

FREQUENTLY ASKED QUESTIONS REGARDING PART 91, SOIL EROSION AND SEDIMENTATION CONTROL, OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTIONS ACT, 1994 PA 451, AS AMENDED

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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, fillings 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 (70-100 cubic yards) 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 and some logging and mining activities. Access roads to the logging and mining site and any activities associated with 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 townships have assumed 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 and sediment control plan must be developed that will effectively reduce soil erosion and off-site sedimentation. The plan must include:

1. A map showing the site location, physical limits of each earth change activity, predominant land features including lakes, streams and wetlands, 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 complete.

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

1. A person who owns land that is not in conformance with Part 91 is subject to a civil fine of up to \$25,000 per day.
2. A cease and desist order or injunction may be issued until compliance is obtained .
3. The permitting agency can install or maintain control measures to bring a non conforming site into compliance with Part 91 and bill the land owner for the costs incurred.

Who do I call if I have more questions ?

Questions should be directed to the appropriate county or local agency. A listing of all county and municipal enforcing agencies can be found on the SESC home page at : www.deq.state.mi.us/iwm/water mgmt/soils/soils.html. Questions may also be directed to the following Department of Environmental Quality employees in the Land and Water Management Division:

Upper Peninsula..... Kevin Swanson, Negaunee 906-475-2066 Northern Lower Peninsula... Matt Johnstone, Cadillac 231-775-3960, Ext.6362 Southeastern Michigan..... Lisa Warner, Morrice 517-625-4612 Southwestern Michigan.....David Schipper, Grand Rapids 616-356-0276