



Loudoun County, Virginia
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Department of Building and Development
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TECHNICAL MEMORANDUM

March 20, 2008

TO: Members of the Land Development Community

**FROM: Kevin Haile, Program Manager, Erosion and Sediment Control
Department of Building and Development
Engineering Division**

**SUBJECT: Grading Permit Duration, Expiration and Re-Application Policies
And Procedures Effective January 2, 2008**

The purpose of this memorandum is to inform the Land Development, Engineering and Building Community of Loudoun County's requirements in regard to the duration, expiration and re-application policies and procedures for grading permits. Please take time to review this information and kindly distribute to applicable personnel within your organization.

In Loudoun County, the Department of Building and Development, Erosion & Sediment Control Team, reviews, approves and issues grading permits in accordance with the Virginia Erosion and Sediment Control Law and Regulations and local requirements. These regulations are found in the Codified Ordinances of Loudoun County, Chapter 1220, known as the "Loudoun County Erosion and Sediment Control Ordinance." Section 1220.06(k) contains the requirements for duration of permit. Section 1220.06(k) was amended in January of 2005 to read in part "Any permit granted pursuant to this section shall be in effect for no longer than three years after the date of issuance." The duration of grading permits prior to this ordinance amendment was set at one year.

The review of local E&S program effectiveness is the responsibility of the Virginia Soil and Water Conservation Board and the Virginia Department of Conservation & Recreation (DCR). The Loudoun County E&S Program has been found by the Board to be consistent with State regulations. Following an audit of the Loudoun E&S program by DCR in March of 2007 the administration of the E&S Ordinance was reviewed for effectiveness by County Staff. A review of section 1220.06(k) revealed that County staff has not enforced grading permit duration requirements.

Effective January 2, 2008 (“Effective Date”), the Loudoun County Department of Building and Development, Erosion & Sediment Control Team, began enforcing grading permit duration requirements. Holders of grading permits that are less than three years old have been and will be notified at least thirty (30) days prior to expiration with a letter, re-application form and instructions for re-application. If the re-application form and fee are received by the County prior to expiration the existing permit will be re-issued for three years. Holders of grading permits that are, or were as of the Effective Date, more than three years old were/will be notified with the same forms and given a one time opportunity (“Grace Period”) to re-apply. Any grading permit that expires, or had expired as of the Effective Date, and is not promptly re-applied for during its Grace Period, will be subject to an immediate Stop Work Order as described in Chapter 1220.12(a) Violations; Remedies; Civil Penalty; Notice.

The Department of Building and Development, Erosion & Sediment Control Team has taken considerable time and effort to make the Re-Application instructions and procedure as simple and user friendly as possible.

If you have any questions, please contact me at 703-771-5528.

Cc: Terrance Wharton, Director, Building and Development
Ron Brown, Office of the County Attorney