

WASHTENAW COUNTY
~~GRADING~~/SOIL EROSION AND SEDIMENTATION CONTROL
ORDINANCE



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ARTICLE I, General

A. Rules Adopted

Part 91, Soil Erosion & Sedimentation Control, P.A. 451 of 1994, as amended and the [Rules 323.1701-1714](#), promulgated under Part 91 are hereby adopted by reference and made a part of this Ordinance as if fully set forth herein.

B. Purpose & Authority

~~Deeming it advisable~~ In the interest of preventing environmental harm caused by sedimentation and erosion; and to provide for, and as authorized by, the orderly and uniform administration of the soil erosion and sedimentation control provision of the State of Michigan and in particular part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended, being Sections 324.9101-324.9123a of the Compiled Laws of 1948 (MSA 13A.101-13A.9123a), and the Administrative Rules promulgated by the Michigan Department of Environmental Quality (“MDEQ”) and in particular, Rule 323.1701 to Rule 323.1714; the County of Washtenaw, Michigan does hereby adopt the following Ordinance:

~~The Washtenaw County Board of Commissioners hereby adopts this ordinance which states the procedures, standards and enforcement that shall be used by the Soil Erosion and Sedimentation Control (SESC) Division~~ [Program](#) ~~to manage soil erosion and subsequent sedimentation in order to promote the safety, public health, and general welfare of the community through effectively sustaining the goal of clean water in Washtenaw County and the State of Michigan.~~

~~C.~~ Authority

~~This ordinance is adopted under the authority granted by Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended, being Sections 324.9101 to 324.9123 of the Michigan Compiled Laws~~ [Annotated and the Administration Rules promulgated by the Michigan Department of Environmental Quality \(“MDEQ”\) and in particular, Rule 323.1701 to Rule 323.1714.](#)

C. Designated County Enforcing Agency

The [Office of the Washtenaw County Water Resources Commissioner](#) ~~Soil Erosion and Sedimentation Control Division~~ will be the designated enforcing agency for the County.

D. Objectives

- To ~~prevent~~ [discourage](#) soil erosion and off-site sedimentation resulting from earth changes, by requiring proper provisions for drainage and the protection of soil surfaces during and after construction

- To prevent unnecessary stripping of vegetation and loss of soils, especially adjacent to surface water
- To ensure that ~~promote inclusion of~~ soil erosion and sediment control ~~practices are incorporated~~ into site development in the planning and design process
- To ensure that all ~~drainage~~, soil erosion and sediment control facilities are properly designed, constructed, and maintained so as to provide water quality protection, and ~~prevent~~ the conveyance of sediment via wind and stormwater ~~runoff and the tracking of sediment off site.~~
- To eliminate the need for costly remediation projects as a result of accelerated soil erosion and sedimentation
- To provide for enforcement of this Ordinance and establish penalties for violations
- To provide education and assistance ~~to the community~~ regarding soil erosion and sedimentation

ARTICLE II, Language & Definitions

A. Language

The following rules of language shall apply to the text of this Ordinance:

The word “shall” is mandatory. The word “may” is permissive. When not inconsistent with the context, words in the present tense shall include the future and words designating singular numbers shall include the plural.

B. Definitions

The following rules, terms, and phrases shall have the definitions given:

ACCELERATED SOIL EROSION– the increased loss of the land surface that occurs as a result of human activities.

AGRICULTURAL PRACTICES– all land farming operations except the plowing or tilling of land for the purpose of crop production or the harvesting of crops.

AUTHORIZED PUBLIC AGENCY– a state agency or an agency of a local unit of government authorized by section 324.9110 to implement soil erosion and sedimentation control procedures with regard to earth changes undertaken by it.

BEST MANAGEMENT PRACTICES (BMP) – structural, vegetative or managerial measures ~~and/or~~ activities, which help ~~to prevent achieve~~ soil erosion and sedimentation. ~~control objectives.~~

BOARD OF COMMISSIONERS– Washtenaw County Board of Commissioners.

COMMERCIAL Major PROJECT– earth changes undertaken for the purposes of commerce, multiple residential, or public service, including, but not limited to residential developments (as defined), commercial projects and additions, industrial projects,

recreational developments, churches, schools, road and street construction, drainage construction, mining, utilities and pipelines not exempt under Part 91.

COUNTY DRAIN– drains established and/or constructed pursuant to the Michigan Drain Code (Act 40, P.A. 1956 as amended).

DESIGNATED AGENT – A person who has written authorization from the landowner to secure a SESC permit for the earthwork taking place on the landowner's property

DISTURBED AREA– an area of land subject to erosion due to the removal of vegetative cover and/or earth moving activities, including filling.

~~Drain Commissioner– Washtenaw County Drain Commissioner or authorized representative of the Drain Commissioner's Office.~~

EARTH CHANGE– a human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation. ~~of the waters of the State.~~ This includes, but is not limited to, grading and preparation for wells, septic fields (including perimeter drains), driveways, foundations, backfill, final grade changes, and stockpiling of material. "Earth change" shall not apply to the practice of plowing and tilling soil for the purpose of crop production and ordinary household gardens.

EARTH MOVING – Any alteration to a piece of land that includes the disturbance of soils either brought to the site and stock piled or graded.

EROSION– the wearing away of land by the action of wind, water, gravity, [tracking](#), or a combination thereof.

FILL– material placed on-site which raises an existing elevation.

GRADING– any stripping, excavating, filling, stockpiling or combination thereof, including the land in its excavated or filled condition.

LAKE– the Great Lakes and all natural and artificial inland lakes and or impoundments that have definite banks, a bed and visible evidence of a continued occurrence of water and a surface area of water that is equal to or greater than one acre. This does not include sediment basins and lakes constructed for the sole purpose of cooling water or for treating polluted water.

LANDOWNER- The person who owns the property or ~~who holds a recorded easement that allows earth changing activities to occur.~~

LOCAL AGENCY– City, Village, or Township.

MDNRE – Michigan Department of Natural Resources and Environment

MINING- the process or business of extracting ore or minerals from a mine.

MUNICIPALITY- means any of the following: a city, a village, a charter township, or general law township that is located in a [the](#) County. ~~with a population of 200,000 or more.~~

MUNICIPAL ENFORCING AGENCY– an agency designated by a municipality under section 9106 of Part 91 to enforce a local ordinance.

PART 91- Part 91, Soil Erosion and Sedimentation Control, P.A. 451 of 1994, as amended

PERMANENT SOIL EROSION AND SEDIMENTATION CONTROL

MEASURES— control measures installed or constructed to control erosion and sedimentation and maintained after project completion.

PERMIT TRANSFER – when ownership of a property subject to a permit under this ordinance is transferred.

PERSON— an individual, firm, partnership, corporation, association, organization, or legal entity of any kind including governmental entities.

POND— a permanent body of open water which is less than one (1) acre in size.

RESIDENTIAL ~~Minor~~ PROJECT— earth changes undertaken for a proposed or ~~already~~ existing private residence, landscaping activities that require a ~~grading soil erosion control~~ **SESC** permit or agricultural practices other than the plowing and tilling of fields for crop production.

RESIDENTIAL DEVELOPEMENT— subdivision developments as defined by Section 102 of Act 288, P.A. 1967, as amended; and/or site condominium developments or condominiums as defined by Act 59 of 1978, as amended, Section 559.101 et seq. of the Michigan Compiled Laws; and lot splits where three (3) or more sites are created.

RULES – the Administrative Rules promulgated by the Michigan Department of Natural Resources and Environment (“MDNRE”) and in particular, Rule 323.1701 to Rule 323.1714

SEA WALL MAINTENANCE— an earth change activity landward of ~~the~~ a seawall

SEDIMENT— any solid material, mineral or organic that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, or gravity as a result of soil erosion.

SEDIMENT BASIN- a naturally occurring or constructed depression used for the sole purpose of capturing sediment during or after an earth change activity

SITE— lot or parcel of land or combination of contiguous lots or parcels proposed for development or activity undergoing earth moving.

Site Plan (Permit)— ~~All project that meet the criteria for a permit under this Ordinance/ Part 91 shall have the required information submitted on a site plan~~

Site Plan (Waiver)— ~~All projects that meet the criteria for a waiver must submit a site plan with the required information provided within this Ordinance.~~

SOIL EROSION and SEDIMENTATION CONTROL (SESC) Grading PERMIT— a permit issued to authorize work to be performed under this Ordinance.

SOIL EROSION Grading WAIVER— a waiver forgoing the need for a **Soil Erosion Grading Permit**, issued after the receipt of a signed affidavit from the landowner, stating that the earth change will: 1.) Occur farther than 500 feet from all surface water (as defined), and disturb less than one acre; **or** 2.) Occur within 500 feet of surface water, disturb less than 225 square feet, and will not contribute sediment to surface water.

STABILIZATION– the proper covering of soil to ensure its resistance to erosion, sliding or other earth movement; can be temporary or permanent.

STATE – State of Michigan

STORM DRAIN– a conduit, pipe, natural channel, human-made channel, or human-made structure, which serves to transport stormwater runoff.

STREAM– a river, creek or other watercourse which may or may not be serving as a drain as defined in Act No. 40, of the Public Acts of 1956, as amended, which has definite banks, a bed, and visible evidence of continued flow or continued occurrence of water, including the connecting waters of the Great Lakes.

SURFACE WATER– any water including ponds, lakes, streams, rivers, county drains (as defined), storm drains (as defined) and wetlands, which holds or conveys water continually or seasonally.

TEMPORARY SOIL EROSION AND SEDIMENTATION CONTROL MEASURES - interim control measures which are installed or constructed to control soil erosion or sedimentation until permanent soil erosion control measures are established.

VEGETATIVE COVER– grasses, shrubs, trees, and other vegetation which holds and stabilizes soils.

VIOLATION – An action which is prohibited by the Part 91, the Rules promulgated under the part (323.1701-1714) and/or this Ordinance. A violation shall include any omission of failure to act where the action is required by the Act, the Rules, and/or this Ordinance.

WATER RESOURCES COMMISSIONER– Washtenaw County Water Resources Commissioner or authorized representative of the Water Resources Commissioner's Office.

WETLAND– land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life.

ARTICLE III, Soil Erosion & Sedimentation Control Permit & Waiver Information

A. **SESC–Grading Permits**

Earth changes requiring a **SESC** Grading Permit include the following except as exempted by Part 91:

- Earth changes within 500 feet of a surface water's edge and disturbing more than 225 square feet
- Earth changes (including spoils from grading activities) that disturb one (1) or more acres
- Access roads to logging and mining operations
- Ancillary activities associated with logging and mining

- The removal of clay, gravel, sand, peat, or topsoil
- Installation of new ponds or alterations to existing ponds, regardless of size or proximity to surface water
- Transportation facilities, including streets, highways, railroads, airports, common carrier pipelines and mass transit facilities
- Directional drilling or boring for installation of utilities or other infrastructure

An application shall be required and fee(s) paid as established by the Washtenaw County Board of Commissioners.

B. **SESC Grading-Waivers**

~~A Soil Erosion Grading Waiver will be required for:~~

A ~~SESC Soil Erosion Grading~~ Waiver will be required for projects that do not need a permit and are not exempt. They are required to attest to the extent of the earth change and its proximity to surface water for residential and commercial projects. Waivers may be granted for the following:

- Earth changes that are over 500 feet from all surface water that disturb less than one (1) acre
- Earth changes within 500 feet of surface water, disturbing less than 225 square feet, and not contributing sediment to surface water

A ~~Soil Erosion Grading~~ Waiver will be issued upon receipt of a signed affidavit from the landowner that the proposed project meets the above criteria as well as a erosion control plan. ~~for waivers as defined completed site plan.~~ Issuance of a ~~Soil Erosion Grading~~ Waiver shall not be construed as an exemption from enforcement procedures pursuant to Part 91 or this Ordinance. ~~Waivers shall be available for inspection at the site of the earth change and must be posted on site and clearly visible from the road~~

C. **EXEMPTIONS**

The following activities are exempt from ~~Soil Erosion Grading~~ Permits and ~~Soil Erosion Grading~~ Waivers:

- Earth changes of a ~~minimal~~ minor nature that are stabilized within 24 hours of the initial earth disturbance and will not contribute sediment to surface water (as defined).
- Gardening, if the natural elevation of the area is not raised

- 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
- Removal of tree stumps, shrub stumps or roots resulting in an earth change not to exceed 100 square feet
- A beach nourishment project permitted under part 325 of act no. 45 of the Public Acts of 1994, as amended
- Plowing and tilling of fields for the purpose of crop production
- Work performed by an Authorized Public Agency (as defined)
- Activities permitted by Municipal Enforcing Agencies
- Grading and leveling of existing roads that does not increase the width or length of the road and will not contribute sediment to lakes or streams
- Logging and mineral mining
- Soil borings or percolation tests and decks that are stabilized within 24 hours of the initial earth change and disturb less than 225 square feet
- Oil and gas exploration and development
- 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;

Planting of trees, shrubs, or other similar plants

- 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.
- 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
- 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
- Seawall maintenance that does not exceed 100 square feet

Exemptions from ~~SESC~~ Grading Permits and Waivers shall not be construed as exemptions from enforcement procedures if the activity results in a violation of Part 91 or this Ordinance.

D. Approval from Other Governmental Agencies

If a ~~SESC Grading~~ Permit is required, a local agency shall not issue a building permit without the applicant first obtaining a ~~SESC~~ Permit. ~~SESC~~ Permits and waivers issued in accordance with this Ordinance do not relieve the owner of responsibility for obtaining all other necessary permits or approvals from federal, state, county and/or local agencies. If requirements vary, the most stringent requirements shall be followed.

ARTICLE IV, Soil Erosion & Sedimentation Control Permit & Waiver Process

A. ~~SESC Grading~~ Permit and Waiver Application

All applications for ~~Soil Erosion~~ Grading Permits and Waivers are made through:

~~WASHTENAW COUNTY~~
~~Soil Erosion and Sedimentation Control (SESC) Division~~
~~705 N. Zeeb Rd.~~
~~P.O. Box 8645~~
~~Ann Arbor, MI 48107-8645~~

A ~~SESC Grading~~ Permit or ~~SESC Grading~~ Waiver shall be obtained prior to the start of any earth change including construction of access roads, driveways, well and septic field installation, tree and shrub removal or grading. The permit or waiver must be posted on-site and clearly visible from the road. Any unauthorized work shall be considered a violation of these procedures regardless of any later actions taken toward compliance. The ~~soil erosion permit~~ review period begins upon the receipt of;

- A completed application
- Erosion Control Plans as set forth in Article V.
- Fees established by the Washtenaw County Board of Commissioners.

The ~~SESC~~ Program shall approve, disapprove or require modification of the application for an earth change permit within 30 days following receipt of the application.

B. Performance Guarantees

A performance guarantee is required for all ~~commercial~~ ~~major~~ projects (as defined). The performance guarantee provides an assurance that all exposed soil surfaces will be stabilized should development discontinue or proper control measures are not installed and/or maintained. This performance guarantee shall cover all expenses incurred by Washtenaw County, including administrative and legal costs, required to implement and maintain soil erosion and sedimentation controls until the site is stabilized. ~~If the performance guarantee does not cover the cost of remediating the site the permit holder~~

will be responsible for the additional costs. The performance guarantee shall be in the form of cash, [certified check](#) or [irrevocable bank letter of credit](#).—~~or letter of credit and shall extend for the duration of the permit (until project completion). with the option of renewal for an amount to be determined by the Washtenaw County Board of Commissioners.~~ The performance guarantee will be returned to the applicant when the site is ~~completely~~ (permanently) stabilized and has met all requirements set forth by this Ordinance and Part 91.

~~B. Resource Remediation Fees~~

~~The Washtenaw County SESC Division may accept a resource remediation fee in lieu of a performance guarantee. The Resource Remediation Fee gives applicants for major grading permits the opportunity to contribute to a fund to be used for remediation of abandoned and non-stabilized sites. This contribution is usually less than the cost of obtaining a performance guarantee. Applicants who are eligible to participate are assessed an amount determined by the Washtenaw County Board of Commissioners. The Resource Remediation Fee satisfies the applicant's requirement for posting a performance guarantee.~~

C. Plan Review Process

Approval will be given to permit applications provided the [Erosion Control](#) ~~grading~~ plans meet the requirements of this Ordinance and Part 91, [323 Rules 1703](#). If the plan does not comply with the Ordinance, additional information [will](#) be required or the request shall be modified.

The application and [erosion control](#) ~~site~~ plan shall be acted upon within thirty (30) days [following the receipt of the application, plans and fees](#). Formal notice of approval is indicated by the issuance of a [SESC Grading](#) Permit outlining the work approved and necessary control measures.

[Erosion Control plan review shall be required and fee\(s\) paid as established by the Washtenaw County Board of Commissioners.](#)

D. Transfer of Permit

[Permit transfer shall occur when ownership of a property subject to a permit under this ordinance is transferred. If the property is subject to a permit transfer the original permit holder and new permit holder must submit a completed Transfer Form Application to the SESC Program for review. The permit transfer form must be completed by the transferor and transferee then submitted to the SESC Program within 30 days from the date of the original signatures. Failure to submit the application in time may result in a delay of transfer.](#)

The SESC Program will conduct a permit transfer inspection. The SESC Program will leave notice on site of the approved or denied transfer and provide notice by mail. If the permit transfer is denied, the non-compliance issues will be posted on site.

If the site is found to be in non-compliance the request for transfer will be denied and the current permit holder will be responsible for bringing the site into compliance and scheduling a re-inspection with the SESC Program.

E. ~~Denial of Permit~~

~~Soil Erosion~~ Grading Permits shall not be issued where:

- ~~• The application submitted is incomplete; or~~
- ~~• The proposed grading would cause hazards to the public safety and welfare; or~~
- ~~• The work as proposed by the applicant will damage any public or private property or interfere with any existing stream 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 stream or create an unreasonable hazard to persons or property; or~~
- ~~• 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 hazards to persons or property~~
- ~~• Work has not been approved by the local agency~~

E. Permit Expiration

~~Grading permits, except those issued for the removal of clay, gravel, sand, peat or topsoil do not expire. Permits will be considered active until final approval from the Soil Erosion and Sedimentation Control Division is given. Grading permits for the removal of clay, gravel, sand, peat or topsoil are good for one year.~~ Residential Soil Erosion Permits shall expire one year from the date of issuance. If a project requires a permit extension, the landowner and/or designated agent shall apply for permit renewal prior to expiration. If the landowner or designated agent does not apply to renew the permit before the expiration date, additional enforcement and fees shall be assessed as established by the Washtenaw County Board of Commissioners. Permits can be renewed for a period of six months. A second permit renewal will be at the Soil Erosion Officers discretion. To be eligible, the site must be in compliance and all outstanding fees paid.

Commercial Soil Erosion Permits do not expire. Permits will be considered active until final approval from the Soil Erosion and Sedimentation Control ~~Division~~ Program is given.

Soil Erosion Permits for the removal of clay, gravel, sand, peat or topsoil and landfill operations are valid for one year.

F. Permit Revocation

A ~~Soil Erosion Grading~~ Permit may be revoked for any of the following reasons:

- Violation of any condition of the permit: Article VIII
- Misrepresentation or failure to disclose relevant facts in the application or plans submitted
- Authorized work is abandoned or suspended for a period of ~~one (1) year~~. **six (6) months**

If a permit has been revoked for any reason, the permit process will have to begin again and an application, plans and necessary fees will have to be submitted.

ARTICLE V, Erosion Control Plan Requirements

A. **SESC Permit Requirements**

An application and two (2) sets of plans ~~prepared completed~~ as described below will be required for each project requesting a ~~Soil Erosion Grading~~ Permit. ~~The SESC Program Division shall perform a review and the applicant shall be subject to fees as determined by the Washtenaw County Board of Commissioners.~~ According to conditions set forth in Rule 1703.323, Part 91, as amended, the following information will be required:

~~Major Projects~~

- Names, addresses, and telephone numbers of the landowner **or designated agent** ~~developer, and petitioner~~
- Legal description of the affected parcel of land
- Site location map showing the site and all adjacent properties and proximity to all surface water within 500 feet at a scale not more than 1 inch = 200 feet. If not within 500 feet of surface water, a statement of such must be provided.
- Site plan at a scale of no more than 1 inch = 100 feet which includes:
 - Location of predominant features, including all proposed and existing structures and vegetation on-site and extending 50 feet beyond property lines
 - ~~Location and written description of soil types~~ **A soil Survey or a written description of the soil types of the exposed land areas contemplated for the earth change**
 - Existing and proposed topography at a minimum of two (2) foot contour intervals extending 50 feet beyond property lines **for commercial projects. General slope information for residential projects.**

Details for the proposed earth changes, including all of the following;

- ~~All areas delineated on the plans that are to be disturbed~~ **A description and the location of the physical limits of each proposed earth change**

- A description and location of all existing and proposed on-site drainage, including structure details rim elevations, and de-watering facilities, if applicable
 - The timing and sequence of each proposed ~~earth change~~ activity included but not limited to:
 - Temporary control measures installed
 - Gravel construction access installed
 - Land clearing
 - Detention/retention/sediment pond installation and stabilization
 - Road construction
 - Utility installation
 - Final grade/seed
 - Catch basin/ponds cleaned
 - Permanent control measures installed and functioning
 - Remove temporary control measures
 - ~~Type and location of proposed temporary soil erosion and sediment control measures and details including installation and removal~~ The location and description of procedures for installing, maintaining and removing all proposed temporary soil erosion and sediment control measures
 - ~~Type and location of proposed permanent soil erosion and sediment control measures and details~~ A description and the location of all proposed permanent soil erosion and sediment control measures.
 - ~~Statement of continued maintenance of all permanent erosion and sediment control facilities including designation of party responsible for maintenance~~ A program proposal for the continued maintenance of all permanent soil erosion and sediment control measures that remain after project completion, including the designation of the person responsible for the maintenance. Maintenance responsibilities shall become a part of any sales or exchange agreement for the land on which the permanent soil erosion control measures are located.
 - ~~Timing and sequence schedule indicating dates for the following:~~
 - ~~Temporary control measures installed~~
 - ~~Gravel construction access installed~~
 - ~~Land clearing~~
 - ~~Detention/retention/sediment pond installation and stabilization~~
 - ~~Road construction~~
 - ~~Utility installation~~
 - ~~Final grade/seed~~
 - ~~Catch basin/ponds cleaned~~
 - ~~Permanent control measures installed and functioning~~
 - ~~Remove temporary control measures~~
- Other information may be required to review the impact of the earth change in relation to the specifications of this Ordinance.

Minor Projects

- ~~Legal description of the property~~

- ~~Site location map showing the site and all adjacent properties and proximity to all surface water within 500 feet at a scale no more than 1 inch = 200 feet. If not within 500 feet of surface water, a statement of such must be provided.~~
 - ~~Location of predominate features including all proposed and existing structures and vegetation on site and extending 50 feet beyond property lines~~
 - ~~Soil information of site *A soil survey or a written description of the soil types of the exposed land area contemplated for the earth change*~~
 - ~~Grade/slope information of site *Contour intervals or slope direction*~~
 - ~~Areas delineated on plan that are to be disturbed *A description and the location of the physical limits of each proposed earth change*~~
 - ~~On site drainage facilities *A description and the location of all existing and proposed on site drainage and dewatering facilities*~~
 - ~~Location and types *description of* for installing and removing temporary erosion and sediment control measures including installation and removal~~
 - ~~Type and location of proposed permanent soil erosion and sediment control measures and details~~
- ~~Statement of continued maintenance of all permanent erosion and sediment control facilities including designation of party responsible for maintenance~~
- ~~Timing and sequence schedule indicating dates for the following:~~
 - ~~Temporary control measures installed~~
 - ~~Gravel construction access drive installed~~
 - ~~Land clearing~~
 - ~~Final grade/seed~~
 - ~~Permanent control measures installed and functioning~~
 - ~~Temporary control measures removed~~
- ~~A program proposal for the continued maintenance of all permanent soil erosion and sediment control measures that remain after project completion, including the designation of the person responsible for the maintenance. Maintenance responsibilities shall become a part of any sales or exchange agreement for the land on which the permanent soil erosion control measures are located.~~

B. SESC Waiver Requirements

An application and erosion control plans prepared as described below will be required for each project requesting a SESC Waiver. The SESC Program ~~Division~~ shall perform a review and the applicant shall be subject to fees as determined by the Washtenaw County Board of Commissioners.

- Names, addresses, and telephone numbers of the landowner or designated agent
- Location on the property where the activity is taking place, including the limits of disturbance and the distance to surface water

C. Plan Modification

Changes to a permitted site will require modification to the [erosion control](#) plans. [Modified plans must be submitted for approval to the SESC Program within a minimum of five \(5\) days prior to the modification for approval.](#) The Soil Erosion Program [Division](#) shall perform another review and the applicant shall be subject to additional fees as determined by the Washtenaw County Board of Commissioners.

D. Standards & Requirements for Erosion and Sedimentation Control Measures [for Earth Changes](#)

All earth changes shall be designed, constructed and completed in a manner that limits exposed areas [to for the shortest possible time. as determined by the Washtenaw County Soil Erosion and Sedimentation Control Division.](#) A person shall install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and shall maintain the measures on a daily basis. [Stabilization of detention/retention pond will be needed before October 15th of each year or temporary stabilization of the site will need to be approved by the SESC Program.](#)

A person shall remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. All disturbed areas shall be stabilized within five (5) days of final grading.

All [SESC](#) grading plans shall include provisions for temporary and permanent erosion and sedimentation control measures and shall be implemented and maintained in accordance with the standards and specifications of the product manufacturer or those in accordance with, but not limited to, the minimum control measures contained in the most recent versions of the State of Michigan's "Guidebook of Best Management Practices for Michigan Watersheds", Oakland County's "Erosion Control Manual", ["Field Manual on Sedimentation and Erosion Control Best Management Practices for Contractors and Inspectors"](#) or referenced by the office of Washtenaw County's Water Resources Commissioner. ~~["Washtenaw County Conservation District Standards and Specifications for Soil Erosion and Sedimentation Control."](#)~~

ARTICLE VI, Inspections

[The County reserves the right to conduct compliance inspections on all sites requiring a soil erosion permit or waiver. Appropriate fees will be assessed according to the fee schedule approved by the Washtenaw County Board of Commissioners. At minimum the following inspections may be performed;](#)

A. [Preliminary Inspections](#)

Authorized representatives of the [SESC Program](#) ~~Soil Erosion Division~~ may conduct on-site inspections on any property for which a [Soil Erosion Grading Permit](#) is applied for. [Upon inspection the program staff will verify the overall preparedness of the soil erosion](#)

and sedimentation control plan before issuing the permit. If the preliminary site inspection finds additional information is needed for plan review and approval, the SESC Program will notify the applicant of such matters.

B. Site Inspections

Authorized representatives of the ~~SESC Program~~ ~~Soil Erosion Division~~ may conduct on-site inspections on any property for which Soil Erosion Permit or Waiver is currently active or any property suspected to be in violation of this Ordinance and Part 91. Such inspections may take place before, during and/or after any earth change activity. If upon inspection, existing site conditions are found to be in conflict with Part 91, this Ordinance or an approved ~~Soil Erosion-Grading~~ Permit or plan, **enforcement of this Ordinance will occur. (see Article VIII)** No earth moving shall be done until all violations have been addressed, and/or until revised plans have been submitted, reviewed, approved, and the ~~Soil Erosion Grading~~ Permit or plan modified.

C. Transfer Inspections

Authorized representatives of the SESC Program will conduct on-site inspections on any property for which a Soil Erosion Permit transfer form is submitted. The SESC Program staff will approve or deny the transfer based on the site conditions at time of transfer application. All fees associated with the soil erosion permit shall be paid before a transfer occurs. The site shall be in compliance with all permit conditions. An updated permit will be issued to the new permit holder after the transfer has been completed.

D. Re-Inspections

Authorized representatives of the SESC Program will conduct re-inspections if a site is found to be in non-compliance. The Soil Erosion Program will notify the permit holder by way of notice on site and by mail if re-inspection is needed. The notice will include all items on site that need to be fixed for compliance and the date by which all corrections shall be completed. Additional fees as determined by the Washtenaw County Board of Commissioners will apply.

E. Final Inspections

~~All commercial permits shall schedule a final site inspection with the SESC Program. The inspection will consist of a walk through to insure the site has met the permit requirements.~~

The following requirements must be met for closure of the soil erosion permit, unless otherwise indicated;

1. All disturbed areas are permanently stabilized in a manner to prevent soil movement or loss from erosive forces such as rain, ice, gravity or wind.

2. Any temporary SESC controls have been removed
3. All permanent erosion control measures are in place and maintained and the site has been established per the approved soil erosion and sedimentation control plan.
4. All Commercial permits shall schedule a final site inspection with the SESC Program. The inspection will consist of a walk through to insure the site has met the permit requirements.

If the site is found to be in need of further work the permit holder shall be notified and a re-inspection of the site shall be needed. All applicable and outstanding fees set by the Washtenaw County Board of Commissioners shall be paid.

A Certificate of Completion will be issued by the SESC Program when a site is permanently stabilized.

ARTICLE VII

Fees

Fees shall be considered and established by the Washtenaw County Board of Commissioners as necessary to assure that adequate revenues are generated to operate the program. All fees shall be paid in accordance with the current fee schedule approved by the Washtenaw County Board of Commissioners.

~~Initial application~~ All costs and fees shall be paid to Washtenaw County Soil Erosion Program at the time the application is submitted, in accordance with the current fee schedule approved by the Washtenaw County Board of Commissioners.

ARTICLE VIII, Enforcement

A. Notice of Violation Determination

If the County's SESC Program Soil Erosion Division determines that soil erosion or sedimentation of adjacent properties or waters of the State has or will reasonably occur from land in violation of this Ordinance or Part 91 or the rules promulgated under this Part or this Ordinance, the County's SESC Program Soil Erosion Division may shall seek to enforce a violation of this part by notifying the person who owns the land, by on site posting and mail with return receipt requested, of its determination. The notice shall contain a description of the violation and what must be done to remedy the violation and shall specify a time to comply. All fees shall be paid in accordance with the current fee schedule approved by the Washtenaw County Board of Commissioners.

B. Stop Work Order

If the County's SESC Program determines that a site is in non compliance with the issued SESC permit has exceeded the parameters or is in non compliance of the issued site

~~permit~~ a stop work order will be posted on site. All earth moving on site must cease until the temporary and/or permanent soil erosion permits requirements are in place per the permitted SESC approved plan. All fees shall be paid in accordance with the current fee schedule approved by the Washtenaw County Board of Commissioners.

~~If work continues on the property after the stop work order has been issued, the SESC Program may seek further enforcement action, including Article IX, Section D of this ordinance.~~

C. Civil Infraction

A person who violates this ordinance is responsible for a municipal civil infraction and may be ordered to pay a civil fine.

D. Site Remediation

~~The SESC Program may enter upon the land and construct, implement and maintain soil erosion and sedimentation control measures in conformance with this Ordinance or Part 91 and the rules promulgated under the Part, an applicable local Ordinance. The SESC Program shall not expend more than \$10,000.00 for the cost of the work, materials, labor and administration without prior written notice as in the notice provided in section 9117, of Part 91, or the person who owns the land that the expenditure of more than \$10,000.00 may be made.~~

If a landowner does not abate, correct or remove a violation of this Ordinance, the SESC Program may enter upon the land and construct, implement and maintain SESC measures in conformance with this Ordinance or Part 91 and the rules promulgated under the Part. ~~an applicable local Ordinance.~~ If a violation of this Ordinance has created an impact that extends beyond the property where the violation occurred, remediation of the impact may be required. All costs and fees associated with these actions, including attorney's fees related to enforcing this Ordinance or otherwise related to correcting, removing or abating the violation or remediating impacts of a violation, may be charged to the landowner. The SESC Program shall not expend more than \$10,000.00 for the cost of the work, materials, labor and administration without prior written notice as ~~in the notice~~ provided in section 9117, of Part 91, to the person who owns the land that the expenditure of more than \$10,000.00 may be made. ~~If the landowner or designated party violating this Ordinance refuses on demand to pay such expenses incurred by the SESC Program to abate, correct or remove a violation, or remediate an impact, the sum shall be assessed against the property and shall be collected and treated in the same manner as taxes assessed under the general tax laws of this State.~~

The SESC Program may establish a revolving fund that can be used to enforce this Section and construct, implement, maintain or remediate impacts as identified above. The initial capitalization of the revolving fund shall be from remaining funds in the Resource Remediation Program Fund. All costs and fees collected as a result of this Section shall be directed to the revolving fund.

E. LIENS

The SESC program may establish ~~shall have a lien for the expenses incurred under site remediation and to recover any unpaid permit fees.~~ a lien for the expenses incurred under Article VIII, Section D of this Ordinance and section 9119 of Part 91 and the ~~9119 of bringing the land into conformance with Part 91, the rules promulgated under the Part and this Ordinance.~~ However, With respect to single-family or multifamily residential property, the lien for such expense shall have priority over all liens and encumbrances filed or recorded after the date of such expenditure. With respect to all other property, the lien for such expenses shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

ARTICLE IX

Remedies and Penalties

- (1) A person who violates Part 91 or this ordinance is responsible for a municipal civil infraction and may be ordered to pay a civil fine of not more than \$2,500.00.
- (2) A person who knowingly violates Part 91 or this ordinance or knowingly makes a false statement in an application for a permit or in a soil erosion and sedimentation control plan is responsible for the payment of a civil fine of not more than \$10,000.00 for each day of violation.
- (3) A person who knowingly violates Part 91 or this Ordinance after receiving a notice of determination under [Article VIII, Section A of this Ordinance](#) or section 9112 or 9117 of Part 91 is responsible for the payment of a civil fine of not less than \$2,500.00 or more than \$25,000.00 for each day of violation
- (4) Civil fines collected under subsections (2) and (3) shall be deposited as follows:
 - (a) If a county enforcing agency filed the action under this section, with the county.
 - (b) If an action was filed jointly by the state and a county enforcing agency, the civil fines collected under this subsection shall be divided in proportion to each agency's involvement as mutually agreed upon by the agencies.
- (5) A default in the payment of a civil fine or costs ordered under this section or an Installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948.
- (6) In addition to a fine assessed under this section, a person who violates this part is liable to the state for damages for injury to, destruction of, or loss of natural resources resulting from the violation. The court may order a person who violates this part to restore the area or areas affected by the violation to their condition as existing immediately prior to the violation.

ARTICLE X

Right of Appeals

The right of an appeal or the authority to interpret this Ordinance shall be provided to the Washtenaw County ~~Soil Erosion and Sedimentation Control Board of Appeals.~~ [Water Resources Resources Commissioner](#). All requests for an appeal of any action related to this Ordinance must

be filed within fourteen (14) days of that action. All requests shall be made in writing and include the article number [of this Ordinance](#) and reason for the appeal.

~~The Washtenaw County Board of Commissioners shall appoint members of the Washtenaw County Soil Erosion and Sedimentation Control Board of Appeals.~~

ARTICLE XI

Effective Date

This revised ordinance shall take effect when notice of adoption is published in a newspaper of general circulation within the County. All permits issued prior to adoption of revisions of said ordinance and bonds shall remain in effect and shall be subject to provisions of this Ordinance.

SOIL EROSION & SEDIMENTATION CONTROL CURRENT & PROPOSED FEE SCHEDULE

<u>PERMIT/WAIVER</u>	<u>INITIAL APPLICATION FEE (CURRENT)</u>	<u>INITIAL APPLICATION FEE (PROPOSED*)</u>
RESIDENTIAL < 1 ac.	\$50.00	\$160.00
RESIDENTIAL > 1 ac., < 2 ac.	\$100.00	\$160.00
COMMERCIAL < 1 ac.	\$65.00	\$235.00
COMMERCIAL > 1 ac., < 2 ac.	\$130.00	\$235.00
COMMERCIAL 10 ac.	\$650.00	\$235.00
WAIVER	\$0.00	\$35.00

*Additional tasks required by the SESC program to be billed at actual staff cost of \$95.00/hour.

Example # 1:

- Single family residential home with 0.5 acre of disturbed soil
- Initial plan submittal approved
- Site in good condition when inspected
- Assumed time per inspection of 1 hour
- Permit open for 9 months

Cost for current fee schedule: \$300.00

Cost for proposed fee schedule: \$540.00

Example # 2:

- Single family residential home with 1.1 acres of disturbed soil
- Initial plan submittal approved
- Site in good condition when inspected
- Assumed time per inspection of 1 hour
- Permit open for 9 months

Cost for current fee schedule: \$600.00

Cost for proposed fee schedule: \$540.00

Example # 3:

- Commercial project with 5 acres of disturbed soil
- Initial plan submittal approved
- Site in good condition when inspected
- Assumed time per inspection 1.5 hours
- Permit open for 1 year

Cost for current fee schedule: \$4,225.00

Cost for proposed fee schedule: \$1,945.00

Washtenaw County



Office of the Water Resources Commissioner
SOIL EROSION PROGRAM

STATE MANDATED SERVICE



State of Michigan's Natural
Resources and Environmental
Protection Act , Act 451 of 1994 as
Amended, Part 91 Soil Erosion and
Sedimentation Control

(Department of Natural Resources & Environment)

A County is responsible for the
Administration and Enforcement
of this Part and the Rules
promulgated under this Part

(Part 91, Section 324.9105)

STATE MANDATED SERVICE

**The Soil Erosion Program serves
12 Municipalities within the County**

- AUGUSTA TOWNSHIP
- Lodi TOWNSHIP
- NORTHFIELD TOWNSHIP
- SALEM TOWNSHIP
- SALINE TOWNSHIP
- CITY OF SALINE
- SCIO TOWNSHIP
- SUPERIOR TOWNSHIP
- WEBSTER TOWNSHIP
- VILLAGE OF DEXTER
- YORK TOWNSHIP
- CITY OF YPSILANTI

COUNTY ORDINANCE

- Adoption of the Grading/Soil Erosion Ordinance by the Board of Commissioners in September of 1997, several revisions have been passed, the last in 2003
- Permits are required for earth changing activities, relative to size and distance to surface water
- MDNRE & US EPA



FEE SCHEDULE

	CURRENT INITIAL APPLICATION FEE	PROPOSED* INITIAL APPLICATION FEE	TRANSFER FEE**
RESIDENTIAL \leq 2 ac.	\$50.00	\$160.00	\$100
RESIDENTIAL > 2 ac., \leq 10 ac.	\$50.00/acre	\$210.00	\$150
RESIDENTIAL >10 ac.	\$50.00/acre	\$260.00	\$200
COMMERCIAL \leq 2 ac.	\$65.00	\$235.00	\$150
COMMERCIAL > 2 ac., < 10 ac.	\$65.00/acre	\$330.00	\$200
COMMERCIAL > 10 ac.	\$65.00/acre	\$330 + \$10/acre over 10 acres	\$200 + \$5/acre over 10 acres
WAIVER Residential & Comm.	\$0.00	\$35.00	

* Includes administrative costs (permit filing), one plan review, one site visit; additional reviews charged at actual cost (\$95.00/hour)

** Includes administrative costs (permit transfer filing) and one site visit.

COMMUNITY FEED BACK

- Michigan Department of Natural Resources & Environment
- Washtenaw County's Conservation District
- Builders & Remodelers Association of Greater Ann Arbor *(formally the Washtenaw County Home Builders Association)*

QUESTIONS

