

Soil Erosion Program

2010 COM

Marquette County Conservation District
780 Commerce Drive, Suite B, Marquette, MI 49855
Phone: (906) 362-2259 or 226-2461 Fax: (906) 228-4484
e-mail= hampton.waring@macd.org

COMMERCIAL

SOIL EROSION CONTROL PERMIT APPLICATION

Pursuant to Part 91, Soil Erosion and Sedimentation Control, of Act 451 of the Public Acts of 1994, as amended

A Soil Erosion Control Permit is required for **earth changes** that are located within 500 feet of a **lake or stream** or for **earth changes** that are one acre (43,560 square feet) or more in surface area, regardless of the location.

Earth Change—A human made change in the existing ground surface cover, including but not limited to excavating, filling, stockpiling, grading, clearing, grubbing, and stumping.

Stream—“A natural or artificial river, creek, or other surface watercourse which may or may not be serving as a drain (as defined in Act No. 40 of the Public Acts of 1956, as amended being section 280.1 et seq. of the Michigan Compiled Laws) and which has **definite banks, a bed, and visible evidence of the continued flow or continued occurrence of water**, including the connecting waters of the Great Lakes.” This includes a ditch, gully, ravine, etc. that *is serving* as a river, stream, or creek.

Lake—“All natural and artificial inland lakes or impoundments that have definite banks, a bed, visible evidence of a continued occurrence of water, **and a surface area of water that is equal to or greater than one acre.**” “Lake” does not include sediment basins and basins constructed for the sole purpose of stormwater retention, cooling water, or treating polluted water.

There are a few types of earth change activities that are exempt from obtaining Part 91 permits but are not exempt from the requirements of Part 91. The exempted activities are **beach nourishment projects under Part 325, minor earth changes, normal road and driveway maintenance, changes of less than 225 square feet**, plowing/tilling for crop production, mining, and logging. *The exemption for mining does not apply to the removal of topsoil, sand, gravel, peat, clay, or marl. The exemption for mining and logging does not apply to ancillary or support facilities such as access roads, staging areas, processing facilities, and stockpiles that are outside of the “harvest” or “mining” area.* The exemptions listed above do not apply if the activity is a phase of site preparation for another land use activity that requires a permit.

Beach Nourishment Project: Project permitted by MDEQ under Part 325 of PA 451.

Minor Earth Change: An earth change of a minor nature that is stabilized (rip-rap, seed/mulch, sod, gravel, etc.) within 24 hours of the initial earth disturbance and that will not contribute sediment to lakes or streams.

Normal Road and Driveway Maintenance: Normal road and driveway maintenance, such as grading or leveling, that does not increase the width or length of the road or driveway and that will not contribute sediment to lakes or streams.

225 Square Foot Exemption: A permit waiver may be granted for an earth change after receiving a signed affidavit from the landowner stating that the earth change will disturb less than 225 square feet and that the earth change will not contribute sediment to lakes or streams.

If you have any questions or would like assistance with your application, please contact us for help.

If you would like to receive notices of the Marquette Co. Conservation District’s Native Plant, Tree, and Plug Sales, please include your email address on page 1 of the application form.

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2010 SCHEDULE OF FEES FOR SOIL EROSION AND SEDIMENT CONTROL PERMITS

Pursuant to Part 91, Soil Erosion and Sedimentation Control, Act 451 of the Public Acts of 1994, as amended.

Effective 01-01-10

SINGLE - FAMILY RESIDENTIAL: \$225 per acre of earth change (or fraction thereof)
(Permit valid for 2 years from completion date \$90 minimum
stated on permit application)
Time Extensions (requested or required) as needed \$90
to stabilize site:
Residential Permit Revisions: \$90 (extra acreage will be charged at \$225 per acre)

COMMERCIAL ACTIVITIES: First 10 Acres=\$325 per acre (or fraction thereof)
Utilities, Roads, Businesses, Apartment/Housing Next 10 Acres=\$250 per acre
projects, Churches, Motels, Restaurants, Parking Next 10 Acres=\$200 per acre
Lots, Warehouses, Motocross Tracks, Stockpile Next 10 Acres and up=\$175 per acre
Yards, Topsoil Stripping, Subdivisions, \$225 minimum
Condominiums, Golf Courses, Land Clearing,
Landfills, etc.
(Permit Valid for 2 years from completion date
stated on permit application)
Time Extensions (requested or required) as needed \$225
to stabilize site:
Commercial Permit Revisions: Fee based on percentage of acreage changed
(example: 25% of original design changed will be
charged 25% of original permit fee.)

PITS: Sand/Gravel/Peat/Clay/Marl Pits \$400 flat fee for all acreage

LOGGING/MINING: Per MCCD Policy \$325 per acre (or fraction thereof)
\$225 minimum

PROJECT REVIEW WITHOUT APPLICATION \$25 per hour plus mileage

FEE FOR CANCELED PROJECTS: One half of permit fee will be refunded
(after permit is issued)

**WHERE EARTHWORK IS IN PROGRESS WITHOUT A VALID PART 91 PERMIT, A NOTICE OF VIOLATION
WILL BE ISSUED AND A FINE OF UP TO \$2,500 MAY BE LEVIED.**

1 acre = 43,560 square feet. To figure out your acreage, take the total square feet that will be disturbed (excavation, fill areas, stockpiles, etc.) and divide it by 43,560. The fee is then calculated by the acreage x cost per acre or minimum fee.

BONDING: A performance bond is required for all projects that excavate or fill over 1000 cubic yards (27,000 cubic feet). The amount of the performance bond is \$1000 per acre of disturbance. See application packet for more information.

****NOTE: Sand/Gravel/Peat/Clay/Marl, etc. pits, landfills and stockpile yards are exempt from bonding requirements.**

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Office Use Only

Paid:

Permit #:

APPLICATION FOR EROSION CONTROL PERMIT

Under Part 91, Soil Erosion & Sedimentation Control, PA 451 of 1994, as amended.

In accordance with Part 91- Act 451, 1994, the undersigned makes an application for a permit:

1. Description of all earth changes and construction: _____

2. Size of total earth change [square feet or acreage] _____

3. Project address _____ T _____ R _____ Section _____
(Please provide map or detailed directions to project site.)

County _____ Township _____ OR City _____

Fire Number _____ Lot # (if applicable) _____

Identify closest lake/stream _____

Distance from edge of disturbance area to the lake or stream _____

4. Landowner's* [or recorded easement holder] Printed Name _____

Landowner's Signature _____

Address (seasonal+year round) _____

City, State, Zip Code _____

Home and Work Phone numbers _____

Fax number: _____ Cell or Mobile Phone # _____

**If working only in a public ROW, then contractor can be applicant*

5. Contractor's Name/Contact Person: _____

Address: _____

Phone/Fax/Cell Numbers: _____

6. Return completed application, fee, map, and pages to:

MCCD
780 Commerce Drive, Suite B
Marquette, MI 49855

THIS PAGE MUST BE FILLED OUT AND RETURNED

1. Please write out **detailed directions or a map** to show how to access the site. Include roads, names, signs, fire #'s, etc.
2. On the map, fill in the scale (bottom) and then draw and label all applicable **EXISTING** items: stream, lake, driveway, home, camp, lawn area, garage, septic system, well, storage building, culverts, ditches, drainage paths, etc. Also include major land features such as a rock bluff, swamp, river, lake, forest, etc.
3. Please list all new **PROPOSED** earth disturbance activities (*driveway, access roads, home, camp, lawn area, garage, septic system, addition, well, storage building, culverts, ditches, etc.*), the approximate square feet that will be disturbed for each, and then draw/label each on the map. You may also provide one overall total area disturbed if this is easier.

Disturbance Activity:	Area in square feet:	}	YOU MUST DRAW ALL OF THESE SITE ACTIVITIES ON THIS MAP	
_____	_____			
_____	_____			
_____	_____			
_____	_____			
_____	_____			
_____	_____			
TOTAL: _____ sq. ft. / 43,560= _____ acre x \$325 per acre= \$ _____ fee (remember \$225 minimum)				

4. Please draw a **heavy outline** around **all disturbed areas** for your project.
5. **EXISTING** ground elevations. Start at a flat area and label this •100' elevation. Go out in all directions and give approximate elevations (difference can be at little as one foot or as much as ten) up or down relative to the •100'; include lake, river, road, and major land areas. Be sure to include all areas where disturbance will occur.
6. **PROPOSED** ground elevations. Using the already labeled existing elevations as a reference, use new numbers with a box around them to represent the elevations that the ground will be when you are done with your project, even if it will be the same. On a separate piece of paper, please draw a cross-section for new roads and areas of significant cut or fill of land.
7. Check off the temporary erosion control measures (and draw/label on map) that you will use during the project to prevent any soil from getting into a lake, stream, storm drain inlet, ditch, wetland, or onto other property:

IF CLOSE TO A LAKE/STREAM THEN SILT FENCING AND 1' TRENCH IS REQUIRED ALONG ENTIRE EDGE

Berm____ Mulch____ Silt Fence____ Trench____ Hay Bales____ Sediment Trap____ Filter Fabric over Inlet____
 None____
 Other_____

***Draw and label on the map chosen items.**

8. Check off the permanent erosion control measures (and draw/label on map) that you will use to restore disturbed areas when the project is completed: **SEE GENERAL STANDARDS FOR RESTORATION REQUIREMENTS**
 Sod____ Seed/Mulch____ Gravel____ Pavement____ Bark, Pine Needle, or Leaf Mulch____ Rock Rip-
 Rap____
 Other_____

***Draw and label on the map chosen items.**

9. Please fill in approximate dates for the project: **Submit additional page as needed**
 Installation of temporary erosion controls: _____
 Excavation/Construction: _____
 Backfill and rough grade: _____
 Final grade: _____
 Full vegetation establishment or site stabilization w/permanent SESC Measures _____

Please check all applicable soil types that exist on the site and any fill that will be brought in:
 Sand____ Gravel____ Clay____ Loam____ Topsoil____

10. How will you maintain the permanent erosion control measures?
 Will re-seed, re-sod, add rock, or add mulch as needed to fill in bare spots and prevent erosion _____
 Other_____

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NORTH ↑

W
E
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T

E
A
S
T

SOUTH

SCALE: 1 inch=_____feet
(no more than 100)

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LETTER OF AUTHORIZATION

Name of Project _____

Project Address _____

CONTRACTOR:

Company and Individual Name (Please print)

Signature

Date

Full Address

Home and Work Phone Numbers

Fax and/or Cell Phone, etc. numbers

As landowner or recorded easement holder of the project/property described above, I authorize the person indicated above to act on my behalf for the purposes of this application for a Soil Erosion and Sediment Control Permit pursuant to Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, as amended. I understand that I am responsible for all earth changes related to this project and understand that Part 91, Act 451, as amended may be enforced against me in the event of any violation of that Act.

LANDOWNER or RECORDED EASEMENT HOLDER:

Name (Please print)

Signature

Date _____

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GENERAL REQUIREMENTS AND STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL PLANS

Temporary Erosion/Sediment Control Measures:

The documents submitted for our review must show a reasonable representation of all of the control measures that are anticipated to be necessary during all stages of the earth change, i.e., from the time that the site is stripped of the existing vegetation until the site is permanently stabilized with a non-erodible surface (Note: A site that has been seeded and mulched is not considered to be permanently stabilized until the surfaces are well vegetated). The documents must include detailed drawings showing the proper use, materials, and installation of all temporary and permanent erosion/sediment control measures along with the requirement that the control measures be properly installed, maintained, relocated, modified, etc. as necessary to perform their intended function and be in compliance with the law.

Erosion and sediment controls are required for earth changes above the waterline to prevent sediment from entering the water. **SILT FENCING AND/OR A 1' TRENCH IS REQUIRED ALONG ALL WATERBODY EDGES FOR PROJECTS THAT ARE CLOSE TO A LAKE/STREAM. LARGER COMMERCIAL PROJECTS WILL BE REQUIRED TO INSTALL AND MAINTAIN BERMS/TRENCHES/ SEDIMENT TRAPS FOR EROSION CONTROL.**

The documents must include a project schedule and sequence with sufficient detail to show that the following requirements will be met: 1) earth changes shall be staged to keep the area of the disturbed earth surfaces as small as practicable for the shortest possible period of time; 2) all disturbed earth surfaces shall be expeditiously brought to the final grade and permanently stabilized; 3) the surface restoration work shall be a continuous operation and shall proceed concurrently with other items of work; 4) the work schedule and sequence to be followed is the one that will have the least potential for causing erosion/sediment damage.

Permanent Erosion and Sediment Control Measures:

All disturbed earth surfaces steeper than 3:1 and up to 2:1 (horz:vert) shall be restored with pegged sod, erosion control blanket, or other pre-approved equivalent. All disturbed earth surfaces steeper than 2:1 (horz:vert) shall be restored with rock rip-rap, erosion control blanket, or other pre-approved equivalent. No new slopes shall be constructed steeper than 1:1 unless specifically waived by the Conservation District. Earth surfaces on pre-existing slopes steeper than 2:1 are to be armored with riprap, erosion control blanket, or other pre-approved equivalent. These requirements apply to all ditch/cut/fill slopes.

All stream crossing slopes [both sides] must be stabilized with non-woven filter fabric and rip-rap [angular or field stone] from water line up to top of roadbase, regardless of slope.

In all areas of channelized flow, if the water velocity is between 4 fps and 6 fps for a 25-yr/24-hr storm, the channel shall be restored with pegged sod or other pre-approved equivalent. The sod shall extend a minimum of 1' above the channel bottom, measured vertically, or above the normal depth of flow for a 25-yr/24-hr storm. The sod seams shall be staggered in the direction parallel with the flow of water. In V-bottom ditches the sod seams shall not be installed in the bottom of the vee. The sod shall be entrenched such that the top of the root mat is to the line and grade of the adjacent ground.

In all areas of channelized flow, if the water velocity is greater than 6 fps for a 25-yr/24-hr storm, the channel shall be armored with riprap, pavement, or other pre-approved equivalent materials. The armor shall extend a minimum of 1 foot above the channel bottom, measured vertically, or above the normal depth of flow for a 25-yr/24-hr storm, whichever is the greatest.

Regardless of the velocity, all areas of channelized flow having a continuous baseflow shall be permanently stabilized with riprap, pavement, or other pre-approved method (bioengineering is encouraged). The riprap, pavement, etc. shall extend above the channel bottom to the normal depth of the baseflow. The surfaces within the channel above the normal depth of baseflow must be restored according to the velocity and normal depth requirements for a 25-yr/24-hr storm as discussed previously.

All riprap shall be sized such that the smallest stones will not be displaced by the water velocities resulting from a 25-yr/24-hr storm. The depth of the riprap shall be 1.5 times the smallest stone dimension or 8 inches, whichever is the greatest. All riprap shall be underlain by geotextile fabric. All riprap shall be entrenched such that the top of the riprap is to the line and grade of the adjacent ground.

Where subsurface water movement or excavations below the water table may cause seeps, soil erosion, soil slippage, sloughing, caving, or other earth movement, adequate subsurface drainage facilities and permanent surface stabilization measures shall be installed as necessary to prevent slope instability, soil erosion, and sedimentation.

The same end result of structural stability is required for earth impoundments. The suitability of the in-place foundation soils must be analyzed; the embankment cross-section, soils, compaction, outlet structures, etc. must be engineered to prevent slope instability, piping, seepage, settlement, etc. This also applies to existing earth fills that will be subjected to an increase in the backwater elevation due to an alteration of the drainage structures or due to stormwater diversions. Anti-seepage collars must be installed on all impoundment pipe outlets. On the interior surfaces of impoundments, the permanent stabilization method, materials, plant species, etc. must be carefully chosen to ensure that the method is appropriate for the range of water level fluctuations, and/or inundation duration and frequency of occurrence.

The existing surface cover types must also be analyzed and modified as necessary in areas that are not being disturbed but will be experiencing a change in water velocities, the range of water level fluctuations, and/or inundation duration and frequency of occurrence due to stormwater diversions and/or alterations of drainage control structures. The State law requires that all drainage conveyances be designed to prevent erosive velocities, therefore, in the locations where the existing ground surface cover will be subjected to erosive water velocities as a result of this project, the use of energy dissipators and velocity control structures will be required unless all affected surfaces are protected as necessary to prevent long term erosion problems.

The plans must show detail drawings of the configuration and dimensions of all riprap culvert aprons, energy dissipators, spillways, and downdrains. All riprap downdrains and impoundment spillways must be engineered using the USDA "Rock Chute" design method or other appropriate "engineered" method.

Performance Guarantees:

Performance guarantees are required for most earth changes that exceed 1000 cubic yards (27,000 cubic feet) of earthwork. The project must be bonded for \$1000 per acre of work. The performance guarantee may be in the form of a surety bond, cash bond, or irrevocable letter of credit. If the project owner is a government agency, in lieu of a bond, an agreement may be entered into between the project owner and the Conservation District whereby the owner agrees to act on the bond on our behalf in the event that the contractor defaults in performing the permit requirements. However, for this option to be considered, the contractor must be bonded to the owner for 100% of the permit requirements, i.e., the contract documents must incorporate all of the work as approved and required by this office.

Maintenance:

The State law requires that the soil erosion and sediment control plan include "a program proposal for the continued maintenance of all permanent soil erosion control facilities which remain after project completion, including the designation of the person responsible for the maintenance..."

Appeals: The Marquette County Conservation District Board of Directors will be serving as the appeals board for Part 91, the Soil Erosion and Sedimentation Control program. Any matters that you may have for them may be directed to the District Administrator Renee Leow at 906-226-2461.