

Blasting in City of Lexington

Developers of the Kendal at Lexington property off of Enfield Road began blasting in May 2018. The blasting, which will take place during daytime hours, is necessary in order to install erosion and sediment control measures and to conduct construction related activities.

This is not a project of the City of Lexington local government, however, we want to help keep the community informed. Kendal has committed to notifying neighbors surrounding the project of upcoming blasts by a) providing written notice to adjacent property owners when information is received with enough time to do so, b) emailing a notice each day a blast is scheduled, and c) maintaining a blog regarding the construction at Kendal. Citizens may view the blog at kalexmasterplanupdate.blogspot.com.

Important Information

Your house may shake. Huge amounts of energy are being used to break rock. Feeling vibrations is normal.

Blasting is monitored. Blasting is monitored by the blasting contractor using seismographs and must not cause fly rock, damage from air blast overpressure or ground vibration.

The Fire Marshal will inspect the operations. Daily logs must be kept by the blasting company and provided to the Fire Marshal upon request.

Blasting may be done near your property line. Blasting can be done anywhere on an adjoining property as long as it is done in a manner that does not damage adjoining property and seismograph readings do not exceed one (1) inch per second.

Blasting may cause damage. Contact the Fire Marshal to report any possible damage. Investigators will check the blasting, monitor records to see if any violations have occurred and record damages. Have your name, address, phone number and dates/times/nature/location of damage ready when you call.

City of Lexington Fire Marshal:
Trent Roberts – (540)-463-3210

Kendal At Lexington Representative:
Julia Skare, P.E. – (434)-390-8956

FAQ from the Fire Marshal

Q: Who determines the need for the use of explosives at a construction site?

A: The use of explosives for construction purposes is determined by the general contractor and its sub-contractor(s).

The Code of Virginia and its related statutes dictate that the contractor is to determine the processes to manage and develop a construction site. Code Official(s) shall not deny any construction related permits when a contractor has met legal requirements.

Q: Who determines that the use of explosives meets legal requirements?

A: Explosives and its related industry are extensively regulated.

At the Federal level, explosives are the enforcement of the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE).

Within Virginia, explosives are regulated by the Commonwealth of Virginia, Department of Fire Programs, Fire Marshal's Office (VDFP/FMO). The VDFP/FMO sets the licensure requirement and parameters for a person to become a "certified blaster." The VDFP/FMO issues the license to operators of explosives.

The VDFP/FMO enforces explosives and related operations when the operation is to be conducted on Commonwealth property or upon the circumstance that the local jurisdiction does not have enforcement.

The fire marshal for the City of Lexington is responsible for issuance of explosives and fireworks permits, and enforcement of the applicable statutes.

Q: What is the process for obtaining explosives or fireworks permits within the City of Lexington?

A: The City of Lexington Fire Marshal is responsible for explosives and fireworks permits.

The City of Lexington Fire Marshal is contacted by the prospective explosives or fireworks contractor.

The contractor is issued an application.

The contractor returns a completed explosives or fireworks application to the Lexington Fire Marshal.

Required documentation to accompany the submitted application:

- a. the contractor's Virginia license to conduct such operations
- b. an insurance statement of liability coverage. Lexington is required to be listed as a rider on the contractor's liability policy.
- c. a plan, generally stating the scope of the project, and the operation(s) to be conducted. Fireworks plans require detailed information.
- d. the pre-blast survey, when applicable, assesses the structural condition of structures within 300 feet of the proposed blasting to record the condition of those structures prior to any blasting.

Q: What does the fire marshal do upon receipt of an explosives or fireworks application?

A: The fire marshal conducts a review of all documentation. Upon determination that all required documentation has been submitted, the fire marshal further investigates the

construction site for compliance with the statute(s). Part of the fire marshal's investigation includes solicitation of Lexington Department Directors for comment on the application.

The Lexington Fire Marshal either denies or issues the Explosives Permit. Denial of an Explosives Permit must be able to withstand legal scrutiny.

Q: Who ensures that the explosives contractor or pyrotechnician complies with the law?

A: As mentioned, explosives and fireworks are extensively regulated. The contractors charged with those responsibilities are generally studious. Violations of the law may seriously affect the livelihood of the contractor and technician. Serious violation of the law may result with heavy fines, to include incarceration. Explosive technicians understand their responsibility, and do not deviate from the law.

The fire marshal ensures compliance with the Statute(s). The Lexington Fire Marshal, or designee, attends all permitted blasting operations or fireworks displays. Although, the law does not require a jurisdictional official to attend the operations, the Lexington Fire Marshal has determined that all operations will be witnessed.

Q: What happens if a contractor violates the law?

A: Any violation of the law by an explosives contractor or fireworks pyrotechnician will be investigated, and aggressively addressed by the Lexington Fire Marshal.

The explosives or fireworks operation will immediately cease by issuance of a Stop-Work-Order by the fire marshal. The penalties may include, written reprimand; revocation of the Explosives Permit; summons and possibly arrest.

No explosives or fireworks operations will be allowed to continue until all legal dispositions are mitigated.