

Activities Exempt from Construction General Permit Requirements

Sec. 7-2. - Definitions.

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

1. Such minor activities 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 existing hard-surface road, street or sidewalk, provided such land-disturbing activity is confined to the area of the road, street, or sidewalk which is hard-surfaced.
4. Septic tank line or drainage fields, unless included in an overall plan for a 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 feed lot 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 Code of Virginia, ch. 11 (§ 10.1-1100 et seq.) is converted to bona fide agricultural or improved pasture use as described in Code of Virginia, § 10.1-1163B.
8. Repair or rebuilding of the tracks, right-of-way, bridges, communicating 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, Code of Virginia, article 2 (§ 10.1-604 et seq.) of chapter 6 of title 10.1, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.
10. Disturbed land areas of less than ten thousand (10,000) square feet in size, unless otherwise included elsewhere in this chapter. The ten thousand (10,000) square foot minimum exemption shall not apply to any person who diverts or disturbs the channel of a stream or where there is probability of sediment being deposited into state waters or upon adjoining property owners. Such activity shall fall within the bounds of this chapter and all chapters and sections shall apply and a land-disturbing permit shall be required.
11. Installation of fence and signposts or telephone and electric poles and other kinds of posts and poles.
12. Emergency work to protect life, limb and 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 immediately in accordance with the requirements of the plan-approving authority.

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