

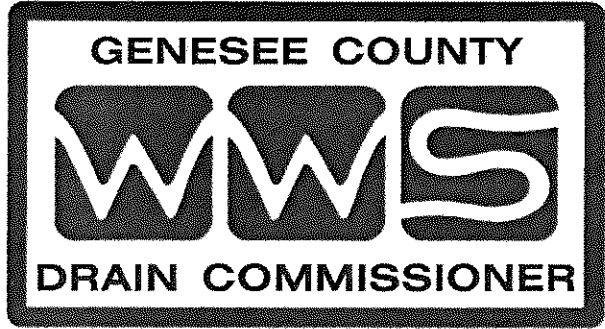
LOG NO: _____

DATE: _____

**SOIL EROSION AND SUBMISSION PROCEDURE AND POLICY
PERMIT APPLICATION REVIEW PACKET**

FOR

GENESEE COUNTY, MICHIGAN



**SOIL EROSION AND SEDIMENTATION CONTROL
INFORMATION RELATING TO PART 91 OF ACT 451**

1. SESC PLAN SUBMISSION REVIEW

In accordance with Act 451 of the Michigan Public Acts of 1991, Part 91 ("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. A landowner or designated agent who contracts for, allows, or engages in, any earth change in the County of Genesee, State of Michigan shall obtain a Soil Erosion and Sedimentation Control (SESC) permit or, if applicable, waiver from the Genesee County Drain Commissioner-Division of Water and Waste (GCDC-WWS). SESC permits are required before commencing an earth change which disturbs 1 or more acres of land or which is within 500 feet of the water's edge of a lake or stream. SESC waivers may, at the sole discretion of GCDC-WWS, be issued before commencing an earth changing activity. In land development, the application shall be submitted by the landowner or his designated agent, whoever is responsible for the earth change. The landowner information shall be provided and the permit will be issued in the name of the landowner.
- B. The application shall be accompanied by a SESC plan in accordance with Part 91 and the attached completed checklist.
- C. The SESC plan shall be reviewed and approved by a person designated by the GCDC-WWS who is trained, certified and experienced in SESC techniques. Prior to the permit being issued a site inspection may be conducted.
- D. GCDC-WWS shall approve, disapprove or require modification of an application for an SESC permit within 30 calendar days following receipt of an application all associated fees and securities. Notification of approval shall be made by first class mail or other method acceptable to GCDC. If disapproved, GCDC-WWS will notify the Applicant by first class mail other method acceptable to GCDC of its reasons for disapproval and conditions required for approval. The Applicant shall make all necessary changes and re-submit its plan to GCDC-WWS. GCDC-WWS has thirty (30) calendar days to approve, disapprove or require modification of the resubmitted application for an SESC permit.
- E. A field inspection of the site may occur prior to the SESC permit being issued. A field inspection of the installed SESC measures shall also be made by GCDC-WWS following issuance of the SESC permit to insure that all measures are in place and operational.
- F. All applicable fees shall to be paid to GCDC-WWS prior to any review taking place. As part of the applicable fees, the Applicant shall submit a security in the amount as determined by GCDC-WWS, in the form of cash, a certified

check, or an irrevocable bank letter of credit, whichever the Applicant selects, or a surety bond acceptable to the GCDC-WWS.

- G. In addition to other fees and/or fines the SESC permit fee will be doubled for starting a project without a valid permit.
- H. A state prescribed SESC permit shall be issued by the office of GCDC-WWS and shall include any additional requirements, which may be imposed at the sole discretion of GCDC-WWS. The permit shall be posted on the site of the earth change and documented inspections shall be performed during the course of the project.
- I. It is the responsibility of the landowner or designated agent to make corrective actions and to address concerns not specifically cited on the SESC permit and/or SESC plans but which may arise during construction as noted by the Storm Water Operator or by GCDC-WWS.
- J. An authorized public agency is exempt from obtaining a permit from GCDC-WWS but shall notify the GCDC-WWS of each proposed earth change.
- K. Two or more counties or municipal enforcing agencies may provide for joint enforcement and administration of SESC permits by entering into an interlocal agreement. If an interlocal agreement is not reached then each permitting agency shall issue its own SESC permit. It will be the responsibility of the land owner or designated agent to submit a SESC permit application to each appropriate review agency and pay all appropriate fees.
- L. The authority to conduct the activity as authorized by an SESC permit is granted solely under provisions of Part 91 and all corresponding administrative rules. A SESC permit does not convey, provide or otherwise imply approval of any governing act, ordinance or regulation nor does it waive the permittee's obligation to acquire any local, county, state or federal approval or authorizations necessary to conduct the activity.

2. SECURITY

- A. If a homeowner/landowner is undertaking an earth change on their residential property or single family lot, a security may be required at the discretion of GCDC-WWS. If no security is required, the homeowner/landowner shall provide written authorization allowing GCDC-WWS to enter onto their property and perform any necessary work to gain Part 91 compliance in the event the site is in noncompliance. The homeowner/landowner must also acknowledge in writing that a lien will be placed on their property for the cost of the work done by GCDC-WWS.

When a contractor is performing the work, a security is required in the amount of \$3,000.00 per acre/or part of, shall be posted and retained until such time as the SESC permit is considered closed by GCDC-WWS.

- B. For earth changes involving transportation facilities and utilities an Applicant shall submit a security in an amount determined by GCDC-WWS in the form of cash, a certified check, or an irrevocable bank letter of credit, whichever the Applicant selects, or a surety bond acceptable to GCDC-WWS. The security shall be retained by GCDC-WWS until such time as the SESC permit is considered closed by GCDC-WWS.
- C. For earth changes involving commercial and multi-family projects an Applicant shall submit a security in an amount determined by GCDC-WWS in the form of cash, a certified check, or an irrevocable bank letter of credit, whichever the Applicant selects, or a surety bond acceptable to GCDC-WWS. All security shall be in the amount of \$3,000.00 per acre/or part of, shall be posted and retained until such time as the SESC permit is considered closed by GCDC-WWS.
- D. Any project that is administered or managed by GCDC-WWS will not require a SESC security. GCDC-WWS projects can require withholdings up to 5%, part of which will allow GCDC-WWS to conduct any work on the project if the work done is not satisfactory at the completion of the job.

3. DENIAL OF PERMIT

SESC permits shall not be issued where:

- A. The proposed earth change would cause hazards to the public safety and welfare; or
- B. The work, as proposed by the Applicant, may damage any public or private property 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 sediment on any public way or into any waters of the state or create an unreasonable hazard to persons or property; or
- C. The land area for which the earth change 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. A SESC permit may be revoked at any time if activities at the site may cause hazards to the environment, public safety and welfare or if changes

have been made to the site which falls outside of the permitted activities, scope and/or areas.

- E. If at any time the Construction Observer is not granted access to the property to perform a site inspection the SESC permit shall be revoked immediately.

4. MODIFICATION OF APPROVED PLANS

All modifications to the approved SESC plans shall be submitted to and approved by GCDC-WWS. All necessary sustaining reports shall be submitted with any proposal to modify the approved SESC plan. No earth work in connection with any proposed modification shall be permitted without the approval of GCDC-WWS. GCDC-WWS shall not review any modified plans unless all associated fees are paid.

5. RESPONSIBILITY OF EARTH CHANGER

During earth change operations the permittee shall be responsible for:

- A. The prevention of damage to any public utilities or services within the limits of earth change and along any routes of travel of the equipment.
- B. The prevention of damage to adjacent property. No person shall grade so close to the property line as to endanger any adjoining public street, sidewalk, alley or any public or private property without supporting and protecting such property from settling, cracking or other damage which might result.
- C. Obtaining all other permits from agencies having jurisdiction over the proposed work.
- D. Performing the proposed work in accordance with the approved SESC plans and in compliance with all the requirements of the SESC permit, waiver and this document.
- E. The prompt removal of all soil, miscellaneous debris or other materials, dumped or otherwise deposit on public streets, sidewalks or other public thoroughfares during transit to and from the construction, where such spillage constitutes a public nuisance, a hazard, or if a complaint is received by GCDC-WWS regarding the soil, miscellaneous debris, or other materials.

- F. Permanent stabilization of Detention/Retention Basin with vegetative cover must be completed as soon as basin is established. In an effort to minimize off site sediment discharge there shall be a note added to the drawings in regard to permanent stabilization of detention/retention basins.
- G. Permanent stabilization of any utility extensions on or offsite shall happen as soon as settling of the trench has occurred. Temporary SESC measures shall be installed as necessary to protect these areas from erosion and sedimentation.
- H. Winter Season Stabilization is needed by the 15th of October, i.e. seed and mulch, secured mulch blankets on steep slopes, ditches, stockpiles in the R.O.W., etc.
- I. Permanent stabilization shall take place five days after final grading.
- J. A copy of the Soil Erosion and Sedimentation Control Permit or Waiver form shall be on site at all times and available to GCDC-WWS staff.
- K. Conformance with all conditions contained within the SESC permit, Part 91, and the rules promulgated there under.
- L. Compliance with all cease and desist orders and any other enforcement measures determined necessary by GCDC-WWS.

6. MAINTENANCE REQUIREMENTS

The permittee is responsible for the daily maintenance of all temporary control measures until permanent measures are firmly established and the GCDC-WWS has performed a final inspection and granted approval.

7. VARIANCES AND EXCEPTIONS

- A. A permit is not required for any of the following:
 - a. A beach nourishment project permitted under part 325 of Act No. 451 of the Public Acts of 1994, as amended.
 - b. Normal road and driveway maintenance, such as grading or leveling, that does not increase the width or length of the road or driveway and that will not contribute sediment to lakes or streams.

- c. A person or persons engaged in the logging industry or the mining industry. This exception does not include access roads or ancillary activities associated with logging and mining.
- d. The plowing or tilling of land for the purpose of crop production or the harvesting of crops. **PLEASE NOTE:** A person engaged in agricultural practices (all land farming operations except the plowing or tilling of land for the purpose of crop production or the harvesting of crops) may enter into an agreement with the Genesee County Conservation District (GCCD) 1525 N. Elms Road Flint, MI 48532 (810) 230-8766 to pursue agricultural practices, if a person enters into an agricultural agreement with the GCCD, the GCCD shall notify GCDC-WWS in writing of the agreement. Upon entering into the agreement under a person is not subject to a SESC Permit, but is required to develop project specific soil erosion and sedimentation control plans and is subject to the remedies provided for in this part for violations of this part. If an agricultural agreement is not granted by the GCCD then a SESC permit is required by GCDC-WWS. It is the permittee's responsibility to provide a copy of the agricultural agreement to the GCDC-WWS. **The Michigan Right to Farm Act (Act 93 of 1981) DOES NOT waive one's responsibility of obtaining a SESC permit per Part 91 from WWS for farm related activities outside of plowing and tilling.**
- e. Installation of oil, gas, and mineral wells under permit from the supervisor of wells, if the owner-operator is found by the supervisor of wells to be in compliance with the conditions of Part 91.
- f. A residential property owner who causes the following activities to be conducted on individual residential property owned and occupied by him or her is not required to obtain a permit under this part if the earth change activities do not result in or contribute to soil erosion or sedimentation of the waters of the state or a discharge of sediment off-site:
 - i. An earth change of a minor nature that is stabilized within 24 hours of the initial earth disturbance.
 - ii. Gardening, if the natural elevation of the area is not raised.
 - iii. Post holes for fencing, decks, utility posts, mailboxes, or similar applications, if no additional grading or earth change occurs for use of the post holes.
 - iv. Removal of tree stumps, shrub stumps, or roots resulting in an earth change not to exceed 100 square feet.
 - v. All of the following activities, if soil erosion and sedimentation controls are implemented, the earth change is stabilized within 24 hours of the initial earth disturbance, and soil erosion or sedimentation to adjacent properties or the waters of the state has not or will not reasonably occur:

1. Planting of trees, shrubs, or other similar plants.
2. Seeding or reseeded of lawns of less than 1 acre if the seeded area is at least 100 feet from the waters of the state.
3. Seeding or reseeded of lawns closer than 100 feet from the waters of the state if the area to be seeded or reseeded does not exceed 100 square feet.
4. The temporary stockpiling of soil, sand, or gravel not greater than a total of 10 cubic yards on the property if the stockpiling occurs at least 100 feet from the waters of the state.
5. Seawall maintenance that does not exceed 100 square feet.

B. Where it is alleged there is an error or misinterpretation in any order, requirements, decisions, grant or refusal made by GCDC-WWS, the Genesee County Circuit Court shall have the power to hear specific applications and may amend or change such order, requirements, decisions, grant or refusal so that it is in harmony with the general purpose and intent of the requirements.

C. Waivers: GCDC-WWS may grant a SESC permit waiver for an earth change after receiving a signed affidavit from the landowner stating that the earth change will disturb less than 225 square feet and that the earth change will not contribute sediment to lakes or streams. A SESC permit waiver does not resolve any responsibilities of Part 91 and if there is a change in conditions a SESC permit may be required at a later date.

8. SESC FINES AND FEES

The fees created for the SESC permits and inspections established by GCDC-WWS are static. The fees are set in order to prevent Applicants from not pursuing a SESC permit due to a high fee structure. The fee schedule was established in a manner as to not cause the application process to be cost prohibitive. GCDC-WWS has met and agreed with the local municipalities that any deficiencies in the fund balance of the SESC program will be offset by the communities.

Single Family Residential (per lot or parcel)

Application Review Fee	\$35.00
Waiver for Single Family Residential	No Additional Charge
Permit Fee for Single Family Residential	\$75.00
Permit Fee for Personal Recreational Pond	\$50.00

Non Single Family Residential (Multi-Family, Commercial or Industrial)

Application Review Fee for Non Single Family Residential Site	
Less than 1 Acre	\$100.00
1-19 Acres	\$125.00
20-39 Acres	\$225.00
40 or More Acres	\$525.00
Waiver for Non-Single Family Residential Site	No Additional Charge

Permit Fee for Non-Single Family Residential <i>**Plus Cash/Certified Check, Surety Bond, or Letter of Credit as Required**</i>	\$100 Per Acre (Rounded Up) \$3,000 Per Acre
Utility -Transportation-Trench Construction	
Application Review Fee	\$100.00
Permit Fee	\$0.20 per lineal foot with a min. of \$250
Miscellaneous Fees	
Issue/Lift Cease and Desist Order	\$200.00
Commence Construction Without Permit	Double Normal Fee