

LENAWEE COUNTY SOIL EROSION & SEDIMENTATION CONTROL

INDEX

	<u>PAGE</u>
General Information	2
Soil Erosion & Sedimentation Control Policy	4
Residential Standards	7
Commercial Standards	9
Enforcement Policy and Site Compliance	12

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND AND WATER MANAGEMENT DIVISION**

Part 91 of Act 451 of 1994

**SOIL EROSION AND SEDIMENTATION CONTROL
(formerly PA 347 of 1972, as amended)**

Why is erosion and sediment control important?

Sediment is the greatest pollutant by volume entering our lakes and streams. Sediment is the product of uncontrolled erosion. Everyone in Michigan is affected by erosion and off-site sedimentation. Erosion and sedimentation result in: loss of fertile topsoil, filling of lakes and streams, increased flooding, damage to plant and animal life, and structural damage to building and roads.

Construction is one of the major causes of erosion in Michigan. Without proper planning and management, over 100 tons of sediment per acre per year can be generated on some construction sites.

Why was Part 91 passed?

The primary intent of Part 91 is to protect the waters of the state by minimizing erosion and controlling sediment.

What activities require a permit?

A permit is required for any earth change that disturbs one or more acres, or is within 500 feet of a lake or stream. Exempted activities include plowing and tilling for crop production, logging and mining. However, access roads to the logging and mining operations are not exempt.

Where do I obtain a permit?

Counties have the primary responsibility for issuing permits. In some cases, cities, villages and charter townships have assumed permitting responsibility within their jurisdictions. Permit applications can be obtained from the respective county or local agencies.

What information is required in the permit application?

The applicant must provide specific information such as the name of the responsible individual, location and size of the earth change, description of the earth change, and project starting and ending dates. Additionally, a soil erosion and sedimentation control plan must be developed that will effectively reduce soil erosion and off-site sedimentation. The plan must include at a minimum:

1. A map showing the site location, physical limits of each earth change activity, predominant land features including lakes, streams and wetland, and contour intervals or slope information.
2. Soils information.
3. Location of existing and proposed drainage patterns.
4. Timing and sequence of each proposed earth change.
5. Description of all temporary and permanent erosion and sedimentation control measures.
6. A schedule for maintaining all control measures.
7. Any other information required by the permitting agency.

What principles should be considered when developing a soil erosion and sedimentation control plan?

1. Integrate the overall construction design and activities to fit the physical and vegetative features of the site.
2. Stage construction and stabilization activities to minimize the area and duration of disturbance.
3. Identify control measures that will minimize erosion.
4. Identify controls that will prevent off-site sedimentation. Sediment control should not be used as a substitution for erosion control, but rather in conjunction with erosion control.
5. Establish an inspection and maintenance schedule.

Is there a construction sequence which will help me comply with Part 91?

1. Obtain a permit from the appropriate county or local agency.
2. Install all temporary and permanent erosion and sediment control measures in accordance with the approved plan and special permit conditions.
3. Inspect all projects at least weekly and after every rainfall event to evaluate the effectiveness of the control measures.
4. Maintain all temporary and permanent control measures per plan or as needed based on the site inspections.
5. Notify the permitting agency for a final inspection when project is completed.

Are there penalties for not complying with permit conditions or Part 91?

Yes, there are several:

1. It is a misdemeanor to conduct regulated earth changes without a permit or in violation of permit conditions.
2. A person who owns land that is not in conformance with Part 91 is subject to a civil fine of up to \$2,500 per violation.
3. A stop work order may be issued until compliance is obtained.
4. The permitting agency can install or maintain control measures to bring a nonconforming site into compliance with Part 91 and bill the landowner for the costs incurred.

Who do I call if I have more questions?

Questions should be directed to the Designated County Enforcement Agency at:

Lenawee County Drain Commission
320 Springbrook Avenue
Adrian, MI 49221

Phone: (517) 264-4696

LENAWEE COUNTY SOIL EROSION AND SEDIMENTATION CONTROL POLICY

1. PERMIT PROCEDURES

In accordance with Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, Act 451 of 1994 as amended, (Part 91), and its corresponding General Rules, the undersigned herewith makes application for a permit to undertake a proposed earth change.

Permit requirements will be as follows:

- A. An application for a state prescribed permit shall be submitted to the Lenawee County Drain Commissioner(LCDC) by the person proposing to undertake the earth change. In land development, the application shall be submitted by the landowner or his authorized agent responsible for the earth change.
- B. The application shall be accompanied by a soil erosion and sedimentation control plan in accordance with the checklist.
- C. The soil erosion and sedimentation control plan shall be reviewed and approved by a designated person(s) by the LCDC who is trained and experienced in soil erosion and sedimentation control procedures.
- D. The LCDC shall approve, disapprove or require modification of an application for an earth change permit within thirty(30) calendar days following receipt of the application. Notification of approval shall be made by mail. If disapproved, LCDC shall advise the applicant by mail of its reasons for disapproval and conditions required for approval. The applicant shall make all necessary changes and re-submit plan to the LCDC.
- E. A state-prescribed permit shall be issued by the LCDC and shall include any additional provisions which may be required. The permit shall be available on the site of the earth change for inspection by the County Drain Commissioner or staff.
- F. An "authorized public agency" is exempt from obtaining a permit from a county or local enforcing agency but shall notify the LCDC agency of each proposed earth change.
- G. When an earth change is under the jurisdiction of two(2) or more local or county-enforcing agencies, the Michigan Department of Environmental Quality shall act as the enforcing agency.

2. PERFORMANCE BOND

For all earth changes requiring a Soil Erosion/Sedimentation Control Permit, a cash performance bond will be required. The bond amount will be determined upon review of the proposed soil erosion sedimentation control plan based on site location and characteristics.

3. EXTENSION OF TIME

If the permittee is unable to complete the work within the specified time, he may, at least ten(10) days prior to the expiration of the permit, present in writing to the Drain Commissioner a request for an extension of time setting forth the reasons for the requested extension. In the event such an extension is warranted, the Drain Commissioner may grant additional time for the completion of the work, but no such extension shall release the Owner or the person furnishing the cash bond.

4. DENIAL OF PERMIT

Grading permits shall not be issued where:

- A. The proposed grading would cause hazards to the public safety and welfare; or
- B. The work as proposed by the applicant will damage any public or private watercourse or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property; or
- C. The land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability or any other such hazard to persons or property; or
- D. The land area for which the grading is proposed may lie within the one hundred(100) year floodplain or any stream or water course(not specifically designated and delineated by the County as an area subject to flood hazard), unless a hydrologic report, prepared by a Professional Engineer, is submitted to certify that the proposed grading will have, in his opinion, no detrimental influence on the public welfare or upon the total development of the watershed.

5. VARIANCES AND EXCEPTIONS

- A. No permits shall be required for the following:
 - 1. Agricultural use of land-plowing and tilling for crop production.
 - 2. Certain Mining and logging activities.
 - 3. An earth change which is greater than five hundred >(500) feet from a lake or stream, and is less than one(1) acre in area.
 - 4. Beach nourishment project permitted under Part 325 of Act #451 of the Public Acts of 1994, as amended.
 - 5. Normal road and driveway maintenance.
 - 6. Although no permits are required under subsections A (1), (2), (3), (4), and (5) of this section, the operations and constructions exempted from obtaining permits must comply with the rules and regulations concerning grading and erosion.

B. Waivers may be obtained for the following:

1. An earth change of a minor nature that is stabilized within 24 hours of the initial earth disturbance and that will not contribute sediment to lakes and streams.
2. An earth change that will disturb less than 225 square feet and will not contribute sediment to lakes or streams.

C. Where it is alleged there is an error or misinterpretation in any order, requirements, decision, grant or refusal made by the Lenawee County Drain Commissioner, the Lenawee County Circuit Court shall have the power to hear specific Applications and may amend or change such order, requirements, decision, grant or refusal so that it is in harmony with the general purpose and intent of the requirements.

RESIDENTIAL STANDARDS LENAWEE COUNTY

Soil Erosion And Sedimentation Control Standards For Single Family Dwelling Construction And/Or Grading, Garages, Pools And Addition Projects.

1. A soil erosion and sedimentation control permit shall be obtained prior to the commencement of earth disturbance and prior to the issuance of a building permit. See R 323.1706 and R 323.1711.
2. In accordance with Public Act No. 53 of 1974, the permit holder shall call Miss Dig for staking and locating of utilities at least seventy-two (72) hours in advance of the start of any work.
3. Geotextile silt fence shall be installed, trenched and anchored properly along the perimeter of low laying areas, i.e., wetlands, swales, ditches and creeks, etc., that fall within the project's boundary. Check dams may also be required. See BMP guidelines "A" and "B" for descriptions, installation and maintenance of these temporary measures. Winter installation of silt fence can be facilitated by use of a frost pin and back filled with native material or construction sand. This measure may be required when in proximity to a sensitive area.
4. Daily maintenance of roadways shall be performed by sweeping, vacuuming, scraping and or shoveling dirt that has left the permitted site and entered roadways.
5. All approved temporary soil erosion and sedimentation control devices and measures as noted on plans shall be installed prior to the start of earth disturbance. Site visits by the Lenawee County Drain Commissioner's Office may require the installation of additional control measures prior to the commencement of earth moving.
6. Soil erosion and sedimentation control measures shall be monitored daily by the on site engineer, contractor or stormwater operator or other person designated as responsible on the Soil Erosion and Sedimentation Control Permit.
7. When dewatering is necessary during excavation or construction, all sediment laden water shall be outletted through a temporary sediment basin, or filtered through a filter bag or a vegetative buffer. Clean discharge water must be outletted in such a manner to prevent erosive velocities. See BMP guidelines "G" and "H" for description, installation and maintenance of these temporary measures.
8. Catch basins shall have filters around them or covering them consisting of various materials depending on the type and location of the structure. This control shall be installed prior to earth movement and must be inspected daily. See BMP guideline "E" for descriptions, applications, installation and maintenance of these temporary measures.
9. Topsoil piles shall be seeded and mulched or matted with the appropriate geotextile netting immediately after being stripped to prevent wind and water erosion. Stock piles shall not be located near roadways, waterways and wetlands unless approved control measures are installed. See BMP guideline "J" for description, installation and maintenance of this temporary measure.

10. Permanent soil erosion and sedimentation control measures for a project must be in place within 5 days (by law) after final grade has been achieved. If it is not possible to install permanent measures at this time, temporary measures must remain installed and maintained until permanent control measures are installed and the site becomes stabilized.

11. It is required that all temporary soil erosion and sedimentation control measures be removed after a site has achieved permanent stabilization.

12. The permit holder is responsible for maintaining the validity of the permit throughout the duration of construction and stabilization of a project. If the permit expires and the site lacks proper stabilization, the permit holder will need to renew the permit through this office and pay the original permit fees and cash bond. If the permit is renewed prior to expiration, it can be extended for the normal renewal fee.

COMMERCIAL STANDARDS
Lenawee County
Soil Erosion and Sedimentation Control
Standards For Subdivision And Commercial Projects

1. A soil erosion and sedimentation control permit application and control plan shall be applied for from the Lenawee County Drain Commissioner's Office for review and permit obtained **prior** to the commencement of earth disturbance and prior to the issuance of a building permit. See R 323.1706 and R 323.1711. Failure to obtain a Soil Erosion and Sedimentation Control Permit **prior to** construction constitutes a violation of the law, which is a misdemeanor.
2. In accordance with Public Act No. 53 of 1974, the permit holder shall call Miss Dig for staking and locating of utilities at least seventy-two (72) hours in advance of the start of any work.
3. Geotextile silt fence shall be installed, trenched and anchored properly along the perimeter of low laying areas, i.e., wetlands, swales, ditches and creeks, etc., that fall within the project's boundary. Check dams may also be required. See BMP guidelines "A" and "B" for descriptions, installation and maintenance of these temporary measures. Winter installation of silt fence can be facilitated by use of a frost pin and back filled with native material or construction sand. This measure may be required when in proximity to a sensitive area.
4. All approved temporary soil erosion and sedimentation control devices and measures as noted on plans shall be installed **prior** to the start of earth disturbance. Site visits by the Lenawee County Drain Commissioner's Office may require the installation of additional control measures prior to the commencement of earth moving.
5. Aggregate stone aprons shall be installed at all entrances and exits of the site **prior** to the start of earth moving. The apron's minimum dimensions will be: 50 feet in length, 10 feet in width and .5 foot deep. The minimum aggregate stone size will be 2.0 inches in diameter and will be supported by the appropriate geotextile fabric. See BMP guideline "C" for description, installation and maintenance of this temporary measure.
6. Daily maintenance of roadways shall be performed by sweeping, vacuuming, scraping and or shoveling dirt that has left the permitted site and entered roadways.
7. Topsoil piles shall be seeded and mulched or matted with the appropriate geotextile netting immediately after being stripped to prevent wind and water erosion. Stock piles shall not be located near roadways, waterways and wetlands unless approved control measures are installed. See BMP guideline "J" for description, installation and maintenance of this temporary measure.
8. Soil erosion and sedimentation controls shall be monitored and maintained daily by the on site engineer, contractor or stormwater operator.
9. Slopes in excess of 2 horizontal to 1 vertical shall not be used except with mechanical devices such as retaining walls, terraces and geotextile materials or other approved grade stabilization devices. See BMP guideline "F" for descriptions, installation and maintenance of some of these temporary/permanent measures.

10. When dewatering is necessary during excavation or construction, all sediment laden water shall be outletted through a temporary sediment basin, or filtered through a filter bag or a vegetative buffer. Clean discharge water must be outletted in such a manner to prevent erosive velocities. See BMP guidelines "G" and "H" for description, installation and maintenance of these temporary measures.

11. Catch basins shall have filters around them or covering them consisting of various materials depending on the type and location of the structure. Catch basins shall also be surrounded by 3 feet of stone rip-rap. This control shall be installed prior to earth movement and must be inspected daily. See BMP guideline "E" for descriptions, applications, installation and maintenance of these temporary measures.

12. When curb and gutter has been installed and rough grade has been achieved in subdivision and commercial projects, seeding and mulching shall occur to all bare areas and lots. See BMP guideline "I" for description, installation and maintenance of this temporary/permanent measure.

13. All stormwater outlets shall have flared end sections and be stabilized with rip-rap placed over geotextile materials. Rip-rap size, application and installation will vary with each application. See BMP guideline "D" for description, installation and maintenance of this temporary/permanent measure.

14. It will be necessary for the developer to have all storm water pipes, culverts, catch basins and structures cleaned prior to release of letters of credit or deposit being held for guarantee of soil erosion and sedimentation control performance.

15. All unimproved soil storage areas shall be topsoiled with a minimum of 4 inches of topsoil and sodded or seeded and mulched immediately after initial earth disturbance. During the non-growing season, geotextile or strawmatting properly anchored will be adequate. See BMP guidelines "K", "L" and "M" for descriptions, installation and maintenance of these temporary/permanent measures.

16. Ditch clean-out or ditch restoration projects shall include the daily seeding and mulching of leveled spoils and exposed slopes and if necessary, the addition of silt fence or straw mats to stabilize banks, and the use of rock check dams to reduce water velocities. See BMP guidelines "A", "B", "J", "K", and "L" for descriptions, installation and maintenance of these temporary/permanent measures.

17. In the non-growing season, stabilization of steeply sloped areas shall be done with erosion control matting. Seeding shall be done under mat if steep area is at final grade and to remain vegetated. See BMP guidelines "K" and "L" for description, installation and maintenance of these temporary/permanent measures.

18. Periodic inspections will be made throughout the course of the project. It will be the responsibility of the managers of the project to contact this office minimum 10 days prior to expiration of the permit for a final inspection.

19. A proposed earth disturbance site of five acres or larger is required to obtain a NPDES permit/notice of coverage from the MDEQ **prior** to the commencement of the earth disturbance. Permit application forms are available from the office of the Lenawee County Drain Commissioner and at the address below.

Michigan Department of Environmental Quality
Storm Water Permits-SWQD
Construction Fees
P.O. Box 30439
Lansing, MI 48909-7939
Phone: (517) 780-7927

20. Permanent soil erosion and sedimentation control measures for a project must be in place within 5 days after final grade has been achieved. If it is not possible to install permanent measures within this time, temporary measures must be installed and maintained until permanent control measures can be installed and the area stabilized.

21. This office requires a review of soil erosion and sedimentation control bids offered by the acting contractor for any commercial, industrial, condominium or subdivision project.

22. The permit holder is responsible for maintaining the validity of the permit throughout the duration of construction and stabilization of a project. If the permit expires and the site lacks proper stabilization, the permit holder will need to renew the permit through this office and pay the original permit fees and cash bond. If the permit is renewed prior to expiration, it can be extended for the normal renewal fee.

23. It is required that all temporary soil erosion and sedimentation control measures must be removed after a site has achieved permanent stabilization.

FLOODPLAIN PERMIT REQUIREMENTS

Prior to the issuance of a soil erosion and sedimentation control permit for construction and/or grading within a floodplain area, this office requires a copy of the necessary MDEQ permit to occupy or fill above the designated floodplain or in the case of construction in close proximity to a floodplain or flood prone area, a letter from the MDEQ stating that proposed construction will not impact upon those areas. Standards for soil erosion and sedimentation control shall follow the appropriate format for the proposed land use, i.e., residential or commercial.

ENFORCEMENT OF PART 91 OF ACT 451 SOIL EROSION AND SEDIMENTATION CONTROL SITE COMPLIANCE

When a permit is issued appropriate erosion and sedimentation control measures are designated on the permit to define site compliance. It is the obligation of the permit holder throughout the entire project to install, maintain, repair or replace erosion and sedimentation control devices until the project is completed and vegetative restoration is completed.

The definition of Site Compliance:

- a) Erosion and off site sedimentation are controlled with approved measures on a building site or within a defined area on the property.
- b) All required soil erosion and sedimentation control devices and practices are installed or used correctly and are functioning at full capability.
- c) All surface waters and accesses to subsurface water systems are protected from actual and potential erosion and sedimentation.

A number of inspections are planned for each permitted site. The first inspection takes place when the permit is issued and the remaining inspections are unscheduled and attended solely by an inspector. Inspections involve a review of the approved erosion and sediment control devices or practices: including the presence, correct installation, maintenance and effectiveness of those measures.

When an inspection finds a site out of compliance, a violation notice will be issued describing the necessary tasks needed to bring the site into compliance.

When corrections are not completed within 5 days after the mailing of a violation notice, and no discernible effort has been made, nor any discussion with this office on steps to be taken to bring the site into compliance, a cease and desist order may be issued as described by law. In instances where a clear effort has been made on a non-urgent issue, yet the condition is not completely resolved, a discussion with the enforcement staff is necessary to determine if additional time may be granted for corrections.

In the event a site is found out of compliance, the site will be in violation, and the cash bond deposit requirement will be activated. Initially, the cost of a site reinspection, \$25.00, will be deducted from the cash bond.

Any further occasions which find a site out of compliance will automatically result in a Cease and Desist order which will stop all work until an inspector verified compliance. Clear efforts and due diligence by a permit holder will be taken into consideration.

In the event of a violation, a violation notice will be sent to the landowner as prescribed under (Sec. 9117 of Part 91). Our office policy as stated in the Statement of Responsibility requires that every subsequent residential permit issued to the applicant found to be in violation will be required to provide at least a \$500.00 cash bond deposit. Cash bond deposits for commercial sites will be determined by the

Lenawee County Drain Commissioner. This activity is provided for under (Section 9108 of Part 91). Violators of the Act are required to follow this procedure for one year for each and every residential and commercial permit they apply for throughout the following year. Cash bond deposits will be released upon verification that the site has all permanent erosion control measures in place.

Urgent issues must be addressed within 5 days and a permit holder will be notified by phone or mail. An urgent correction includes potential and existing erosion and/or sedimentation conditions which will directly effect a sensitive water feature or drainage system.

If compliance is not achieved, the enforcement agency may enter the property 5 days after certified notification, and construct, implement, and maintain control measures in conformance with Act (Section 9119 of Part 91). No more than \$10,000.00 may be spent on these corrections. After 10 days, more than \$10,000.00 may be spent by the agency.

Reimbursement to the enforcement agency shall be the responsibility of the landowner. A lien on the property is one means of recovering the expenditure (Section 9120 of Part 91). Civil fines of not more than \$2,500.00 may be collected by the county agency under (Section 9121 of Part 91).

Should an erosion control plan need modification to attain full site compliance under the Act, our office reserves the right to add or modify measures as necessary, (Section 9117 of Part 91). Our office policy is to make reasonable efforts to work together with the permit holder to obtain site compliance.

DISCLAIMER

The Soil Erosion and Sedimentation Control Standards and Best Management Practice Guidelines for Lenawee County, State of Michigan, are informational only. Competent professional advice should be sought concerning the application of the Standards and Guidelines. The user shall be solely responsible for determining the suitability of the application of the information in any particular circumstance, and Lenawee County and the Lenawee County Drain Commissioner assume no liability therefor, and no guarantees are made that such standards will ensure compliance with all laws and regulations.

No reference contained herein to any procedure or product shall be construed as an endorsement of same by Lenawee County or the Lenawee County Drain Commissioner.

