

Construction Site Erosion and Sediment Control

Erosion and Sediment Control Frequently Asked Questions

Q: Who is required to have an E&SC plan?

A: Any work site (construction activity, maintenance area, etc.) that will disturb an area of 10,000 square feet or greater must have an E&SC plan before work can begin. In areas within 100 feet of a water body, or other areas deemed “sensitive” by the NREA Branch, a disturbed area of 2,500 square feet or greater must have a plan. “Disturbed Area” means an area where the land has actually been disturbed (this may not include all areas of the site). Disturbance of soil includes: clearing, grubbing, and exposure of soil by digging.

Q: Who is responsible for providing and implementing the E&SC Plan?

A: The person/company in charge of construction at the site must provide the plan. This could be a contractor, or a Base representative. The plan must be present at the work site at all times.

A *responsible land disturber* is designated in the Plan, and this person keeps the plan and ensures that the plan is followed by all workers at the site. The responsible land disturber must be certified by the Virginia Department of Environmental Quality, or must be a licensed professional engineer (PE). Certification information can be found at the [DEQ website](#).

Q: What does an E&SC Plan consist of?

A: There are two parts to an E&SC Plan. The first is called the *narrative* and is a written description of the project. The second is called the *plan*, and consists of detailed drawings, which contain site topography, drawings of the site before and during construction, areas where all sediment control measures will be placed, detailed drawings of structures, such as sediment basins, and calculations. The Virginia Erosion and Sediment Control Handbook (VESCH) includes specific guidance for preparing plans.

Q: Who approves the E&SC Plans?

A: The Water Program, NREA Branch, approves the E&SC plans. The Plans must be approved before *any* land disturbance activity at the site can take place. The maximum turn-around time for review is 45 days, but if plans are inadequate, they will be rejected until proper changes are incorporated. Therefore, it is extremely important to have the plan prepared well in advance of the project start date.

Q: What is exempt from the E&SC requirements?

- A: There are some exemptions to the 10,000 or 2,500 square foot rule. These types of activities do not need E&SC Plans (although they still must follow good E&SC practices).
- Minor land-disturbing activities such as home gardens, landscaping repairs, and maintenance work.
 - Installation, maintenance or repair of any underground public utility line on an existing hard surface road, street, or sidewalk, confined to that area.
 - Septic tank or drainage field lines, unless included in an overall plan.
 - Individual service connections (water and sewer).
 - Tilling, planting or harvesting of agricultural or forest crops.
 - Repairing or rebuilding of tracks, right-of-ways, bridges, etc. of a railroad company
 - Installation of fence or sign posts
 - Shore erosion control projects on tidal waters, when within the regulatory authority of local wetlands boards (US Army Corps of Engineers, etc.).
 - Emergency work to protect life, limb or property.

Q: What are the applicable laws governing E&SC Issues?

A: The Virginia Erosion and Sediment Control Law (Updated July, 2013) Clean Water Act, National Pollutant Discharge Elimination System (NPDES).