



Department of Conservation & Recreation

CONSERVING VIRGINIA'S NATURAL AND RECREATIONAL RESOURCES

FREQUENTLY ASKED QUESTIONS (FAQ) ON THE RESPONSIBLE LAND DISTURBER PROGRAM AND REVISIONS TO THE VIRGINIA EROSION & SEDIMENT CONTROL LAW

To better serve our clients and to promote more effective communication on the recent revisions to the Virginia Erosion and Sediment Control Law, DCR has prepared this Frequently Asked Questions (FAQ) document. While this document may not answer every possible question, it covers many issues that have been frequently raised by others. We hope this document clarifies some of these issues. This document was last revised on **4/19/03**.

Must erosion and sediment control plan, agreement in lieu of plan, and land-disturbing permit applicants name a Responsible Land Disturber?

Yes, as of July 1, 2003 the applicant must provide the name of an individual holding a valid Responsible Land Disturber Certificate who will be responsible for the land disturbing activity prior to engaging in the land disturbing activity. As of July 1, 2003, the applicant no longer must provide to the Plan-Approving Authority the name of an individual holding a valid Responsible Land Disturber Certificate who will be responsible for the land disturbing activity as a prerequisite for approval for all erosion and sediment control plans, agreements in lieu of a plans, or land-disturbing permits. The name of the Responsible Land Disturber must still be provided. Please Note: Only the date at which it must be provided has been changed to prior to engaging in land disturbing activity.

Does a local plan approving authority have the option to waive the Responsible Land Disturber requirement for an agreement in lieu of plan for construction of a single-family residence?

Yes, provided that no erosion and sediment control violation occurs during the land disturbing activity. If a violation occurs then the applicant must correct the violation and provide the name of a Responsible Land Disturber who will be in charge of and responsible for the land disturbing activity. Please note, the option to waive the Responsible Land Disturber requirement is permitted only for an agreement in lieu of plan for construction of a single family residence and only if no violations occur.

Who is the Responsible Land Disturber and what does he/she do?

The Responsible Land Disturber can be anyone from the project team or development team holding a valid Responsible Land Disturber Certificate who will be in charge of and responsible for carrying out the land disturbing activity for the project.

When do the new requirements for Responsible Land Disturber Certification become effective?

The latest revisions become effective July 1, 2003.

What if I submit my plan, agreement in lieu of a plan, or land-disturbing permit before July 1, 2003?

Date of submission will not be a consideration. All regulated land-disturbing activities occurring on or after July 1, 2003 will require the applicant to provide the name of an individual holding a valid Responsible Land Disturber Certificate prior to engaging in the land disturbing activity.

What if I already provided the name of a Responsible Land Disturber to the Program Authority on my approved erosion and sediment control plan, permit or agreement in lieu of plan?

If you have already provided the name of your Responsible Land Disturber and you have not changed your Responsible Land Disturber, you do not have to resubmit the name of your Responsible Land Disturber. If the Responsible Land Disturber changes, then you will have to resubmit the name of the current Responsible Land Disturber.

Who is ultimately responsible for the land disturbing activity?

The landowner is still ultimately responsible for all land disturbing activities on a project.

Who ensures that the plan, agreement in lieu of plan, or land-disturbing permit applicant provides the name of a Responsible Land Disturber?

The Program Authority (local government) shall ensure that the name of a Responsible Land Disturber is provided as a prerequisite to engaging in land disturbing activity.

How can the Program Authority ensure that the certification information given by an applicant is correct?

The Virginia Department of Conservation and Recreation (DCR) has made available on its website at www.dcr.state.va.us/sw/es_rld.htm a list of individuals recognized as Responsible Land Disturbers and their certificate expiration dates.

How can I obtain a Responsible Land Disturber Certificate?

DCR has developed a certification program that provides learning materials and an examination to obtain a Responsible Land Disturber Certificate. This program is available via our website at www.dcr.state.va.us/sw/es_rld.htm

Can I be considered a Responsible Land Disturber if I've already obtained a different certification from DCR?

Yes, over 7,000 individuals hold valid Combined Administrator, Program Administrator, Plan Reviewer, Inspector, and Contractor certificates. These individuals will be considered Responsible Land Disturbers without further training, certification, or fees. Their names and certificate expiration dates can be verified on our website at www.dcr.state.va.us/sw/estr&crt2.htm#lists *Please note that the Responsible Land Disturber shall be a member of the project team or development team not an employee of the Plan-Approving Authority or local government.

Can I be considered a Responsible Land Disturber if I have Virginia Professional Engineer, Land Surveyor, Landscape Architect, or Architect License?

Yes, an individual holding a valid Virginia Professional Engineer, Land Surveyor, Landscape Architect, or Architect License will be considered a Responsible Land Disturber without further training, certification, or fees. Their names, license numbers, and license expiration dates can be verified on the Virginia Department of Professional and Occupational Regulation website at www.dpor.state.va.us/regulantlookup/

What happens to land disturbing projects with approved erosion and sediment control plans, agreement in lieu of plans, or land-disturbing permits that don't provide a valid Responsible Land Disturber's name prior to engaging in land disturbance?

As of July 1, 2003, projects that have not provided the name of a Responsible Land Disturber prior to engaging in land disturbance would be deemed in violation and a notice to comply would be issued to the owner, by the program authority, requiring a Responsible Land Disturber be named by a specific date. Approval of the erosion and sediment control plan may also be revoked as a result of this violation.

Is this requirement in effect throughout Virginia on July 1, 2003 even though local ordinances have not yet been updated to include the requirement?

Yes. This requirement is the law throughout Virginia effective July 1, 2003. Local governments will need to update their local ordinances to include this new law requirement. Excerpting the actual text of the state law and inserting this text into the appropriate location in the local ordinance can simplify and expedite the updating process.

For More Information Please Contact: E-MAIL: dcrexam@dcr.state.va.us

TOLL-FREE HOTLINE: 1-866-DCR-EXAM

Shenandoah Watershed Office
Route 4, Box 99-J
Staunton, VA 24401
Phone: (540) 332-9991
Fax: (540) 332-8956

James Watershed Office
101 N. 14th Street, 11th Floor
Richmond, VA 23219
(804) 225-4468
(804) 527-4483 Fax

Potomac Watershed Office
98 Alexandria Pike, Suite 33
Warrenton, VA 22186
Phone: (540) 347-6420
Fax: (540) 347-6423

York/Rappahannock Watershed Office
Post Office Box 1425
Tappahannock, VA 22560
Phone: (804) 443-6752
Fax: (804) 443-4534

Upper Tennessee & Big Sandy
(UTBS) Watershed Office
252 W. Main St., Suite 3
Abingdon, VA 24210
Phone: (540) 676-5529
Fax: (540) 676-5527

Roanoke Watershed Office
411 Boyd Street
Chase City, VA 23924
Phone: (804) 372-2191
Fax: (804) 372-4962

New River Watershed Office
Post Office Box 1506
148 Broad Street
Dublin, VA 24084
Phone: (540) 643-2590
Fax: 643-2597

Chowan, Albermarle, & Coastal
Watershed Office
1548-A Holland Road
Suffolk, VA 23434
Phone: (757) 925-2468
Fax: 925-2388