



## **Blasting Complaint Procedures for Property Owners**

The Loudoun County Fire Marshal's Office (LCFMO) is tasked through legislation with assuring compliance with the State Fire Prevention Code, as such we issue permits, monitor explosive use and investigate complaints of blasting operations with the exception of issues involving a mine or quarry (rock quarries are considered a mining operation). The Loudoun County Fire Marshal's Office investigation is principally focused on whether or not violations of the Loudoun County Code or Statewide Fire Prevention Code have been committed.

The Statewide Fire Prevention Code (SFPC) contains the regulations for the storage and use of explosives outside of a mining or quarrying operation. Mining and quarrying operations are regulated by the Virginia Department of Mines, Minerals, and Energy (DMME) [www.dmme.virginia.gov](http://www.dmme.virginia.gov). Complaints concerning mining or quarrying can be directed to the Charlottesville DMME Office, (434) 951-6310 or by email at [DmmlInfo@dmme.virginia.gov](mailto:DmmlInfo@dmme.virginia.gov).

The SFPC sets limits on the air and ground vibrations that can be created by blasting operations. These limits are based on long standing national standards and are not offered as a guarantee against damage from ground vibrations or air blast. Typically the repair of any damage alleged as a result of blasting is considered a civil matter between the property owner and the blasting company.

If blasting is to occur within 500 feet of any structure, the occupants must be notified. Structures that are within 150 feet must be offered a "Pre-Blast Survey". This survey is typically conducted by a third party engineering firm. The pre-blast survey is offered to document the existing condition of the structure and can assist the proper owner should damage occur.

If you have concerns regarding blasting in your area, please contact the Loudoun County Emergency Communication Center (ECC) at (703) 777-0637, please state why you are calling and request to speak with a Fire Marshal.

Please be aware that while blast noise and vibration can be held to non-damaging levels, it is normal for the blasts to be heard and felt, sometimes for considerable distances depending upon the local geology and weather conditions. The human body can sense ground vibrations at levels that are less than 1/100th of that necessary to cause even minor damage to structures.

Please have the following information available if possible:

- Your name, address and telephone numbers.
- The nature of the complaint, any alleged damage and the dates and times of the blast.
- Location of the blasting operation causing the complaint (if known)
- Blasting Company name or any information identifying the blasting firm and/or construction site (if known)

Please note that as part of the investigation process the Blasting Firm in question will be contacted and they are required to contact you as the complainant if you have any alleged damage.

## **What to do if your home is damaged from blasting debris (Fly-rock):**

The LCFMO has compiled the following information to assist property owners with property damage that may occur from blasting fly-rock. Fly-rock is rock or debris that leaves the permitted blasting site as a result of a blast and does not include dust.

- If you feel your home or property is unsafe or unstable, please safely exit the structure and immediately call 911.
- If your property is safe to inhabit, contact the Loudoun County Emergency Communication Center (ECC) at (703) 777-0637, please state why you are calling and request to speak with a Fire Marshal.
- If your property is damaged, contact your insurance company or agent to explore the option of submitting a claim.
- Please document the damage. If possible take photographs or video the damage.
- The blasting contractor may not automatically pay for damages to your property. Blasting firms are required to carry insurance. The LCFMO does not have the authority to force a blasting firm to pay a property owner for damages.
- Contact the blasting contractor or firm. It is possible that the blasting firm has made arrangements to compensate for damaged property.
- It is possible that your insurance company may be able to help recuperate financial loss from a contractor if the contractor does not respond to your request.
- In the event you decide to file a claim with your insurance company, please follow the direction provided by your insurance company as to any temporary repairs.

- Please understand the claim and repair process may take some time.
- If you feel your insurance company has refused to let you file a claim or improperly denied your claim, you may contact the State Corporation Commission, Bureau of Insurance at (804) 371-9741 to file a complaint.

## **What to Expect After Initiating a Blasting Complaint:**

- A Fire Marshal (FM) will contact you shortly after the LCFMO is notified of the complaint.
- A FM will request some basic information and may request to document any alleged damage or injury.
- A FM may suggest that you contact your insurance company if you allege any property damage or injury.
- The LCFMO will conduct an investigation at the blasting site to determine if any violations of the Loudoun County Code or SFPC have occurred.
- Determination of stopping or suspending a blasting operation will be made based on the necessary corrective action.
- The LCFMO will notify the blasting firm of the complaint and review all blasting records and seismology reports for violations of established vibration limits.
- Once the investigation is complete, a written summary report will be sent to the complainant and the blasting firm.
- All blasting firms who do business in Loudoun County are licensed and a permit is required for each blasting site.
- All blasting firms who do business in Loudoun County are required to report to the LCFMO any complaints they receive.
- All blasting firms who do business in Loudoun County are required to be insured. You may be contacted by a representative of the Blasting Firm and/or the Blasting Firm's insurance company if you have alleged damage.

### **Other Information:**

The LCFMO does not have the authority to order or compel the blasting firm to pay a property owner for alleged damages.

Violations of the Loudoun County Code and SFPC are treated as a criminal matter, the financial recovery for alleged damage caused by blasting is a civil matter.