



*VIRGINIA DEPARTMENT
OF AGRICULTURE AND
CONSUMER SERVICES*

**STANDARD OPERATING PROCEDURES FOR
REPORTING ACRES UNDER MANAGEMENT BY
CERTIFIED FERTILIZER APPLICATORS/CONTRACT
APPLICATORS**

**STANDARD OPERATING PROCEDURES FOR
REPORTING BMPs IMPLEMENTED THROUGH THE
AGRICULTURAL STEWARDSHIP ACT PROGRAM**

July 1, 2022

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SECTION 1: ORGANIZATION/AGENCY INFORMATION

- Organization name: Virginia Department of Agriculture and Consumer Services
- Organization address: 102 Governor Street, Richmond VA, 23219
- Organization website: www.vdacs.virginia.gov
- Type of organization: state agency

Authorized contact(s) name(s)/title(s)/phone/email/etc. for the Agricultural Stewardship Act Program.

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SECTION 2: DESCRIPTION OF ORGANIZATION AND BMP RELATED PROGRAMS

Established in 1877, the Virginia Department of Agriculture and Consumer Services (VDACS) promotes the economic growth and development of Virginia agriculture, provides consumer protection and encourages environmental stewardship. The agency is headquartered in Richmond and has several field offices, four regional diagnostic animal health laboratories, and a global network of representatives promoting Virginia products internationally. VDACS is organized into five separate Units or Divisions: The Commissioner's Office, Division of Animal and Food Industry Services, Division of Commodity Services, Division of Consumer Protection, and Division of Marketing.

There are two programs within VDACS that have the ability to report best management practices (BMPs) to the Virginia Department of Environmental Quality (DEQ) to be reported the Chesapeake Bay Program Office. The Certified Fertilizer Applicator (CFA) program within the Division of Consumer Protection, Office of Plant Industry Services reports the acreage under management by CFAs as urban nutrient management acres, and the Agricultural Stewardship Act (ASA) Program within the Commissioner's Office reports BMPs implemented to address water pollution complaints. There are the equivalent of five full-time employees (FTEs) within these two programs (one FTE for the CFA program, and four FTEs for the ASA program). The agency receives general state funds (non-grant) to operate these programs.

Certified Fertilizer Applicator Program

Promulgated by the Board of Agriculture and Consumer Services as required by the Virginia Fertilizer Law, Virginia's [Regulations for the Application of Fertilizer to Nonagricultural Lands](#) (2VAC5-405) require certification for all licensees and contractor-applicators, state agencies, localities, or other governmental entities engaged in the commercial application of fertilizers to non-agricultural lands. Anyone desiring certification as CFA must successfully [complete approved training](#) and submit an [online application](#) to VDACS. CFA certification is valid for four years from the date of issuance. CFAs shall complete a minimum of two hours of coursework every two years for recertification.

The Virginia Fertilizer Law requires contractor applicators and licensees who apply fertilizer to more than 50 acres of non-agricultural land to submit an [annual report](#) on or before February 1 indicating, by zip code, the total acreage of land receiving lawn fertilizer and lawn maintenance fertilizer in the preceding calendar year. They are required by 2VAC5-405-20 to apply fertilizer at rates, times, and methods that are consistent with standards and criteria for nutrient management promulgated pursuant to § [10.1-104.2](#) of the Code of Virginia.

VDACS is introducing this new data set as urban nutrient management acreage. Because the Virginia Fertilizer Law requires reporting on a calendar year, VDACS is unable to supply DEQ with the data for the same reporting year as DCR does for their urban nutrient management acreage due to the varying reporting cycles. Although DCR reports their nutrient management acreage in the same year, the data reported by VDACS will reflect the applications made during the previous calendar year. For example, the 2021 data will be reported as implemented in 2022 with each subsequent year reflecting the previous year's reporting. VDACS is also currently establishing the audit and review process for the reports that were submitted to the agency in 2022 for the applications that occurred in 2021. There are currently over 900 CFAs registered with VDACS.

Agricultural Stewardship Act Program

Virginia's agricultural community promotes stewardship of our land and water resources. As a show of commitment to this concept, agricultural leaders supported the passage of the [Agricultural Stewardship Act](#) (ASA) in 1996. The [ASA program](#) provides the farmer an opportunity to correct a water quality problem voluntarily before any enforcement action is taken. The ASA can also be an opportunity to educate all parties involved regarding best management practices and agriculture. The ASA Program is a complaint-based program by which the Commissioner of Agriculture and Consumer Services (Commissioner) receives information alleging water pollution from agricultural activities. Complaints alleging that a specific agricultural activity is causing or will cause water pollution are received by the Commissioner. If a complaint meets the criteria for investigation, the Commissioner (through the ASA program staff) contacts the appropriate Soil and Water Conservation District (SWCD) about investigating the alleged water pollution problem. If the district declines, the ASA program staff conducts the investigation on behalf of the Commissioner. In most cases, a joint investigation involving local district staff and ASA program staff is performed.

The purpose of the investigation is to determine whether the agricultural activity is causing or will cause water pollution. If no causal link is found, the Commissioner decides that the complaint is unfounded. If the Commissioner determines that the activity is the cause of pollution, the farmer is given up to 60 days to develop an agricultural stewardship plan to correct the identified water pollution problems. The local district typically reviews the plan, and the Commissioner will approve the plan when it is determined that it meets the necessary requirements to solve the water pollution problem.

The ASA provides the farmer up to six months from the date of the Commissioner's determination that a complaint is founded to start implementing the agricultural stewardship plan and up to 18 months from that date to complete plan implementation. The timing allows the farmer to take advantage of suitable

weather conditions for outside work or required construction. If a farmer fails to submit a plan for approval or implement a plan within the given timeline, the Commissioner takes enforcement action.

When reportable, the BMPs implemented as a result of the complaint response are tracked either by SWCD staff when cost-share funding is associated with the practices installed, or by VDACS-ASA program staff when the practices are installed without financial or technical assistance from state programs.

SECTION 3: BMP DATA MANAGEMENT, QA/QC, REPORTING, AND VERIFICATION

Certified Fertilizer Applicator Program

Contractor applicators and licensees who apply fertilizer to more than 50 acres of non-agricultural land must submit an [annual report](#) on or before February 1 indicating, by zip code, the total acreage of land receiving lawn fertilizer and lawn maintenance fertilizer in the preceding calendar year. Each year, VDACS will review a statistical sample size of the acreage that is reported by contractor applicators through an audit process with the applicator. This process will ensure that the application rates, times, and methods were consistent with the standards and criteria for nutrient management promulgated pursuant to § [10.1-104.2](#) of the Code of Virginia and will confirm that all regulatory requirements for record-keeping and reporting were followed. Those record-keeping requirements include:

1. Name, mailing address, and telephone number of customer, as well as address of application site if different from customer's mailing address;
2. Name of the person making or supervising the application;
3. Day, month, and year of application;
4. Weather conditions at the start of the application;
5. Acreage, area, square footage, or plants treated;
6. Analysis of fertilizer applied;
7. Amount of fertilizer used, by weight or volume; and
8. Type of application equipment used.

These records shall be kept for a minimum of three years following the application and be made available for inspection. Once the annual audit process is completed, a compliance rate will be established and applied to the acreages submitted in subsequent years. With civil penalties of up to \$1,000 for failure to comply with these regulations, a fairly high rate of compliance is expected.

The online [Annual Turf Fertilizer Reporting Tool](#) provides for the annual reporting of fertilizer applications to VDACS. To submit the reports, the business or government entity establishes an online account. Once established, the account can be used in subsequent years for fertilizer application reports. The account can also be accessed multiple times to add, edit, delete or save fertilizer application data.

A sample of the various registered contractor applicators, consisting of both larger applicators (greater than 250 acres applied to) and smaller applicators (less than 250 acres applied to), that reported the

previous year will be randomly selected annually for review and audit. A statistical sample size of a minimum of 2% of the acreage reported the previous year will be reviewed through an audit process, although it is likely that a higher percentage of the acreage reported will be reviewed to ensure regulatory compliance. This sample size will be reevaluated at least triennially, incorporating the results obtained from the previous samples. The goal of the verification program is to strive for a 90% confidence level with a margin of error of $\pm 5\%$ for sample based follow-up inspections. In other words, when we evaluate a sample of the population, we will know that there is a 90% chance that the results are within 5% of the correct answer for the entire population. This confidence interval exceeds the expectations established in the guidance of 80% and serves as a strong example for the expected confidence other model inputs (e.g. Land use) should strive to meet. A list of Stormwater Local Assistance Fund (SLAF) eligible Chesapeake Bay Program BMPs and established efficiencies is included in the [SLAF Program Guidelines](#).

Each year, VDACS analyzes the reporting data to identify and correct any reporting errors. The statewide acreage reported by zip-code will then be converted and distributed proportionally by land area to the corresponding hydrologic unit (HUC 12) using a data table converting zip-code to hydrologic unit. This data table includes the percentage of each hydrologic unit that is located within a zip-code for conversion. Using this table, we can proportionally assign the acreage under management to the hydrologic unit based on these percentages.

The data set will also be analyzed each year to ensure that there is no duplicative reporting of acreages by VDACS and DCR by reviewing the entities reporting to each agency. The reporting data collected annually for the previous year's applications will be submitted to DEQ by June 30 for inclusion in the urban nutrient management acreage.

DEQ requires that BMP implementation and verification data is submitted through [DEQ's BMP Warehouse application](#). This application is used to upload Nonpoint Source BMP data into the BMP Warehouse using pre-determined Excel files or templates. VDACS will use the BMP Warehouse to meet DEQ's BMP data reporting requirements. Once BMP data is uploaded into the system all data is stored in a centralized database. Data stored in the BMP Warehouse will be used for state and federal reporting purposes. VDACS will keep up to date on any changes to the BMP Warehouse through annual BMP Warehouse training sessions offered by DEQ.

Agricultural Stewardship Act Program

Regarding the ASA program data management, please see the [DCR Quality Assurance Project Plan](#) regarding reporting BMPs through the VACS program, including Resource Improvement Practices. All of the BMPs installed through the ASA program are tracked on the ASA Module in the Virginia Agricultural Cost Share (VACS) BMP Tracking Program, and is submitted by DCR with the other AgBMP data.