# Certification of Nonpoint Source Nutrient Credits

# Complete Application and Credit Release Checklist

# Land Conversion Application for Perpetual Credit Generation

**Disclaimer:** Checklists are provided as a tool when applying for plan approval and certification of nonpoint source nutrient and sediment credits. DEQ decisions will be made by applying the State Water Control Law, Certification of Nonpoint Source Nutrient Credits regulations ([9VAC25-900](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/)) and project-specific facts. **Refer to sections of 9VAC25-900 noted herein for details of required information for complete applications.**

For specific questions regarding the application or process please contact Derick Winn ([derick.winn@deq.virginia.gov](mailto:derick.winn@deq.virginia.gov); 804-965-4875) or Tyler Monteith ([tyler.monteith@deq.virginia.gov](mailto:tyler.monteith@deq.virginia.gov); 804-489-1809).

Application status may be viewed on the DEQ Permit Enhancement and Evaluation Platform ([PEEP](https://portal.deq.virginia.gov/peep-search)).

Information Required for a complete application is in accordance with the following regulations, unless otherwise noted on item in this checklist. The Certification of Nonpoint Source Nutrient Credits Regulations are [9VAC25-900](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/); procedure for application for certification of nutrient credits [9VAC25-900-80](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/section80/); revised credit rates [GM20-2001](https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\440\GDoc_DEQ_6815_v1.pdf), and determination of application fee amount [9VAC25-900-200](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/section200/). [9VAC25-900-150](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/section150/) contains recordkeeping and reporting requirements. [Documents incorporated by reference](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/section9999/) should be reviewed for information on baseline best management practice (BMP) specifications and the DCR invasive species list. [9VAC25-900-91](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/section91/), [GM21-2007](https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\440\GDoc_DEQ_7159_v1.pdf), [9VAC25-870-69](https://law.lis.virginia.gov/admincode/title9/agency25/chapter870/section69/), [§ 62.1-44.19:20](https://law.lis.virginia.gov/vacode/title62.1/chapter3.1/section62.1-44.19:20/), and [§ 62.1-44.19:21](https://law.lis.virginia.gov/vacode/title62.1/chapter3.1/section62.1-44.19:21/) should be used as references for requirements on the exchange of credits.

Items identified as “Optional” will assist DEQ in expediting your request. Item numbers below do not correspond to regulation numbering.

| **For a Complete Application, Provide at Minimum:** | **Included**  **(Y, N, or N/A)** | **Page Number(s)**  **Or Location(s)** |
| --- | --- | --- |
| **Part A: Procedure for Application for Certification of Nutrient Credits**  **9VAC25-900-80** | | |
| **1:** A brief narrative description of the nutrient credit-generating project. |  |  |
| **2:** Contact information for the applicant including name, address, telephone number, and email address. |  |  |
| **3:** Contact information for the nutrient credit-generating project, including the project's mailing address, street address, telephone number, and the contact person's name and email address. |  |  |
| **4:** Status of the applicant as owner, co-owner, operator, or lessee of the nutrient credit-generating project or the site on which the project is located. The applicant shall provide documentation of the applicant's right to exercise control of the nutrient credit-generating project and the site on which it is located for the purposes of generating and maintaining the proposed nutrient credit-generating project via a title, deed, grant, lease, or easement agreement as outlined in [9VAC25-900-80.A.4.](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/section80/) |  |  |
| **5:** The name, mailing address, telephone number, email address, and responsibilities of all known contractors responsible for any operational or maintenance aspects of the nutrient credit-generating project. |  |  |
| **6:** The number and type of potential nutrient credits to be generated using the appropriate land conversion credit generation rates based on land conversion type and 8-digit hydrologic unit code (HUC8). Land conversion rate tables can be found in [GM20-2001](https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\440\GDoc_DEQ_6815_v1.pdf). |  |  |
| **7:** A description of the baseline practices in place within the management area and the nutrient credit-generating project's practices that may result in generation of nutrient credits beyond baseline requirements. Baseline practice requirements are outlined in [9VAC25-900-100.B](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/section100/). |  |  |
| **8:** A topographic map, survey, or another type of map deemed acceptable by the department that delineates the property boundary of the management area and clearly shows the location of all practices, including nutrient credit-generating projects and any baseline practices. |  |  |
| **9:** Preconversion land use: The preconversion land use shall be based on the land use as of (i) July 1, 2005, for projects located within the Chesapeake Bay Watershed; (ii) the date of the approved TMDL for a project located within a TMDL watershed but not within the Chesapeake Bay Watershed; or (iii) July, 1, 2009, for a project not within an approved TMDL watershed or the Chesapeake Bay Watershed.  For applications in the Chesapeake Bay Watershed: Provide evidence of preconversion land use as of July 1, 2005. Examples may include, but are not limited to, available aerial or satellite imagery captured in 2005. Higher resolution imagery may also be provided from 2006 and/or 2007 in addition to 2005 imagery to further support baseline preconversion land use.  For applications not within the Chesapeake Bay Watershed: Provide evidence of preconversion land use as of July 1, 2009. Examples may include but are not limited to available aerial or satellite imagery captured in 2009. Higher resolution imagery may also be provided from 2010 and/or 2011 to further support baseline preconversion land use. |  |  |
| **10:** A description of current site conditions with photographs. |  |  |
| **11:** The 8-digit, 10-digit, and 12-digit HUC in which the project is located. |  |  |
| **12:** The appropriate fee required pursuant to Part V ([9VAC25-900-190](https://law.lis.virginia.gov/admincodefull/title9/agency25/chapter900/partV/) et seq.). |  |  |
| **13:** A draft of the proposed site protection instrument for the site on which the project is located. If the landowner is not an individual, documentation will be required establishing that the person executing the protection instrument has the authority to do so. |  |  |
| **14:** A description of other permits and approvals that may be necessary to operate the nutrient credit-generating project. |  |  |
| **15:** A description of any state or federal water quality grants received for water quality actions in the management area.  **Note:** Agricultural cost share funding may be utilized for the establishment of baseline practices, but state and federal water quality grants may not be utilized to fund credit generating practices. The [Virginia Agricultural Cost Share (VACS) Manual](https://consapps.dcr.virginia.gov/htdocs/agbmpman/agbmptoc.htm) provides guidelines on applying for cost share funding. |  |  |
| **16:** Demonstration by the applicant that the site on which the project is located is held with title free from all defects, liens, and encumbrances that would interfere with or be in conflict with the establishment and operation of the nutrient credit-generating project. The demonstration may include documentation of the subordination of property interests (e.g., mineral rights, mortgages, easement) if DEQ determines that the property interest would interfere with or be in conflict with the establishment and operation of the nutrient credit-generating project. |  |  |
| **17:** A tax map showing the management area and adjacent parcels. |  |  |
| **18:** Any other information deemed necessary by DEQ. |  |  |
| **Part B: Credit Calculation Procedures**  **9VAC25-900-110** | | |
| **B: Credit Calculations:** The number of potential nutrient and sediment credits shall be determined by multiplying the land conversion credit rate by the total acreage that will undergo land use conversion. For land use conversion credit rates see [GM20-2001](https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\440\GDoc_DEQ_6815_v1.pdf). |  |  |
| **Part C: Implementation Plan Requirements**  **9VAC25-900-120** | | |
| **1:** An operation and maintenance plan that provides a description and schedule of operation and maintenance requirements and detailed written specifications and process diagrams for the practices used for nutrient credit generation. |  |  |
| **2:** A project plan included in the application and prepared by a person trained in (i) forestry management, (ii) nutrient management, or (iii) other applicable land management training that includes an understanding of whole land management planning. |  |  |
| **2.a:** The plan shall include methods for invasive plant species control and eradication if woody invasive plant species impacts 5% or more of the project's acreage. |  |  |
| **2.b:** A requirement that any harvesting of timber shall adhere to best management practices as set forth by Department of Forestry's [Water Quality Guide](https://dof.virginia.gov/wp-content/uploads/VAs-Forestry-BMP-Technical-Guide_pub.pdf) and any other applicable local, state, or federal laws or requirements. |  |  |
| **2.c:** The land management goals. |  |  |
| **2.d:** A statement that no fertilizer is to be used on the nutrient credit-generating project's land conversion acreage. |  |  |
| **2.e:** A planting plan to include size, species, and spacing of trees, including provisions to achieve an initial survival density of a minimum of 400 deciduous tree or evergreen tree woody stems per acre including any noninvasive volunteers. |  |  |
| **2.f:** A plan for phased planting, if applicable. |  |  |
| **2.g:** If timbering is planned within the conversion area: A copy of the timbering plan shall be submitted to the department at least 90 days prior to the occurrence of any land disturbance or timbering, as applicable. |  |  |
| **2.h:** A description of agricultural baseline requirements implemented in accordance with [9VAC50-900-100.B](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/section100/) that apply to any remaining portions of the management area that are not undergoing land use conversion. |  |  |
| **2.i:** Proposed performance standards and reporting procedures necessary to demonstrate ongoing compliance with the baseline requirements of [9VAC25-900-100.B](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/section100/). |  |  |
| **Part D: Signature Requirements**  **9VAC25-130** | | |
| **1:** For a corporation, the application shall be signed by a responsible corporate officer(a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy-making or decision-making functions for the corporation or the manager of the nutrient credit-generating project provided the manager is authorized to make management decisions that govern the operation of the project). |  |  |
| **2:** For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively. |  |  |
| **3:** For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency. |  |  |

| **For Credit Release Requests Provide at Minimum:** | **Included**  **(Y, N, or N/A)** | **Page Number(s)**  **Or Location(s)** |
| --- | --- | --- |
| **1:** Final credit release table in accordance with [9VAC25-900-90](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/section90/) (Optional) |  |  |
| **2:** Evidence the owner holds a valid Certificate of Resource Management Plan Implementation for the management area that has been issued pursuant to the Resource Management Plans regulation ([4VAC50-70](https://law.lis.virginia.gov/admincode/title4/agency50/chapter70/section40/)). |  |  |
| **3:** If the owner does not hold a valid Certificate of Resource Management Plan for the management area, the following shall be implemented, as applicable: |  |  |
| **3.a:** Soil conservation. Soil conservation practices for the management area shall be implemented and maintained to achieve a maximum soil loss rate not to exceed "T" and to address gross erosion when it is present as gullies or other severely eroding conditions. |  |  |
| **3.b:** Nutrient management. Implementation and maintenance of the nutrient management practices required by the nutrient management plan written by a certified nutrient management planner pursuant to the Nutrient Management Training and Certification Regulations. DCR certified nutrient management planners are listed in the following [Directory](https://www.dcr.virginia.gov/soil-and-water/document/nmdir.pdf). |  |  |
| **3.c:** Riparian buffer. A woodland or grass riparian buffer shall be installed and maintained around all water bodies with perennial flow within the management area and shall be installed and maintained along all water bodies with perennial flow bordering the management area. The riparian buffer shall be a minimum width of 35 feet as measured from the top of the channel bank to the edge of the cropland, hayland, or pasture and in accordance with specifications for [NO. FR-3](https://consapps.dcr.virginia.gov/htdocs/agbmpman/BMPs/FR-3_2024.pdf) or specifications for [NO. WQ-1](https://consapps.dcr.virginia.gov/htdocs/agbmpman/BMPs/WQ-1_2024.pdf) contained in the VACS BMP Manual. |  |  |
| **3.d:** Cover crop. For croplands, cover crops shall be planted to meet the standard planting date and other specifications in accordance with specifications for [NO. SL-8B](https://consapps.dcr.virginia.gov/htdocs/agbmpman/BMPs/SL-8B_2024.pdf) contained in the VACS BMP Manual. This requirement applies to all croplands where summer annual crops are grown and the summer annual crop receives greater than a total of 50 pounds per acre of nitrogen application from any nutrient source; however, if the cropland is planted to winter cereal crops for harvest in the spring, then cover crops do not need to be planted on these croplands during that production year. |  |  |
| **3.e:** Livestock water body exclusion. For pastures or when livestock are present within the management area, livestock exclusion fencing shall be placed around perennial streams, rivers, lakes, ponds, or other water bodies having perennial flow, in accordance with specification [NO. WP-2W](https://consapps.dcr.virginia.gov/htdocs/agbmpman/BMPs/WP-2W_2024.pdf) contained in the VAC BMP Manual to restrict livestock access to the water body. |  |  |
| **4:** A copy of the recorded site protection instrument for the site on which the nutrient credit-generating project is located. |  |  |
| **5:** Evidence that the site has achieved a minimum of 400 woody stems per acre for afforestation practices. |  |  |
| **6:** For year one post-growing season credit release requests after an initial credit release has been issued, provide evidence that the implementation plan's performance criteria required pursuant to [9VAC25-900-120.C.2](https://law.lis.virginia.gov/admincode/title9/agency25/chapter900/section120/) has been achieved. |  |  |
| **7:** DEQ has conducted a post-planting site visit. |  |  |

S**How to Submit:**

o **DEQ Land Use Conversion Nutrient Credit Certification Application Review Process:**

Please begin the application process by completing this Application Checklist and provide an **Application Document** containing all the information required on this checklist for initial submissionto the DEQ Nonpoint Source Trading Coordinators via email to [Tyler.Monteith@deq.virginia.gov](mailto:Tyler.Monteith@deq.virginia.gov) and [Derick.Winn@deq.virginia.gov](mailto:Derick.Winn@deq.virginia.gov). Please contact the Nonpoint Source Trading Coordinators to schedule a pre-application site visit prior to initial plan submission. Pre-application site visits are highly encouraged but not required.

**Applications** with a large file size may be submitted to DEQ electronically through the file sharing service VITAShare. Please contact the Nonpoint Source Trading Coordinators above to initiate a file transfer via the VITAShare site. DEQ is unable to accept plans submitted through other file-sharing services at this time. Once this checklist is submitted, DEQ staff will respond within 48 hours or by the end of the following business day.

Paper copies of the plans are not required for DEQ review.

All submissions are reviewed in the order they are received unless otherwise specified. Submissions are assigned to an individual Nonpoint Source Trading Coordinator who will act as the project’s primary Point of Contact (POC).  Project specific inquiries should be directed to the POC.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information."

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*Applicant Printed Name*

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*Applicant Signature Date*