



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://dcrrw.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