

Patrick County Erosion & Sediment Control (ESC) Office
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Erosion and Sediment Control

When are Permits Required?

If you are planning a project which involves 10,000 square feet or more (approximately a quarter of an acre) of land-disturbance, you should first check with the Patrick County Erosion & Sediment Control Office before you start any work. Most projects that involve land-disturbing activities will require the issuance of a Land-Disturbing Permit which also requires the submission and approval of an Erosion and Sediment Control (ESC) Plan. If your project qualifies, an approved ESC Plan and a Land-Disturbing Permit is required prior to beginning any land-disturbing activities that may be involved with your project.

Important Note: Excavators, Developers, Contractors, and Home Builders: *As a pre-requisite to issuing a Land-Disturbing Permit someone associated with the project must hold a Registered Land Disturbers (RLD) Certification issued by the [Department of Environmental Quality](#). This person shall be responsible for carrying out the land-disturbing activity in accordance with the permit.*

The following is a list of common activities that **require** permits:

- ☐ Single-family detached residential structures with land-disturbance of 10,000 square feet or more
- ☐ Residential subdivision development with land-disturbance of 10,000 square feet or more; regardless of phasing or ownership
- ☐ Commercial and industrial development construction with land-disturbance of 10,000 square feet or more
- ☐ Residential, Commercial, or Industrial roads or driveways with land-disturbance of 10,000 square feet or more
- ☐ Agricultural Buildings and building access roads

The following is partial list of activities **EXEMPT** from the Virginia Erosion & Sediment Control Law. For a complete list of exemptions, please refer to the [Patrick County Erosion & Sediment Control Ordinance](#). The Patrick County ESC Administrator shall determine the validity of any claim of exempt status by a property owner who disturbs 10,000 square feet or more.

- ☐ Home gardens and individual home landscaping, repairs or maintenance work
- ☐ Individual service connections (water, sewer, gas, cable, phone, etc.)
- ☐ Underground public utilities on an existing hard surfaced road or sidewalk
- ☐ Septic tank lines or drain fields, unless they are included in an overall plan for activity relating to construction of the building to be served by the septic system

- ☐ Tilling, planting or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds (not required to comply with the Dam Safety Act), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation. This exception shall not apply to harvesting of forest crops unless the area on which the harvesting occurs is reforested artificially or naturally in accordance with the Provisions of Chapter 11 (Section 10.1-1100 et seq) of the Code of Virginia, 1950, as amended, or is converted to bona fide agricultural or improved pasture use as described in Subsection B of Section 10.1-1163
- ☐ Emergency work to protect life, limb or property
- ☐ Installation of fence and sign posts or telephone and electric poles
- ☐ Disturbed areas less than 10,000 square feet

What is an Erosion & Sediment Control (ESC) Plan?

An Erosion & Sediment Control (ESC) Plan is a document that describes the potential for erosion and sedimentation associated with a land-disturbing activity. The plan also explains and illustrates the measures that are to be taken to control erosion and sediment deposition problems. The plan has a written portion known as the narrative and an illustrative portion known as the site plan. Patrick County has published an [ESC Plan Review Checklist](#) which contains a list of all items required to be included within the plan before approval of the plan can be granted, the Checklist can be picked up at the Patrick County ESC Office or downloaded from the County's website. The plan preparer can also use the Virginia Erosion & Sediment Control Handbook Chapter 6 as guidance for properly preparing an ESC Plan for submittal.

Who is responsible for preparing an Erosion & Sediment Control (ESC) Plan?

The owner or lessee of the land being developed is responsible for preparing and submitting the plan. The owner or lessee may designate someone (e.g., an engineer, architect, etc.) to prepare the plan; however, the owner or lessee retains the ultimate responsibility. The owner or lessee is responsible for obtaining the Land-Disturbing Permit ([Form LDA-004](#)) and providing any required performance guarantee for the regulated land-disturbing activity.

If you are not the owner or lessee, you should make certain the project has an approved ESC plan before beginning any land-disturbance activity. ***If you begin land-disturbing activities without proper authorization, work on the project can be stopped by the County.***

What is the plan review approval process?

The property owner or their designee should submit the ESC Plan to the Patrick County ESC Office. The Patrick County ESC Office has 45 days to review the plan. If revisions are requested, another 45 day review period begins at the time of re-submission by the Owner or their designee. Therefore, **in order to avoid delays to your project it is best to submit the ESC plan as early as possible.**

According to the Virginia Erosion and Sediment Control Law, a building permit for such project may not be issued until the applicant provides proof that they have obtained approval of their ESC Plan and

certifies that the ESC Plan and the Patrick County ESC Ordinance will be followed.

Commercial or Industrial Land-Disturbing Permit Application Submittal Process:

- ✓ Owner or their designee submits two copies of the ESC Plan along with their signed [Plan Submitter's Checklist](#)
- ✓ ESC Plan is reviewed by the Patrick County ESC Certified Plan Reviewer
- ✓ Plan review letter with comments and required revisions if any is remitted to the Owner or their designee
- ✓ Owner or their designee resubmits the ESC Plan with all required revisions
- ✓ Plan approval is granted by the Patrick County ESC Office if all required revision have been made
- ✓ Owner or their designee submits Land-Disturbing Permit Application ([Form LDA-002](#))
- ✓ Owner or agent pays permit fee and submits any required performance guarantee
- ✓ Land-Disturbing Permit ([Form LDA-004](#)) issued by the Patrick County ESC Office

Important Note: Before work begins, a Preconstruction Conference must take place. Contact the Patrick County ESC Office to arrange a preconstruction conference or to discuss any questions or concerns.

Will I need to submit an ESC Plan for the construction of a single-family residence with land-disturbance of 10,000 sf. or more?

No. Landowners with land-disturbing activities associated with the construction of a single-family residence in a subdivision or any single-family residence with land-disturbance of 10,000 square feet or more are required to obtain a [Land-Disturbing Permit](#); however, they are not required to submit an ESC Plan for approval, instead they can sign and follow an ["Agreement in lieu of a Plan"](#). An "Agreement in lieu of a plan" is a written contract between the plan approving authority (Patrick County ESC Office) and the landowner which specifies the conservation measures which must be implemented in the construction of a single-family residence; this contract can be executed by the plan approving authority in lieu of a formal ESC Plan. You can obtain a copy of the "Agreement in Lieu of an Erosion & Sediment Control Plan" ([Form LDA-003](#)) at the Patrick County ESC Office or by downloading it from the County's website. You can also obtain a copy of the Single-Family Residence Land-Disturbing Permit Application ([Form LDA-001](#)) at the same office or by downloading it from the County's website. Patrick County's ESC Office has published a document titled ["A Landowners Guide to Erosion & Sediment Control for Single-Family Residences"](#) which explains all requirements for these type of land-disturbing activities in more detail, this document is available for downloading on the County's website or a copy can be picked up at the Patrick County ESC Office.

Are there other permits that would be required in addition to a Land-Disturbing Permit?

Yes, **and this is very important**, in addition to a land-disturbing permit for erosion and sediment control, your project may require coverage under a Construction General Permit as required by the Virginia Stormwater Management Act. The permit regulations require that owner/operators of construction activities (those sites, or common plans of development or sale, that will result in the disturbance of **one or more acres** of total land area) to obtain coverage under the Construction General Permit for

Discharges of Stormwater from Construction Activities ([Form SWM-P01](#)). This permit is administered by the Patrick County Stormwater Management (SWM) Office. You can find further information about the Stormwater Management Permit requirements under the [Stormwater Management](#) portion of the County's website or at the Patrick County SWM Office.

ESC Permit Forms and Descriptions

Land-Disturbing Permit Application (Single-Family) ([Form LDA-001](#)) to be completed by the property owner or their designated agent desiring to clear, grade, fill, excavate, transport, or otherwise disturb 10,000 square feet or more of land as a part of activities associated with the construction of a single-family residential detached structure.

Land-Disturbing Permit Application (Commercial/Industrial) ([Form LDA-002](#)) to be completed by the property owner or their designated agent desiring to grade, fill, excavate, transport, or otherwise disturb 10,000 square feet or more of land as a part of activities associated with any type of construction other than a single-family residential detached structure.

Agreement in lieu of an Erosion & Sediment Control Plan ([Form LDA-003](#)) to be completed by the property owner or their designated agent desiring to grade, fill, excavate, transport, or otherwise disturb 10,000 square feet or more of land as part of the construction of a single-family detached residential structure. *This form takes the place of a formal ESC Plan submittal.*

Land-Disturbing Permit ([Form LDA-004](#)) issued by the Patrick County ESC Office once all required submittal items have been received and approved, the permit fee has been received, and any required performance guarantee has been submitted.

Plan Submitter's Checklist (For Commercial & Industrial ESC Plans) ([Form LDA-005](#)) to be completed by the property owner's licensed professional engineer in charge of preparing the ESC Plan and desiring to obtain coverage under a Land-Disturbing Permit.

Plan Submitter's Checklist (For Small Non-Commercial or Non-Industrial ESC Plans) ([Form LDA-006](#)) to be completed and submitted in conjunction with ESC Plans submitted by property owners or their designated agent desiring to obtain coverage under a Land-Disturbing Permit.

**All Permit Forms as well as many other documents and information are available online under the [Erosion & Sediment Control Department](#) section of Patrick County's governmental website*

This is a general guide to Patrick County Land-Disturbing Permit requirements, for full requirements please refer to the [Patrick County Erosion & Sediment Control Ordinance](#) a copy is available at the Patrick County ESC Office or it can be downloaded from Patrick County's governmental website