



Department of Conservation & Recreation

CONSERVING VIRGINIA'S NATURAL AND RECREATIONAL RESOURCES

Virginia Erosion and Sediment Control Law

*Exemptions to the Definition of
Land Disturbing Activity*

Virginia Code Section 10.1-560

Questions? Comments?

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The Virginia Erosion and Sediment Control Law (Title 10.1, Chapter 5, Article 4 of the Code of Virginia as amended) defines a *land-disturbing activity* as any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in Virginia, including, but not limited to, clearing, grading, excavating, transporting, and filling of land. However, there are 13 specific activities that are exempt from the definition of land-disturbing activity, and therefore, are exempt from the requirements of the Law.

Note that the appropriate regulatory authority is obligated to determine the validity of a claim of exempt status by an individual property owner. As soon as a nonexempt status is determined, the requirements of the Law shall be immediately enforced.

A digested version of these exemptions is provided in this brochure. Please refer to local ordinance or the Law for a complete, unedited copy of the exemptions.

1. **Minor land-disturbing activities** such as home gardens and individual home landscaping, repairs and maintenance work
2. **Individual service connections**
3. **Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk** provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced
4. **Septic tank lines or drainage fields** unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system
5. **Surface or deep mining**
6. **Exploration or drilling for oil and gas** including the well site, roads, feeder lines, and off-site disposal areas
7. **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, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally or is converted to bona fide agricultural or improved pasture use
8. **Repair or rebuilding** of the tracks, right-of-way, bridges, communication facilities, and other related structures, and facilities of a **railroad company**
9. **Agricultural engineering operations** including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation
10. **Disturbed land areas of less than 10,000 square feet in size;** however, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply
11. **Installation of fence and sign posts or telephone and electric poles** and other kinds of posts or poles
12. **Shore erosion control projects** on tidal waters when the projects are approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers
13. **Emergency work** to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority

The complete, unedited version of the Virginia Erosion and Sediment Control Law as codified in the Virginia Code is available through the Commonwealth of Virginia website at www.vipnet.org/vipnet/portal/government. Additional information on Virginia's Erosion & Sediment Control and Stormwater Management Programs is available on DCR's website at www.dcr.state.us or from DCR Watershed Offices.
