North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Coleen H. Sullins
Director

Dee Freeman
Secretary

MEMORANDUM

Date: DRAFT

Subject: Surface Water Identification Certification Policy

I. Purpose

The Surface Water Identification and Training Certification (SWITC) Course was developed by staff of the Division of Water Quality (DWQ) and the N.C. State University, College of Natural Resources to implement House Bill 1257. This legislation was passed by the 2001 General Assembly and requires DWQ to train and certify staff to make legal on-site stream determinations subject to the buffer rules.

II. Requirements to Obtain Certification

In order to qualify* to be certified to make legal on-site stream determinations subject to the buffer rules within their jurisdiction, individuals must be one of the following:

- Employee of the N.C. Division of Water Quality
- Employee of the N.C. Division of Forest Resources who is a Registered Forester under Chapter 89B of N.C.G.S.
- Employee of a unit of local government to whom responsibility for the implementation and enforcement of the riparian buffer protection rules is delegated pursuant to N.C. G.S. 143-214.23
- Employee of a unit of local government to whom responsibility for the implementation and enforcement of the riparian buffer protection rules is designated pursuant to N.C. General Statutes or Administrative Codes

In order to qualify to be certified to make legal on-site determinations subject to

- 401 Water Quality Certifications,
- Isolated and Other Non-404 Jurisdictional Wetlands and Waters Permits,
- Stormwater Permits, or
- Any other State-issued Permit,

or to make legal on-site determinations of waters of the State, individuals must be an employee of the N.C. Division of Water Quality.

To become certified, an individual must take the SWITC course offered by the DWQ and successfully pass both the written and field test. Once certified, the certification will be valid for a period of three years.

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* Please note: Individuals other than those listed above who take the course and successfully pass both exams will receive a "Certificate of Training" that does not expire. These individuals will not be certified to make legal on-site stream determinations.

III. Terms of the Certification

The certification shall be valid for a period of three years.
The Director of the DWQ may:

- Review determinations made by a certified individual
- Override a determination made by a certified individual
- Revoke the certification of an individual

Each individual who is certified to make determinations shall

- Use the latest version of the DWQ publication, *Identification Methods for the Origins of Intermittent and Perennial Streams* (ID Method).
- Use the standard forms developed by the DWQ for making and reporting determinations.
- Prepare a written report of each determination and submit that report to the agency that employs the individual.

Each agency shall maintain reports and all other documents related to determinations made by its employees so that they will be readily accessible to the public.

IV. Requirements to Retain Certification

Individuals will only remain certified if they continue to be employed by one of the agencies listed above in Part II. If an individual is no longer employed by one of the agencies listed above, then they are no longer certified to make legal on-site determinations.

To ensure that staff continue to be qualified to make on-site stream determinations, in addition to maintaining employment by an agency listed above, individuals must complete one of the following:

- Make at least two on-site stream determinations each calendar year or
- Take a one-day refresher SWITC course every three years or
- Instruct at the SWITC Course at least once each calendar year

Finally, when an updated version of the ID Method is published, all certified individuals must complete a one-day SWITC Course on the revised method.

V. Requirements to Renew Certification

The certification shall be valid for a period of three years. Individuals that want to renew their certification must submit the following information to the Education, Training and Outreach Coordinator of the Wetlands & Stormwater Branch in the DWQ:

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- Letter stating that the individual continues to be employed by one of the agencies listed above
- Documentation of: at least two legal on-site determinations each calendar year, successful completion of a refresher SWITC course within the last three years or instruction of at least one SWITC Course each calendar year
- If an updated version of the ID method was published, documentation of successful completion of a one-day SWITC course on the revised method

Please submit this information as one complete renewal package at least 30 calendar days prior to the expiration date of the certificate.

VI. Revoking the Certification

The Director of the DWQ may revoke an individual's certification if it is determined that an individual:

- Is failing to make correct determinations,
- Is no longer employed by one of the agencies listed above,
- Has failed to make at least two legal on-site determinations each calendar year, has not successfully completed a refresher SWITC course within the last three years, or has not instructed at least one SWITC course each calendar year
- If an updated version of the ID method was published, has not successfully completed a SWITC course on the revised method

VII. Restoring the Certification

Once an individual's certification is not renewed or their certification is revoked, that individual must take the SWITC course offered by the DWQ and successfully pass both the written and field test to become certified again.

If an individual's certification is not renewed or their certification is revoked because they are no longer employed by one of the agencies listed above, that individual is not eligible to be recertified. Individuals may request a "Certificate of Training" that does not expire to demonstrate that they have successfully completed the SWITC course for non-legal purposes.

This memo will become effective September 1, 2010.

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