



Virginia Department of Transportation

Erosion and Sediment Control
Training and Certification Guidance

September 2003

INTRODUCTION

This guidance document is derived (in part) from Virginia’s Erosion and Sediment Control Law, Regulations, and Certification Regulations. According to Virginia Code §10.1-564. F., VDOT shall ensure compliance with approved plans and/or specifications related to land-disturbing activity that VDOT is responsible for. One principal VDOT policy that helps us achieve compliance goals is the certification requirements placed on individuals that have certain roles and responsibilities related to the execution of land-disturbing activity on VDOT property. These personnel certification requirements are an integral part of VDOT’s successful compliance with the law and regulations and, more specifically, VDOT’s Erosion and Sediment Control and Stormwater Management Programs (Annual ESC & SWM Standards and Specifications) as approved by the Department of Conservation and Recreation (DCR).

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SECTION I – REQUIREMENTS

A. Brief History of ESC Certification Initiatives

B. Minimum Legal Requirements vs. overview

The VDOT Erosion and Sediment Control Certification and Training Guidance is provided for VDOT personnel and non-VDOT personnel, who design/review plans for, direct, supervise, inspect or perform regulated land disturbing activities within the VDOT right-of-way or property boundaries. A land-disturbing activity (LDA - defined in part) means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land...

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C. Responsibilities in Erosion and Sediment Control

This document is intended to guide individuals in determining whether or not a specific certification applies to their job responsibilities and how to obtain such certification.

In order to determine whether or not an individual/position must obtain a specific certification, one must begin by answering the following question:

- **Does the individual/position design/review plans for, inspect, supervise, direct or perform land-disturbing activities within the VDOT right-of-way or property boundaries?**

If the answer to this question is YES, then such individuals must obtain a certification specific to their job responsibilities.

Table 1 and 2 are provided as attachments to assist individuals in determining the appropriate certifications that correlate to specific job responsibilities. **Table 1 - VDOT Erosion and Sediment Control Certification Requirements** provides a matrix for identifying the type of certification required for specific individuals/positions. **Table 2 - Erosion and Sediment Control Certification Information** provides information on the requirements that must be met in order to obtain specific certifications. Please see

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Sections III and IV for a general description of each certification type and the related pre-requisite training courses. The following is a general correlation between job functions and type of certification needed:

- **Administrators**

Individuals that have direct authority or senior advisory responsibility on construction, maintenance, or facility projects. These individuals should obtain certification as an ESC Program Administrator or ESC Combined Administrator.

- **Plan Designers/Reviewers**

Individuals that have direct responsibility for the design and/or review of ESC/SWM plans for construction, maintenance, or facility projects that are considered land-disturbing activity. These individuals must obtain certification as an ESC Plan Reviewer (regardless of other certification or licensure).

- **Inspectors**

Individuals that are designated by project authorities (Administrators as defined above) to perform inspections of land-disturbing activities. Such individuals may be given different levels of contract enforcement responsibility as determined by each project authority. These individuals must obtain certification as an ESC Inspector.

- **Supervisors/Contractors**

Individuals that direct or perform the actual land-disturbing activity. Such individuals are on-site during all land-disturbing activity until permanent stabilization practices have been applied to all areas of disturbance. These individuals must obtain the new VDOT Erosion and Sediment Control Contractor Certification (ESCCC). The first course will be conducted on October 8, 2003 under a Memorandum of Agreement with the Virginia Road and Transportation Builders Association. Once fully underway, the new certification will be the primary means of satisfying the current certification requirement within VDOT Road and Bridge Specification 107.14 (a)¹. Please see the attached **Letter from Mr. C.F. Gee, January 7, 2003** for prescriptive guidance during the program development stages.

SECTION II –EXCEPTIONS AND LAND USE PERMIT EXAMPLE

The following information is primarily focused on the certification of contractors within VDOT Road and Bridge Specification §107.14 (a.)¹. This specification applies to contractors, VDOT forces, and land-use permittees.

In general, if the total land-disturbing activity is less than 10,000 sq ft. of disturbance west of I-95 and less than 2,500 sq. ft. east of I-95 (threshold of disturbance), neither an ESC plan nor a certified individual in an ESC discipline is required. If the threshold of disturbance is not exceeded, the following types of activities are not considered regulated land-disturbing activities and will, therefore, not require obtaining certifications.

A. Non-VDOT Projects

The following is a list of activities that will NOT require the VDOT ESC Contractor Certification when applying for a VDOT Land Use Permit:

1. Driveway repair
2. Pipe installation
3. Utility line tie-ins and individual service line connections
4. Minor landscaping activity
5. Placing of posts or signs
6. Hand-tool activities

B. VDOT Projects

The following is a list of activities that will NOT require the VDOT ESC Contractor Certification for VDOT contractors or VDOT forces:

1. Hand-tool activities
2. Placing of posts of signs
3. Horticultural/Wildflower planting beds

C. Land Use Permit Example

When land disturbance for Non-VDOT projects (under a VDOT Land Use Permit) occurs which does not meet the state law's definition of a "regulated land-disturbing activity (RLDA)", VDOT does not require an individual to possess an erosion and sediment control (ESC) certification. If the situation was an RLDA, the law requires an erosion and sediment control plan which then invokes our specification certification requirement. In other words, if an erosion and sediment control plan is required in accordance with the law, the certification is required in accordance with VDOT Road and Bridge Specification 107.14(a)¹ when working on VDOT property or within the right-of-way.

1. Generally West of I-95:

If the entire land disturbance (inside and outside of VDOT right-of-way combined) is 10,000 sq.ft. or greater (considered an RLDA and requiring an ESC plan), even if the portion of the disturbance within VDOT's ROW is less than the 10,000 sq.ft., one

individual (owner representative) must possess an ESC Certification and be onsite during RLDA within the VDOT ROW. Once the VDOT ROW is stabilized and is no longer considered an RLDA (or part of), our VDOT certification requirement (107.14(a)) cannot and does not extend onto the private/non-VDOT property, even if an RLDA remains on the non-VDOT property.

2. Generally East of I-95:

If the entire land disturbance (inside and outside of VDOT Right-of-Way combined) was 2,500 sq.ft. or greater (considered an RLDA and requiring an ESC plan), even if the portion of the disturbance within VDOT's ROW is less than the 2,500 sq.ft., one individual (owner representative) must possess an ESC Certification and be onsite during RLDA within the VDOT ROW. Once the VDOT ROW is stabilized and is no longer considered an RLDA (or part of), our VDOT certification requirement (107.14(a)) cannot and does not extend onto the private/non-VDOT property, even if RLDA remains on the non-VDOT property.

One of the principle criteria for determining whether an LDA requires an Erosion and Sediment Control (ESC) Plan is the amount (or threshold) of land area which is disturbed by construction activities. The Erosion and Sediment Control Law sets a minimum statewide threshold of land disturbance equal to or greater than 10,000 sq ft. A more restrictive threshold of 2,500 sq.ft. or greater is mandated by the Chesapeake Bay Preservation Act for tidewater localities (generally localities east of I-95). Additionally, there are other local ordinances that may have more restrictive disturbance thresholds. While VDOT does not fall under the direct authority of local governments, these local ordinance thresholds define whether or not VDOT must develop site specific ESC plans for LDA that take place on VDOT property. Assurance that site specific ESC plans are developed in accordance with these varying thresholds is a critical component of VDOT's overall annual ESC standards and specifications submittal as approved by the Department of Conservation and Recreation (DCR). However, it is important to understand that the threshold of disturbance is not utilized as a limiting factor in determining whether or not an individual needs a specific ESC certification while working on VDOT property. Though a site specific ESC plan may not be required and, therefore, irregardless of the threshold, the VDOT specification requirement for individuals to hold a specific erosion and sediment control certification applies to all activities which take place on VDOT property.

SECTION III –GENERAL DESCRIPTION OF ESC CERTIFICATIONS

A. VDOT Erosion and Sediment Control Contractor

Any person who is in charge of and responsible for carrying out land disturbing activities on a daily basis. Contractors are required to satisfy VDOT specification 107.14 (a) ¹ and meet the inspection requirements therein.

B. Erosion and Sediment Control Inspector

Any person who is in a position to determine if proper erosion and sediment control measures have been implemented in accordance with an approved plan on a land-disturbing activity, that contractor inspections are adequate and meet the prescribed frequencies as defined by 107.14 (a). This person must have contractor oversight and acceptance of work responsibilities.

C. Erosion and Sediment Control Plan Reviewer

Any person who is in a position to determine if an erosion and sediment control plan is adequate to meet the minimum criteria as set forth in the State Law and Regulations, along with any more stringent criteria which may be required by the program authority.

D. Erosion and Sediment Control Program Administrator

Any person who is responsible for administering and enforcing an erosion and sediment control and stormwater specifications as they relates to applicable laws and regulations. This person is most likely to have supervisory responsibility and contract enforcement authority.

E. Erosion and Sediment Control Combined Administrator

Any person who is in a position to perform all the duties of a program administrator, plan reviewer, and inspector.

SECTION IV - GENERAL DESCRIPTIONS OF ESC TRAINING COURSES

A. VDOT Erosion and Sediment Control Contractor Certification Training (under development)

The predecessor to this combined training course and certification exam was the “Erosion and Sediment Control for Contractors” developed and administered by DCR. The VDOT Erosion and Sediment Control Contractor Certification (ESCCC) Program¹ will provide an integral service to VDOT contractors through the presentation of a one-day enhanced training program and certification examination which will cover (1) erosion and sediment control and stormwater laws, regulations and principles; (2) related VDOT specifications and standards; and (3) VDOT contract processes as they relate to land disturbing activities within the VDOT right-of-way/property boundaries.

B. Basic *Erosion and Sediment Control in Virginia*

This course was developed and is taught by DCR staff to train those involved in carrying out or complying with the *Virginia Erosion and Sediment Control Law*. Participants who complete the course receive a certificate documenting their training. The two-day course covers legal and administrative aspects of the state program, the state minimum standards and specifications for conservation practices, basic soil mechanics, plan review and plan interpretation skills.

C. *Erosion and Sediment Control in Virginia for Inspectors*

This course was developed and is taught by DCR staff to train those involved in carrying out or complying with inspection aspects of the *Virginia Erosion and Sediment Control Law*. Participants who complete the course will receive a certificate documenting their training. The one-day course covers the state minimum standards and specifications for conservation practices, basic soil mechanics and inspector skills. Successful completion of DCR’s *Basic Erosion and Sediment Control in Virginia* course (or approval/or pre-approval by the course’s training coordinator) is pre-requisite to taking this course.

D. *Erosion and Sediment Control in Virginia for Plan Reviewers*

This course was developed and is taught by DCR staff. It is intended to train persons responsible for reviewing and preparing ESC plans to determine whether or not a prospective project will be in compliance with *Virginia Erosion and Sediment Control Law and Regulations*. Subject matter in this course will also help those seeking certification as a plan reviewer prepare for the exam. Those interested should have experience in plan review, principles of hydrology, and an understanding of the *E&S Law and Regulations*. Attendees must also be familiar with the standards and specifications contained in the current edition of the *Virginia Erosion and Sediment Control Handbook*. The two-day course covers the review of various aspects of an acceptable plan. Much class time is spent in reviewing erosion and sediment control plans and discussing the good and bad characteristics of each.

SECTION V – HOW TO OBTAIN CERTIFICATION

A. VDOT/VRTBA Training and Certification

The new VDOT Erosion and Sediment Control Contractor Certification (ESCCC) Program¹ is currently under development in partnership with the Virginia Road and Transportation Builders Association. For VDOT ESCCC course information, guidance and updates, please visit VRTBA’s website at:

<http://www.vrtba.org/trng/esccc.htm>

B. DCR Training and Certification

The following table provides brief guidance for VDOT employees regarding when DCR Training and Certification Program’s registration/application forms must be received by DCR and what must be included each form.

Type of DCR ESC Service	When must Registration/Application be received by DCR?	What information must be included in the registration/application?
Training Course	Courses fill on a first come first serve basis after advertisement. First advertisement is generally in the December-January time frame every year.	Completed registration form and payment
Certification Examination	Post-marked 60 days prior to exam date	Completed application form (including affidavit, job-experience form, copy of Training Certificates of Completion or letters, and payment)
Certification Examination Retake	Same as above	Same as above
Recertification through Examination	Same as above	Same as above or the new on-line process for Inspectors only: http://165.176.249.158/esc_inspector/index.cfm
Recertification through Training	Post-marked 30 days prior to certification expiration date	Same as above

Both VDOT and non-VDOT personnel should visit DCR’s Training and Certification website for all related training course and certification application information. Registration forms, applications, frequently asked questions, detailed course and certification information and any related updates are available at:

<http://www.dcr.state.va.us/sw/estr&crt.htm>

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ATTACHMENTS

TABLE 1 - VDOT Erosion and Sediment Control Certification Requirements

TABLE 2 - Erosion and Sediment Control Certification Information

¹Letter from Mr. C.F. Gee, January 7, 2003