section is restructured into subparagraphs i (agricultural fields) and ii (nonagricultural land), and the prescriptive soil sampling depth requirements are removed from both. Soil sample requirements and protocols are established by the laboratories that analyze the samples, not these regulations. The planner and producer determine which laboratory to use.                                                                                                                                                                                                                                                                                                                                                                                        |
| Documents Incorporated by Reference |  | This section includes the reference materials that are incorporated into these regulations. The Virginia Nutrient Management Standards and Criteria, revised                                                                                                                                                                                                                                                                                                                                                                                                                                                | The date of the Virginia Nutrient Management Standards and Criteria has been updated to September 2026 to reflect the current revisions to the document. The revised Standards and Criteria updates agronomic tables,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|  |  | July 2014, the Virginia Commercial Vegetable Production Recommendations for 2005, and several other citations are included. | mineralization coefficients, nutrient availability data, setback criteria, and other technical guidance to reflect current research and recommended practices. Reference to the Virginia Commercial Vegetable Production Recommendations for 2005 has been stricken as it is outdated. |
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