

# Soil Erosion and Sedimentation Control Permit Information

Michigan's Part 91 law covers erosion control permits for earthwork and building projects. If you are undertaking an earth change (any type of clearing, grubbing, bulldozing, excavating, grading, building, etc.) that will be over one acre (43,560 sq. ft.) and/or within 500 ft. of a lake or stream, you are required to obtain an erosion control permit.

The permitting process for erosion control in Schoolcraft County is done by the Delta Conservation District, 6822 US 2-41 & M35 Gladstone, MI. 48937 (906) 553-7700.

There are a few types of earth change activities that do not require permits. The exempted activities are beach nourishment projects under Part 325; minor earth changes; normal road and driveway maintenance; changes of less than 225 square feet; plowing/tilling for crop production; mining; and logging. The exemption for mining does not apply to the removal of topsoil, sand, gravel, peat, clay, or marl. The exemption for mining and logging does not apply to ancillary or support facilities such as access roads, staging areas, processing facilities, and stockpiles that are outside of the "harvest" or "mining" area. Cutting trees and removing stumps to accommodate future development activities is not "logging" and permits are required. The exemptions listed above do not apply if the activity is a phase of site preparation for another land use activity that requires a permit.

## Frequently Asked Questions

### 1. Why is erosion and sediment control important?

Sediment is the greatest pollutant by volume impacting our lakes, streams, and wetlands. 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 buildings 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.

### 2. Why was Part 91 passed?

The primary intent of Part 91 is to protect the waters of the state and adjacent properties by minimizing erosion and controlling off-site sedimentation.

### 3. What activities require a Part 91 permit?

A permit is generally required for any earth change that disturbs one or more acres, or is within 500 ft. of a lake or stream. Copies of Part 91 and the rules can be found on the SESC Web page by going to: [www.michigan.gov/deqwb](http://www.michigan.gov/deqwb) and clicking on Soil Erosion and Sedimentation Control. Questions regarding whether an activity requires a permit should be discussed with the Delta Conservation District.

#### 4. Where do I obtain a Part 91 permit?

The Delta Conservation District is the County Enforcing Agency (CEA). In some cases, cities, villages, and townships have assumed permitting responsibility within their jurisdictions. Permit applications can be obtained from the respective county or municipal agencies. A list of Delta County permitting agencies can be found on the Districts Web site at [www.deltacd.org](http://www.deltacd.org) under Soil Erosion and Sedimentation Control.

#### 5. What information is required in the permit application?

The applicant must submit an application that provides specific information such as the name of the on-site responsible person, location and size of the earth change, description of the earth change, and project starting and ending dates. The applicant must also submit a SESC plan that includes the following information:

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

#### 6. How can I maintain compliance with Part 91?

1. Obtain a permit from the appropriate county or municipal enforcing agency.

2. Install all temporary and permanent SESC measures in accordance with the approved SESC plan and special permit conditions. Temporary SESC measures should be installed prior to or upon commencement of the earth change.
3. Inspect all projects at least weekly and after every rainfall event to evaluate the effectiveness of the SESC measures.
4. Maintain and/or replace all SESC measures per plan requirements or as needed based on the site inspections.
5. Notify the permitting agency when the project begins and for a final inspection when the site is stabilized. Note: If the permit will expire before the site is stabilized, a request for a permit extension must be made before the permit expires.

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

Yes, there are several:

1. A person may be subject to a civil fine of up to \$25,000 for each day of violation.
2. A cease and desist order or injunction may be issued until compliance is obtained.
3. The permitting agency may install or maintain control measures to bring the site into compliance with Part 91 and bill the landowner for the cost incurred.
4. A person may be ordered to restore all areas affected by the violation.

8. If I have a Part 91 permit, do I need to apply for storm water coverage under Part 31 of the NREPA?

Yes, if your earth change meets the requirement for storm water coverage. Storm water coverage is required for any earth change that disturbs one or more acres of land and has a point source discharge to the water of the state. A point source discharge is defined as any discharge by a specific confined conveyance such as, but not limited to, a pipe, ditch, channel, swale, or concentrated flow area. Storm water coverage is generally obtained through a Permit-By-Rule process which relies heavily on Part 91.

Owners of sites disturbing one to five acres with a point source discharge to the waters of the state receive automatic storm water coverage upon securing a SESC permit from the appropriate county or municipal permitting agency, or being designated an Authorized Public Agency (APA) under the authority of Part 91. Owners of sites disturbing over five acres with a point source discharge to the waters of the state must obtain a county or municipal SESC permit, or be designated an APA, and then submit a notice of coverage and other documents and the appropriate fee to the MDEQ. All owners with storm coverage, regardless of size, must comply with the requirements of Permit-By-Rule which include, but are not limited to having a construction site storm water operator conducting inspections weekly and within 24 hours of a precipitation event that results in a discharge from the site. The Delta Conservation District can provide the construction site storm water operator for those that do not have access to a certified storm water individual. There will be a separate charge billed to the individual or company requesting the service.