



FREQUENTLY ASKED QUESTIONS
Regarding
PART 91, SOIL EROSION AND SEDIMENTATION CONTROL,
of the Natural Resources and Environmental Protection Act,
1994 PA 451, as Amended

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY – WATER DIVISION
Jennifer M. Granholm, Governor – Steven E. Chester, Director
DEQ Internet Home Page www.michigan.gov/deq

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, 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 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 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.

Where do I obtain a 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.

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 Soil Erosion and Sedimentation Control (SESC) plan that includes the following information:

1. A map showing the site location, predominant land features, 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 drainage patterns.
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 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 completed.

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

Yes, there are several:

1. A person who violates Part 91 is 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.

Who do I call if I have additional questions?

Questions should be directed to the appropriate county or municipal enforcing agency. A list of county and municipal enforcing agencies can be found on the SESC Homepage at: www.michigan.gov/deq (click on "Land" and then on "SESC"). Questions may also be directed to the following Department of Environmental Quality (DEQ) staff in the Water Division:

DEQ Districts	Staff	Telephone Numbers	E-Mail Addresses
Cadillac	Matt Johnstone	231-775-3960 Ext 6362	JohnstoM@michigan.gov
Grand Rapids	Dave Schipper	616-356-0276	SchippeD@michigan.gov
Jackson	Ned Rathbun	517-780-7693	RathbunN@michigan.gov
Kalamazoo	Jon Eggen	269-567-3579	EggenJW@michigan.gov
Lansing	Lisa Warner	517-335-6117	WarnerLC@michigan.gov
Saginaw Bay	Bob Lehmann	989-686-8025 Ext 8260	LehmannR@michigan.gov
SE Michigan (Livonia)	Karen Boase	734-953-1488	BoaseK@michigan.gov
Upper Peninsula (Central)	Lindsey Villa	906-346-8518	VillaL@michigan.gov
Upper Peninsula (Eastern)	Mitch Koetje	906-346-8519	KoetjeM@michigan.gov
Upper Peninsula (Western)	George Pelkola	906-346-8516	PelkolaG@michigan.gov

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