

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 27

TITLE OF RULE BEING PROPOSED: Best Management Practices for Land Application of
Waste Products from Aquaculture Facilities

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4108

SECTION 64-9-5(d), PASSED ON March 13, 2010

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: July 1, 2010



Authorized Signature

TITLE 61
LEGISLATIVE RULE
DEPARTMENT OF AGRICULTURE

FILED

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SERIES 27
BEST MANAGEMENT PRACTICES FOR LAND APPLICATION OF WASTE PRODUCTS
FROM AQUACULTURE FACILITIES

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§61-27-1. General.

- 1.1. Scope. – The rule establishes voluntary best management practices to prevent or minimize the entry of aquatic waste into the waters of the State and improving the soil and plant resources of this state.
- 1.2. Authority. – W. Va. Code §19-29-6
- 1.3. Filing Date. – April 8, 2010
- 1.4. Effective Date. -- July 1, 2010
- 1.5. This is a new legislative rule.

§61-27-2. Definitions.

2.1. "Aquatic Waste" means any substance composed of excrement of fish or other aquatic life, other than human, and may include other natural materials normally associated with the substance, commonly referred to as manure, as well as water associated with or added to the substance, also considered agricultural waste.

2.2. "Best Management Practices" means activities, procedures and practices to prevent or remedy the introduction of manure residues into waters to the extent technically feasible and economically practical. Best Management Practices are designed to maintain the health and long-term productivity of the soil, water and related plant and animal resources and to minimize the threat of soil, waste and nutrient contamination to the waters of the state.

2.3. "Commercial Fish Operation" means an operation that sells at least One Thousand Dollars of fish products per year.

2.4. "Commissioner" means the commissioner of agriculture of the state of West Virginia or his or her duly authorized agent.

§61-27-3. Program and Policy Statements.

Research has shown that manure from fish, commonly known as aquatic waste, is similar in its chemical composition to other livestock manure and should be treated in the same manner when land applied as a source of agriculture fertilizer. Therefore, the Commissioner recommends that commercial fish operations, federal agencies, state agencies or non-profit organizations dealing in aquaculture research or the production of aquaculture for the benefit of the citizens of the state use the generally accepted best management practices for nutrient management. Best management practices include, but are not limited to, soil testing every three years for areas of application, applying manure at recommended rate, testing manure at least every two years, or not applying manure on frozen ground.