



Land Disturbing Permit Exemption

Owners Name: _____ Phone: _____

Owners Address: _____ Email: _____

Property Address: _____

Contractor Name(if any): _____ Phone: _____

Tax Map ID: _____ Zoning Designation: _____ Disturbed Area: _____

Reason For Exemption: _____

Is the property in the Madison County land use program? __Yes __No

Will erosion and sediment control structures be installed? __Yes __No

- A property owner who disturbs 10,000 square feet, or more, of land and claims that the activity is exempted from the requirements... shall have one year from the date of commencement of the activity to demonstrate to the erosion and sediment control enforcement authority that the activity is exempt. As soon as a nonexempt status is determined, the requirements of the Act shall be immediately enforced.
- This exemption does not exempt applicant from any state or federal permits or regulations including but not limited to those of the Department of Environmental Quality, Department of Conservation and Recreation, and Army Corps of Engineers.
- Best management practices such as silt fence and seeding and straw are expected to be used. Any sediment leaving the site may revoke the exemption and require plans submitted and a permit.

The Code of Virginia Section 25.1-400 defines "Farm operation" as any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

"Land-disturbing activity" means any land change that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- 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 activities authorized under a permit issued by the Department of Mines, Minerals and Energy;
- 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 in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;
- 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, Article 2 (§ 10.1-604 et seq.) of Chapter 6 of this title, 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. Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and
- 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.

Please complete the following Affidavit to wit:

AFFIDAVIT

I (name) _____ have read and understand this form and I aver that the disturbance identified qualifies for the land-disturbing exemption and defined herein.

Owner's Signature _____ Date _____

Staff Signatures

Erosion Control Administrator