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

This document was last revised on 1/31/14. While it does not answer every possible question, it covers issues that have been frequently asked by others. We hope this document clarifies some of these issues.

- Is this requirement in effect throughout Virginia even where local ordinances have not yet been updated to include the requirement?
  
  Yes. This requirement became effective July 1, 2003 through Virginia.

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

  Yes. As of July 1, 2003 and prior to engaging in land disturbing activity, the applicant must provide the name of the individual holding a valid RLD Certificate who will be responsible for the land disturbance.

- 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.

- What is a Responsible Land Disturber (RLD) and what is that role?

  The RLD can be anyone from the project or development team holding a valid RLD Certificate who will be in charge of and responsible for carrying out the land disturbing activity for the project. **RLD certificates are not transferable; upon separation from a project, a different RLD must be designated and the locality notified.**
Does a local plan approving authority have the option to waive the Responsible Land Disturber (RLD) requirement for an agreement in lieu of plan for construction of a single-family residence?

Yes. The option to waive the RLD requirement is permitted only for an agreement in lieu, provided - no erosion and sediment control violation occurs during the land disturbing activity. If a violation occurs, the applicant must: a) correct the violation and b) provide the name of the RLD who will be in charge of (i.e. responsible for) the land disturbing activity.

What if I already provided the name of a Responsible Land Disturber (RLD) 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 RLD and you have not changed that RLD, you do not have to resubmit the name of your RLD. If the RLD does change, you will have to resubmit the name of the newly responsible RLD.

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

The Commonwealth maintains a list of persons certified as Responsible Land Disturbers along with certificate information at: https://dcrsw.dcr.virginia.gov/dcrCertification/RLDSearch.cfm

How can I obtain a Responsible Land Disturber (RLD) Certificate?

The Commonwealth has developed a program that provides learning materials and an examination to obtain a RLD Certificate. Information on the program can be found at: www.deq.virginia.gov/TrainingCertification/RLDGeneralInformation.html

Can I be considered a Responsible Land Disturber (RLD) if I’ve already obtained a different category of erosion certificate?

Yes. An individual which holds a valid certificate of competence for Combined Administrator, Program Administrator, Plan Reviewer, or Inspector can be considered as the RLD without further training, certification, or fees.

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

Yes. An individual holding a valid license as a: Virginia Professional Engineer, Land Surveyor, Landscape Architect, Architect, or Professional Soil Scientist can be considered a RLD without further training, certification, or fees.

For more information on the certification program, please contact the office of training services staff at: www.deq.virginia.gov/ConnectWithDEQ/TrainingCertification.html