



Water Resources Division

How to Change the Agency Designated as CEA/MEA

This document summarizes information found in Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended (NREPA).

Background: Counties by resolution or by ordinance must designate a county agency or conservation district, as the county enforcing agency responsible for administration and enforcement of Part 91, Soil Erosion and Sedimentation Control (SESC), and the rules promulgated thereunder, in the name of the County. Municipalities may elect to provide Soil Erosion and Sedimentation Control within their jurisdiction by adopting an approved ordinance and must also designate a municipal agency to implement the Part 91 program in the name of the municipality. From time to time Counties or Municipalities may determine that the agency designated as the Part 91 Agency should change. The following steps outline the process and submittals necessary for making such a change in conformance with Part 91.

Process:

1. The County/Municipality, upon determining a different agency should be designated as the County Enforcing Agency (CEA)/Municipal Enforcing Agency (MEA) shall contact [DEQ Soil Erosion and Sedimentation Control Staff](#) and notify him or her of the intended candidate.
2. The following submittals are necessary prior to DEQ approving a new agency. DEQ staff may request modifications of these documents if they do not meet the minimum requirements of Part 91:
 - a. A draft ordinance or resolution (as appropriate) that reflects the intended appointment of the new agency as CEA/MEA and any other changes necessary to affect the change in agency.
 - b. A statement describing how the new CEA/MEA is expected to be funded. This may include one or more of the following: proposed fee schedules, general fund appropriates (if applicable), other funding sources.
 - c. A revised permit application template reflecting the new agency information that includes each of the elements found on the [state prescribed permit application template](#).
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 - e. An example of inspection logs that will be used by the agency to document inspections. An example log can be found at www.michigan.gov/soilerosion under Resources for Agencies.
 - f. Proof that the individuals with decision making authority for the new agency have certificates of training at that appropriate level. Training information and individuals with current certificates of training can be found at www.michigan.gov/soilerosion.
3. DEQ staff must provide copies of the draft ordinance/resolution to the Conservation District and the CEA (if the ordinance is associated with an MEA) for an opportunity to review and comment. DEQ shall provide 45 days for the comments to be returned. DEQ staff will review the draft ordinance/resolution to determine that it meets the minimum requirements of Part 91 and will approve or disapprove the ordinance within 90 days from receipt of the draft.

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4. Once the County/Municipality receives draft ordinance/resolution approval and acceptance of the other submittal identified in step 2 above from DEQ, the County or Municipality must formally adopt the ordinance/resolution and return a formal "sealed" copy of the ordinance/resolution to the DEQ along with a copy of the minutes of the meeting where the ordinance/resolution was adopted.
5. Upon formal adoption of the ordinance/resolution, the new agency immediately becomes responsible for administering the county or municipal program in compliance with Part 91. The new agency is also obligated to ensure any previously issued permitted sites that are still active, are in compliance with Part 91. Any issues related to the handling of permit fees collected by the previous agency for earth change activities that are still active shall be conducted at the discretion of the County/Municipality.
6. Once the official adopted ordinance/resolution is obtained, DEQ staff shall send a formal Ordinance/Resolution Approval acknowledging the new CEA/MEA designated agency.

