

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION

P.O. Box 1105

Richmond, VA 23218

Subject: **Water Guidance Memo No. 14-2010**
Certification Time Restrictions and Provisional Certification Requirements
for Stormwater Management and Erosion & Sediment Control

To: Regional Directors

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Summary

The purpose of this guidance is to simplify the time limit requirements placed on individuals seeking certification in Stormwater Management (SWM) or Erosion and Sediment Control (ESC), and to clarify the terms of provisional certification granted to individuals pursuing SWM or ESC certifications.

This guidance is intended to establish a two year time frame for individuals to complete the required training and pass the certification exam. This guidance is also intended to clarify the terms of provisional certification for individuals pursuing certification during the two year time frame.

Electronic Copy

An electronic copy of this guidance in PDF format is available on DEQ's website at:
<http://www.deq.virginia.gov/ConnectWithDEQ/TrainingCertification.aspx>

Contact Information

Please contact Kevin Vaughan, Training Manager at (804) 698-4470 or kevin.vaughan@deq.virginia.gov with any questions you have regarding this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

I. Introduction

The Virginia Stormwater Management Act (§ 62.1-44.15:30) requires personnel working for a Virginia Stormwater Management Program (VSMP) authority, including anyone who is contracted by a VSMP authority, to obtain and maintain a certificate of competence from the State Water Control Board in the area of stormwater management. The Department of Environmental Quality (DEQ) is required by the Act to administer a stormwater management training and certification program.

The Erosion and Sediment Control Law (§ 62.1-44.15:52) requires personnel working for a VESCP authority, including anyone who is contracted by a VESCP authority, to obtain and maintain a certificate of competence from the State Water Control Board in the area of erosion and sediment control. Any person employed as a plan reviewer who is licensed as a professional engineer, architect, certified landscape architect, land surveyor, or professional soil scientist shall qualify as a certified plan reviewer for ESC and will not require a certificate of competence from the Board. DEQ is required by the Law to administer an erosion and sediment control training and certification program.

II. Definitions

The following are terms defined in § 62.1-44.15:24 and § 62.1-44.15:51:

"Virginia Stormwater Management Program authority" or "VSMP authority" means an authority approved by the Board after September 13, 2011, to operate a Virginia Stormwater Management Program or the Department. An authority may include a locality; state entity, including the Department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.15:31, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102.

"Virginia Erosion and Sediment Control Program authority" or "VESCP authority" means an authority approved by the Board to operate a Virginia Erosion and Sediment Control Program. An authority may include a state entity, including the Department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102.

III. Authority

This document provides guidance to implement the Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850-50).

The authority for promulgation of these regulations and development of this guidance is contained in §62.1-44.15:30 and §62.1-44.15:52 through :53 of the Code of Virginia.

IV. Background

Under regulation 9VAC25-850-50, individuals seeking certification must complete required training courses within a 12 month period and then obtain a passing score on the certification exam within one year of completing required training courses.

In addition, DEQ considers individuals enrolled in training courses to be provisionally certified while they are obtaining their certification. This provisional certification allows individuals to continue working for an authority while they seek full certification.

Due to the number of individuals seeking certification and the availability of classes and testing dates, a large number of individuals will be unable to complete the certification requirements in accordance with the phased time frames established in the regulation. This guidance provides a mechanism that allows individuals to continue to work toward certification without extending the maximum period of time allowed by the regulation for completing the training program and obtaining a passing score on the certification exam.

V. Guidance

DEQ is combining the 12 month period to complete training courses and the one year period to obtain a passing score on the examination into a combined two year period.

Individuals seeking SWM or ESC certification have a total of two years from the date they complete their first required training course to complete all required training courses and obtain a passing score on the certification exam.

Individuals seeking SWM or ESC certification will be considered provisionally certified for two years from the date they complete their first required training course.