

New York State

Erosion & Sediment Control

Certificate Program

Policy

&

Procedures

July 2019

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CERTIFICATE PROGRAM

Contact Information

Program Administration

New York State Conservation District Employees Association

Jessica Verrigni, Chemung County SWCD, Ph.607-796-2216
e-mail, jbverrigni@stny.rr.com

Program Development

Certificate Program Steering Committee:

Co-Chairs : Tim Clark, NYSSWCC, Ph. 518-485-5010
e-mail, Tim.Clark@agriculture.ny.gov

Jim Lieberum, Warren County SWCD, Ph. 518-623-3119
e-mail, jim99@nycap.rr.com

CERTIFICATE PROGRAM

Certificate Steering Committee Agencies

NYS Soil & Water Conservation Committee

NYS Department of Environmental Conservation

NYS Office of General Services

NYS Conservation District Employees Association

NYS Conservation District Employees Association Program Administrator

New York City Department of Environmental Protection

NYS Department of Transportation

NYS Department of State

CERTIFICATE PROGRAM

Mission Statement

The purpose of this certificate program is to establish and maintain a process to identify and recognize individuals who are capable of developing, designing, inspecting and maintaining erosion and sediment control plans on projects that disturb soils in New York State. The development and oversight of these plans will be executed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control and the New York State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity.

CERTIFICATE PROGRAM

Program Information

A. Registration: Any individual who successfully completes the requirements established for holders of the New York State Erosion and Sedimentation Control Certificate, is current in their requirements for Professional Development Hours (PDHs) per the Professional Development Policy, and continues to enlist with the purposes, policies and ethics of this Certificate Program, shall be duly accepted by the Certificate Steering Committee as a registrant in good standing upon the payment of the annual fee as required by the Program Policy.

Certificate holders must record all activities and work experience to be submitted for continuing education credit on the New York State Erosion and Sediment Control Professional Development Hours Reporting Form, and retain a copy of the form and all documentation and records for a period of five (5) years after Certificate renewal.

The New York State Erosion and Sediment Control Certificate Program Steering Committee and Program Administrator randomly audit five percent (5%) of the Certificate holders to assure compliance with the Professional Development Policy. Certificate holders should be prepared to produce

documentation of PDHs submitted for renewal if selected for an audit.

Certificate holders who falsify continuing education credit records may be subject to suspension or revocation of their Certificate.

B. Fees: Application fees and annual renewal fees of the certificate registrants shall be established from time to time by the Certificate Steering Committee and approved by the NYS Conservation District Employees' Association Board. Annual renewal fees shall be payable by January 1 each year to the Program Administrator. If renewal fees are not paid within thirty days from the date of such notice, the certificate of the registrant shall be automatically suspended. The Program Administrator will send a letter to the registrant asking for the PDH Renewal Form and associated documentation for the PDH credits such as certificates of attendance, agendas, attendee sign-in sheet, etc. and fee to be submitted within 90 days of receipt of the letter. Any registrant, whose certificate has been suspended, may be reinstated by the Certificate Steering Committee upon such terms and conditions as it may provide, including a reinstatement fee of \$75 in addition to the annual renewal fee. If such terms and conditions are not met for certificate reinstatement within 2 years from the date on the registrant's certificate, then the certificate of the registrant will be

terminated. Once terminated, the previously registered individual must repeat the application and exam process including paying the established fees for both.

Exam fees and Implementation Course fees shall be established from time to time by the Certificate Steering Committee and approved by the NYS Conservation District Employees' Association Board.

All fees are payable to the Program Administrator.

Fee Schedule

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|--|--------------|
| <u>Application Fee:</u> | <u>\$150</u> |
| <u>Exam Fee:</u> | <u>\$100</u> |
| <u>Certificate Registrant Renewal Fee:</u> | <u>\$100</u> |
| <u>Erosion & Sediment Control Implementation Course Fee:</u> | <u>\$125</u> |
| <u>Reinstatement Fee</u> | <u>\$ 75</u> |

C. Application: To apply to sit for the exam, the individual must use the “Application Forms” provided and submit the application 30 days before the scheduled exam to the Program Administrator. Two endorsements are required. One must be from a current or former supervisor familiar with work that the applicant is claiming experience for and provided on the form “Professional

Experience Summary Sheet”, which is part of the “Application Forms”. The second must be from a working professional, working in one of the fields listed in Part 3A of the “Application Form”. An application only reaches submitted status once both endorsements have been received by the administrator. The application review subcommittee will provide eligible applicants with an exam admittance document within 14 days of receipt of the application. The potential registrant must meet the eligibility criteria set forth in the “Application Forms” to submit an application for consideration. Approved applicants, must take a 3.5-hour written, open-book exam, and earn a score of 75 percent or higher. Upon passing the exam, the individual will receive a letter from the Program Administrator with the score achieved, the newly registered NYS Erosion and Sediment Control Certificate number, and the Certificate. Individuals that do not receive a passing score, will receive a letter from the Program Administrator with the score. Individuals that fail the exam will have up to two (2) years from the application approval to retake the exam. After the two (2) year deadline, the individual will have to reapply for the program.

Certificate Steering Committee

A. General Powers: The governance of the New York State Erosion and Sediment Control Certificate shall be managed by the Certificate Steering Committee in accordance with the provisions of this Policy and Procedures document.

B. Number of Committee Members: The number of committee members on the Certificate Steering Committee shall not be less than eight (8). Additional members to the Certificate Steering Committee may be added to the Certificate Steering Committee upon affirmative vote by the current Certificate Steering Committee. The Certificate Steering Committee will have one (1) member from the NYS Department of Environmental Conservation and two (2) members from the NYS Conservation District Employees Association (CDEA), plus the NYS CDEA Program Administrator (1).

C. Term and Qualifications: The Certificate Steering Committee members shall be appointed to serve for a term of two years. Certificate Steering Committee members may serve a maximum of two consecutive terms.

D. Selection of Committee Members: Certificate Steering Committee

members shall be selected from each participating individual government agency at least three months prior to the close of the current term of the fiscal year (March 31st). Candidates for Certificate Steering Committee membership will be sought by the standing Certificate Steering Committee from the participating agencies following their recommendations.

E. Resignation: A committee member may resign at any time by

communicating such resignation in writing to the presiding chair of the Certificate Steering Committee. The resignation is effective 30 days after the communication unless the notice specifies a later effective date or subsequent event upon which it will become effective.

F. Certificate Steering Committee Meetings: Certificate Steering

Committee meetings shall be held a minimum of twice each year. The location of the meetings will be such places and times as the committee may direct. A quorum at any regularly scheduled committee meeting is necessary to conduct the business of the certificate program and shall consist of 51 percent of the committee membership. Any one or more Certificate Steering Committee members may participate and shall be deemed present, at a Board or Committee meeting by means of telephone or video conferencing, web-based conferencing, or other real-time

communication system that allows all meeting attendees to give and receive all communications and allows full participation. A resolution or resolutions shall be valid and effectual without a meeting, whether embodied in the form of minutes or not, if there is unanimity of all members of the Certificate Steering Committee. The resolution shall be effective on the date of agreement and shall be recorded and included in the minutes of the next regular meeting.

G. Votes conducted by Email

The committee may pass resolutions by email voting. To conduct a vote, the committee chairperson will email all committee members with the proposed resolution. Each member will respond with their vote within 5 business days. A resolution will be considered passed upon approval of a majority of the committee. The committee chairperson will save the email replies, record all cast votes, and inform the committee of the results. A resolution shall be effective on the date of the successful vote, and shall be included in the minutes of the next regular meeting.

H. Conflict of Interest: No person shall serve as a member of the

Certificate Committee whose participation constitutes a conflict of interest.

A conflict of interest shall exist in instances where either personal or employment interests are affected by decisions of the Committee.

Executive Committee (Officers)

1. The Certificate Steering Committee will elect four committee members (Officers) to constitute an Executive Committee, which shall have the responsibility of coordinating the governance and management of the business and affairs of the Program with the NYSCDEA Inc. during intervals between Committee meetings. The Executive Committee shall consist of the Chair, the Administrative Vice Chair, the Financial Vice Chair and the Technical Vice Chair. Mid-term vacancies in the membership of the Executive Committee shall be filled by a majority of the remaining Executive Committee at a regular meeting or at a special meeting called for that purpose. The Executive Committee shall keep minutes of its proceedings and shall report to the Certificate Steering Committee on actions taken. Minutes of meetings of the Executive Committee shall be prepared and kept with the records of the Certificate Steering Committee.
2. The Officers of the Executive Committee shall be elected by the Certificate Steering Committee members at the first Certificate Steering Committee meeting of the calendar year. Each officer shall hold office for a term of two years. The election of the

Chair and Administrative Vice Chair shall be conducted in even ending calendar years and the election of the Financial Vice Chair and the Technical Vice Chair shall be conducted in odd ending calendar years.

- 3.** The Chair shall have the overall leadership role for the Certificate Steering Committee and shall supervise and administer the management of the Certificate Steering Committee in accordance with these policies and procedures. The Chair shall sign, with any other proper officer, instruments which may be lawfully executed on behalf of the Certificate Steering Committee, except where required or permitted by law to be otherwise signed and executed, and except where the signing and execution shall be delegated by the Certificate Steering Committee to some other officer or agent. In general, the Chair shall perform all duties incident to the office of Chair and such other duties as may be assigned by the Executive Committee from time to time.
- 4.** The Administrative Vice Chair shall oversee and coordinate with the NYSCDEA Inc. the administration of the New York Erosion and Sediment Control Certificate Program, including the application review committee, application procedures, liaison

with supporting organizations, and membership and shall have such other powers and perform such other duties as may be assigned by the Executive Committee. The Administrative Vice Chair shall keep accurate records of the acts and proceedings of all meetings of the Certificate Steering Committee and the Executive Committee and shall give all notices required by policy.

5. The Financial Vice Chair shall have the general oversight of the program books and financial records and maintain coordinating oversight of all funds and securities belonging to the Program; shall sign such instruments as may require the signature of the Financial Vice Chair; shall prepare reports with NYSCDEA Inc. for funds received, deposited or disbursed under the direction of the Committee for acceptance. The Committee may appoint a custodian or depository for any such funds or securities, and the Executive Committee may designate those persons upon whose signature or authority such funds may be disbursed or transferred. The Financial Vice Chair shall in general perform the duties incident to the office and such other duties as may be assigned from time to time by the Chair or the Certificate Steering

Committee, including the budget, operations, taxes, audits, expenses, dues, compensation for employees, fee structure and outside financial support.

6. The Technical Vice Chair shall preside at all meetings in the absence of the Chair and Administrative Vice Chair. The Technical Vice Chair shall oversee the technical activities of the Program, including educational activities, training courses, exam content, trainer's credentials, peer review committees and Continuing Education Units.

Standing Committees

1. Standing or other committees having two or more members may be designated by a resolution adopted by the Certificate Steering Committee. Vacancies in the membership of such committees shall be filled by appointment made in the same manner as provided in the case of the original appointment.
2. Any one or more members or members of a committee may participate in a meeting of the committee by means of a conference telephone or similar communications device which allows all committee members participating in the meeting to simultaneously hear each other during the meeting, and such

participation in a meeting shall be deemed presence in person at such meeting.

3. Application Review Committee: The purpose of the Application Review Committee (ARC) is to establish a formal review process for individuals who have made application to the Program to become a registered certificate holder in erosion and sediment control in New York State.

4. Technical Review Committee: Consists of the Technical Vice Chair, and two additional committee members appointed by the Certificate Steering Committee. This committee reviews the exam content, training courses, instructor credentials and Continuing Education Units (CEUs).

AMENDMENTS

These policies and procedures may be amended or repealed and new policies and procedures may be adopted by the affirmative vote of a majority of the Certificate Steering Committee at any meeting of the Certificate Steering Committee members; provided, that notice of the meeting shall have been given which states that the purpose or one of the purposes of the meeting is to consider a proposed amendment to the policies and procedures and

includes a copy or summary of the proposed amendment or states the general nature of the amendment.

CIVIL RIGHTS

Section 1. NON-DISCRIMINATION: The New York State Erosion and Sediment Control Certificate Program will be in compliance with all requirements with regards to non-discrimination as contained in the United States of America Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and other required laws and regulations pertaining to non-discrimination.

Section 2. EQUAL OPPORTUNITY: No person shall, on the grounds of race, color, national origin; religion, sex, age, physical handicap, or political affiliation shall be excluded from participation in, be denied the benefits of, nor be subject to discrimination within any activity of the New York State Erosion and Sediment Control Certificate Program.

THIS IS TO CERTIFY that the above Policies and Procedures for the New York State Erosion and Sediment Control Certificate Program were duly adopted per vote of the Program Steering Committee.

This the ____ day of _____, 2019

Chair, Certificate Steering Committee

STANDARDS OF ETHICS

I. General Principles

1. The privilege of practice imposes obligations of morality and responsibility.
2. Each registrant agrees to be guided by the highest standards of ethics, personal honor, and professional conduct.

II. Relation of Professional to the Public

1. A Registrant shall avoid and discourage sensational, exaggerated, and/or unwarranted statements that might induce participation in unsound enterprises.
2. A Registrant shall not knowingly permit the publication of his or her reports or other documents for any unsound or illegitimate undertaking.
3. A Registrant shall not give professional opinion or make a recommendation without being as thoroughly informed as might reasonably be expected considering the purpose for which the opinion or recommendation is desired, and the degree of completeness of information upon which it is based should be made clear.
4. A Registrant may publish dignified business, professional, or announcement cards, but shall not advertise his or her work or accomplishments in a self-laudatory, exaggerated, or unduly conspicuous manner.
5. A Registrant shall not issue a false statement or false information even through directed to do so by employer or client.

III. Relation of Professional to Employer and Client

1. A Registrant shall protect, to the fullest extent possible, the interest of their employer or client insofar as such interest is consistent with the law and his or her professional obligations and ethics.
2. A Registrant who finds that his or her obligations to their employer or client conflict with his or her professional obligation or ethics should have such objectionable conditions corrected or resign.
3. A Registrant shall not use, directly or indirectly, any employer's or client's information in any way that would violate the confidence of the employer or client.

4. A Registrant retained by one client shall not accept, without client's written consent, an engagement by another if the interests of the two are in any manner conflicting.
5. A Registrant who has made an investigation for any employer or client shall not seek to profit economically from the information gained, unless written permission to do so is granted, or until it is clear that there can no longer be a conflict of interest with the original employer or client.
6. A Registrant shall not divulge information given in confidence.
7. A Registrant shall engage, or advise his employer or client to engage, and cooperate with other experts and specialists whenever the employer's or client's interests would be best served by such service.
8. A Registrant shall not accept a concealed fee for referring a client or employer to a specialist or for recommending professional service other than one's own.

IV. Relation of Professionals to Each Other

1. A Registrant shall not falsely or maliciously attempt to injure the reputation of another.
2. A Registrant shall freely give credit for work done by others to whom the credit is due, shall refrain from plagiarism in oral and written communications, and not knowingly accept credit rightfully due another person.
3. A Registrant shall not use the advantages of salaried employment to compete unfairly with another member of the profession.
4. A Registrant shall endeavor to cooperate with others in the profession and encourage the ethical dissemination of technical knowledge.
5. A Registrant having knowledge of unethical practices of another Registrant shall avoid association with that Registrant in professional work.

APPENDIX A

Steering Committee Members Contact Information

NYS Soil & Water Conservation Committee

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|------------|--|--------------|
| Tim Clark | tim.clark@agriculture.ny.gov | 518 485 5010 |
| PJ Emerick | patrickj.emerick@agriculture.ny.gov | 585 697 4279 |

NYS Department of Environmental Conservation

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| Dave Gasper | david.gasper@dec.ny.gov | 518 402 8114 |
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NYS Office of General Services

Vacant

NYS Conservation District Employees Association

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| Kelly Emerick | kellyemerick@monroecounty.gov | 585 753 7380 |
| Jim Lieberum | jim99@nycap.rr.com | 518 623 3119 |

NYS Conservation District Employees Association Program Administrator

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|------------------|--|--------------|
| Jessica Verrigni | jbverrigni@stny.rr.com | 607 796 2216 |
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New York City Department of Environmental Protection

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| Matt Giannetta | MGiannetta@dep.nyc.gov | 914 749 5301 |
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NYS Department of Transportation

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NYS Department of State

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