

Grayson County Building Department
P.O. Box 217 Independence, VA 24348
Phone: 276-773-2322 Fax: 276-773-0305
Toll Free: 1-800-752-5117
www.graysongovernment.com

Erosion and Sediment Control

When are Permits Required?

If you are planning a construction project which involves more than 10,000 square feet (approximately a quarter of an acre) of disturbed area, you should first check with the Building Department before any work starts. Most land disturbing activities require a permit and an approved Erosion and Sediment Control (E&S) Plan approved and permit gained prior to beginning construction.

Important Note: **Excavators, Developers, Contractors, and Home Builders:** *Those grading on the site must also hold a Registered Land Disturbers Permit (RLD) through the Department of Environmental Quality.*

The following activities listed below require permits:

- Single family residences in excess of 10,000 square feet not part of a subdivision development.
- Individual lots of less than 10,000 square feet in a residential subdivision development.
- Residential subdivision development; regardless of phasing or ownership
- Commercial and industrial subdivision development
- Roads or driveways that disturb in excess of 10,000 square feet

The following is partial list of activities **EXEMPT** from the Virginia Erosion & Sediment Control Law, for the complete list of exemptions, please refer to the Grayson County Erosion & Sediment Control Ordinance. Although, agricultural uses are exempt from the Erosion & Sediment Control Laws, the Building Department requires an [Agricultural E&S Affidavit](#) to be on file before the project begins. You may obtain an affidavit at the Building Department or by downloading the affidavit at the link above.

- Home gardens and landscaping
- Individual service connections
- Underground public utilities on an existing hard surfaced road or sidewalk
- Tilling, planting or harvesting of agricultural, horticultural, or forest crops or livestock feedlot operations with conditions
- Agricultural engineering operations
- Disturbed areas less than 10,000 square feet

What is an Erosion & Sediment Control Plan?

An Erosion & Sediment Control Plan is a document that describes the potential for erosion and sedimentation on a construction project. The plan also explains and illustrates the measures that are to be taken to control those problems. The plan has a written portion known as the narrative and an illustrative portion known as the site plan.

Who is responsible for preparing an Erosion & Sediment Control 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-001) and providing the performance bond for any regulated land-disturbing activity.

If you are not the owner or lessee, you should make certain the project has an approved E&S plan before beginning any land disturbance. ***If you begin grading operations without proper authorization, your activity can be stopped.***

What is the plan review approval process?

The locality then has 60 days to review the plan. If revisions are requested, another 45 day review period begins at the time of re-submission. Therefore, in order to avoid delays in the project it is best to submit the E&S plan early.

According to the Virginia Erosion and Sediment Control Law, a building permit for such project may not be issued until the applicant submits an Erosion and Sediment Control plan to the local official for plan review.

Erosion & Sediment Control Submittal Process:

- ✓ Submit two copies of the ESC Plan to the Grayson County Building Department
- ✓ Plan is reviewed by the Erosion & Sediment Control Administrator or designated agent of Grayson County
- ✓ Plan revisions if any are requested and received
- ✓ Plan is resubmitted for approval or disapproval
- ✓ Plan approved
- ✓ Erosion & Sediment Control permit issued

Important Note: Before work begins, a Preconstruction Conference must take place. Contact the Grayson County Building Department to arrange a preconstruction conference on site to discuss any questions or concerns.

Will I need an Erosion & Sediment Control Land-disturbing permit for the construction of a single family residence in a subdivision or construction of any single family residence disturbing over 10,000 sf.?

Landowners with land-disturbing activities for any single family residence in a subdivision or any single family residence disturbing over 10,000 sq ft. are required to sign and follow an “Agreement in lieu of a plan”. An “Agreement in lieu of a plan” is a contract between the plan approving authority (Grayson County) and the landowner which specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the plan approving authority in lieu of a formal E&S site plan. You can obtain a copy of the [Agreement in Lieu of an Erosion & Sediment Control Plan](#) (Form ES-1200) at the Grayson County Building Department or by downloading it at the link above.

Are there other permits that would be required in addition to an E&S Permit?

Yes. In addition to an Erosion & Sediment permit, your project may require coverage under the Virginia Stormwater Management Program (VSMP) Construction General Permit. The VSMP permit regulations require the 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 General Permit for Discharges of Stormwater from Construction Activities Form GCSW-002. These programs are administered by Grayson County. You can find further information about Stormwater permit requirements and coverage located in the Stormwater portion on this web site.

[Land-Disturbing Activity Permit Application](#) (Form LDA-001) to be completed by property owners or contractors desiring to grade, fill, excavate or otherwise disturb more than 10,000 square feet of land as a part of construction or site prep activities.

[Agreement in lieu of an Erosion & Sediment Control Plan](#) (Form ES-1200) for the submission of an application of a single family residence in a subdivision or a single family residence disturbing over 10,000 square feet.

Additional Resources

[Grayson County Erosion Control Ordinance](#)

[Landowners Guide to Erosion & Sediment Control](#)

[Virginia Erosion & Sediment Control Laws & Regulations](#)

[DEQ Responsible Land Disturber \(RLD\) General Information](#)

[Responsible Land Disturber FAQ](#)