



FREQUENTLY ASKED QUESTIONS

Regarding

PART 91, SOIL EROSION AND SEDIMENTATION CONTROL (SESC), of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as Amended

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY – WATER BUREAU

Rick Synder, Governor – Dan Wyant, Director
DEQ Internet Home Page www.michigan.gov/deq

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.

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.

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 feet of a lake or stream. Exempted activities include plowing and tilling for crop production and some logging and mining activities. Access roads to the logging and mining sites and ancillary activities associated with logging and mining operations are not exempt. The removal of clay, gravel, sand, peat, or topsoil is not considered “mining” and therefore requires a permit. Cutting trees and removing stumps to accommodate future development activities is not “logging” and permits are required. All exempted activities are detailed in Sections 9115 and 9115a of Part 91 and in Rule 323.1705 promulgated under the authority of Part 91. Copies of Part 91 and the rules can be found on the SESC Web page by going to: 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 county or municipal permitting agency identified below.

Where do I obtain a Part 91 permit?

Counties have the primary responsibility for issuing permits. 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 county and municipal enforcing agencies can be found on the SESC Web page by clicking on *Soil Erosion and Sedimentation Control Agencies* under “Information.”

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.

What principles should be considered when developing a SESC plan?

1. Integrate the overall construction design and activities to fit the physical 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 used as a substitution for erosion control, but rather in conjunction with erosion control.
5. Establish an inspection and maintenance schedule.

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.

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 costs incurred.
4. A person may be ordered to restore all areas affected by the violation.

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 waters 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 pertinent documents and the appropriate fee to the Department of Environmental Quality (DEQ). 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.

If I obtain a permit from the DEQ's Land and Water Management Division for various land/water interface activities, do I need a Part 91 permit?

Yes, if the project involves earth work that is within 500 feet landward of a lake or stream or disturbs one or more acres.

Who do I call if I have additional questions?

Questions should be directed to the appropriate county or municipal enforcing agency or to the DEQ, Water Bureau staff listed below:

SESC Staff Directory

DEQ Districts	Staff	Telephone Numbers	E-Mail Addresses
Cadillac (northern lower peninsula)	Brian Jankowski	231-876-4474	jankowskib@michigan.gov
Grand Rapids (Barry, Ionia, Kent, Mecosta, Montcalm, Muskegon, Newaygo, Oceana & Ottawa Counties)	Brandie Stefanski	616-356-0211	stefanskib@michigan.gov
Jackson (Hillsdale, Jackson, Lenawee, Monroe & Washtenaw Counties)	Ken Mroczkowski	517-780-7693	mroczkowskik@michigan.gov
Kalamazoo (Berrien, Branch, Cass, St. Joseph, & Van Buren Counties)	Jerrold Sanders	269-567-3579	sandersj3@michigan.gov
(Allegan, Calhoun, & Kalamazoo Counties)	Sarah VanDelfzijl	269-567-3515	vandelfzijls@michigan.gov
Lansing (Clinton, Eaton, Gratiot, Livingston & Shiawassee Counties)	Stephanie Barney	517-335-6126	barneys@michigan.gov
(Genesee, Ingham, & Lapeer Counties)	Stephanie Kammer	517-335-6117	kammers@michigan.gov
Saginaw Bay	Matt Siler	989-894-6277	silerm@michigan.gov
Southeast Michigan (Macomb, Oakland, St. Clair & Wayne Counties)	Cheryl Petroski	586-753-3718	petroskic@michigan.gov
Upper Peninsula - West (Baraga, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Menominee, & Ontonagon Counties)	Lindsey Ringuette	906-346-8518	ringuettel@michigan.gov
Upper Peninsula - East (Alger, Chippewa, Delta, Luce, Mackinac, Marquette, & Schoolcraft Counties)	Mitch Koetje	906-346-8519	koetjem@michigan.gov

**INSTRUCTIONS FOR FILLING OUT APPLICATION FOR
SOIL EROSION AND SEDIMENTATION CONTROL PERMIT
UNDER PART 91 OF PUBLIC ACT (P.A.) 451, 1994, AS AMENDED**

**Muskegon County Department of Public Works
131 E. Apple Avenue, 4th Floor, Muskegon, MI 49442
Phone: 231-724-6411 Fax: 231-724-6118**

<http://www.co.muskegon.mi.us/publicworks/soilerosion/>

- Permit application should be filled out in ink or typewritten.
- Permit application may be filled out by an agent, engineer, architect or contractor; however, it must be signed by the property owner of the project as he/she will be the permit holder by State law.
- Plan review & permit fees should be submitted with the application. Permit will not be issued until all fees are received.
- All required information must be complete prior to permit application review. This includes the submission of all required drawings, maps, etc.
- Maximum time frame for permit issuance is 30 calendar days from date a complete application and payment are received.
- “Enforcing Agency” as used below means the Muskegon County Department of Public Works

APPLICATION QUESTIONS (The numbers below correspond to the question numbers on the application)

1. State the project name, address of project parcel (if parcel does not have address yet, state “not issued yet”), subdivision & lot number (if applicable), municipality (township, city or village where project is located). For townships, state the section number and the town and range numbers (this information is available on the standard county map issued by the Muskegon County Road Commission or is typically on the parcel legal description). **PARCEL TAX I.D. NO. MUST BE PROVIDED.**
2. Include the property owner’s name. If owner is a business or corporation, state business name and designated contact person. Provide mailing address, telephone numbers where owner or contact person can be reached days, nights/weekends and a fax number if applicable. An on-site responsible person and telephone number must be provided. If a name is not specifically provided, the owner or contact person will be listed as the on-site responsible person. Please include an e-mail address for faster response time to questions concerning the project. If there are problems with erosion control measures, the owner, contact person, and/or on-site responsible person will be contacted and will be expected to act immediately to remedy problems.
3. Provide name of engineer, architect, or agent, if applicable, which prepared or aided in preparing design plans or is responsible for on-site decisions, changes, etc. Agents must have an original written statement from the property owner authorizing him/her to secure a permit in the property owner’s name. Provide name of person who should be contacted with questions or comments. Provide the mailing address, phone number, and fax number of the engineering/architectural firm or agent. Provide e-mail address of contact person. It is recommended, although not specifically required, that a licensed professional engineer or architect aid in preparing the necessary plans, maps and drawing exhibits for the permit application. Plans prepared by licensed engineers or architects must bear the seal and signature of the licensed professional.
4. Provide name of the prime or general contractor who will be in charge of site work. If no contractor is chosen yet, state “To Be Determined”. Provide the mailing address, daytime phone number, fax number, and email address of the contractor. Provide the name of the designated site supervisor or manager responsible for on-site activities (often the same as the on-site responsible person in number 2 above). Provide the name of the contractor’s designated emergency contact person, their night/weekend telephone number, and mobile phone number should it be necessary to perform emergency repairs to the site or erosion control measures. The emergency contact person should have the authority and ability to perform any work needed to repair or replace damaged erosion control measures as well as the authority to procure and install additional erosion control measures if required.
5. A brief description of the work would include such items as buildings, parking areas, drives, ancillary structures, docks, grading, reshaping, utility construction, single family home and yard, etc. State major items of construction only. Indicate phases of construction, if applicable.
6. State the total area of the subject parcel, regardless of how much area is being disturbed for construction. State the approximate size of the area which will be disturbed due to construction. This should include areas disturbed for any portion of construction including areas where topsoil will be stripped, building areas, stockpile areas, driveways, parking areas and areas cleared for landscaping or lawns. This value should be estimated to the nearest 1/10th acre. An acre is 43,560 square feet.

7. Check the drawings actually submitted with application. Maximum scale for drawings is 200 feet per inch except for the site location map. Owner and contractor shall be bound to constructing all erosion controls in accordance with the approved plans unless revisions are approved by the enforcing agency. For professionally prepared plan sets, please submit one (1) large size drawing set and one (1) 8.5" x 11" or 11" x 17" plan set. The small set will be sent out with the permit. Potential maps or plans are as follows:
 - a. The **Site Location Map** may be at a larger scale provided distances are shown so that the enforcing agency personnel are able to accurately locate the site in the field to perform inspections.
 - b. The **Topographic Map** must show preconstruction contours, direction of surface runoff flow, distances to any type of water course including lakes, streams, open ditches, closed storm drains, county drains, highway ditches, wetland areas, and intermittent drains within 500 feet of the closest edge of earth disruption on your project.
 - c. The **Site Development Plan** must show all proposed earthwork, buildings, construction, drives, parking, lawn & landscaped areas, etc. Show phases of construction, if relevant (example: a subdivision which would be built in 3 phases such as 1/3 of the development each year for three years). Show all proposed improvements to the site.
 - d. The **Final Grading and Drainage Plan** should show final proposed contours, how runoff and snowmelt will be handled, any detention and retention areas, outlets to drains, ditches, lakes, etc. Show that no water will be leaving your site except under controlled conditions in accordance with local, state and federal regulations.
 - e. The **Soil Erosion & Sedimentation Control Plan** must show the proposed methods and means for controlling the migration of soil from your site, both during construction and permanently after construction. Soil should be protected from erosion due to both wind and water. The drawings should incorporate the Michigan DMB Keying System symbology as much as possible. The DMB keying system is available as a PDF file on the website listed on page 1 of the instructions. Indicate whether each measure proposed will be temporary or permanent in nature. Be aware that regardless of what your drawing shows, should enforcing agency personnel find that additional soil erosion control measures are required, they must be placed in accordance with the instructions from the enforcing agency.
 - f. The **Dewatering Plan** shall indicate if drain sock, Kelly wells, or well points will be used. Indicate proposed discharge point. If well point or Kelly well discharge will flow into a water of the state, discharge shall first pass through a sediment bag or other approved device.
 - g. **Additional Plan Sheets, Details or Other Information.** Include details of other erosion control measures not included in the Michigan DMB Keying System or clarification for measures which are in the Michigan DMB Keying System. This also includes other plan sheets and detail sheets you believe will aid in the understanding of what your project entails. Other information includes such things as photographs, report exhibits, quadrangle maps or any other type of information not specifically mentioned above.
8. Describe the type of soils which may be found on the site. Typical soils include sand, gravel, clay, hardpan, muck, peat and silt. Combinations of some or all of these soils are found on many sites in the county. Provide boring logs from the site if available. Soil survey means "Soil Survey, Muskegon County, Michigan" as published by U.S. Department of Agriculture, 1968.
9. Identify by name, where applicable, all watercourses located within 500 feet of the development. These watercourses should match those shown graphically on drawings as required in Item 7 above. All watercourses should be identified, whether or not they have a unique name. State what will be the ultimate outlet for the stormwater and snowmelt generated on your site.
10. State the approximate construction schedule for all major tasks in your construction project. It is understood that this schedule is an estimate and you will not be bound to exact dates unless specified in the permit. In general, the schedule is an aid to the enforcing agency in determining whether a certain erosion control measure will be appropriate as it is being proposed. A detailed schedule can be included as an attachment.
11. Give a brief description of the temporary soil erosion control measures which will be used. Examples include the use of silt fence on property lines and between disturbances and water features, placing seed on stockpiles, catch basin protection, etc.
12. Briefly discuss the permanent soil erosion control measures to be incorporated into your construction. Examples include topsoil/seed/mulch applied to all disturbed areas not receiving pavement, installation of on-site storm sewer to collect and transmit runoff, or placing rip-rap at the outlets of conduits to prevent bank erosion.
13. Name and address of the person (or designated person/title within a corporation) who will be the responsible party for maintenance of the permanent soil erosion control measures installed on the site. The Property Owner at the project (or a designated representative with signatory authority if a business or corporation) must sign and date the application. Engineers, Architects, Agents, Contractors or other parties are not permitted to sign the application for the Property Owner without providing a signed statement authorizing signer to act as an agent on behalf of Owner.

PLAN REVIEW & PERMIT FEES WITH INSPECTIONS
(Effective December 8, 2011)

A.	<u>SINGLE FAMILY RESIDENCE CONSTRUCTION PROJECTS</u>	
	Plan Review & Permit Fee	\$160
	Written Assurance / Waiver Form (if permit not required)	\$25
B.	<u>MINOR LIMITED DISTURBANCE PROJECTS (1000 square feet or less of disturbance)</u>	
	Plan Review & Permit Fee	\$75
C.	<u>LAND DEVELOPMENT</u> (subdivisions, multi-family residential, industrial, recreational, service facilities, cut & fill, demolition & restoration)	
	Plan Review & Permit Fee - Up to 1 acre of disturbance	\$225
	Each additional acre or fraction thereof	\$50
D.	<u>TRANSPORTATION FACILITIES</u> (streets, highways, railroads, airports.)	
	Plan Review & Permit Fee - Up to 1 mile of project length	\$225
	Each additional 1 mile section or fraction thereof	\$100
E.	<u>UTILITIES</u> (underground pipelines & cables, etc.)	
	Plan Review & Permit Fee - Up to 1 mile of project length	\$225
	Each additional 1 mile section or fraction thereof	\$100
F.	<u>WATER IMPOUNDMENTS & WATERWAY CONSTRUCTION & IMPROVEMENTS</u>	
	Plan Review & Permit Fee - Up to 1 acre of earth disturbance	\$125
	Each additional 1/2 acre or fraction thereof	\$50
G.	<u>SAND & GRAVEL MINING</u>	
	Plan Review & Permit Fee - Up to 1 acre of earth disturbance	\$200
	Each additional acre or fraction thereof	\$10
H.	<u>CONVERSION OF LAND TO CROPLAND</u>	
	Plan Review & Permit Fee—Up to 5 acres of earth disturbance	\$125
	Each additional acre or fraction thereof	\$10

NOTES:

1. The Muskegon County Department of Public Works reserves the right to adjust upwards the minimum permit fees established above, if in the opinion of the Department, listed fees are not adequate to provide services to a given Permittee.
2. Construction operations found in violation of the ordinance will be charged twice the calculated fee.
3. Projects requiring extra inspection due to lack of implementation of the approved plans, including maintenance of the erosion controls, will be charged directly for time and materials to achieve compliance.
4. Non-residential projects over 5 acres of disturbance will require assurance of compliance bond in the form of a certified check or irrevocable bank letter at a rate of \$1000 per acre of disturbance.
5. Make checks payable to: Muskegon County Department of Public Works. Cash is accepted. Credit cards are accepted but additional fees apply.
6. Conversion to cropland fee schedule only applicable if earth disturbance is for purpose of immediate conversion of land for crop production; subject to Department approval.

**MUSKEGON COUNTY SOIL EROSION & SEDIMENTATION CONTROL
PERMIT APPLICATION
PART 91, ACT 451, PUBLIC ACTS OF 1994, AS AMENDED**

**Muskegon County Department of Public Works
131 E. Apple Avenue, 4th Floor
Muskegon, MI 49442
Phone: 231-724-6411 Fax: 231-724-6118
<http://www.co.muskegon.mi.us/publicworks/soilerosion/>**

1. Proposed Project Name: _____

A. Project Address: _____ Subdivision : _____ Lot No: _____

B. Municipality: _____ Township Section: _____ Town: _____ North, Range: _____ West

C. Parcel Tax I.D. No.(s) (required): 61- _____

2. Property Owner (Not agent)*: _____

Contact Person*: _____ E-Mail address: _____

Mailing Address: _____ City: _____ State: _____ Zip Code: _____

Phone (office): _____ Phone (mobile): _____ Fax: _____

On-Site Responsible Person (non-residential uses): _____ Telephone: _____

*Responsible for compliance with and maintenance of soil erosion control measures and compliance with enforcement actions.

3. Engineer/Architect or Agent (if applicable): _____

Contact Person: _____ E-Mail address: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Phone (office): _____ Phone (mobile): _____ Fax: _____

4. Contractor (If known): _____

Contact Person: _____ E-Mail address: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Emergency Contact Information**: Phone (office): _____ Mobile: _____

**Will be contacted in case of failure of erosion control measures or if additional emergency measures are required.

5. Brief description of project (work to be accomplished): _____

6. Total area of parcel (acres): _____ Approximate extent of earth disruption (acres): _____. Include all excavations, building footprints, stripped areas, drives, stockpiles and any other area disturbed by construction activities.

7. List of drawings submitted with application. Check items submitted on lines provided below.

SINGLE FAMILY HOME OR MINOR PROJECTS (1000 SQUARE FEET OR LESS)

Items a, b, and c, MUST be submitted at a minimum.

- ___ a. Site Location Map (indicate route or directions to drive to site).
- ___ b. Site Development/Soil Erosion & Sedimentation Control Plan – Show all existing and proposed structures, limits of earth disturbances, proximity to lakes or streams, predominant land features and slope description. Indicate location of all temporary and permanent erosion control measures. Indicate where stormwater runoff from driveways and gutter downspouts will be discharged. These items can be combined on one plan or divided onto separate pages. SEE EXAMPLE PLAN AVAILABLE ON WEBSITE.
- ___ c. Copy of site survey or legal description. If site development / soil erosion & sedimentation control plan discussed above is drawn on a scaled copy of a site boundary line survey, this requirement will be satisfied.
- ___ d. Other Drawings (if applicable) – Include items like photographs, report exhibits, or any other type of information which helps explain your proposed project.

ALL OTHER DEVELOPMENTS

Items a, b, c, d, e, and f MUST be submitted at a minimum. Items c, d, e, and f must be at a scale not to exceed 200 feet to the inch. Several types of drawings may be combined onto one single drawing, as long as all required information is present. If drawings are electronically prepared, provide one (1) full size set and one (1) set reduced to 11" x 17" or 8.5" x 11". Applications not containing ALL required drawings will not be reviewed until all required information is received.

- ___ a. Site Location Map (indicate route or directions to drive to site).
- ___ b. Legal description or boundary line site survey. Provide complete legal description of the parcel as it appears on your deed or on a survey of the property as prepared by a licensed surveyor of the State of Michigan.
- ___ c. Topographic Map (indicate contours, runoff flow direction, proximity of earth disruptions to lakes, streams, ditches, drains or wetlands).
- ___ d. Site Development Plan (show all land improvements and limits of disturbance).
- ___ e. Final Grading and Drainage Plan (show final contours, storm runoff/snowmelt retention, outlet, etc.).
- ___ f. Soil Erosion & Sedimentation Control Plan (use Michigan DMB SESC Keying System. Include details of control methods as necessary).
- ___ g. Dewatering Plan (if dewatering will be performed, provide the following: 1.) point of discharge, 2.) method of pumping, 3.) erosion controls at discharge point).
- ___ h. Additional Plan Sheets, Details or Other Information: _____

8. Type of soil(s) being disrupted (check): a.) ___ Sand b.) ___ Silt c.) ___ Clay d.) ___ Muck e.) ___ Other

Soil Survey Classification (if known) or other soil type not listed above: _____

9. Identify all lakes, streams, open ditches, watercourses, storm drains, wetland and enclosed storm drains located within 500 feet of the development. Include a statement as to where the storm drainage/snowmelt will ultimately be discharged.

10. Estimated Start Date: _____ Estimated Completion Date: _____

Present the estimated chronological sequence and time of year (as close as possible) for each major phase of earth disruption and restoration involved in the project.

11. Indicate briefly the temporary measures proposed to prevent any soil from leaving your development during each phase shown in item 10 above.

12. Indicate briefly the permanent measures proposed to prevent any sediment from leaving your development after completion.

13. Who will be responsible for the maintenance of the permanent measures as identified in Item 12?

Name: _____

Address: _____ City: _____ State _____ Zip Code: _____

I (we) affirm that information provided is accurate and that I (we) will conduct the proposed earth change in accordance with Part 91 of Public Act 451 of 1994, as amended, its corresponding rules and applicable ordinances.

I (we), or duly authorized agent, authorizes Muskegon County, its employees, or its contractors to enter the project site to: 1.) Inspect or investigate conditions or practices that may be in violation of Part 91; 2.) Install soil erosion and sedimentation controls to prevent accelerated erosion, damage to lakes or streams, or damage to other properties. All costs related to administrative, legal, permit or renewal fees, and implementation of controls can be assessed against the permit holder and/or landowner and may become a lien on the property.

Property Owner's Signature Print Name Date:

Agent's Signature (if applicable)* Print Name Date:

*Agent must have an original written statement from the Property Owner authorizing him/her to secure a permit in the Property Owner's name. Original permit will be issued to Property Owner, as required by State law, with a copy provided to Agent.