QCP and ADEM QCI Program (QCIP) and QCI Certification Information

A number of questions have arisen regarding the ADEM Qualified Credentialed Inspection Program (QCIP) and Qualified Credentialed Inspector (QCI) training and certification under the rules. The following is intended to provide clarification of the regulatory requirements.

ADEM Admin. Code Chapter 335-6-12-.02 [Definitions]

(p) "Qualified Credentialed Inspector (QCI) means an operator, operator employee, or operator designated qualified person who has successfully completed initial training and annual refresher Qualified Credentialed Inspection Program (QCIP) training, and holds a valid certification from a Department approved cooperating training entity.

(q) "Qualified Credentialed Inspection Program (QCIP)" means a Department approved program conducted by a cooperating training entity. Approved programs provide training in the requirements of the Alabama NPDES rules, the Department's construction stormwater management program, evaluation of construction sites to ensure that QCP designed and certified BMPs detailed in a CBMPP are effectively implemented and maintained, and evaluation of conveyance structures, receiving waters and adjacent impacted offsite areas to ensure the protection of water quality and compliance with the requirements of this Chapter.

(r) "Qualified Credentialed Professional" (QCP) means any staff member of the Department designated by the Director, a Professional Engineer, an Alabama Natural Resources Conservation Service professional designated by the State Conservationist, or a Certified Professional In Erosion And Sediment Control (CPESC). A QCP includes a registered landscape architect, a registered land surveyor, a Professional Geologist, a registered forester, a Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), and a Certified Professional Soil Scientist (CPSSc) as determined by ARCPACS, and other Department accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that enable recognized individuals to prepare CBMPPs, to make sound professional judgments regarding Alabama NPDES rules, the requirements of this Chapter, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite pollutants from the regulated site, and reclamation or effective stormwater quality remediation of construction associated land disturbances, that meet or exceed recognized technical standards and guidelines, effective industry standard practices, and the requirements of this Chapter. The QCP shall be in good standing with the authority granting the registration or designation.

Discussion:

1. An individual must hold one of the professional designations, certifications, and/or accredited university program degrees/certifications specifically listed in the QCP definition <u>or</u> hold one of the professional designations, certifications, and/or accredited university program degrees/certifications, while not specifically listed in the definition, has been formally recognized by ADEM as a QCP. Individual persons will not be recognized on an individual basis by ADEM, and an individual is not eligible to be a QCP unless they hold a professional designation, certification, and/or accredited university program degree/certification specifically recognized by ADEM as a QCP.

2. A Qualified Credentialed Professional (QCP) is the only person who can prepare, update, or modify a Construction Best Management Practices Plan (CBMPP). The CBMPP must be prepared in accordance

with the Alabama Soil & Water Conservation Committee (ASWCC) BMP "Alabama Handbook" or as otherwise required by ADEM.

3. A professional engineer registered in the State of Alabama (PE) is the only type of QCP that can design and certify structural best management practices (BMPs) including sediment basins, berms, etc.

4. All other QCPs can design and certify non-structural BMPs and practices.

5. A QCI is not allowed to prepare or modify a CBMPP or to certify BMPs or other practices.

The rules are designed with maximum flexibility to provide several options for registrants to conduct inspections and ensure compliance with the rules. Under the rules (primarily 335-6-12-.28, but other sections of the rules also require inspections under certain circumstances) inspections can be performed:

1. Option 1 - By a QCP.

2. Option 2 - By a qualified (trained) person under the direct supervision of the QCP except where the rules specifically require a QCP to perform the inspection. Training or the level of expertise of the qualified person working under the direct supervision of the QCP is not specified in the rules and it is the responsibility of the QCP to ensure that the person is trained and qualified to a level necessary to ensure full compliance with the requirements of the rules. The qualified person who performed the inspection and the supervising QCP must sign the inspection report. A QCP or the qualified person under the supervision of the QCP can be employees of the registrant or a consultant.

3. Option 3 - By a QCI except where the rules specifically require a QCP to perform the inspection. The QCI must report to the registrant and the QCP as required.

    a. The QCIP is designed for registrant employees such as a site foreperson, site/project manager, etc.

    b. A QCI can be dedicated to a project or perform inspections at multiple sites permitted by the same registrant operator/owner.

    c. The QCIP and QCI training is designed to focus on an understanding of the core requirements of the ADEM rules, how to conduct comprehensive inspections for a construction stormwater site, how to recognize BMP deficiencies and implementation of the CBMPP, how to keep records and coordinate with the registrant and QCP, etc. The training purposely does not discuss or address design information, EPA rules or guidance (compliance with ADEM construction stormwater rules means compliance with EPA construction stormwater rules), and other stormwater program or environmental program information.

    d. The QCIP is completely *voluntary* and a registrant is not required by ADEM regulations to use a QCI or have employees attend QCI training. The QCIP has been established to provide a flexible alternative to registrants where the registrant finds use of a QCI advantageous.

    e. A registrant can utilize other available options and can comply fully with the rules without having a QCI employee.

    f. A QCI must attend initial and annual refresher training, and receive and maintain certification through the ADEM QCIP.

g. A QCI must be the employee of a registrant operator/owner. QCI certification is restricted to a registrant operator/owner and their employee. Once the QCI leaves the employ of the registrant operator/owner, the QCI certification is automatically terminated and no longer valid since the QCI certification is a joint certification of the registrant operator/owner and the QCI employee. If the employee goes to work for anther registrant operator/owner, the employee must repeat the training and be re-certified as a QCI.

h. A consultant, contractor, or other third party that is not an employee of the registrant operator/owner is not eligible to be a QCI at any time, but may qualify as a QCP or may perform inspections under the direct supervision of a QCP.

4. The rules also require daily observation by someone (QCP, qualified person under the supervision of the QCP, QCI, other person, employee or contractor, etc.) on the portion of the project/site where work is being conducted and to report any apparent BMP deficiencies.

Document Update:

This document is intended to provide helpful information relative to the requirements of ADEM's NPDES stormwater program for construction and small noncoal, nonmetallic mining/processing sites (ADEM Administrative Code Chapter 335-6-12). This document is intended as an informal discussion of portions of the rules and does not modify or affect in any way the provisions of Chapter 335-6-12 or other ADEM rules. The information contained in this document is subject to regular revision/update/correction as needed to effectively communicate information. Periodic review of the information presented in this document will be accomplished and modification of this information will be undertaken as necessary to ensure consistency with any applicable statutory/regulatory requirements. This information document is not a legal document and is not to be construed with and does not replace, modify, or impose restrictions on current applicable statutory authority or ADEM authority. This document is also not designed nor intended to detail every possible procedure, priority, or issue related to the rules and may not provide the reader with a complete understanding of related/linked supplementary/complementary ADEM requirements/procedures or other details of the program.