

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

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 **10/14/08**.

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 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, the option to waive the Responsible Land Disturber requirement is permitted only for an agreement in lieu 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.

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. [Click here to find a RLD near you](#)

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, 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?

DCR has made available on its website at <http://165.176.249.158/dcrCertification/RLDSearch.cfm> 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 on our website at http://www.dcr.virginia.gov/soil & water/es_rld.shtml.

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.

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.

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 Disturbers name?

Projects that have not provided the name of a Responsible Land Disturber 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.

Is this requirement in effect throughout Virginia 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.

For More Information Please Contact:

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RESPONSIBLE LAND DISTURBER CERTIFICATION
Effective July 1, 2001

Amendments to the Virginia Erosion and Sediment Control Law, §§ 10.1-563 and §§ 10.1-566
of the Code of Virginia

Revisions to the Virginia Erosion and Sediment Control Law require, as a prerequisite to the approval of an erosion and sediment control plan, that the person responsible for carrying out the plan (owner/developer/permittee) shall provide to the plan approving authority the name of an individual holding a certificate of competence (Virginia Professional Engineer, Virginia Land Surveyor, Virginia Landscape Architect, Virginia Architect, Combined Erosion and Sediment Control Administrator, Erosion and Sediment Control Administrator, Erosion and Sediment Control Plan Reviewer, Erosion and Sediment Control Inspector, Erosion and Sediment Control Contractor, Responsible Land Disturber) issued by the Department of Conservation and Recreation (DCR) who will be responsible for carrying out the land disturbing activity. Please note that a contractor's business license issued by the State or County does not satisfy the requirement for certification from DCR; a special exam on the principles and practices of erosion and sediment control is required to obtain this certification (www.dcr.state.va.us/sw/es_rld.htm).

This information must be kept current for the life of the plan. Plans approved prior to July 1, 2001 are not subject to this requirement. The requirement is applicable to the following plan types:

PLAN TYPE

Bonded Lot Grading Plan (SD w/extension)
Infill (Non-Bonded) Lot Grading Plan (INF)
Landfill Plan (LF)
Minor Site Plan (MSP)
Minor Site Plan Redate (MSPR)
Public Improvement Plan (PI)

PLAN TYPE

Rough Grading Plan (RGP)
Subdivision Plan (SD)
Subdivision Redate Plan (SDR)
Site Plan (SP)
Site Plan Redate (SPR)
Waiver Condition Plan (WCP)