

Soil Erosion & Sedimentation Control and the Construction Storm Water NPDES Permit Program

Presented by:

Michigan Manufacturer's Guide (MG) 3.2.3.b

Outline

- Regulated Activities
- Overview of Permit Programs
- How to Apply for Each Permit
- Actions Required to Comply
- Common Compliance Problems
- Other Related Permits That May Be Necessary

Two Similar Permit Programs

- Part 91, Soil Erosion and Sedimentation Control (SESC) Program
 - State-mandated program
- Construction Storm Water (CSW) – Michigan's Permit-by-Rule
 - Federally-mandated program

**Who oversees these
permit programs?**

SESC Program:

- Counties (CEAs)
- Select Cities, Villages, and Townships (MEAs)
- Governmental agencies such as road and drain commissions (APAs)
- Programmatic oversight by DEQ of CEAs, MEAs and APAs

CSW Program:

- DEQ - Water Bureau – through a permit-by-rule process



Earth Change Activities

What activities are regulated by the SEESC and CSW programs?

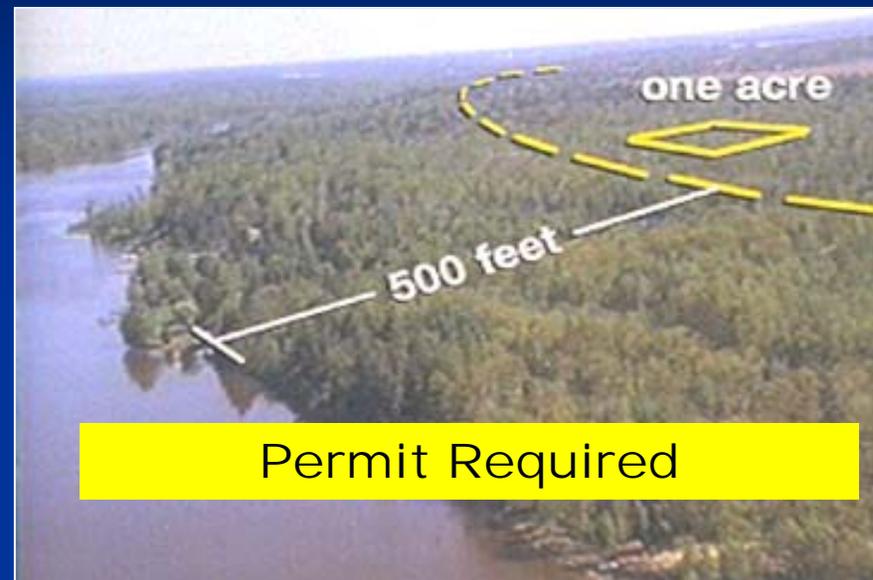
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When is permit coverage required?



SESC Program

- SESC permits are required for earth change activities that:
 - 1) Disturb one or more acres of land or
 - 2) are located within 500 ft of a lake or stream
- Several permit exemptions, but you should always check with the County or Municipal Enforcing Agency.
- Authorized Public Agencies are not required to apply for SESC permits, but must follow all other aspects of the Part 91 and their approved procedures



Source: John Warbach, Planning and Zoning Center, Inc.

- Permits must be obtained prior to earth change activity

CSW Program – Permit-by-Rule



- If all of 5 acres in size activities are located in an area where no DEQ is required, and no disturbance occurs prior to disturb commencing earth change activity the site has, or will have, a point source discharge of stormwater to surface waters of the state either directly or through a separate storm sewer.

What Are Waters of the State?

- Groundwaters, lakes, rivers, and streams and all other watercourses and waters including the Great Lakes
- This can include intermittent streams which may be dry during portions of the year.
- Wetlands may also be considered waters of the state

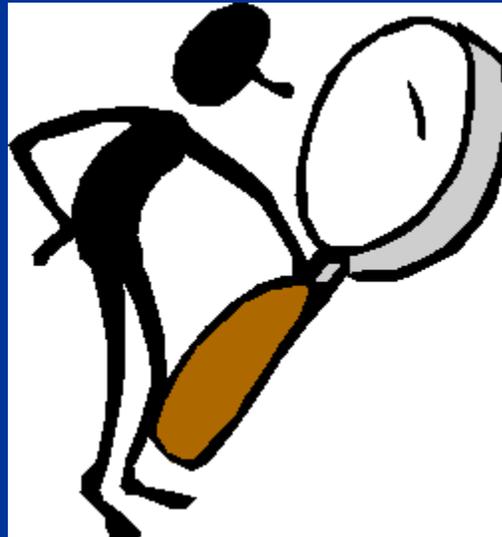
Who Must Obtain a Permit?

- In either permit program the **Landowner** (which includes an easement holder) must obtain the permit, or an Authorized Public Agency (APA) if the construction activity is under the control of the APA.



How to Obtain an SESC Permit

- Identify the County or Municipal Agency
- Complete an application form
- Submit a complete and approvable SESC Plan.



Identify the SESC Agency

- If the municipality in which you are constructing is a MEA you must obtain a permit from them
- If there is no MEA, you must get a permit from the CEA
- List of SESC Agencies

<http://www.deq.state.mi.us/sesca/>

Soil Erosion Permitting Agencies

Select Query: County [v] Submit

To obtain a Soil Erosion Permit you can contact your Municipal Enforcing Agency (MEA). If one is not available in your area than you must contact the County Enforcing Agency (CEA).

KALAMAZOO County Permitting Agencies

KALAMAZOO CO EROSION CONTROL AGENT
201 W KALAMAZOO AVE
KALAMAZOO, MI, 49007
CEA
KELLIE LAYMAN
SESC AGENT
Ph: 269-384-8117
Fax:269-383-8862

KALAMAZOO CO DRAIN COMM
201 N KALAMAZOO AVE
KALAMAZOO, MI, 49007
APA
PAT KRUSE
Interim Drain Com
Ph: 269-384-8117
Fax:269-383-8862

KALAMAZOO CO ROAD COMM
3801 E KILGORE
KALAMAZOO, MI, 49001
APA
LLOYD LAMBERT
GENERAL SUPERINTE
Ph: 269-381-3171
Fax:269-381-1760

CITY OF PORTAGE
7900 S WESTNEDGE AVE
PORTAGE, MI, 49002
MEA
W. CHRISTOPHER BARNES
CITY ENGINEER
Ph: 269-324-9256
Fax:269-324-9240

Help: Select a county from the pick list above. Once you have your query press the submit button.

8 Records returned

- CEA - County Enforcing Agency
- MEA - Municipal Enforcing Agency
- APA - Authorized Public Agency
- CD - Conservation District

How to Obtain an SESC Permit

- Identify the County or Municipal Agency
- **Complete an application form**
- Submit a complete and approvable SESC Plan.



Complete an Application Form

- The **Landowner** (or the landowner's designated agent) must submit a complete application, SESC plan, and necessary fees and sureties to the appropriate CEA or MEA
- Applications may be found online at your CEA or MEA's website or may be obtained by contacting the CEA or MEA directly

**PERMIT APPLICATION
for Part 91
SOIL EROSION AND
SEDIMENTATION CONTROL**



OFFICE USE ONLY

Permit Number
Date Issued
Expiration Date
File Number

1. APPLICANT (Please check if applicant is the landowner or designated agent*)

Name	Landowner	Designated Agent	
Address			
City	State	Zip Code	Area Code/Telephone Number

2. LOCATION

Section	Town	Range	Township	City/Village	County
Subdivision	Lot No.	Tax ID Number	Street Address		

3. PROPOSED EARTH CHANGE

Project Type:	Residential Industrial	Multi-family Land Balancing	Commercial
Describe Project			Size of Earth Change (acres or square feet)
Name of and Distance to Nearest Lake, Stream, or Drain		Date Project to Start	Date Project to be Completed

4. SOIL EROSION AND SEDIMENTATION CONTROL PLAN (Refer to Rule 323.1703)

Note: ____ complete sets of plans must be attached.	Estimated Cost of Erosion and Sediment Control
	Plan Preparer's Name and Telephone Number Area Code ()

5. PARTIES RESPONSIBLE FOR EARTH CHANGE

Name of Landowner (if not provided in Box No. 1 above)		Address		
City	State	Zip	Area Code/Telephone Number	
Name of Individual "On Site" Responsible for Earth Change		Company Name		
Address	City	State	Zip Code	Area Code/Telephone Number

6. PERFORMANCE DEPOSIT (If required by the permitting agency)

Amount Required \$ _____	Cash	Certified Check	Irrevocable Letter of Credit	Surety Bond
Name of Surety Company				
Address	City	State	Zip Code	Area Code/Telephone No.

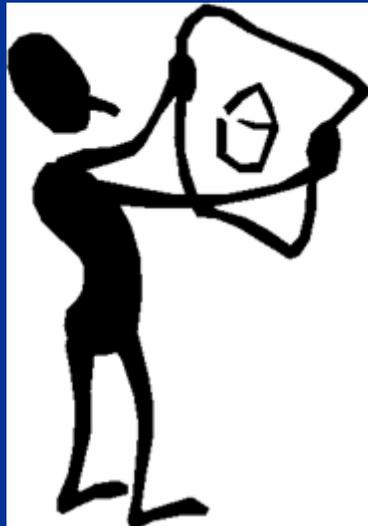
I (we) affirm that the above information is accurate and that I (we) will conduct the above described earth change in accordance with Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, applicable local ordinances, and the documents accompanying this application.

Landowner's Signature	Print Name	Date
Designated Agent's Signature*	Print Name	Date

* Designated agent must have a written statement from landowner authorizing him/her to secure a permit in the landowner's name.

How to Obtain an SESC Permit

- Identify the County or Municipal Agency
- Complete an application form
- **Submit a complete and approvable SESC Plan.**



Minimum SESC Plan Requirements (Rule 1703):

- ❑ Scaled drawing
- ❑ Site location sketch
- ❑ Proximity of the earth change to lakes and streams
- ❑ Predominant land features.
- ❑ Contour intervals or slope description
- ❑ Soil survey or description of soil type(s)
- ❑ Description and location of the physical limits of each proposed earth change

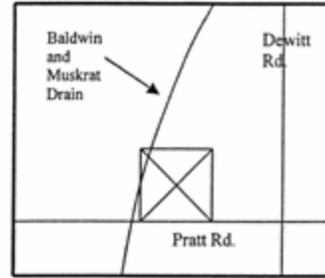
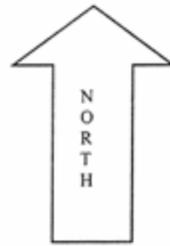
Minimum SESC Plan Requirements (Rule 1703) Continued:

- ❑ Description and location of existing and proposed on-site drainage and dewatering facilities
- ❑ Timing and sequence of each proposed earth change
- ❑ The location and description for installing and removing all proposed temporary SESC measures
- ❑ Description and location of all proposed permanent SESC measures
- ❑ Maintenance plan for temporary and permanent SESC measures

Clinton Co. 6N, 2W Section 19

19

- *Silt Fence will be trenched 6". Sediment will be removed when covering 50% of silt fence. See attached detail.
- *Permanent SESC (Soil Erosion and Sedimentation Control) measures include: lawn and landscaping. Maintenance of permanent SESC measures is the landowner's responsibility.
- *Soil stock pile will be temporary stabilized with vegetation.
- *Construction and SESC measure schedule attached.
- *The soil for this area is a Sandy Loam.
- *The area of proposed earth change is a long grass field.
- *Additional slope information available on attached topographic map.
- *Scale 1"=60'
- *In spoils area, grass and top soil will be removed then laid on top of spoils when excavation and grading are finished.



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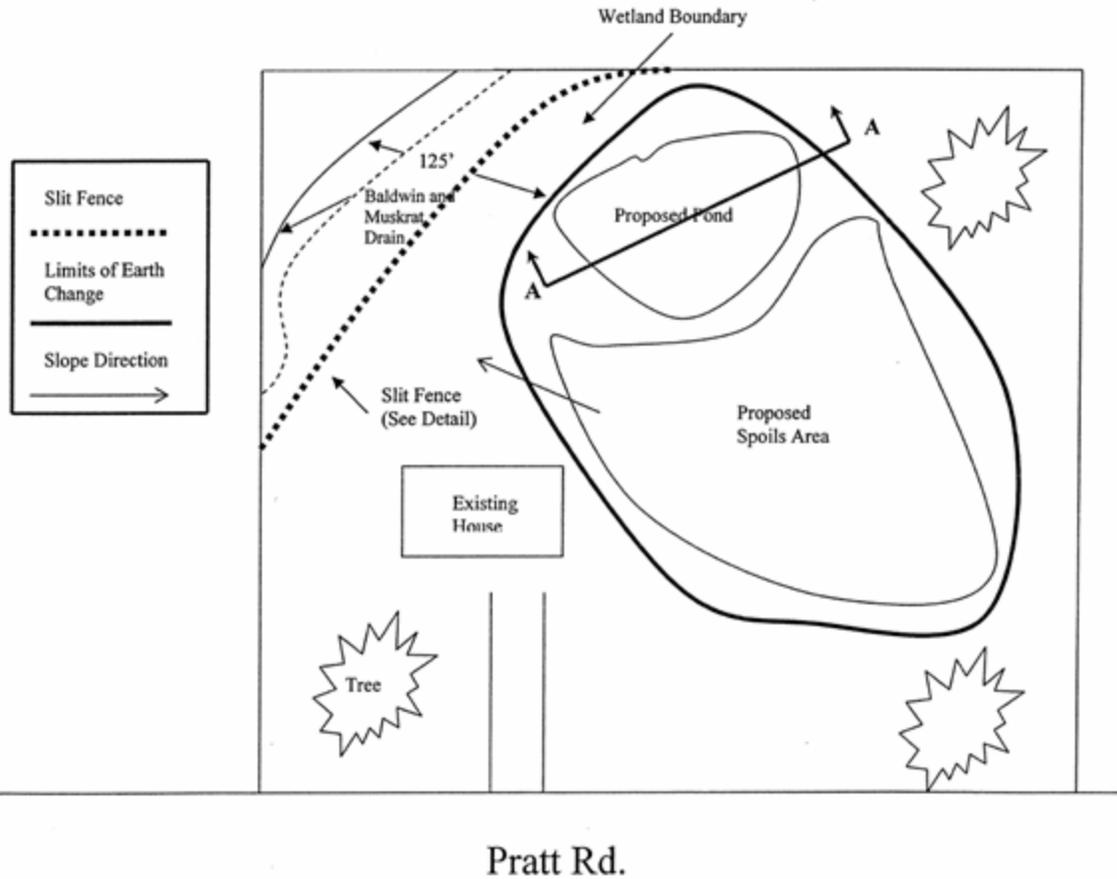
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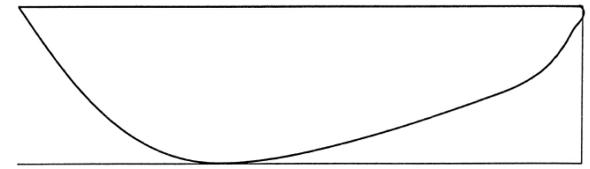
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Clinton Co. 6N, 2W Section 19



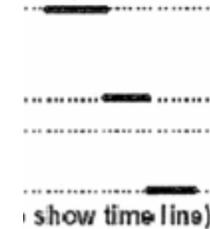
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SOIL EROSION AND SEDIMENTATION CONTROL PERMIT

(Issued under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended)

Permit Number: _____

Permittee: _____

Address: _____

Permit No.: _____

Issued: _____

Expires: _____

Extended: _____

On-Site Responsible Person: Name: _____

Company: _____ Telephone Number: (____) _____

Permitted Activity:



Project Location: Town _____; Range _____; Section _____

City or Township: _____

Address: _____

Permit Conditions:

1. The permitted activity shall be completed in accordance with the approved plans and specifications, and the **attached** general and specific conditions.
2. This permit does not waive the necessity for obtaining all other required federal, state, or local permits.
3. Permittee shall notify the permitting agency within one week after completing the permitted activity or one week prior to the permit expiration date, whichever comes first.

Permitting Agent

(____) _____
Telephone Number

THIS PERMIT MUST BE POSTED AT THE PROJECT SITE.

GENERAL CONDITIONS

In accordance with Rule 1709 promulgated under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and in addition to the information on the attached plan(s) and special conditions, the following general conditions apply to the earth change authorized by this permit:

- Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.
- Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.
- Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at a non-erosive velocity.
- Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. ("Stabilized" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.)
- Complete permanent soil erosion control measures for the earth change within five calendar days after final grading or upon completion of the final earth change. If it is not possible to permanently stabilize the earth change, then maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.

SPECIFIC CONDITIONS

How to Obtain CSW Coverage

- **Obtain a SESC Permit**
- If the site is between 1 and 5 acres in size, coverage is automatic and DEQ does not need to be notified
- If the site is over 5 acres in size DEQ must be notified. This is done through a Notice of Coverage application.
- Retain a certified stormwater operator

SOIL EROSION AND SEDIMENTATION CONTROL PERMIT

(Issued under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended)

Permit Number: _____

Permittee: _____

Address: _____

Permit No.: _____

Issued: _____

Expires: _____

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Company: _____ Telephone Number: (____) _____

Permitted Activity:



Project Location: Town _____; Range _____; Section _____

City or Township: _____

Address: _____

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1. The permitted activity shall be completed in accordance with the approved plans and specifications, and the **attached** general and specific conditions.
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- Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.
- Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.
- Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at a non-erosive velocity.
- Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. ("Stabilized" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.)
- Complete permanent soil erosion control measures for the earth change within five calendar days after final grading or upon completion of the final earth change. If it is not possible to permanently stabilize the earth change, then maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.

SPECIFIC CONDITIONS

How to Obtain CSW Coverage

- Obtain a SESC Permit
- If the site is between 1 and 5 acres in size, coverage is automatic and DEQ does not need to be notified
- If the site is over 5 acres in size DEQ must be notified. This is done through a Notice of Coverage application.
- Retain a certified stormwater operator



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER BUREAU

NOTICE OF COVERAGE

FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY

By Authority of R 323.2190 of Act 451, Public Acts of 1994, as amended
Failure to comply with the terms and provisions of R 323.2190 may result in fines up to \$25,000
per day and the possibility of imprisonment.

NPDES No.:
Receipt No.:
Permit ID:

Filing of this Notice of Coverage with the Michigan Department of Environmental Quality is required before initiation of construction activities that disturb 5 acres or more of land or is part of a larger common plan of development or sale that requires a national permit pursuant to the provisions of 40 C.F.R. Section 122.26(g). This constitutes notice that the construction permittee is authorized under R 323.2190 to discharge storm water associated with the construction activities. The construction permittee must be the land owner or the recorded easement holder of the property where the construction activity is located, or the Authorized Public Agency if the construction activity is carried out by an Authorized Public Agency.

INSTRUCTIONS AND FEE INFORMATION: Soil Erosion and Sedimentation Control (SESC) coverage is required from the appropriate Part 91 permitting entity (Act 451, Part 91) before submitting this Notice of Coverage. Submittal of a Notice of Coverage requires payment of a \$400 fee, made payable to the State of Michigan. The construction permittee will be deemed to have an NPDES permit for storm water discharges from a construction site when the Michigan Department of Environmental Quality receives the completed Notice of Coverage, a copy of the appropriate SESC coverage, a copy of the approved SESC Plan, a site map and the \$400 fee. These must be received before construction begins. This authorization expires when the SESC Permit expires, is revoked or terminated by the Part 91 permitting entity or when the authorized public agency determines that the project has been completed by the stabilization of each change activity.

CONSTRUCTION PERMITTEE INFORMATION (Landowner, easement holder, or Authorized Public Agency)					
LANDOWNER/PERMITTEE			AGENT FOR LANDOWNER (OPTIONAL)		
CONTACT PERSON (FIRST AND LAST NAME)			CONTACT PERSON (FIRST AND LAST NAME)		
EMAIL ADDRESS (OPTIONAL FOR FASTER SERVICE)			EMAIL ADDRESS		
MAILING ADDRESS			MAILING ADDRESS		
STREET			STREET		
CITY	STATE	ZIP	CITY	STATE	ZIP
PROJECT INFORMATION					
PROJECT NAME		COUNTY	TOWNSHIP		
STREET		%	%	SECTION	
CITY	STATE	ZIP	TOWNSHIP (T)	RANGE (R)	
OR OTHER DESCRIPTION		For Cashier's Use Only: 313-485-12-365 1-48189 1-41			

SITE DESCRIPTION			
TOTAL ACRES OF SITE	ACRES OF DISTURBANCE	RECEIVING WATERS	
CERTIFIED OPERATOR			
NAME		CERTIFICATION NUMBER	
PART 91 SESC PERMITTING ENTITY INFORMATION			
NAME OF PART 91 SESC PERMITTING ENTITY OR AGENCY			
EMAIL ADDRESS (OPTIONAL FOR FASTER SERVICE)		PHONE NUMBER	
ADDRESS		SESC PERMIT NUMBER OR AFA STATUS	
CITY	STATE	ZIP	DATE OF ISSUE

CERTIFICATION - Michigan regulations require this form be signed as follows:
 Corporation: a principal executive officer or at least the level of vice president, or his designated representative, if the representative is responsible for the overall operation of the facility from which the discharge described in this form originates.
 Partnership: a general partner.
 Sole Proprietorship: the proprietor.
 Municipal, state, or other public facility: either a principal executive officer, the mayor, village president, city or village manager, or other duly authorized employee.

I certify that all provisions of R 323.2190 pursuant to Act 451, Part 31, of 1994, as amended, have been complied with and that all information submitted under the Rule and contained in this Notice of Coverage is, to the best of my knowledge and belief, true, accurate and complete. I acknowledge that any discharge that is made pursuant to Rule 323.2190 shall be in compliance with Act 451, Part 31, and the rules promulgated thereunder. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment. I certify under penalty of law that I possess full authority on behalf of the legal landowner/permittee to sign and submit this Notice of Coverage.

SIGNATURE (original signature required)	DATE	TELEPHONE
X		
PRINTED NAME	TITLE	

MAKE CHECK OR MONEY ORDER FOR \$400 PAYABLE TO: STATE OF MICHIGAN

MAIL COMPLETED APPLICATION, WITH LOCATION MAP, SESC PERMIT & PLAN, AND FEE OF \$400, TO:
 MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
 CASHIER'S OFFICE - WB-SW1
 P O BOX 30657
 LANSING, MI 48909-8157

ADDRESS FOR OVERNIGHT MAILING:

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
 CASHIER'S OFFICE - WB-SW1
 525 WEST ALLEGAN STREET SUITE 1100
 LANSING, MI 48913

IF YOU HAVE ANY QUESTIONS ABOUT THE PREPARATION OF THIS FORM, CALL 517-335-4137.

How to Obtain CSW Coverage

- Obtain a SESC Permit
- If the site is between 1 and 5 acres in size, coverage is automatic and DEQ does not need to be notified
- If the site is over 5 acres in size DEQ must be notified. This is done through a Notice of Coverage application.
- **Retain a certified stormwater operator**

Certified Storm Water Operator

- State law requires that permit by rule sites have erosion and sedimentation control measures under the control of a certified stormwater operator.
- Certification can be obtained by reviewing resource material available online and completing and passing an operator certification exam administered at a DEQ District Office.

Exam Schedule – Kalamazoo

DISTRICT	COUNTIES	CONTACT	EXAM DATES 2008
<p>Kalamazoo District Office</p> <p>7953 Adobe Road Kalamazoo, MI 49009-5026</p> <p>Certified Construction Site Operator Exam sessions will begin at 9:00 a.m.</p>	<p>Allegan, Berrien, Branch, Calhoun, Cass, Kalamazoo, St. Joseph, Van Buren</p>	<p>Steve Lewis lewisst@michigan.gov 269-567-3625</p> <p>Robert Spagnoli spagnolir@michigan.gov 269-567-3628</p> <p>Della Stanford stanford@michigan.gov 269-567-3510</p>	<ul style="list-style-type: none">• January 8• February 5• April 1• June 3• August 5• October 7• December 2

- Certified Operators are required to inspect sites once per week and within 24 hours of rain or snowmelt events resulting in a discharge
- Logs of these inspections must be maintained by the landowner for 3 years and provided to the DEQ upon request
- Inspections must be conducted until site is stabilized



SOIL EROSION & SEDIMENTATION CONTROL INSPECTION LOG

Project Name or Description:

Page ____ of ____

_____ NPDES Number: _____

Date: _____ Time: _____ Certified Operator: _____ Operator #: _____

Reason for Inspection: ____ Weekly Inspection ____ Inspection After Storm Water Runoff

Observations: _____

Corrective Actions Taken/Needed: _____

Signature: _____ Operator Number: _____

Print Name: _____

When Is a Site Considered Stabilized?

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How do I comply with
these permits?



SESC Permit

- Maintain permit coverage until earth change is stabilized
- Follow the SESC plan, revise with Part 91 agency if necessary
- Remove sediments from runoff water before it leaves the site
- Install temporary control measures prior to earth change
- Maintain all permanent and temporary control measures
- Remove temporary measures once permanent measures are installed and area is stabilized
- Complete permanent measures within 5 days of final grading or final earth change is completed

Permit-by-Rule

- Stay in compliance with SESC permit
- Maintain uninterrupted SESC permit coverage until site is stabilized
- Have a Certified Stormwater Operator inspect the site once weekly and within 24 hours of every rain event and document inspections
- Maintain copies of logs for 3 years
- Comply with all requirements of Permit-by-Rule even if you don't have a permit
- If over 5 acres in size, submit Notice of Termination once site is stabilized

Typical Compliance Problems



Paperwork



THIS PERMIT MUST BE POSTED AT THE PROJECT SITE.



Site Performance



Unauthorized Discharges



Why Should You Care?

- Possible penalties up to \$25,000 per day per violation for SESC violations
- Possible penalties up to \$25,000 per day per violation for CSW violations
- Possible cost for removing sediment and restoring area
- Infrastructure maintenance costs
- Possible damage to fisheries

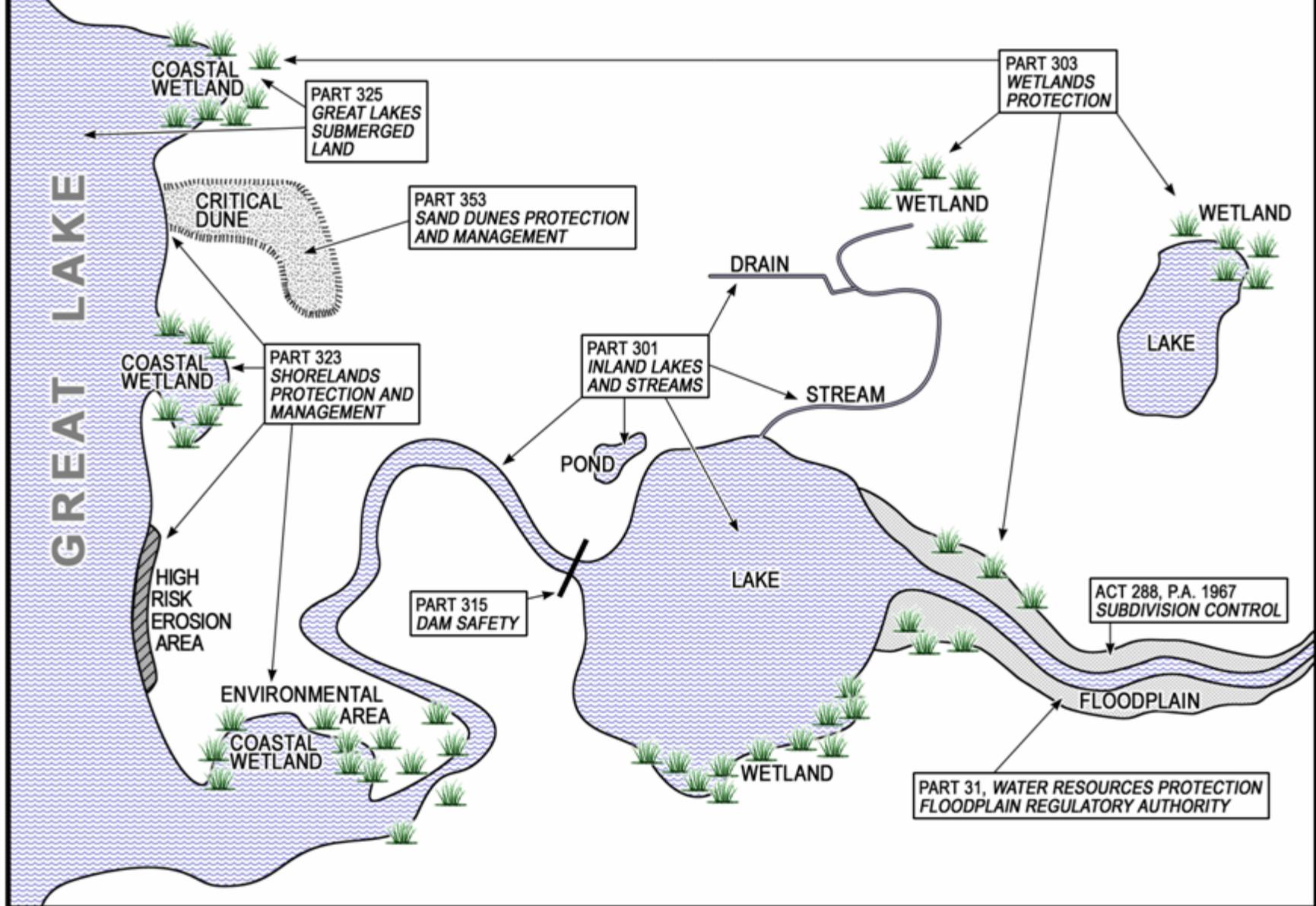


Other Permits?



MICHIGAN LAWS ADMINISTERED BY DEQ LWMD

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT ACT 451 OF THE PUBLIC ACTS OF 1994 & RELATED STATUTES



Permit Information Checklist

deq-ess-permits-eqp3580[1].pdf - Adobe Reader

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PERMIT INFORMATION

The Department of Environmental Quality (DEQ) has prepared a list of key questions to help identify what departmental permits, licenses, or approvals of a permit-like nature may be needed for a project. By contacting the appropriate offices listed below, you will help reduce the possibility that your project or activity will be delayed due to the untimely discovery of additional permitting requirements later in the process. While this list covers the existence of permits and approvals required from the DEQ, it is not a comprehensive list of all legal responsibilities (i.e. planning requirements and chemical storage regulations may apply). A useful way to learn whether any other requirements will apply is to go through the Self Environmental Assessment in the Michigan Manufacturers Guide, online at: http://www.michigan.gov/deq/0,1607,7-135-3310_4148-15820--00.html.

KEY QUESTIONS: (DEQ Permit and Licensing Guidebook Chapter)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	If "Yes," refer to the DEQ Permit and Licensing Guidebook Section(s), the Web Page, or Call the Program:
CONSTRUCTION PERMITS			
Permit to Install: Does the project involve installation, construction, reconstruction, relocation, or alteration of any process equipment (including air pollution control equipment) which has the potential to emit air contaminants? (5.1.3)	Y <input type="checkbox"/>	N <input type="checkbox"/>	Web , AQD, Permit Section, 517-373-7023
Asbestos Notification: Does the project involve renovating or demolishing all or portions of a building? (Notification is required for all renovations and demolitions, even if the structure never contained asbestos.)	Y <input type="checkbox"/>	N <input type="checkbox"/>	Web , AQD Asbestos NESHAP Program 517-373-7064
Soil Erosion and Sedimentation Control (SESC): Does the project involve an earth change activity within 500 feet of a lake or stream, or will the project disturb an area greater than one acre in size? (5.3.5)	Y <input type="checkbox"/>	N <input type="checkbox"/>	Contact Your Local SESC Agency: http://www.deq.state.mi.us/sesca/ Web , WB, SESC Program, 517-335-3178
Does the project involve construction which will disturb one or more acre that comes into contact with storm water that enters a storm sewer, drain, lake, stream, or other surface water? (5.2.1)	Y <input type="checkbox"/>	N <input type="checkbox"/>	Web , WB, Permits Section, 517-241-8993 or appropriate DEQ District Office
Does the project involve construction or alteration of any sewage collection or treatment facility? (5.3.1)	Y <input type="checkbox"/>	N <input type="checkbox"/>	Web , Appropriate District Office, WB, Part 41 Construction Permit Program
Does the project involve construction of a community water supply well or the extension of a water supply from an existing water system? (5.3.2)	Y <input type="checkbox"/>	N <input type="checkbox"/>	Web , Appropriate DEQ District Office, WB, Community Water Supply Program

Thursday, April 24, 2008

Questions?