



CHAPTER 3

State Minimum Standards and Specifications

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STATE MINIMUM STANDARDS AND SPECIFICATIONS

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MINIMUM STANDARDS FOR CONTROLLING EROSION AND SEDIMENT FROM LAND-DISTURBING ACTIVITIES

Application of the Minimum Standards

The Minimum Standards found in the VESCR are minimum state requirements for controlling erosion and sedimentation from land-disturbing activities. These Minimum Standards do not replace the requirement for individually developed erosion and sediment control plans; however, they do establish minimum requirements of soil conservation practice which apply to all land-disturbing projects.

Applicable Minimum Standards should be satisfied in each approved erosion and sediment control plan; however, if a plan is found to be inadequate in the field, the Minimum Standards apply in addition to the provisions of the approved plan, unless a written variance has been granted. Local inspectors and persons responsible for carrying out approved plans must therefore be aware of the Minimum Standards as well as the provisions of the approved plans themselves.

Nothing in the Minimum Standards shall limit the right of the Plan-Approving Authority to impose additional or more stringent standards for controlling erosion and sedimentation during the plan-approval process.

Note: See Chapter 8 for a complete copy of the Virginia Erosion and Sediment Control Regulations and the Minimum Standards.

Variances

The Plan-Approving Authority may waive or modify any of the Minimum Standards which are deemed inappropriate or too restrictive for site conditions, by granting a variance. Variances may be granted under the following conditions:

1. At the time of plan submission - an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
2. During construction - the person responsible for implementing the approved plan may request a variance in writing from the Plan-Approving Authority. The Plan-Approving Authority shall respond in writing either approving or disapproving such a request. If the Plan-Approving Authority does not approve a variance within 10 days of receipt of the request, the request shall

be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

3. The Plan-Approving Authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

The variance procedure is an important element of the plan review and enforcement programs. It is intended to maintain a necessary flexible, practical working relationship between local officials and applicants.