

# **ANNUAL REPORT**

## **State Agency Farm Land and Forest Land Preservation Activities**

A Status Report to the Chairs of the  
Senate Committee on Agriculture, Conservation and Natural Resources,  
and the  
House Committee on Agriculture, Chesapeake and Natural Resources

By:

Todd P. Haymore  
Secretary of Agriculture and Forestry

December 1, 2010

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## ***Introduction***

Section 3.2-206 of the Code of Virginia states:

“The Secretary of Agriculture and Forestry shall submit a written report by December 1 of each year to the chairmen of the House Committee on Agriculture and the Senate Committee on Agriculture, Conservation and Natural Resources on the impacts of state agency actions on the conversion of farm and forest lands.”

The statute requires that the following four named agencies contribute to this report:

1. Department of Transportation
2. Department of Conservation and Recreation
3. State Corporation Commission; and
4. Department of Environmental Quality

Below is a synopsis of information supplied by each of these agencies.

### ***Department of Transportation***

The Virginia Department of Transportation (VDOT) reports that from July 1, 2009 through June 30, 2010 VDOT purchased 259.68 acres in to be used for right of way. Construction projects on this property will begin six months to one year after purchase.

During FY10, VDOT estimated that 110.47 acres of farmland and 25.23 acres of forestland could be impacted by future construction projects. Eighty-nine acres of farmland acreage planned for conversion are stream restoration projects. Since these estimates are determined during early environmental studies, the conversion may not actually take place for two to three years. “These estimates are preliminary and may decrease as the project develops and avoidance measures are pursued.”

### ***Department of Conservation and Recreation***

The Department of Conservation and Recreation (DCR) strives to minimize impacts to farm and forest lands on its properties. DCR reports that some impacts are unavoidable, however, since DCR is in the midst of the largest state park capital improvement in its history. Conversion is minimized because DCR is taking recreational use land and merely changing the type of recreational use. DCR’s overarching policy is directed toward having the development, whether it be campsites, visitor centers, or parking lots, “lay lightly on the land”. Twenty-three projects were completed between July 1, 2009 and June 30, 2010. A total of 42 acres were converted of which eight were farmland; 32 were forest land; and two acres were classified as other. It is a priority of DCR to conserve open space and minimize the intrusion by capital improvements.

### *State Corporation Commission*

The State Corporation Commission's (SCC) farm and forest lands protection plan was unchanged during fiscal year 2010. The Commission anticipates no capital projects that would have an impact on the conversion of farm and forest lands. The SCC approves the construction of utility facilities and considers the impact of proposed facilities on farm and forest lands and their conversion in its analysis of environmental impacts and requires applicants to submit information on the impact to agricultural and forest resources.

The SCC executed a Memorandum of Agreement (MOA) with the Department of Environmental Quality (DEQ) to ensure the coordination of reviews of environmental impacts of proposed electric generating plants and associated facilities. A second MOA with DEQ is in place to ensure that consultation by DEQ on wetland impacts occurs prior to siting determinations by the SCC for facilities, activities and public service companies. The Commission's filing requirements further require applicants seeking authority to construct and operate electric generating facilities to submit, among other things, information on the impact to agricultural and forest resources.

### *Department of Environmental Quality*

The Department of Environmental Quality (DEQ) "strives to ensure that any impacts on the preservation of farm and forest lands resulting from DEQ's actions are necessary to protect and improve the environment for the well being of all Virginians." If DEQ believes that a regulation may potentially impact farm and forest land preservation, the agency ensures that a representative of the farming or forestry community is given an opportunity to serve as a member of any advisory panel established to assist in the development of the proposal. Additionally, as the agency coordinates the review of environmental impacts resulting from state construction projects, the responsible agencies are asked to identify any such impacts.

During fiscal year 2010, DEQ had 19 comment periods on notices of intent to adopt, amend, or repeal regulations and five comment periods on the proposed adoption, amendment, or repeal of regulatory text. DEQ also conducted two public comment periods for fast-track rulemakings. Seven comments were received regarding the impacts to farm and forest lands during the regulatory comment periods.

- DEQ issued one Notice of Intended Regulatory Action (NOIRA).

The commenter was concerned with the possible deforestation of two to five acres of land due to the installation of wind turbines and the loss of additional forest land as a result of the installation of access roads to the wind turbines. The commenter requested the inclusion of requirements for the reforestation of the site once the site is decommissioned. DEQ considered the commenter's concerns and convened a regulatory advisory panel to consider the issue. Based on their review of the issue and the panel's recommendation, DEQ proposed a requirement that applicants should provide a context map of the proposed site, and the five-mile area surrounding the site showing open spaces (farm land) and forested land.

- The State Air Pollution Control Board issued five NOIRA's, three notices of public comment on a proposal, and two notices of comment periods on fast-track rulemakings. No comments relative to farm and forest land preservation were received.
- The Virginia Waste Management Board issued one NOIRA and one notice of public comment period on a proposal. No comments relative to farm and forest land preservation were received.
- The State Water Control Board (SWCB) issued 12 NOIRA's and four notices of public comment period on a proposal. Comments relative to farm and forest land preservation were received during the comment periods for four NOIRA's and also during the proposed stage of two regulations.

Comments were received concerning impacts to agriculture during the NOIRA stage for the Eastern Virginia Groundwater Management Area Regulations and the Groundwater Withdrawal Regulations. Comments were received concerning impacts to agriculture during the NOIRA for the Plasticulture Operations Regulation. Some members of the agricultural community opposed the development of this regulation. Ultimately, the SWCB decided to delay the development of the proposed regulation and is monitoring the need for this regulation.

Last year, DEQ received comments during the NOIRA stage for the Virginia Pollution Abatement Permit Regulation for Poultry Waste Management that addressed concerns regarding transfer and off-site management of poultry waste in the commonwealth. An advisory panel that included key representatives from the agricultural and conservation section was convened. DEQ staff received comments from more than 600 individuals and organizations regarding the regulations. DEQ reports that significant comments were received regarding recordkeeping requirements, the "standard rate" for land application, the added grower training frequency, and DEQ's right of entry. After considering these comments, DEQ incorporated several amendments and the regulations became effective on January 1, 2010.

In addition to the regulatory actions listed above, DEQ coordinated the review of 78 Environmental Impact Reports for major state projects. Each project was reviewed by staff at the Virginia Department of Agriculture and Consumer Services and the Department of Forestry who indicated that the projects would have no adverse impact on farm and forest lands.

# APPENDICES



## COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219-2000

Gregory A. Whirley  
Commissioner

August 23, 2010



Mr. Matthew J. Lohr, Commissioner  
Virginia Department of Agriculture and Consumer Services  
P.O. Box 1163  
Richmond, Virginia 23218

Dear Mr. Lohr:

Attached is the Virginia Department of Transportation's current program or plan for implementing policies for the protection of forest and farmland, in accordance with § 3.2-206 of the Code of Virginia. Also included with our plan is the analysis of the impacts of VDOT projects on these lands from July 1, 2009 to June 30, 2010. If you have any questions, please contact Chris Adkins at (804) 786-5360. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen J. Long".

Stephen J. Long  
State Environmental Administrator

Attachment

**VDOT's Plan/Program Addressing**  
**Code of Virginia Section 3.2-206**

- Estimate the number of acres of farmlands impacted for each VDOT project. Count all farmlands regardless of whether the property has one of the listed characteristics.
- Estimate the number of acres of forestlands impacted for each VDOT project. Count all forestlands regardless of whether the property has one of the listed characteristics.
- Submit the plan annually by September 1.

**Analysis of the Impact of VDOT Projects**

**Total land acreage converted to other use:** **259.68**  
This is the amount of right of way purchased by VDOT in FY10. Construction begins approximately 6 months to 1 year after purchase.

**Total farmland acreage planned to be converted:** **110.47\***  
This is the amount of farmland estimated in FY10 to be impacted by future construction projects. Since the estimates are determined during early environmental studies, the conversion may not actually take place for years. These estimates are preliminary and may decrease as the project develops and avoidance measures are pursued.

**Total forestland acreage planned to be converted:** **25.23**  
This is the amount of forestland estimated in FY10 to be impacted by future construction projects. Since the estimates are determined during early environmental studies, the conversion may not actually take place for years. These estimates are preliminary and may decrease as the project develops and avoidance measures are pursued.

\* - 89 acres of farmland acreage planned to be converted are stream restoration projects.

Douglas W. Domenech  
Secretary of Natural Resources



David A. Johnson  
Director

COMMONWEALTH of VIRGINIA  
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street  
Richmond, Virginia 23219-2010  
(804) 786-1712

September 21, 2010

Commissioner Matt Lohr  
Virginia Department of Agriculture and Consumer Services  
Commissioner's Office  
102 Governor Street  
Richmond, Virginia 23219

Subj: FY2010 Farm and Forest Land Protection Status Report

Dear Commissioner Lohr:

Attached is a copy of the Department of Conservation and Recreation's Annual Farm and Forest Land Protection Report that includes an analysis of the impact Agency capital projects had on open space in FY10. The Department always strives to minimize impacts to farm and forest land on its properties. Some impacts are unavoidable, however, since DCR is in the midst of the largest state park capital improvement program in its history. Conversion is minimized because we are taking recreational use land and merely changing the type of recreational use. In FY10, 42 acres were affected by our capital improvement program.

If you have any questions regarding our submittal, please do not hesitate to contact me. I may be reached at (804) 786-2291 or at [david.dowling@dcr.virginia.gov](mailto:david.dowling@dcr.virginia.gov).

Sincerely,

A handwritten signature in cursive script that reads "David C. Dowling".

David C. Dowling  
Policy, Planning and Budget Director

Attachment

Cc: David A. Johnson, DCR Director  
Rebecca S. Askew, VDACS Senior Policy Analyst

*State Parks • Soil and Water Conservation • Natural Heritage • Outdoor Recreation Planning  
Chesapeake Bay Local Assistance • Dam Safety and Floodplain Management • Land Conservation*

Analysis of the Impact of Agency Projects for FY10:

Number of projects completed between July 1, 2009 and June 30, 2010: 23

Total land acreage converted to other use: 42 acres

Total farm land acreage converted: 8 acres

Total forest land acreage converted: 32 acres

Total acreage of other lands converted (excluding farm and forest): 2 acres

Park	Project Description	Land Converted to Other Use	Farm Land Converted	Forest Land Converted	Other Acreage Converted
Hungry Mother	Acquisition and Development of Campground	0	0	0	0
Shenandoah River	Construct road, cabins, and campground	26	6	20	0
Shenandoah River	Construct cabins, Phase II	2	0	2	0
Westmoreland	Repair Shoreline Erosion, Westmoreland	0	0	0	0
Chippokes Plantation	Repair Shoreline Erosion, Chippokes	0	0	0	0
Natural Tunnel	Construct campground and bathhouse	10	0	10	0
Sailor's Creek					
Battlefield	Construct visitor center and support facility	2	2	0	0
New River Trail	Improve Trails	0	0	0	0
False Cape	Construct visitor center and office complex	0	0	0	0
Smith Mountain	Construct visitor center and campground	2	0	0	2
Kiptopeke	Upgrade campground infrastructure	0	0	0	0
Bear Creek	Reroof Park Office	0	0	0	0
Douthat	Repair Cabin Roof	0	0	0	0
First Landing	Repair Two Restrooms	0	0	0	0
Leesylvania	Repair Freestone Restroom Sewage System	0	0	0	0
Mason Neck	Repair Roofs	0	0	0	0
Occoneechee	Repair Cabin 9 Water Damage	0	0	0	0
Pocahontas	Repair Sewage System, Manager's Residence	0	0	0	0
Pocahontas	Repair Basement Walls, Residence 5	0	0	0	0
Pocahontas	Roof Pole Shed at District Office	0	0	0	0
Staunton River	Repair Residence	0	0	0	0
Twin Lakes	Repair Concessions Building Roof	0	0	0	0
Westmoreland	Repair Sewage System, Potomac River Retreat	0	0	0	0
		42	8	32	2

Describe alternatives and mitigating measures that were considered to reduce the total acreage of farm and forest lands converted during the period of July 1 through June 30:

The Department of Conservation and Recreation construction on park properties is governed by a Master Planning process that is used to develop the properties in a manner that will best blend the project with the natural landscape of the property. The Department of Conservation and Recreation is highly sensitive to the conversion of open space, including the conversion of farm and forestry acreage. Every project initiated by the Department undergoes a strict in-house review including the review of the siting of the development. Our overarching policy is directed toward having the development, whether it be campsites, visitor centers, or parking lots, "lay lightly on the land." The Agency works with designers and contractors closely to insure that land impacts are minimized. Conserving open space and minimizing the intrusion by capital improvements remains a priority with the Department of Conservation and Recreation.

MARK C. CHRISTIE  
COMMISSIONER  
  
JAMES C. DIMITRI  
COMMISSIONER  
  
JUDITH WILLIAMS JAGDMANN  
COMMISSIONER



JOEL H. PECK  
CLERK OF THE COMMISSION  
P.O. BOX 1197  
RICHMOND, VIRGINIA 23218-1197

## STATE CORPORATION COMMISSION

September 8, 2010

The Honorable Matt Lohr  
Commissioner  
Virginia Department of Agriculture and Consumer Services  
P.O. Box 1163  
Richmond, Virginia 23218

Dear Commissioner Lohr:

On behalf of the State Corporation Commission ("Commission"), I am providing a response to your annual request for information pursuant to § 3.1-18.6 of the Code of Virginia ("Code") regarding the impact of the Commission's projects and regulations on the conversion of farm and forested lands. The discussion herein is substantively the same as the one provided in the Commission's 2009 response.

Section 3.1-18.6 of the Code requires "an analysis of the impact which the [Commission's] regulations and projects have on the conversion of farm and forested lands." With respect to projects, the Commission anticipates no capital projects that would have an impact on the conversion of farm and forested lands. The remainder of this letter addresses Commission regulations that may have such an impact.

For example, the Commission approves the construction of utility facilities. Commission approval is in addition to the environmental and land-use approvals required for any such construction. The Commission considers the impact of proposed facilities on farm and forested lands and their conversion in its analysis of environmental impacts required by various provisions of the Code, including §§ 56-46.1, 56-259, 56-265.2:1, and 56-580. The Commission regularly requests the Department of Environmental Quality ("DEQ") to coordinate a review of utility applications and to gather information from all state agencies with environmental responsibilities.

In addition, pursuant to §§ 10.1-1186.2:1 B and 56-46.1 G of the Code, the DEQ and the Commission have executed a Memorandum of Agreement regarding coordination of reviews of the environmental impacts of proposed electric generating plants and associated facilities. *See In the matter of receiving comments on a draft memorandum of agreement between the Department of Environmental Quality and the State Corporation Commission*, Case No. PUE-2002-00315,

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Order Distributing Memorandum of Agreement (Aug. 14, 2002). When the Commission receives an application for certification of an electric generating facility, such Memorandum of Agreement ensures the coordination of reviews of environmental impacts.

Virginia statutes, however, limit the authority of the Commission over environmental and other matters. Pursuant to § 56-46.1 A of the Code, whenever the Commission is required to approve the construction of any electrical utility facility:

In order to avoid duplication of governmental activities, any valid permit or approval required for an electric generating plant and associated facilities issued or granted by a federal, state or local governmental entity charged by law with responsibility for issuing permits or approvals regulating environmental impact and mitigation of adverse environmental impact or for other specific public interest issues such as building codes, transportation plans, and public safety, whether such permit or approval is granted prior to or after the Commission's decision, shall be deemed to satisfy the requirements of this section with respect to all matters that (i) are governed by the permit or approval or (ii) are within the authority of, and were considered by, the governmental entity in issuing such permit or approval, and the Commission shall impose no additional conditions with respect to such matters.

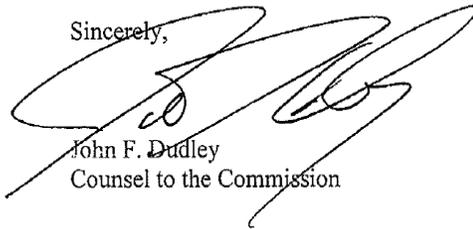
Furthermore, pursuant to § 62.1-44.15:5 D 2 of the Code, the DEQ (on behalf of the State Water Control Board) and the Commission have executed a second Memorandum of Agreement to ensure that consultation by the DEQ on wetland impacts occurs prior to siting determinations by the Commission for facilities and activities of utilities and public service companies. *See In the matter of receiving comments on a draft memorandum of agreement between the State Water Control Board and the State Corporation Commission*, Case No. PUE-2003-00114, Order Distributing Memorandum of Agreement (July 30, 2003). When the Commission receives an application for certification of facilities under §§ 56-46.1, 56-265.2, 56-265.2:1, or 56-580 of the Code, the DEQ prepares a wetland impacts consultation including a summary of findings and any recommendations for the Commission's consideration.

Finally, the Commission's filing requirements for applicants seeking authority to construct and operate electric generating facilities are set forth at 20 VAC 5-302-20. These filing

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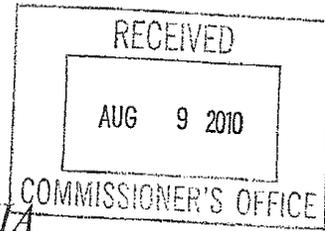
requirements direct the applicant to submit, among other things, information on the impact to agricultural and forest resources. *See, e.g.*, 20 VAC 5-302-20 12.

Sincerely,

A handwritten signature in black ink, appearing to be "John F. Dudley", written in a cursive style.

John F. Dudley  
Counsel to the Commission

cc: Cody D. Walker, Assistant Director, Division of Energy Regulation  
Angela P. Bowser, Assistant Director, Division of Information Resources



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Street address: 629 East Main Street, Richmond, Virginia 23219
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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
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MEMORANDUM

TO: The Honorable Matt Lohr, Commissioner
Department of Agriculture and Consumer Services
FROM: David K. Paylor
DATE: August 6, 2010
SUBJECT: Preservation of Farm and Forest Lands - Report on Impacts from the Department
of Environmental Quality's Programs pursuant to § 3.2-206 of the Code of Virginia

The Department of Environmental Quality (DEQ) strives to ensure that any impacts on the preservation of farm and forest lands resulting from the DEQ's actions are necessary to protect and improve the environment for the well being of all Virginians. The primary goal of the DEQ as it develops regulations is to focus on environmental results, to consider both the environmental benefits and the impacts to those we regulate, and to prioritize our efforts and resources based on potential impact on the environment. Included in each notice of intent or notice of comment period on a proposal is a specific request for comment on the impacts of the regulation on farm and forest land preservation. If the DEQ believes that a regulation may impact farm and forest land preservation, the DEQ will ensure that a representative of farming and/or forestry is given an opportunity to be a member of any advisory panel established to assist in the development of a proposal. In addition, as the DEQ coordinates the review of environmental impacts resulting from state construction projects, the responsible agencies are asked to identify any such impacts. In addition, the Departments of Agriculture and Consumer Services (VDACS) and of Forestry (DOF) are asked to review those evaluations and make recommendations on how such impacts can be avoided or minimized.

From July 1, 2009, to June 30, 2010, the DEQ (and its regulatory boards) had 19 comment periods on notices of intent to adopt, amend or repeal a regulation and 8 comment periods on proposed adoption, amendment or repeal of regulatory text. In addition, there were 2 public comment periods for fast-track rulemakings. Comments were received regarding impacts to farm or forest lands during 7 of the regulatory comment periods. The specifics are listed below:

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- The DEQ issued 1 notice of intent of regulatory rulemaking. Comments relative to farm and forest land preservation were received during the notice of intent comment period.

Comments were received concerning impacts to forest lands during the Notice of Intended Regulatory Action for the Small Renewable Wind Energy Projects Permit by Rule (9VAC15-40). The commenter was concerned with the possible deforestation of 2-5 acres of land due to installation of wind turbines and the loss of additional forest land as a result of the installation of access roads to wind turbines. The commenter encouraged the inclusion of requirements for the site to be reforested once the site is decommissioned. These comments were fully considered by the regulatory advisory panel convened to assist DEQ in developing a permit by rule for wind projects. The regulatory advisory panel included representatives from both the Virginia Department of Forestry and the Virginia Department of Agriculture and Consumer Services. Based on consensus recommendations from the regulatory advisory panel, DEQ proposed a regulation requiring applicants to provide a context map of the proposed site, and the 5-mile area surrounding the site, showing open spaces (farm land) and forested lands. This information becomes part of the public record, and may be considered by local governments and citizens as siting decisions are made (e.g., zoning, special use permits), and by DEQ when mitigation plans are formulated to address adverse impacts to wildlife or historic resources (the scope of DEQ's statutory authority). The regulatory advisory panel and DEQ could not address the commenter's request for decommissioning requirements, because the Office of the Attorney General advised that DEQ's statutory authority explicitly extends to "construction and operation" of wind projects, but not to siting and decommissioning. The latter issues remain under the purview of local governments.

- The State Air Pollution Control Board issued 5 notices of intent of regulatory rulemaking, 3 notices of a public comment period on a proposal, and 2 comment periods on fast-track rulemakings. No comments relative to farm and forest land preservation were received.
- The Virginia Waste Management Board issued 1 notice of intent of regulatory rulemaking and 1 comment period on a proposal. No comments relative to farm and forest land preservation were received.
- The State Water Control Board issued 12 notices of intent of regulatory rulemaking, and 4 notices of a public comment period on a proposal. Comments relative to farm and forest land preservation were received during 4 notice of intent comment periods and 2 proposed comment periods.

Comments were received concerning impacts to agriculture during the Notice of Intended Regulatory Action for the Eastern Virginia Groundwater Management Area Regulation (9VAC 25-600) and the Groundwater Withdrawal Regulations (9VAC25-610) that address the use of groundwater within groundwater management areas. Groundwater levels in the coastal plain area are declining. These regulations comprehensively manage groundwater resources to ensure that groundwater resources are managed in order to maintain resource availability for future Virginians. Commenters requested the membership of the regulatory advisory panel include a representative of the Virginia Potato and Vegetable Grower's Association. The regulatory advisory panel included a representative of the Virginia Potato and Vegetable Grower's Association and also the Virginia

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Department of Agriculture and Consumer Services. These representatives assisted with the development of regulatory language to address specific concerns of agricultural users and the proposed regulations were drafted to include specific requirements for agricultural users of groundwater to meet. Comments were also received concerning the topic of restricting groundwater withdrawal permits for agricultural irrigation to the water table aquifer. Some non-agricultural commenters supported including this provision in the regulations; however, agricultural users stated the salt content and alkaline nature of the water would prevent the water table aquifer from being utilized for agricultural irrigation. The proposed regulations do not place any limitations on which aquifers are to be used for agricultural irrigation.

Additionally, comments concerning impacts to agriculture were received during the Notice of Intended Regulatory Action for the Plastics Operations Regulation (9VAC 25-870). This regulatory action would adopt a regulation to establish standards concerning management of runoff from plastics operations. Comments were received from the agricultural community that opposed the development of this regulation as well as comments supporting the need to regulate this activity. Since issuing the Notice of Intended Regulatory Action, the State Water Control Board has delayed the development of a proposed regulation, and is monitoring the need for this regulation before beginning the development of a proposed regulation. Information will be provided in next year's report concerning this potential new regulation.

In last year's report, the DEQ reported comments were received during the Notice of Intended Regulatory Action for the Virginia Pollution Abatement (VPA) Permit Regulation for Poultry Waste Management (9 VAC 25-630) that address concerns regarding transfer and off-site management of poultry waste in the Commonwealth. This regulatory action is being undertaken to ensure that poultry waste is being used in a manner in which state waters are being protected and nutrients losses are being reduced and that these reductions can be measured. During the past year an advisory committee that included key representatives from the agricultural and conservation sectors met to discuss issues related to the management of off-site poultry waste and how concerns could be addressed in the regulations. A proposal was developed with the assistance of the advisory committee and comments were received from the public on the proposal. Staff received comments from over 600 individuals and organizations regarding the proposed amendments, and due to the subject matter of the regulations, comments focused on impacts to the farming community. Significant comments were received regarding the following requirements: recordkeeping requirements, the "standard rate" for land application, the added grower training frequency, and DEQ's right of entry.

Based on the comments received regarding these items, staff made changes to the final regulatory language. The change in the tonnage threshold which triggers recordkeeping was removed and the reporting threshold will remain at 10 tons. The annual reporting requirement for the poultry grower was removed and the recordkeeping question regarding how the end-user will obtain an appropriate land application rate was removed.

Changes were not made to the regulations concerning the "standard rate" for land application and grower training frequency requirements. The State Water Control Board adopted a "standard rate" for land application as 1.5 tons every three years as it is only one of the four options

by which an end-user may obtain an appropriate land application rate and it is intended to encourage transport and utilization of poultry waste to areas where manure is not commonly used. The State Water Control Board also adopted a requirement for the grower training frequency to be once every five years. The requirement to attend more than one training session is consistent with the Virginia Pollution Abatement General Permit for Animal Feeding Operations in that the livestock operators must attend training once every three years. DEQ staff will work closely with the poultry industry associations and commercial processors to facilitate the grower opportunities to receive the required training i.e.; during scheduled industry events, meetings, etc. The final regulatory language also addressed the DEQ's right of entry. This provision simply clarifies the authority granted to the DEQ in State Water Control Law. The final amended regulation was adopted by the State Water Control Board at their meeting on October 26, 2009 and the amendments became effective on January 1, 2010.

In addition to revising the Virginia Pollution Abatement (VPA) Permit Regulation for Poultry Waste Management (9 VAC 25-630) to address concerns regarding transfer and off-site management of poultry waste, the DEQ also issued a Notice of Intended Regulatory Action for the Virginia Pollution Abatement (VPA) Permit Regulation for Poultry Waste Management (9 VAC 25-630) to reissue and amend the general permit as a separate regulatory action. The VPA General Permit Regulation for Poultry Waste Management governs the management of poultry feeding operations which confine 200 or more animal units (20,000 chickens or 11,000 turkeys), and establishes utilization, storage, tracking and accounting requirements related to poultry waste, including that transferred from poultry feeding operations. The current VPA general permit expires on November 30, 2010. Comments were submitted by 4 organizations, all in favor of reissuing the general permit in 2010. A regulatory advisory panel that included representatives from the agricultural community was utilized to assist with the development of a proposed regulation. Comments were accepted on the proposed regulation and 11 individuals and organizations submitted comments on the proposal. The DEQ is in the process of completing the review of the comments regarding the proposed language. The DEQ will take the final amendments to the State Water Control Board Meeting scheduled in September 2010. Additional information will be provided in next year's report.

The DEQ also received comments during the Notice of Intended Regulatory Action for the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Concentrated Animal Feeding Operations (9 VAC 25-191) to reissue and amend the general permit. Commenters requested representatives of the agricultural community to be placed on the regulatory advisory panel. A commenter also supported the reissuance of the general permit for this activity due to the perceived benefits associated with a general permit. The DEQ is currently working with a regulatory advisory panel, whose membership includes representatives of the agricultural community to develop a proposal. Additional information will be provided in next year's report on the progress of this regulatory action.

In addition to regulatory actions described above, between July 1, 2009 to June 30, 2010, the DEQ coordinated the review of 78 Environmental Impact Reports (EIR) for major state projects, each of which was reviewed by the Department of Agriculture and Consumer Services (VDACS) and the Department of Forestry (DOF). VDACS and DOF indicated that farm lands and forest lands

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would not be adversely affected by these State projects. In the case of the Department of Correction's proposal to construct a milking parlor, barn and associated facilities on 20 acres of agricultural lands at the Powhatan Correctional Center (DEQ-10-069S), Powhatan County raised concerns about the use of relatively productive farm lands for construction projects. In this case, VDACS encouraged DOC to minimize the transfer of agricultural lands to non-agricultural uses. The DEQ's responses to proponent agencies include recommendations for the protection of existing trees to provide aesthetic and environmental benefits when applicable.