STATE OF MICHIGAN
DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET
STATE FACILITIES ADMINISTRATION
Design & Construction Division

SOIL EROSION AND SEDIMENTATION CONTROL GUIDEBOOK

For Use by the Department of Technology, Management & Budget
State Facilities Administration Personnel
Administering the Soil Erosion and Sedimentation Control (SESC) Program
As Authorized by 1994 PA 451
As an Approved Authorized Public Agency (APA)
July 2019
SOIL EROSION AND SEDIMENTATION CONTROL (SESC) GUIDEBOOK

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ACKNOWLEDGEMENTS

Special thanks to the following groups for their assistance in the compilation of this guidebook:

EGLE
MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

MDOT
Michigan Department of Transportation
PREFACE

This guidebook is the latest installment in a series of resources designed by the Michigan Department of Technology, Management & Budget (DTMB), State Facilities Administration, Design & Construction Division with the cooperation of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and Michigan Department of Transportation (DOT) to assist planners and contractors in maintaining control of soil erosion and sedimentation on State of Michigan construction projects. DTMB administers hundreds of construction projects annually comprising millions in construction dollars. As a major land owner and construction site manager in the State, DTMB understands that environmental stewardship and responsibility are key aspects of our position.

DTMB must build and maintain facilities to support the activities of the State of Michigan government in safeguarding the health and welfare of the citizens. This manual is a product of our commitment to provide the highest quality construction management services without compromising Michigan’s wealth of natural resources.

SESC DETAILS AND SPECIFICATIONS

The details and specifications contained within this manual are designed to provide standard guidelines for the design of soil erosion and sedimentation controls (SESC) into State of Michigan Department of Technology, Management & Budget administered construction project plans and specifications. It is intended that architects and engineers will have a standard set of detail and specification guidelines to incorporate as appropriate into earth change-related project documents. It is important to note that many of the controls require engineering detail that is not provided within these guidelines. The design of earth retention systems, basins, channels and structures should be based on sound engineered solutions incorporating flow characteristics, soil characteristics, loads, drainage area, etc. In many cases, a Certified Professional in Erosion and Sediment Control or CPESC is qualified to design and implement these solutions as well. The Certified Professional in Erosion and Sediment Control has met the standards of professional knowledge necessary to carry the CPESC designation and is therefore uniquely qualified to address erosion and sediment control issues on construction sites, and elsewhere as necessary.

The layout of this document is intended to be simple and straightforward. The drawings indicate the basic layout and design of the most commonly used soil erosion and sediment control Best Management Practices (BMP’s) used on DTMB projects. The specifications provide the important information that should accompany the design in an uncomplicated format. The “When” section discusses when the control should be considered for use at a particular site. The “Why” section provides a basic understanding of why the control is useful. The “Where” section provides information on the appropriate locations for the control, and the “How” section provides detailed installation and removal information that will be useful as drawing notes or within specifications. Also included are special maintenance requirements and any limitations that should be considered.

We hope that this document provides engineers, architects, contractors and other professionals with a helpful resource for the management of soil erosion and control of sedimentation on State of Michigan construction projects.

Chris McGarry
SESC Program Manager
DTMB – State Facilities Administration
Design & Construction Division
mcgarryc@michigan.gov
SOIL EROSION & SEDIMENTATION CONTROL (SESC) GUIDEBOOK

PROGRAM GUIDELINES

Introduction

Soil erosion is defined as the wearing away of land by the action of wind, water, or gravity or a combination of wind, water, and gravity. The result of this wearing away of land is that soil particles are dislodged and put into motion. Soil particles that are in transport or have been transported to new locations and deposited are called sediment. The sedimentation of Michigan's water resources can adversely affect plant, animal and aquatic life by altering the size or shape of streams or covering the spawning habitat of aquatic species.

One way to combat sedimentation in Michigan’s water resources is to control the erosion of soil particles from construction sites. Construction projects often require the removal of layers of vegetative cover in order to complete the construction of subgrade structural components or other foundational aspects of a project, thus increasing the likelihood of erosion. With proper design considerations and planning, soil erosion can be controlled such that sediment does not leave the site.

This guidebook is designed to serve as a guidance document for State of Michigan, Department of Technology, Management & Budget, State Facilities Administration’s, Design & Construction Division (D&C) personnel who are involved in the design and construction of new and existing State of Michigan facilities. Within this document are items that must be considered in order to assure that the proper measures are taken in the design and construction phases of projects to control the off-site migration of soil. In addition, sections of this guidebook contain forms that will be used by Design & Construction Division staff for the review of project documents and the inspection of construction sites for SESC measures. The details and specifications section of the guidebook contains SESC measures to be incorporated into the design of DTMB construction projects.
The Department of Technology, Management & Budget, Authorized Public Agency (APA)

The State of Michigan, Department of Management & Budget (DTMB), accepts the responsibility for the control of erosion and sedimentation on State Projects for which they manage the construction. DTMB has established these procedures for the control of erosion and sedimentation and they apply to all projects under the control of DTMB, State Facilities Administration, Design & Construction Division.

SESC will be a priority during and after all phases of construction. The designers, usually consulting architects and engineers, will develop a comprehensive SESC plan for each project incorporating, as appropriate, the Best Management Practices (BMP’s) listed within this guidebook. All SESC plans will be reviewed and approved by DTMB Design & Construction Division SESC Program prior to releasing the projects for bids. Where applicable, DTMB Project Manager shall utilize the services of the SESC Program to assist the project architect in developing the SESC plans. Following the award of a contract, the contractor shall prepare and issue for approval an “SESC Implementation Plan”, which indicates the contractor’s intended implementation of SESC on the project including a schedule and sequence. The SESC Program, upon approval of the implementation plan, will issue to the contractor an “Authorization to Proceed with Earth Change” form, which is to be posted at the jobsite. SESC measures, including the approved construction contractor’s implementation and sequencing plan, will be in place and functioning before the soil is disturbed or as specified in the construction schedule. All temporary control measures will remain in place and maintained until the impacted areas are permanently stabilized.
**DTMB SESC Program**

Pursuant to Part 91 of 1994 PA 451, Soil Erosion & Sedimentation Control (SESC), formerly 1972 PA 347, as amended, the Department of Management & Budget (DTMB) has established SESC procedures to provide "effective soil erosion and sedimentation control, inspection, enforcement and sediment pollution abatement or prevention".

As an Authorized Public Agency (APA), DTMB is responsible for controlling erosion and off-site sedimentation on all DTMB construction projects. This responsibility cannot be transferred to the designer or contractor. However, their contracts can include penalties for non-compliance with SESC provisions that are included in the contract documents.

To assist DTMB’s, State Facilities Administration, Design & Construction Division with assuring compliance with Part 91 of 1994 PA 451, a separate SESC Program has been established. The SESC Program functions independent of the construction inspection services being provided by Design & Construction Division. To meet the professional and technical support needs of the SESC Program, DTMB will contract with private consultants who have demonstrated the highest degree of expertise in this field.

Individuals within DTMB, State Facilities Administration is responsible for projects required to comply with Part 91, are required to complete the Part 91 SESC training within two years of their appointment. This includes Project Managers and Field Representatives within Design & Construction Division. DTMB encourages all staff to complete the SESC training within one year of their appointment. Individuals working for consultants who provide design, review and inspection services will be required to have completed Part 91 SESC training prior to performing work and shall provide evidence of their SESC certification.
Principles of SESC

DTMB recognizes seven basic principles of erosion and sediment control. These principles will be implemented by DTMB, its project architects and the SESC Program during the planning, design and construction phases of all projects. The principles are:

1. Design and construct terrain features such as slopes and drainage ways to minimize the erosion potential of the exposed site based on the soil type, time of year, proximity to waterways, duration of exposure, length and steepness of the slope, and the anticipated volume and intensity of runoff.

2. Minimize the surface area of unstabilized soils left unprotected and vulnerable to runoff and wind at any one time.

3. Minimize the amount of time that unstabilized soil areas are exposed to erosive forces.

4. Protect and shield exposed soil areas with a cover of live vegetation, mulch, or other approved erosion resistant material during the temporary and permanent control periods of construction.

5. Avoid concentrating runoff. When concentrated runoff cannot be avoided, runoff velocities shall be reduced to non-erosive velocities.

6. Eroded sediments will be trapped on-site with temporary and permanent barriers, basins or other sediment retention devices while allowing for the controlled discharge of runoff waters at non-erosive velocities.

7. Implement a continuous inspection and maintenance program.

Reference Standards

DTMB will comply with all requirements set forth in Part 91 of 1994 PA 451, as amended. SESC measures and standards shall comply with the department of Technology, Management & Budget Soil Erosion & Sedimentation Control Guidebook. The SESC keying system referenced on construction plans and specifications shall comply with the keying system located within this guidebook. Other SESC measures may be used with the approval of DTMB.
Planning and Design

During the planning/design stage(s) each project will be evaluated to determine if Part 91 requirements are applicable. When the project involves an earth change, DTMB, State Facilities Administration, Design & Construction Division and the project architects shall implement these procedures. For each project involving an earth change, potential SESC problem areas will be identified and a comprehensive SESC plan will be developed to minimize erosion and off-site sedimentation. The plan will show the quantity, type and location of each control measure including construction sequencing, provide installation and maintenance schedules, and provide installation details or specifications. The plan or bid document will also provide for miscellaneous materials or quantities to address unanticipated control needs.

Design documents shall ensure permanent SESC measures are in place within 5 days of final grading (weather permitting). If it is not possible to permanently stabilize a disturbed area with 5 days of final grading, then temporary SESC measures shall be maintained until permanent measures are in place and the area is stabilized.

Seed and mulch will be widely used to provide temporary or permanent stabilization. Sod or other erosion resistant material, such as erosion control blankets will be used when seed and mulch is not appropriate, such as on slopes steeper than 1:3 (vertical:horizontal, rise over run).

Special attention will be given to ditches, swales, diversions, and other concentrated flow areas. These areas will be stabilized with erosion resistant materials, such as sod, erosion control blankets, turf reinforcement mats, or riprap, if erosive runoff velocities are anticipated. Check dams and sediment traps may be used in lieu of, or in conjunction with the erosion resistant material to reduce runoff velocities and trap sediment.

All storm sewer inlets on and off the site impacted by the construction project will be protected with geosynthetic materials or inlet guards. Inlet sumps will be cleaned as necessary throughout the construction period and after project completion.

Special provisions will be included in the plans to control dust and minimize “tracking” of sediment onto the street. All sediment tracked or eroded onto the street will be promptly removed per scheduled street sweeping and/or as required by the project engineer.

Borrow and waste disposal areas will be identified, when possible, on the plan. The same consideration for controlling erosion and off-site sedimentation will apply to the borrow and waste disposal areas as applied to construction areas. When the contractor selects an off-site location for the borrow or waste disposal area, the contractor shall secure a SESC permit from the Part 91 County/Municipal Enforcing Agency or submit a SESC plan DTMB’s SESC Program for approval prior to use of the area(s). Regardless of who selects the site(s), DTMB’s SESC Program is responsible to ensure that appropriate SESC measures are implemented for on-site activities. The contractor shall ensure that appropriate SESC measures are implemented when off-site areas are permitted by the Part 91 County/Municipal Enforcing Agency. The contractor shall provide to the SESC Program a copy of the Part 91 permit received from the County/Municipal Enforcing Agency before any off-site earthwork commences.

DTMB’s, SESC Program, shall review the SESC plans to assure they include at a minimum all information required in R323.1703 of Part 91.
Contractors will be required to provide a separate line item cost estimates for: a) construction sequencing, b) installation, maintenance and removal of temporary SESC control measures, and c) installation and maintenance of permanent SESC control measures.

The SESC Program of DTMB's, State Facilities Administration, Design & Construction Division, is responsible for reviewing, and approving all SESC plans prepared by the professional service contractor and the construction sequencing of temporary measures submitted by the contractor.

**Construction**

All phases of construction and associated earthwork will be undertaken as scheduled and in accordance with the SESC implementation plan. The SESC Program is responsible for ensuring that all SESC measures are properly installed in a timely manner (per plans), maintained, and are effectively controlling erosion and off-site sedimentation. For projects involving minor earth changes with little of no potential for off-site sedimentation, the SESC Program Manager may delegate the inspection responsibilities to the Resident Inspector.

Based on-site conditions, the SESC Program inspection team may make "minor" adjustments to the overall SESC strategy such as relocating or adding silt fence, check dams, or modifying inlet protection controls. Any "major" deviations from the plan requirements, especially in areas with concentrated flows (except check dams), the professional service contractor must prepare and submit plans to DTMB's State Facilities Administration, Design & Construction Division, SESC Program for review and approval prior to implementation. Prior review and approval is not required if the changes are needed to mitigate the effects of a pending sediment release.

Prior to starting work, the SESC Program Manager shall notify the appropriate Part 91 County/Municipal Enforcing Agency of the proposed construction project including off-site borrow and waste disposal areas. In addition, the contractor shall submit their plan to SESC Program or Part 91 Agency, as applicable, for SESC compliance, which shall incorporate design Items 2a - 2j of the SESC check list (See Forms Section). As mentioned earlier, upon approval of the contractor's SESC plan, the SESC Program will issue an “Authorization to Proceed with Earth Change” from to be posted at the jobsite for regulator review.
Inspections

Regular and post-rain event inspections will be conducted by DTMB on-site Field Representative with support from the SESC Program. Project contractors will continuously monitor the project site and adjacent areas for ineffective SESC measures. At least weekly and after every significant rain (runoff leaves the site) the inspectors, accompanied by a contractor's representative, will inspect all SESC measures on and off the site and document his/her observations on a "SESC Inspection Report Form" (See Forms) developed by DTMB. The inspection report shall document at a minimum the following:

1. Date of inspection
2. Name of inspector
3. Name of company representative
4. General weather conditions within last 48 hours
5. Is there a potential for sediment leaving the site?
6. Has sediment left the site since the last report? (Explain in detail)
7. SESC Controls
   a. Are controls installed per plan?
   b. Are the controls effective?
   c. Do the controls require maintenance?
7. Necessary corrective actions and information regarding who was notified and time limits for compliance.

Corrective actions will be completed within 48 hours of discovery for routine maintenance items including but not limited to removing sediment from behind silt fences or check dams, replacing or adding silt fence, seeding and mulching small areas, and street sweeping. Other necessary maintenance or corrective actions will be completed as soon as possible but never more than five (5) days after detection.

SPECIAL NOTE: If sediment is impacting or there is a potential for sediment to impact lakes, streams, and wetlands, corrective actions will be completed within 24 hours.

A standard inspection form for SESC is attached in the Forms Section of this guidebook.
Enforcement

Schedule of values for construction shall include separate line items for the sequencing of construction, installation, maintenance and removal of temporary SESC measures, and installation and maintenance of permanent SESC measures. The SESC Program and SESC inspection team shall review and approve any payment application where the contractor is invoicing for SESC work performed. This will provide the Department of Technology, Management & Budget a tool to hold monies if the controls are not installed, maintained or removed in a timely manner as required by the contract documents. If the contractor fails to install, maintain or remove the controls, the Department of Technology, Management & Budget, with proper notification (outlined below), shall consider stopping work or directing the work to another company and paying with the monies identified in the schedule of values. In the event the cost to remediate exceed the contracted amount, the original bonding company shall be contacted regarding the shortfall.

Construction contract, especially those with Performance Bonds, shall contain language that **allows the DTMB to impose fines of at least $500 per day** and assess actual damage costs if the contractor refuses to comply with SESC requirements and corrective measures contained in the construction contract. For bonded projects, the Surety company shall be held responsible for these costs in the event the contractor refuses to perform or is found to be in default.

Enforcement actions are as follows:

1. SESC Program inspects and documents SESC measures and effectiveness using "SESC Inspection Report Form". Copies distributed to the Architect / Engineer, Region Supervisor and SESC Program Manager.

2. If SESC measures are observed to be ineffective, SESC Program shall verbally direct the contractor to take appropriate corrective measures and document the action taken. Within 24 hours of issuing the verbal directions, written documentation shall be provided to the contractor.

   **NOTE:** The SESC Program Manager is empowered to direct the contractor to perform SESC corrective measures!

3. Within 48 hours (24 hours if impacting waterways) of discovery and verbal notification, the contractor shall implement remedial actions. The SESC Program shall provide written documentation to the DTMB Region Supervisor and SESC Program Manager that corrective measures have been implemented by the contractor.

4. If the contractor fails to implement remedial actions within the specified time, DTMB (SESC Program Manager) shall provide written notice, sent certified mail, of "Notice of Noncompliance with Part 91 of 1994 PA 451". This notification will outline fines and penalties to be imposed if corrective actions are not undertaken within a specified period of time (time dependent upon nature or the severity of violation).

5. For bonded projects, the Surety Company shall be notified by a certified copy of the "Notice of Noncompliance".
6. Continued in-action (after a 2nd notice regarding the same issue) by the contractor shall result in DTMB (Director of Design & Construction Division) issuing a "Stop Work Order". This order shall specifically identify where work is to cease, and identify a specified period of time that will be granted to the contractor before a third party contractor is hired by DTMB or the Surety Company to perform the required remediation (third party contracting by DTMB for SESC remediation shall be initiated through existing DCCS contracts or as an assignment depending on the severity and type of corrective actions needed).

7. Multiple "Notice of Noncompliance" citations (more than three for the same issue) will result in DTMB (Director of Design & Construction Division) initiating actions to terminate the contract for "material breach".

Conclusion

The DTMB SESC Program is prepared to provide technical support and inspection assistance to the Infrastructure Services, Design & Construction Division staff on any State of Michigan project where assistance is required. The SESC Program staff are:

Chris McGarry, SESC Program Manager  
State of Michigan  
DTMB, State Facilities Administration, Design & Construction Division  
Building 100, Warehouse Complex  
3111 W. St. Joseph Street  
Lansing, MI 48917

Should anyone have questions regarding the contents of this guidebook, or the procedures associated with the incorporation of SESC measures into DTMB projects, please feel free to contact the SESC Program.
Professional Service Contractor SESC Design Checklist
PROJECT TITLE: Enter Project Title

PROJECT LOCATION: Enter Project Location

Y N* Will this project include disturbing earth?
☐ ☐ Estimate the areas (in acres) of disturbed earth: estimated acreage acres

Y N* Is this project within 500 feet of a lake or stream? Nearest lake or stream: water body
☐ ☐ If earth change disturbs one or more acre, or is within 500 feet of a lake, stream or wetland, please complete the remainder of this form.

Y N Will this project disturb 5 or more acres?
☐ ☐ If earth change disturbs 5 or more acres, an NPDES Notice of Coverage storm water permit may be required.

PAGE/SHEET SESC PLANS SHALL IDENTIFY THE FOLLOWING 12 ITEMS:

1. Project location Map with scale: 1” = 200’ or less - include a legal description of the property (town, range, section, quarter-quarter section)

2. Distance to lakes, streams or wetlands

3. Soil type

4. Predominant land features

5. Existing & final contours

6. Existing, construction & final drainage patterns (including dewatering facilities)

7. Limits of proposed earth change

8. Site boundaries / property lines

9. Schedule/ phasing of construction and installation of SESC control measures

10. Location and description for installing and removing all temporary (during construction) SESC control measures

11. Description and location of all proposed permanent (post construction) SESC control measures

12. Maintenance program for all permanent SESC measures and designation of responsible party for maintenance.

* - Soil erosion and sedimentation control measures may still be required even if the area of earth disturbance is less than one acre. Incorporate the components of the plan required to ensure that no sediment leaves the project site.

** - If any of the 12 items above are missing, the plan must be revised to include the missing element prior to submittal/approval.
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<tr>
<th>PAGE/SHEET</th>
<th>DOES THE PROJECT SPECIFICATION INCLUDE:</th>
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<tr>
<td>Page/Sheet</td>
<td>a. Detail SESC requirements (Reference to Part 91 without detail is not acceptable)</td>
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<tr>
<td>Page/Sheet</td>
<td>b. Require the contractor to prepare and submit a construction sequence and SESC plan <strong>before construction begins</strong></td>
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<td>Page/Sheet</td>
<td>c. Line item on bid form for: a) construction sequencing, b) installation, maintenance and removal of temporary SESC control measures and c) installation and maintenance of permanent SESC control measures.</td>
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<td>d. Constructing and maintaining temporary and permanent SESC measures</td>
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<td>Page/Sheet</td>
<td>e. Language addressing $500 per day fines and assessment of actual damage costs</td>
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<th>PAGE/SHEET</th>
<th>DO THE PLANS CONSIDER:</th>
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<td>f. Protection of the construction boundary perimeter</td>
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<td>Page/Sheet</td>
<td>g. Protection of exposed soil and stockpiles from wind and water erosion</td>
</tr>
<tr>
<td>Page/Sheet</td>
<td>h. Protection of wetlands, streams and lakes</td>
</tr>
<tr>
<td>Page/Sheet</td>
<td>i. Inlet protection of storm water systems</td>
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<tr>
<td>Page/Sheet</td>
<td>j. Protection of exposed slopes from wind and water erosion</td>
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<tr>
<td>Page/Sheet</td>
<td>k. Vehicular tracking of soil off-site and street sweeping</td>
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<th>DO THE PLANS FOLLOW THE SEVEN BASIC PRINCIPLES OF SESC?</th>
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<td>l. Design and construct terrain features such as slopes and drainage ways to minimize the erosion potential of the exposed site based on the soil type, time of year, proximity to waterways, duration of exposure and the anticipated volume and intensity of runoff.</td>
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<td>m. Minimize the surface area of unstabilized soils left unprotected and vulnerable to runoff and wind erosion.</td>
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<td>Page/Sheet</td>
<td>n. Minimize the time that unstabilized soil areas are exposed to erosive forces (wind and rain).</td>
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<td>o. Protect and shield exposed soil areas with a cover of live vegetation, mulch, or other approved erosion resistant materials during the temporary and permanent control periods of construction.</td>
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<td>Page/Sheet</td>
<td>p. Avoid concentrated runoff, or when unavoidable, control runoff velocities to non-erosive levels.</td>
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<tr>
<td>Page/Sheet</td>
<td>q. Eroded sediments will be trapped on-site with temporary and permanent barriers, basins or other sedimentation retention devices while allowing for the controlled discharge of runoff water at non-erosive velocities.</td>
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<td>Page/Sheet</td>
<td>r. Implement continuous inspection and maintenance programs.</td>
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WHEN SITE EXCEEDS 5 ACRES PROVIDE STORM WATER RUN-OFF INFORMATION.

Page/Sheet s. Do the plans provide information regarding run-off volume, run-off velocities and peak discharges.

Page/Sheet t. Calculations are based on the ☐ 10 ☐ 25 ☐ 100 year storm event (check one)

Page/Sheet u. Identify method of calculating run-off volume, run-off velocity and peak discharge. Insert method used

PSC CONTACT INFORMATION:

Company Name: Click or tap here to enter Company Name.
Mailing Address: Click or tap here to enter Mailing Address.
Project Manager: Click or tap here to enter Project Manager.
Email Address: Click or tap here to enter Email Address.
Phone: Click or tap here to enter Phone.
SESC Inspection Report Form
SOIL EROSION AND SEDIMENTATION CONTROL (SESC)

Click or tap here to enter text.

INSPECTION REPORT

DEPARTMENT OF TECHNOLOGY, MANAGEMENT AND BUDGET - DESIGN AND CONSTRUCTION DIVISION
3111 W. St. Joseph Street • Lansing, MI 48917

This report is required to document soil erosion and sedimentation control on State of Michigan projects. (Authority: Part 91, PA 451)

REPORT DATE
Date

FILE NUMBER
Date

CONTRACT NUMBER
Date

DEPARTMENT/UNIVERSITY/COLLEGE
Department/University/College

PROJECT NAME
Project Name

CONTRACTOR
Contractor

Contractor’s Contact
Contact Info.

PROFESSIONAL
PSC

Professional’s Contact
Contact Info.

A. REASON FOR INSPECTION: ☐ Weekly (≥ 1 acre) ☐ Monthly (< 1 acre) ☐ Post-Rain Event Inspection ☐ Winter Inspection

B. CURRENT WEATHER CONDITIONS: (Also note EXTREME weather condition or recent weather changes)

Provide weather details, and include link from WeatherUnderground of current day’s weather

SESC CONTROLS EVALUATED

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<th>Erosion Controls:</th>
<th>Evaluated</th>
<th>Determination (S, M, U)*</th>
<th>Erosion/Sediment Controls:</th>
<th>Evaluated</th>
<th>Determination (S, M, U)*</th>
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<tr>
<td>(E1) Selective Grading &amp; Shaping</td>
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<td>(ES31) Check Dam</td>
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<td>(ES36) Diversion Dike/Berm</td>
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<td>(ES41) Wattles</td>
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<td></td>
</tr>
<tr>
<td>(E12) Rip Rap</td>
<td>☐</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(E13) Gabion Walls</td>
<td>☐</td>
<td></td>
<td>(S51) Silt Fence</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>(E14) Energy Dissipator</td>
<td>☐</td>
<td></td>
<td>(S52) Catch Basin Sediment Guard</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>(E15) Temporary Slope Drain</td>
<td>☐</td>
<td></td>
<td>(S53) Stabilized Construction Access</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>(E16) Slope Drain</td>
<td>☐</td>
<td></td>
<td>(S54) Tire Wash</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>(E17) Cellular Confinement Systems</td>
<td>☐</td>
<td></td>
<td>(S55) Sediment Basin</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>(E18) Plastic Sheets</td>
<td>☐</td>
<td></td>
<td>(S56) Sediment Trap</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>(E19) Temporary Drainageway/Stream Crossing</td>
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<td>(S57) Vegetated Buffer/Filter Strip</td>
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<tr>
<td>(E20) Temporary Bypass Channel</td>
<td>☐</td>
<td></td>
<td>(S58) Inlet Protection Fabric Drop</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>(E21) Live Staking</td>
<td>☐</td>
<td></td>
<td>(S59) Inlet Protection Fabric Fence</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>OTHER</td>
<td>☐</td>
<td></td>
<td>(S60) Inlet Protection Stone</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(S61) Turbidity Curtains</td>
<td>☐</td>
<td></td>
</tr>
</tbody>
</table>

*S – Satisfactory; M - Marginal; U – Unsatisfactory. M & U ratings require additional explanation in item E below.
C. ARE THE CONTROLS INSTALLED ACCORDING TO THE PLANS AND SPECIFICATIONS?  
Click or tap here to enter text.

D. ARE THE CONTROLS MAINTAINED PROPERLY?  
Click or tap here to enter text.

E. WHAT CORRECTIVE ACTIONS NEED TO BE TAKEN BY THE CONTRACTOR? (Provide explanation of any M or UA ratings noted above)  
Click or tap here to enter text.

F. BY WHAT DATE MUST ALL CORRECTIVE ACTIONS BE IMPLEMENTED?  
Click or tap to enter a date.

G. CORRECTIVE ACTIONS COMPLETED SINCE LAST SESC REPORT?  
Click or tap here to enter text.

H. INDICATE WHETHER A DISCHARGE TO WATERS OF THE STATE OR OFF-SITE HAS OCCURRED. YES ☐ NO ☐ IF YES, EXPLAIN.  
Click or tap here to enter text.

I. COMMENTS  
Click or tap here to enter text.
Checklist for Contractor SESC Implementation Plan
CHECKLIST FOR CONTRACTOR’S SOIL EROSION AND SEDIMENTATION CONTROL IMPLEMENTATION PLAN  
For projects that include earth changes or disturb existing vegetation.

DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET  
STATE FACILITIES ADMINISTRATION, DESIGN AND CONSTRUCTION DIVISION  
SOIL EROSION & SEDIMENTATION CONTROL PROGRAM  
Mailing Address: P.O. Box 30026, Lansing, MI 48909  
Street Address: 3111 W. St. Joseph Street, Lansing, MI 48917

PROJECT NAME: Click or tap here to enter text.

PROJECT LOCATION: Click or tap here to enter text.

PROJECT FILE NUMBER: Click or tap here to enter text.

Prior to the start of earthwork, the Contractor must submit a Soil Erosion and Sedimentation Control (SESC) Implementation Plan to the Department of Technology, Management and Budget, Soil Erosion and Sedimentation Control Program. The intent of this plan is to ensure that the Contractor has reviewed and understands the SESC provisions within the plans and specifications. The following checklist will provide Contractors with assistance in creating the SESC Implementation Plan.

The SESC Implementation Plan must include:

1. ☐ A written plan or letter demonstrating:
   - ☐ The Contractor’s means and methods for the implementation of SESC provisions included within the plans and specifications and compliance with the provisions of Part 91 of PA 451 of 1994, as amended
   - ☐ The Contractor's plan for dust control
   - ☐ The Contractor’s plan for inspection and maintenance of temporary soil erosion and sedimentation controls
   - ☐ Contractor contact and mailing information: Click or tap here to enter text.

2. ☐ A map, location plan, drawing, or amended copy of the project SESC or grading plan showing:
   - ☐ The locations of any stockpiles of soil associated with the project
   - ☐ The temporary SESC controls associated with stockpiles of soil
   - ☐ The Contractor’s suggested or proposed additions or relocations of any temporary or permanent SESC controls associated with the project plans and specifications (subject to approval by engineer and DTMB)
   - ☐ Location of site entrances, exits and vehicle routes
   - ☐ Location of site superintendent’s/project manager’s site trailer or office (for SESC Inspector check-in)

3. ☐ A schedule for the installation and removal of temporary controls and the installation of permanent soil erosion and sedimentation controls in relation to the overall construction schedule.

Submit the above items to:  
SESC Program Manager  
State of Michigan - DTMB, State Facilities Administration  
Design and Construction Division  
P.O. Box 30026  
Lansing, MI 48909

Upon approval of the contractor's plan, an “Authorization to Proceed with Earth Change” will be issued by the DTMB SESC Unit.
“Authorization to Proceed with Earth Change” Form
**AUTHORIZATION TO PROCEED WITH EARTH CHANGE**

For projects that include earth changes or disturb existing vegetation.

DEPARTMENT OF TECHNOLOGY, MANAGEMENT AND BUDGET
DESIGN AND CONSTRUCTION DIVISION
SOIL EROSION AND SEDIMENTATION CONTROL PROGRAM
3111 W. St. Joseph Street
P.O. Box 30026, Lansing, Michigan 48909

<table>
<thead>
<tr>
<th>CONTRACTOR NAME</th>
<th>DATE</th>
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<td>Click or tap here to enter text.</td>
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<table>
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<tr>
<th>CONTRACTOR MAILING ADDRESS</th>
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<tr>
<th>FILE NUMBER</th>
<th>CONTRACT NUMBER</th>
<th>DEPARTMENT/UNIVERSITY/COLLEGE</th>
<th>NPDES PERMIT NO.</th>
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<tr>
<td>Click or tap here to enter text.</td>
<td>Date</td>
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</table>

The State of Michigan, Department of Technology, Management and Budget (DTMB), Facilities Administration, Design and Construction Division Soil Erosion and Sedimentation Control Program has received a copy of the Soil Erosion and Sedimentation Control (SESC) Plan for the above-referenced project. DTMB, Design and Construction Division is authorized under Part 91, SESC, of 1994 PA 451, as amended to enforce soil erosion and sedimentation control requirements with regard to earth changes associated with DTMB managed projects on State-owned properties.

The SESC plan submitted for the above referenced project has been reviewed and authorization to proceed with the earth change is hereby:

- ☐ Approved.
- ☐ Approved subject to the following:

    Enter approved information here

    **NOTE:** The above points represent conditions for approval to begin earth change activities at the above-referenced site. Initiation of earth change activities at the site constitutes agreement of the authorized to implement these conditions.

- ☐ Disapproved due to the following:

    Enter disapproved information here

Signature of SESC Audit Inspector: 

Date: 

c:  SESC File
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 in the project plans and specifications, the following general conditions apply to the earth change authorized by this document:

- 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.

THIS AUTHORIZATION MUST BE POSTED AT THE PROJECT SITE.
<table>
<thead>
<tr>
<th>KEY</th>
<th>BEST MANAGEMENT PRACTICES</th>
<th>SYMBOL</th>
<th>WHERE USED</th>
</tr>
</thead>
<tbody>
<tr>
<td>E1</td>
<td>SELECTIVE GRADING AND SHAPING</td>
<td><img src="symbol1" alt="Symbol" /></td>
<td>To reduce steep slopes and erosive velocities.</td>
</tr>
<tr>
<td>E2</td>
<td>GRUBBING OMITTED</td>
<td><img src="symbol2" alt="Symbol" /></td>
<td>For use on steep slopes to prevent rilling, gullying, and reduce sheet flow velocity or where clear vision corridors are necessary.</td>
</tr>
<tr>
<td>E3</td>
<td>SLOPE ROUGHENING AND SCARIFICATION</td>
<td><img src="symbol3" alt="Symbol" /></td>
<td>Where created grades cause increased erosive velocities. Promotes infiltration and reduces runoff velocity.</td>
</tr>
<tr>
<td>E4</td>
<td>TERRACES</td>
<td><img src="symbol4" alt="Symbol" /></td>
<td>On relatively long slopes up to 8% grades with fairly stable soils.</td>
</tr>
<tr>
<td>E5</td>
<td>DUST CONTROL</td>
<td><img src="symbol5" alt="Symbol" /></td>
<td>For use on construction sites, unpaved roads, etc. to reduce dust and sedimentation from wind and construction activities.</td>
</tr>
<tr>
<td>E6</td>
<td>MULCH</td>
<td><img src="symbol6" alt="Symbol" /></td>
<td>For use in areas subject to erosive surface flows or severe wind or on newly seeded areas.</td>
</tr>
<tr>
<td>E7</td>
<td>TEMPORARY SEEDING</td>
<td><img src="symbol7" alt="Symbol" /></td>
<td>Stabilization method utilized on construction sites where earth change has been initiated but not completed within a 2 week period.</td>
</tr>
<tr>
<td>E8</td>
<td>PERMANENT SEEDING</td>
<td><img src="symbol8" alt="Symbol" /></td>
<td>Stabilization method utilized on sites where earth change has been completed (final grading attained).</td>
</tr>
<tr>
<td>E9</td>
<td>MULCH BLANKETS</td>
<td><img src="symbol9" alt="Symbol" /></td>
<td>On exposed slopes, newly seeded areas, new ditch bottoms, or areas subject to erosion.</td>
</tr>
<tr>
<td>E10</td>
<td>SODDING</td>
<td><img src="symbol10" alt="Symbol" /></td>
<td>On areas and slopes where immediate stabilization is required.</td>
</tr>
<tr>
<td>E11</td>
<td>VEGETATED CHANNELS</td>
<td><img src="symbol11" alt="Symbol" /></td>
<td>For use in created stormwater channels. Vegetation is used to slow water velocity and reduce erosion within the channel.</td>
</tr>
<tr>
<td>E12</td>
<td>RIPRAP</td>
<td><img src="symbol12" alt="Symbol" /></td>
<td>Use along shorelines, waterways, or where concentrated flows occur. Slows velocity, reduces sediment load, and reduces erosion.</td>
</tr>
<tr>
<td>E13</td>
<td>GABION WALLS</td>
<td><img src="symbol13" alt="Symbol" /></td>
<td>On newly created or denuded stream banks to reduce velocity until permanent stabilization is achieved or on existing banks to retard erosive velocities.</td>
</tr>
<tr>
<td>E14</td>
<td>ENERGY DISSIPATOR</td>
<td><img src="symbol14" alt="Symbol" /></td>
<td>Where the energy transmitted from a concentrated flow of surface runoff is sufficient to erode receiving area or watercourse.</td>
</tr>
<tr>
<td>E15</td>
<td>TEMPORARY SLOPE DRAIN</td>
<td><img src="symbol15" alt="Symbol" /></td>
<td>Where surface runoff temporarily accumulates or sheet flows over the top of a slope and must be conveyed down a slope in order to prevent erosion.</td>
</tr>
<tr>
<td>E16</td>
<td>SLOPE DRAIN</td>
<td><img src="symbol16" alt="Symbol" /></td>
<td>Where concentrated flow of surface runoff must be permanently conveyed down a slope in order to prevent erosion.</td>
</tr>
</tbody>
</table>

B = BIOENGINEERING
**S-E-S-C Keying System**

<table>
<thead>
<tr>
<th>KEY</th>
<th>BEST MANAGEMENT PRACTICES</th>
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</tr>
</thead>
<tbody>
<tr>
<td>E17</td>
<td>Cellular Confinement Systems</td>
<td><img src="image" alt="Symbol" /></td>
<td>Used on steep slopes and high velocity channels.</td>
</tr>
<tr>
<td>E18</td>
<td>Plastic Sheets</td>
<td><img src="image" alt="Symbol" /></td>
<td>Used on exposed slopes, seeded areas, new ditch bottoms, and areas subject to surface runoff and erosion. Used as a liner in temporary channels and to stabilize stockpiles.</td>
</tr>
<tr>
<td>E19</td>
<td>Temporary Drainageway/Stream Crossing</td>
<td><img src="image" alt="Symbol" /></td>
<td>Use on construction sites where stream/drainageway crossings are required.</td>
</tr>
<tr>
<td>E20</td>
<td>Temporary Bypass Channel</td>
<td><img src="image" alt="Symbol" /></td>
<td>Use within existing stream corridors when existing flow cannot be interrupted, and at culvert and bridge repair sites.</td>
</tr>
<tr>
<td>E21</td>
<td>Live Staking</td>
<td><img src="image" alt="Symbol" /></td>
<td>In areas requiring protection of slopes against surface erosion and shallow mass wasting.</td>
</tr>
</tbody>
</table>

**Erosion / Sediment Controls**

| ES31 | Check Dam                            | ![Symbol](image) | Used to reduce surface flow velocities within constructed and existing flow corridors. |
| ES32 | Stone Filter Berm                    | ![Symbol](image) | Use primarily in areas where sheet or rill flow occurs and to accommodate dewatering flow. |
| ES33 | Filter Rolls                         | ![Symbol](image) | In areas requiring immediate protection of slopes against surface erosion and gully formation, and for perimeter sediment control. |
| ES34 | Sand Fence                           | ![Symbol](image) | For use in areas susceptible to wind erosion, especially where the ground has not yet been stabilized by other means. |
| ES35 | Dewatering                           | ![Symbol](image) | Use where construction activities are limited by the presence of water and dry work is required. |
| ES36 | Diversion Dike/Berm                  | ![Symbol](image) | Within existing flow corridors to address or prevent erosion and sedimentation, or on disturbed or unstable slopes subject to erosive surface water velocities. |
| ES37 | Diversion Ditch                      | ![Symbol](image) | In conjunction with a diversion dike, or where diversion of upslope runoff is necessary to prevent damage to unstabilized or disturbed construction areas. |
| ES38 | Cofferdam/Sheet Piling               | ![Symbol](image) | Constructed along or within water corridor or waterbody to provide dry construction area. |
| ES39 | Streambank Biostabilization          | ![Symbol](image) | For use along banks where stream and riparian zones may have difficulty recovering from the long-term effects of erosion. |
| ES40 | Polymers                              | ![Symbol](image) | To minimize soil erosion and reduce sedimentation in water bodies by increasing soil particle size. |
| ES41 | Wattles                               | ![Symbol](image) | In areas requiring protection of slopes against surface erosion and gully formation. |

B = Bioengineering
## S-E-S-C Keying System

<table>
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<th>BEST MANAGEMENT PRACTICES</th>
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</thead>
<tbody>
<tr>
<td>S51</td>
<td>SILT FENCE</td>
<td>![Silt Fence Symbol]</td>
<td>Use adjacent to critical areas, to prevent sediment laden sheet flow from entering these areas.</td>
</tr>
<tr>
<td>S52</td>
<td>CATCH BASIN SEDIMENT GUARD</td>
<td>![Catch Basin Symbol]</td>
<td>Use in or at stormwater inlets, especially at construction sites.</td>
</tr>
<tr>
<td>S53</td>
<td>STABILIZED CONSTRUCTION ACCESS</td>
<td>![Stabilized Access Symbol]</td>
<td>Used at every point where construction traffic enters or leaves a construction site.</td>
</tr>
<tr>
<td>S54</td>
<td>TIRE WASH</td>
<td>![Tire Wash Symbol]</td>
<td>For use on construction sites where vehicular traffic requires sediment removed from its tires in highly erosive areas.</td>
</tr>
<tr>
<td>S55</td>
<td>SEDIMENT BASIN</td>
<td>![Sediment Basin Symbol]</td>
<td>At the outlet of disturbed areas and at the location of a permanent detention basin.</td>
</tr>
<tr>
<td>S56</td>
<td>SEDIMENT TRAP</td>
<td>![Sediment Trap Symbol]</td>
<td>In small drainage areas, along construction site perimeters, and above check dams or drain inlets.</td>
</tr>
<tr>
<td>S57</td>
<td>VEGETATED BUFFER/FILTER STRIP</td>
<td>![Vegetated Buffer Symbol]</td>
<td>Use along shorelines, waterways, or other sensitive areas. Slows velocity, reduces sediment load, and reduces erosion in areas of sheet flow.</td>
</tr>
<tr>
<td>S58</td>
<td>INLET PROTECTION FABRIC DROP</td>
<td>![Inlet Protection Fabric Drop Symbol]</td>
<td>Use at stormwater inlets, especially at construction sites.</td>
</tr>
<tr>
<td>S59</td>
<td>INLET PROTECTION FABRIC FENCE</td>
<td>![Inlet Protection Fabric Fence Symbol]</td>
<td>Use at stormwater inlets, especially at construction sites.</td>
</tr>
<tr>
<td>S60</td>
<td>INLET PROTECTION STONE</td>
<td>![Inlet Protection Stone Symbol]</td>
<td>Use around urban stormwater inlets.</td>
</tr>
<tr>
<td>S61</td>
<td>TURBIDITY CURTAIN</td>
<td>![Turbidity Curtain Symbol]</td>
<td>Use during construction adjacent to a water esource, to contain sediment within the work area when other BMP's cannot be used.</td>
</tr>
</tbody>
</table>

**B = BIOENGINEERING**
REFERENCES

ACF Environmental. Siltsack Drawing/Specifications.


California Straw Works. Straw Wattle Specifications.


REFERENCES


Ohio Department of Natural Resources. 1987. BMP’s for Erosion Control on Logging Jobs.


Much of the soil erosion control measure information presented in this manual was adapted from the manuals of various states and other resources obtained on the internet. These resources are acknowledged in the References Section of the manual.
P.A. 451 of 1994, Part 91 SESC Regulations
324.9101 Definitions; A to W.

Sec. 9101. (1) “Agricultural practices” means all land farming operations except the plowing or tilling of land for the purpose of crop production or the harvesting of crops.

(2) “Authorized public agency” means a state agency or an agency of a local unit of government authorized under section 9110 to implement soil erosion and sedimentation control procedures with regard to earth changes undertaken by it.

(3) “Conservation district” means a conservation district authorized under part 93.

(4) “Consultant” means either of the following:
   (a) An individual who has a current certificate of training under section 9123.
   (b) A person who employs 1 or more individuals who have current certificates of training under section 9123.

(5) “County agency” means an officer, board, commission, department, or other entity of county government.

(6) “County enforcing agency” means a county agency or a conservation district designated by a county board of commissioners under section 9105.

(7) “County program” or “county's program” means a soil erosion and sedimentation control program established under section 9105.

(8) “Department” means the environmental enforcement agency.

(9) “Earth change” means 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. Earth change does not include the practice of plowing and tilling soil for the purpose of crop production.

(10) “Local ordinance” means an ordinance enacted by a local unit of government under this part providing for soil erosion and sedimentation control.

(11) “Municipal enforcing agency” means an agency designated by a municipality under section 9106 to enforce a local ordinance.

(12) “Municipality” means any of the following:
   (a) A city.
   (b) A village.
   (c) A charter township.
   (d) A general law township that is located in a county with a population of 200,000 or more.

(14) “Sediment” means solid particulate matter, including both mineral and organic matter, that is in suspension in water, is being transported, or has been removed from its site of origin by the actions of wind, water, or gravity and has been deposited elsewhere.

(15) “Soil erosion” means the wearing away of land by the action of wind, water, gravity, or a combination of wind, water, or gravity.

(16) “State agency” means a principal state department or a state public university.

(17) “Violation of this part” or “violates this part” means a violation of this part, the rules promulgated under this part, a permit issued under this part, or a local ordinance enacted under this part.

(18) “Waters of the state” means the Great Lakes and their connecting waters, inland lakes and streams as defined in rules promulgated under this part, and wetlands regulated under part 303.


Compiler's Notes: The repealed sections pertained to definitions and soil erosion and sedimentation control program.

324.9104 Rules; availability of information.

Sec. 9104. (1) The department, with the assistance of the department of agriculture, shall promulgate rules for a unified soil erosion and sedimentation control program, including provisions for the review and approval of site plans, land use plans, or permits relating to soil erosion control and sedimentation control. The department shall notify and make copies of proposed rules available to county enforcing agencies, municipal enforcing agencies, and authorized public agencies for review and comment before promulgation.

(2) The department shall make available to county enforcing agencies, municipal enforcing agencies, and authorized public agencies educational information on soil erosion and sedimentation control techniques and the benefits of implementing soil erosion and sedimentation control measures. County enforcing agencies and municipal enforcing agencies shall distribute this information to persons receiving permits under a county program or a local ordinance and to other interested persons.


324.9105 Administration and enforcement of rules; resolution; ordinance; interlocal agreement; review; notice of results; informal meeting; probation; consultant; inspection fees; rescission of order, stipulation, or probation.

Sec. 9105. (1) Subject to subsection (6), a county is responsible for the administration and enforcement of this part and the rules promulgated under this part throughout the county except as follows:

(a) Within a municipality that has assumed the responsibility for soil erosion and sedimentation control under section 9106.
(b) With regard to earth changes of authorized public agencies.
(2) Subject to subsection (3), the county board of commissioners of each county, by resolution, shall designate a county agency, or a conservation district upon the concurrence of the conservation district, as the county enforcing agency responsible for administration and enforcement of this part and the rules promulgated under this part in the name of the county. The resolution may set forth a schedule of fees for inspections, plan reviews, and permits and may set forth other matters relating to the administration and enforcement of the county program and this part and the rules promulgated under this part.

(3) In lieu of or in addition to a resolution provided for in subsection (2), the county board of commissioners of a county may provide by ordinance for soil erosion and sedimentation control in the county. An ordinance adopted under this subsection may be more restrictive than, but shall not make lawful that which is unlawful under, this part and the rules promulgated under this part. If an ordinance adopted under this subsection is more restrictive than this part and the rules promulgated under this part, the county enforcing agency shall notify a person receiving a permit under the ordinance that the ordinance is more restrictive than this part and the rules promulgated under this part. The ordinance shall incorporate by reference the rules promulgated under this part that do not conflict with a more restrictive ordinance and may set forth such other matters as the county board of commissioners considers necessary or desirable. The ordinance may provide penalties for a violation of the ordinance that are consistent with section 9121.

(4) A copy of a resolution or ordinance adopted under this section and all subsequent amendments to the resolution or ordinance shall be forwarded to the department for the department's review and approval. The department shall forward a copy to the conservation district for that county for review and comment. Not later than December 31, 2001, the department shall prepare and submit a report to the standing committees of the senate and the house of representatives with jurisdiction over issues primarily related to natural resources and the environment. This report shall detail the number and the substance of complaints that have been received by the department related to county ordinances that have been adopted under subsection (3) that are more restrictive than this part and the rules promulgated under this part.

(5) Two or more counties may provide for joint enforcement and administration of this part and the rules promulgated under this part by entering into an interlocal agreement pursuant to the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(6) Within 3 years after the effective date of the amendatory act that added this subsection, the department shall conduct an initial review of each county's soil erosion and sedimentation control program in accordance with a schedule established by the department. If the department approves a county program, its approval is valid for a 5-year period. After the initial review, the department shall conduct a review of a county's program every 5 years. The review shall be conducted at least 6 months before the expiration of each succeeding 5-year period. The department shall approve a county's program if all of the following conditions are met:

(a) The county has passed a resolution or enacted an ordinance as provided in this section.

(b) The individuals with decision-making authority who are responsible for administering the county program have current certificates of training under section 9123.

(c) The county has effectively administered and enforced the county program in the past 5 years or has implemented changes in its administration or enforcement procedures that the department determines will result in the county effectively administering and enforcing the county program. In determining whether the county has met the requirement of this subdivision, the department shall consider all of the following:
(i) Whether a mechanism is in place to provide funding to administer the county's program.
(ii) Whether the county has conducted adequate inspections to assure minimization of soil erosion and off-site sedimentation.
(iii) The effectiveness of the county's past compliance and enforcement efforts.
(iv) The adequacy and effectiveness of the applications and soil erosion and sedimentation control plans being accepted by the county.
(v) The adequacy and effectiveness of the permits issued by the county and the inspections being performed by the county.
(vi) The conditions at construction sites under the jurisdiction of the county as documented by departmental inspections.

(7) Following a review under subsection (6), the department shall notify the county of the results of its review and whether the department proposes to approve or disapprove the county's program. Within 30 days of receipt of the notice under this subsection, a county may request and the department shall hold an informal meeting to discuss the review and the proposed action by the department.

(8) Following the meeting under subsection (7), if requested, and consideration of the review under subsection (6), if the department does not approve a county's program, the department shall enter an order, stipulation, or consent agreement under section 9112(2) placing the county on probation. In addition, at any time that the department determines that a county that was previously approved by the department under subsection (6) is not satisfactorily administering and enforcing the county's program, the department shall enter into an order, stipulation, or consent agreement under section 9112(2) placing the county on probation. During the 6-month period after a county is placed on probation, the department shall consult with the county on how the county could change its administration of the county program in a manner that would result in its approval.

(9) Within 6 months after a county has been placed on probation under subsection (8), the county may notify the department that it intends to hire a consultant to administer the county's program. If, within 60 days after notifying the department, the county hires a consultant that is acceptable to the department, then within 1 year after the county hires the consultant, the department shall conduct a review of the county's program to determine whether or not the county program can be approved.

(10) If any of the following occur, the department shall hire a consultant to administer the county's program:
(a) The county does not notify the department of its intent to hire a consultant under subsection (9).
(b) The county does not notify the department of its intent to hire a consultant within 60 days after notifying the department under subsection (9).
(c) The county remains unapproved following the department's review under subsection (9).

(11) Upon hiring a consultant under subsection (10), the department may establish a schedule of fees for inspections, review of soil erosion and sedimentation control plans, and permits for the county's program that will provide sufficient revenues to pay for the cost of the contract with the consultant, or the department may bill the county for the cost of the contract with the consultant. As used in this subsection, "cost of the contract" means the actual cost of a contract with a consultant plus the documented costs to the department in administering the contract, but not to exceed 10% of the actual cost of the contract.
(12) At any time that a county is on probation as provided for in this section, the county may request the department to conduct a review of the county's program. If, upon such review, the county has implemented appropriate changes to the county's program, the department shall approve the county's program. If the department approves a county's program under this subsection, the department shall rescind its order, stipulation, or consent agreement that placed the county on probation.


324.9106 Ordinances.

Sec. 9106. (1) Subject to subsection (3), a municipality by ordinance may provide for soil erosion and sedimentation control on public and private earth changes within its boundaries except that a township ordinance shall not be applicable within a village that has in effect such an ordinance. An ordinance may be more restrictive than, but shall not make lawful that which is unlawful under, this part and the rules promulgated under this part. If an ordinance adopted under this section is more restrictive than this part and the rules promulgated under this part, the municipal enforcing agency shall notify a person receiving a permit under the ordinance that the ordinance is more restrictive than this part and the rules promulgated under this part. The ordinance shall incorporate by reference the rules promulgated under this part that do not conflict with a more restrictive ordinance, shall designate a municipal enforcing agency responsible for administration and enforcement of the ordinance, and may set forth such other matters as the legislative body considers necessary or desirable. The ordinance shall be applicable and shall be enforced with regard to all private and public earth changes within the municipality except earth changes by an authorized public agency. The municipality may consult with a conservation district for assistance or advice in the preparation of the ordinance. The ordinance may provide penalties for a violation of the ordinance that are consistent with section 9121.

(2) An ordinance related to soil erosion and sedimentation control that is not approved by the department as conforming to the minimum requirements of this part and the rules promulgated under this part has no force or effect. A municipality shall submit a copy of its proposed ordinance or of a proposed amendment to its ordinance to the department for approval before adoption. The department shall forward a copy to the county enforcing agency of the county in which the municipality is located and the appropriate conservation district for review and comment. Within 90 days after the department receives an existing ordinance, proposed ordinance, or amendment, the department shall notify the clerk of the municipality of its approval or disapproval along with recommendations for revision if the ordinance, proposed ordinance, or amendment does not conform to the minimum requirements of this part or the rules promulgated under this part. If the department does not notify the clerk of the local unit within the 90-day period, the ordinance, proposed ordinance, or amendment shall be considered to have been approved by the department.

(3) After a date determined by a schedule established by the department, but not later than 3 years after the effective date of the amendatory act that added this subsection, a municipality shall not administer and enforce this part or the rules promulgated under this part or a local ordinance unless the department has approved the municipality. An approval under this section is valid for 5 years, after which the department shall review the municipality for reapproval. At least 6 months before the expiration of each succeeding 5-year approval period, the department shall complete a review of the municipality for reapproval. The department shall approve a municipality if all of the following conditions are met:
(a) The municipality has enacted an ordinance as provided in this section that is at least as
restrictive as this part and the rules promulgated under this part.
(b) The individuals with decision-making authority who are responsible for administering
the soil erosion and sedimentation control program for the municipality have current certificates
of training under section 9123.
(c) The municipality has submitted evidence of its ability to effectively administer and
enforce a soil erosion and sedimentation control program. In determining whether the
municipality has met the requirements of this subdivision, the department shall consider all of
the following:
(i) Whether a mechanism is in place to provide funding to administer the municipality's soil
erosion and sedimentation control program.
(ii) The adequacy of the documents proposed for use by the municipality including, but not
limited to, application forms, soil erosion and sedimentation control plan requirements, permit
forms, and inspection reports.
(iii) If the municipality has previously administered a soil erosion and sedimentation control
program, whether the municipality effectively administered and enforced the program in the past
or has implemented changes in its administration or enforcement procedures that the
department determines will result in the municipality effectively administering and enforcing a
soil erosion and sedimentation control program in compliance with this part and the rules
promulgated under this part. In determining whether the municipality has met the requirement of
this subparagraph, the department shall consider all of the following:
(A) Whether the municipality has had adequate funding to administer the municipality's soil
erosion and sedimentation control program.
(B) Whether the municipality has conducted adequate inspections to assure minimization
of soil erosion and off-site sedimentation.
(C) The effectiveness of the municipality's past compliance and enforcement efforts.
(D) The adequacy and effectiveness of the applications and soil erosion and sedimentation
control plans being accepted by the municipality.
(E) The adequacy and effectiveness of the permits issued by the municipality and the
inspections being performed by the municipality.
(F) The conditions at construction sites under the jurisdiction of the municipality as
documented by departmental inspections.

(4) If the department determines that a municipality is not approved under subsection (3)
or that a municipality that was previously approved under subsection (3) is not satisfactorily
administering and enforcing this part and the rules promulgated under this part, the department
shall enter an order, stipulation, or consent agreement under section 9112(2) denying the
municipality authority or revoking the municipality's authority to administer a soil erosion and
sedimentation control program. Upon entry of this order, stipulation, or consent agreement, the
county program for the county in which the municipality is located becomes operative within the
municipality.

(5) A municipality that elects to rescind its ordinance shall notify the department. Upon
rescission of its ordinance, the county program for the county in which the municipality is
located becomes operative within the municipality.

(6) A municipality that rescinds its ordinance or is not approved by the department to
administer the program shall retain jurisdiction over projects under permit at that time. The
municipality shall retain jurisdiction until the projects are completed and stabilized or the county
agrees to assume jurisdiction over the permitted earth changes.

324.9107 Notice of violation.

Sec. 9107. If a local unit of government has notice that a violation of this part has occurred within the boundaries of that local unit of government, including but not limited to a violation attributable to an earth change by an authorized public agency, the local unit of government shall notify the appropriate county enforcing agency and municipal enforcing agency and the department of the violation.


324.9108 Permit; deposit as condition for issuance.

Sec. 9108. As a condition for the issuance of a permit, the county enforcing agency or municipal enforcing agency may require the applicant to deposit with the clerk of the county or municipality in the form of cash, a certified check, or an irrevocable bank letter of credit, whichever the applicant selects, or a surety bond acceptable to the legislative body of the county or municipality or to the county enforcing agency or municipal enforcing agency, in an amount sufficient to assure the installation and completion of such protective or corrective measures as may be required by the county enforcing agency or municipal enforcing agency.


324.9109 Agreement between public agency or county or municipal enforcing agency and conservation district; purpose; reviews and evaluations of agency's programs or procedures; agreement between person engaged in agricultural practices and conservation district; notification; enforcement.

Sec. 9109. (1) An authorized public agency, county enforcing agency, or municipal enforcing agency may enter into an agreement with a conservation district for assistance and advice in overseeing and reviewing compliance with soil erosion and sedimentation control procedures and in reviewing existing or proposed earth changes, earth change plans, or site plans with regard to technical matters pertaining to soil erosion and sedimentation control. In addition to or in the absence of such agreements, conservation districts may perform periodic reviews and evaluations of the authorized public agency's, county enforcing agency's, or municipal enforcing agency's programs or procedures pursuant to standards and specifications developed in cooperation with the respective districts and as approved by the department. These reviews and evaluations shall be submitted to the department for appropriate action.

(2) A person engaged in agricultural practices may enter into an agreement with the appropriate conservation district to pursue agricultural practices in accordance with and subject to this part, the rules promulgated under this part, and any applicable local ordinance. If a person enters into an agreement with a conservation district, the conservation district shall notify the county enforcing agency or municipal enforcing agency or the department in writing of the agreement. Upon entering into the agreement under this subsection, a person is not subject to permits required under this part, but is required to develop project specific soil erosion and sedimentation control plans and is subject to the remedies provided for in this part for violations of this part.

324.9110 Designation as authorized public agency; application; submission of procedures; variance; approval.

Sec. 9110. (1) Subject to subsection (4), a state agency or an agency of a local unit of government may apply to the department for designation as an authorized public agency by submitting to the department the soil erosion and sedimentation control procedures governing all earth changes normally undertaken by the agency. If the applicant is an agency of a local unit of government, the department shall submit the procedures to the county enforcing agency and the appropriate conservation district for review. The county enforcing agency and the conservation district shall submit their comments on the procedures to the department within 60 days. If the applicant is a state agency, the department shall submit the procedures to the department of agriculture for review, and the department of agriculture shall submit its comments on the procedures to the department within 60 days.

(2) Subject to subsection (4), if the department finds that the soil erosion and sedimentation control procedures of the state agency or the agency of the local unit of government meet the requirements of this part and rules promulgated under this part, the department shall designate the agency as an authorized public agency.

(3) Subject to subsection (4), after approval of the procedures and designation as an authorized public agency pursuant to subsection (1) or (2), all earth changes maintained or undertaken by the authorized public agency shall be undertaken pursuant to the approved procedures. If determined necessary by the department and upon request of an authorized public agency, the department may grant a variance from the provisions of this subsection.

(4) After a date determined by a schedule established by the department, but not later than 3 years after the effective date of the amendatory act that added this subsection, a state agency or an agency of a local unit of government shall not administer and enforce this part and the rules promulgated under this part as an authorized public agency unless the department has approved the agency under this section. An approval under this section is valid for 5 years, after which the department shall review the agency for reapproval. At least 6 months before the expiration of each succeeding 5-year period, the department shall complete a review of the authorized public agency for reapproval. The department shall approve a state agency or an agency of a local unit of government if all of the following conditions are met:

(a) The agency has adopted soil erosion and sedimentation control procedures that are at least as restrictive as this part and the rules promulgated under this part.

(b) The individuals with decision-making authority who are responsible for administering the soil erosion and sedimentation control procedures have current certificates of training under section 9123.

(c) The agency has submitted evidence of its ability to effectively administer soil erosion and sedimentation control procedures. In determining whether the agency has met the requirement of this subdivision, the department shall consider all of the following:

(i) Funding to administer the agency's soil erosion and sedimentation control program.

(ii) The agency's plans for inspections to assure minimization of soil erosion and off-site sedimentation.

(iii) The adequacy of the agency's soil erosion and sedimentation control procedures.

(iv) If the agency has previously administered soil erosion and sedimentation control procedures, the agency has effectively administered these procedures or has implemented changes in their administration that the department determines will result in the agency effectively administering the soil erosion and sedimentation control procedures. In determining whether the agency has met the requirement of this subparagraph, the department shall consider all of the following:
(A) Whether the agency has had adequate funding to administer the agency's soil erosion and sedimentation control program.

(B) Whether the agency has conducted adequate inspections to assure minimization of soil erosion and off-site sedimentation.

(C) The effectiveness of the agency's past compliance and enforcement efforts.

(D) The adequacy of the agency's soil erosion and sedimentation control plans and procedures as required by rule.

(E) The conditions at construction sites under the jurisdiction of the agency as documented by departmental inspections.

(5) If the department determines that a state agency or an agency of a local unit of government is not approved under subsection (4) or that a state agency or an agency of a local unit of government that was previously approved under subsection (4) is not satisfactorily administering and enforcing this part and the rules promulgated under this part, the department shall enter an order, stipulation, or consent agreement under section 9112(2) denying or revoking the designation of the state agency or agency of a local unit of government as an authorized public agency.


Compiler's Notes: The repealed section pertained to statements and certificates relating to plats.

324.9112 Earth change; permit required; effect of property transfer; violation; notice; hearing; answer; evidence; stipulation or consent order; final order of determination.

Sec. 9112. (1) A person shall not maintain or undertake an earth change governed by this part, the rules promulgated under this part, or an applicable local ordinance, except in accordance with this part and the rules promulgated under this part or with the applicable local ordinance, and except as authorized by a permit issued by the appropriate county enforcing agency or municipal enforcing agency pursuant to part 13.

(2) The owner of property that is subject to a permit under this part is responsible for compliance with the terms of the permit that apply to that property.

(3) Except as provided in subsection (4), if property subject to a permit under this part is transferred, both of the following are transferred with the property:

(a) The permit, including the permit obligations and conditions.

(b) Responsibility for any violations of the permit that exist on the date the property is transferred.

(4) If property is subject to a permit under this part and a parcel of the property, but not the entire property, is transferred, both of the following are transferred with the parcel:

(a) The permit obligations and conditions with respect to that parcel, but not the permit itself.

(b) Responsibility for any violations of the permit with respect to that parcel that exist on the date the parcel is transferred.

(5) If property subject to a permit under this part is proposed to be transferred, the transferor shall notify the transferee of the permit in writing on a form developed by the department and provided by the county enforcing agency or municipal enforcing agency. The notice shall inform the transferee of the requirements of subsection (2) and, as applicable, subsection (3) or (4). The notice shall include a copy of the permit. The transferor and transferee shall sign the notice, and the transferor shall submit the signed notice to the county enforcing agency or municipal enforcing agency before the property is transferred.
(6) A county enforcing agency or municipal enforcing agency may charge a fee for the transfer of a permit under subsection (3) or (4). The fee shall not exceed the administrative costs of transferring the permit. Fees collected under this subsection shall only be used for the enforcement and administration of this part by the enforcing agency.

(7) If in the opinion of the department a person, including an authorized public agency, violates this part, the rules promulgated under this part, or an applicable local ordinance, or a county enforcing agency or municipal enforcing agency fails to enforce this part, the rules promulgated under this part, or an applicable local ordinance, the department may notify the alleged offender in writing of its determination. If the department places a county on probation under section 9105, a municipality is not approved under section 9106, or a state agency or agency of a local unit of government is not approved under section 9110, or if the department determines that a municipal enforcing agency or authorized public agency is not satisfactorily administering and enforcing this part and rules promulgated under this part, the department shall notify the county, municipality, state agency, or agency of a local unit of government in writing of its determination or action. The notice shall contain, in addition to a statement of the specific violation or failure that the department believes to exist, a proposed order, stipulation for agreement, or other action that the department considers appropriate to assure timely correction of the violation or failure. The notice shall set a date for a hearing not less than 4 nor more than 8 weeks from the date of the notice of determination. Extensions of the date of the hearing may be granted by the department or on request. At the hearing, any interested party may appear, present witnesses, and submit evidence. A person who has been served with a notice of determination may file a written answer to the notice of determination before the date set for hearing or at the hearing may appear and present oral or written testimony and evidence on the charges and proposed requirements of the department to assure correction of the violation or failure. If a person served with the notice of determination agrees with the proposed requirements of the department and notifies the department of that agreement before the date set for the hearing, disposition of the case may be made with the approval of the department by stipulation or consent agreement without further hearing. The final order of determination following the hearing, or the stipulation or consent order as authorized by this section and approved by the department, is conclusive unless reviewed in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, in the circuit court of Ingham county, or of the county in which the violation occurred, upon petition filed within 15 days after the service upon the person of the final order of determination.


324.9113 Injunction; inspection and investigation.

Sec. 9113. (1) Notwithstanding the existence or pursuit of any other remedy, the department or a county enforcing agency or municipal enforcing agency may maintain an action in its own name in a court of competent jurisdiction for an injunction or other process against a person to restrain or prevent violations of this part.

(2) An agent appointed by the department, a county enforcing agency, or a municipal enforcing agency may enter at all reasonable times in or upon any private or public property for the purpose of inspecting and investigating conditions or practices that may be in violation of this part.


324.9114 Additional rules.
Sec. 9114. In order to carry out their functions under this part, the department and the department of agriculture may promulgate rules in addition to those otherwise authorized in this part.


324.9115 Logging, mining, or land plowing or tilling; permit exemption; “mining” defined.

Sec. 9115. (1) Subject to subsection (2), a person engaged in the logging industry, the mining industry, or the plowing or tilling of land for the purpose of crop production or the harvesting of crops is not required to obtain a permit under this part. However, all earth changes associated with the activities listed in this section shall conform to the same standards as if they required a permit under this part. The exemption from obtaining a permit under this subsection does not include either of the following:
   (a) Access roads to and from the site where active mining or logging is taking place.
   (b) Ancillary activities associated with logging and mining.

(2) This part does not apply to a metallic mineral mining activity that is regulated under a mining and reclamation plan that contains soil erosion and sedimentation control provisions and that is approved by the department under part 631.

(3) A person is not required to obtain a permit from a county enforcing agency or a municipal enforcing agency for earth changes associated with well locations, surface facilities, flowlines, or access roads relating to oil or gas exploration and development activities regulated under part 615, if the application for a permit to drill and operate under part 615 contains a soil erosion and sedimentation control plan that is approved by the department under part 615. However, those earth changes shall conform to the same standards as required for a permit under this part. This subsection does not apply to a multisource commercial hazardous waste disposal well as defined in section 62506a.

(4) As used in this section, “mining” does not include the removal of clay, gravel, sand, peat, or topsoil.


324.9116 Reduction of soil erosion or sedimentation by owner.

Sec. 9116. A person who owns land on which an earth change has been made that may result in or contribute to soil erosion or sedimentation of the waters of the state shall implement and maintain soil erosion and sedimentation control measures that will effectively reduce soil erosion or sedimentation from the land on which the earth change has been made.


324.9117 Notice of determination.

Sec. 9117. If the county enforcing agency or municipal enforcing agency that is responsible for enforcing this part and the rules promulgated under this part determines that soil erosion or sedimentation of adjacent properties or the waters of the state has or will reasonably occur from land in violation of this part or the rules promulgated under this part or an applicable local ordinance, the county enforcing agency or municipal enforcing agency may seek to enforce a violation of this part by notifying the person who owns the land, by 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 with this part and the rules promulgated under this part or an applicable local ordinance.


### 324.9118 Compliance; time.

Sec. 9118. Within 5 days after a notice of violation has been issued under section 9117, a person who owns land subject to this part and the rules promulgated under this part shall implement and maintain soil erosion and sedimentation control measures in conformance with this part, the rules promulgated under this part, or an applicable local ordinance.


### 324.9119 Entry upon land; construction, implementation, and maintenance of soil erosion and sedimentation control measures; cost.

Sec. 9119. Except as otherwise provided in this section, not sooner than 5 days after notice of violation of this part has been mailed under section 9117, if the condition of the land, in the opinion of the county enforcing agency or municipal enforcing agency, may result in or contribute to soil erosion or sedimentation of adjacent properties or to the waters of the state, and if soil erosion and sedimentation control measures in conformance with this part and the rules promulgated under this part or an applicable local ordinance are not in place, the county enforcing agency or municipal enforcing agency, or a designee of either of these agencies, may enter upon the land and construct, implement, and maintain soil erosion and sedimentation control measures in conformance with this part and the rules promulgated under this part or an applicable local ordinance. However, the enforcing agency shall not expend more than $10,000.00 for the cost of the work, materials, labor, and administration without prior written notice in the notice provided in section 9117 for the person who owns the land that the expenditure of more than $10,000.00 may be made. If more than $10,000.00 is to be expended under this section, then the work shall not begin until at least 10 days after the notice of violation has been mailed.


### 324.9120 Reimbursement of county or municipal enforcing agency; lien for expenses; priority; collection and treatment of lien.

Sec. 9120. (1) All expenses incurred by a county enforcing agency or a municipal enforcing agency under section 9119 to construct, implement, and maintain soil erosion and sedimentation control measures to bring land into conformance with this part and the rules promulgated under this part or an applicable local ordinance shall be reimbursed to the county enforcing agency or municipal enforcing agency by the person who owns the land.

(2) The county enforcing agency or municipal enforcing agency shall have a lien for the expenses incurred under section 9119 of bringing the land into conformance with this part and the rules promulgated under this part or an applicable local ordinance. However, with respect to single-family or multifamily residential property, the lien for such expenses 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.


### 324.9121 Violations; penalties.
Sec. 9121. (1) A person who violates this part is responsible for either of the following:
   (a) If the action is brought by a county enforcing agency or a municipal enforcing agency of
       a local unit of government that has enacted an ordinance under this part that provides a penalty
       for violations, the person is responsible for a municipal civil infraction and may be ordered to
       pay a civil fine of not more than $2,500.00.
   (b) If the action is brought by the state or a county enforcing agency of a county that has
       not enacted an ordinance under this part, the person is responsible for a state civil infraction
       and may be ordered to pay a civil fine of not more than $2,500.00.

   (2) A person who knowingly violates this part 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 this part after receiving a notice of determination
       under section 9112 or 9117 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 the state filed the action under this section, in the general fund of the state.
       (b) If a county enforcing agency or municipal enforcing agency filed the action under this
           section, with the county or municipality that filed the action.
       (c) If an action was filed jointly by the state and a county enforcing agency or municipal
           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. All fines going to the
           department shall be deposited into the general fund of the state.

   (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

   (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.

   (7) This section applies to an authorized public agency, in addition to other persons. This
       section does not apply to a county enforcing agency or a municipal enforcing agency with
       respect to its administration and enforcement of this part and rules promulgated under this part.

324.9122 Severability.

Sec. 9122. If any provision of this part is declared by a court to be invalid, the invalid
provision shall not affect the remaining provisions of the part that can be given effect without the
invalid provision. The validity of the part as a whole or in part shall not be affected, other than
the provision invalidated.

324.9123 Training program; certificate; fees.
Sec. 9123. (1) Beginning 3 years after the effective date of the 2000 amendments to this section, each individual who is responsible for administering this part and the rules promulgated under this part or a local ordinance and who has decision-making authority for soil erosion and sedimentation control plan development or review, inspections, permit issuance, or enforcement shall be trained by the department. The department shall issue a certificate of training to individuals under this section if they do both of the following:
   (a) Complete a soil erosion and sedimentation control training program sponsored by the department.
   (b) Pass an examination on the subject matter covered in the training program under subdivision (a).

(2) A certificate of training under subsection (1) is valid for 5 years. For recertifications, the department may offer a refresher course or other update in lieu of the requirements of subsection (1)(a) and (b).

(3) The department may charge fees for administering the training program and the examination under this section that are not greater than the department's cost of administering the training program and the examination. All fees collected under this section shall be deposited into the soil erosion and sedimentation control training fund created in section 9123a.


324.9123a Soil erosion and sedimentation control training fund; creation; disposition of funds; lapse; expenditures.

Sec. 9123a. (1) The soil erosion and sedimentation control training fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the soil erosion and sedimentation control training fund. The state treasurer shall direct the investment of the soil erosion and sedimentation control training fund. The state treasurer shall credit to the soil erosion and sedimentation control training fund interest and earnings from fund investments.

(3) Money in the soil erosion and sedimentation control training fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money from the fund, upon appropriation, only to administer the soil erosion and sedimentation control training program and examination under section 9123.