

Name of Practice: RELOCATION OF CONFINED FEEDING OPERATIONS FROM
ENVIRONMENTALLY SENSITIVE AREAS
VACS Program Specification for No. WP-8

This document specifies terms and conditions for the Virginia Agricultural Best Management Practices Cost-Share Program's Relocation of Confined Feeding Operations from Environmentally Sensitive Areas best management practice which are applicable to all contracts entered into with respect to that practice.

A. Description and Purpose

This practice provides for the relocation of confined feeding operations from areas that have an increased chance of contaminated runoff entering the state's stream, rivers and estuaries.

The purpose of the practice is to improve water quality by relocating confined feeding operations away from environmentally sensitive areas such as sinkholes, streams and rivers to reduce or eliminate the amount of pollution-laden runoff reaching these areas.

B. Policies and Specifications

1. Tax credit is authorized:
 - i. For using engineered plans for feeding structures available from the MidWest Plan Service (MWPS), the Natural Resources, Agriculture, and Engineering Services (NRAES), or a professional engineer (P.E.).
 - ii. For construction of new facilities of equal volume.
 - iii. For construction of access to the relocated facility.
 - iv. For demolition (only when necessary) and stabilization of the existing facility.
2. The replaced facility must not be used for animal confinement feeding or any other operation that would increase the amount of polluting runoff entering sensitive areas.
3. Tax credit is not authorized for new startup facilities or expanded portion of any existing or relocated facility.
4. The relocation of a facility must substantially reduce the amount of runoff entering streams, rivers and/or estuaries.
5. A management plan and best management practice design is to be developed with consultation from a VCE Agent, NRCS, and/or District. For a tax credit on feeding structures that exceed \$5,000 in cost, plans from MWPS, NRAES, or a P.E. must be used.

6. In order to be eligible for cost-share or tax credit, producers must be fully implementing a current Nutrient Management Plan (NMP) on all agricultural production acreage contained within the field on which this practice will be implemented. The NMP must comply with all requirements set forth in the Nutrient Management Training and Certification Regulations (4VAC50-85 et seq.) and the Virginia Nutrient Management Standards and Criteria (revised July 2014); must be prepared and certified by a Virginia certified Nutrient Management Planner; and must be on file with the local District before any cost-share payment is made to the participant. Plans shall also contain any specific production management criteria designated in the BMP practice (4VACV50-85-130G).
7. This practice is subject to NRCS Standards 313 Waste Storage Facility, 327 Conservation Cover, 342 Critical Area Planting, 350 Sediment Basin, 356 Dike, 359 Waste Treatment Lagoon, 360 Waste Facility Closure, 362 Diversion, 382 Fencing, 393 Filter Strip, 412 Grassed Waterway, 472 Access Control, 516 Pipeline, 558 Roof Runoff Structure, 560 Access Road, 561 Heavy Use Area Protection, 574 Spring Development, 587 Structure for Water Control, 614 Watering Facility, 633 Waste Utilization, and 642 Water Well.
8. All practice components implemented must be maintained for a minimum of 10 years following the calendar year of installation. The lifespan begins on Jan. 1 of the calendar year following the year of certification of completion. By accepting a state tax credit for this practice, the participant agrees to maintain all practice components for the specified lifespan. This practice is subject to spot check by the District throughout the lifespan of the practice and failure to maintain the practice may result in reimbursement of cost-share and/or tax credits.

C. Rate(s)

1. As set forth by Virginia Code, the Commonwealth currently provides a tax credit for implementation of certain agricultural best management practices as discussed in the Tax Credit Guidelines of the VACS Manual.
2. If a participant receives cost-share, only the percent of the total cost of the project that the participant contributed is used to determine the tax credit.

D. Technical Responsibility

Technical and administrative responsibility is assigned to qualified technical DCR and District staff in consultation, where appropriate and based on the controlling standard, with DCR, Virginia Certified Nutrient Management Planner(s), NRCS, DOF, and VCE. Individuals certifying technical need and technical practice installation shall have appropriate certifications as identified above and/or Engineering Job Approval Authority (EJAA) for the designed and installed component(s). All practices are subject to spot check procedures and any other quality control measures.

Revised April 2023