

OGEMAW COUNTY
ORDINANCE 2021- _____
SOIL EROSION AND SEDIMENTATION CONTROL

WHEREAS, the State of Michigan has authorized counties to adopt a Soil Erosion and Sedimentation Control pursuant to Part 91, Soil and Sedimentation Control (“Part 91”) of 1994 P.A. 451 Natural Resources and Environmental Protection Act, as amended (“NREPA”).

IT IS HERBY RESOLVED AND ORDAINED:

- (A) The Ogemaw County Soil Erosion and Sediment Control Agent is hereby appointed for the administration and enforcement of the Ogemaw County Soil Erosion and Sedimentation Control Ordinance and all rules promulgated under the state statue and this Ordinance in the name of the County of Ogemaw throughout the County of Ogemaw except within a municipality that has assumed the responsibility for part 91, and with regard to the earth changes by authorized public agencies (“County Enforcing Agency”).
- (B) All persons filing an application for a SESC Permit shall pay permit fees as determined by the Ogemaw County Board of Commissioners.
- (C) That all provisions of Part 91 and Part 17, including all rules promulgated under Part91 and Part 17, and Ogemaw County’s Soil Erosion and Sedimentation Control Supplemental Rules and Conditions are adopted as the County Ordinance.
- (D) Refer to Part 91 and Part 17 of the Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act 1994 PA 451, as amended and all rules currently promulgated under Part 91 and Part17, and the County hereby adopts the same as its own.
- (E) The Ogemaw County Soil Erosion and Sediment Control Agent and his designee(s) authorized County Officials as defined by the Municipal Civil Infraction Ordinance, and are empowered to issue municipal civil infraction citations under this Ordinance.
- (F) This Ordinance shall be addressed at a Public Ordinance Hearing of Ogemaw County. Upon the Commission approval, the Ordinance shall be sent to the Department of Environmental Quality for its implementation approval seven (7) days after receipt.

OGEMAW COUNTY
SOIL EROSION AND SEDIMENTATION CONTROL
SUPPLEMENTAL RULES AND CONDITIONS

(Pursuant to Part 91 of Act 451 of 1994, as amended)

SECTION I: Application for Soil Erosion and Sedimentation Control (SESC) Permit

A. All persons proposing to maintain or undertake an earth change activity that meets the following criteria:

1. Disturbs one (1) or more acres of land;
2. Is within 500 feet of a lake, river or stream

Must make application to the Ogemaw County Enforcing Agency for a SESC Permit. Exemptions are identified rule 323.1705 of the Michigan Administrative Code.

B. Application for a SESC permit must be made prior to the start of any work including. But not to, construction of access roads, driveways, land clearing and grading.

C. Application must be made on the prescribed application form, furnished by the County Enforcing Agency, and must be filled out completely. All incomplete application forms are subject to be denied if not completed.

D. The following information, plans and documents should accompany the application form:

1. A map or maps at a scale at a scale of not more 200 feet to the inch.
2. Legal description of the property.
3. Site plan location of all work detailing all items of work.
4. Proximity to lakes, rivers and streams.
5. Predominant land features, Contour intervals or slope description.
6. Soil survey or written description of soils types.
7. A description and location of physical limits of earth change.
8. Location of existing and proposed on-site drainage and dewatering facilities.
9. The location and description for installing and removing all proposed temporary soil erosion and sediment control measures.
10. A listed timing and sequence of each proposed earth change.
11. A description and the location of all proposed permanent SESC measurers.
12. A program for the maintenance of all permanent SESC measurers.

SECTION II: SESC PERMIT

A. SESC Permits will be issued only to the landowner upon proper filing of applications and only after all documents and plans have been reviewed, fees paid, and approved by the County Enforcing Agency. A designated agent on behalf of the landowner is authorized to make application only.

B. SESC Permits shall contain limitations and condition of issuance and shall be prominently displayed on site at all times.

- C. SESC Permits shall contain an expiration date prior to which time the applicant must apply for a renewal or extension to all the provisions of these Supplement Rules and Conditions, if the project is not completed. The expiration date will be established by the County Enforcing Agency to reflect the normal time required to complete the proposed construction or development but, in no case, shall exceed three (3) years.

SECTION III: Fee Schedule

- A. All persons filling an application for a SESC permit shall submit the appropriate fee as determined by the Ogemaw County of Commissioners. Fees may be periodically revised as necessary by formal action of the County Board.
- B. The fee schedule issued by the Ogemaw County Board of Commissioners shall apply to permits issued for a period not exceeding one (1) year. An extension can be applied if more time is needed to finish the project up to a one (1) more year at no extra charge. If project exceeds two (2) years a fee of \$ 50.00 would need to be paid to extend for a third (3) year. The permit would need to be renewed at full price if project exceeds three (3) years.
- C. All fees are to be payable to the County Enforcing Agency prior to issuance of a SESC permit.
- D. All sites will be inspected prior to permit issuance and prior to permit termination or expiration. Inspections must also be conducted throughout the duration of the earth change, on an average of one inspection per month per site or follow a site prioritization matrix (approved by the DEQ) which bases inspection frequencies on site factors that affect control mechanisms and potential problem on site.

SECTION IV: Extension of Time

- A. Request for extension of time for SESC permits must be received by the County Enforcing Agency at least ten (10) days prior to expiration date.
- B. Request for extension must be in writing and set forth the reason for such request.

SECTION V: Violations

- A. Whenever, by the provisions of part 91, the General Rules or these supplemental and conditions, the performance of any act is required or the performance is prohibited, a failure to comply with such provisions shall constitute a violation of law.
- B. All violation shall be corrected within five (5) days following issuance of written notice to correct. Said notice shall include a description of the violation, the remedy and specify the time span in which to comply with Part 91, the rules promulgated under Part 91 and the Ogemaw County Soil Erosion & Sedimentation Control Ordinance 2021-. Notice shall be mailed by certified mail or, hand delivered to the person charged with said violation. Failure to incorporate corrections shall cause the SESC permit to be voided and shall cause legal action to be initiated.

SECTION VI: Maintenance

All persons carrying out soil erosion and sedimentation measures under Part 91, the General Rules or these Supplemental Rules and condition, and all subsequent owners of properties on which such measures have been installed, shall adequately maintain permanent erosion control measures, devices and plants in effective working conditions.

SECTION VII: Standards and Specifications

All soil erosion and sedimentation control measures, both temporary and permanent, shall be designed, constructed and maintained in accordance with current standards and specifications. Sources of these standards and specifications include, but are not limited to: Ogemaw Conservation District, Michigan Department of Environmental Quality Guidebook of Best Management Practice for Michigan Watersheds, and the Michigan Department of Transportation Soil Erosion and Sedimentation Control Measurers, as approved by the County Enforcing Agency.

SECTION VIII: Interpretation

The County Enforcing Agency shall have the responsibility to administer Part 91, the General Rules, and these Supplemental Rules and Conditions and shall base decisions on Part91, The General Rules, and These Supplemental Rules and Conditions.

SECTION IX: Enforcement Assignments

Upon approval of the County Board of Commissioners, the County Enforcing Agency may secure, pursuant to properly executed agreements approve by the Board of commissioners, services for enforcing Part 91, the General Rules, and these supplement Rules and Conditions, on behalf of the Commissioners from private contractors or vendors. Enforcement responsibilities that may be included in said agreement are receipt of applications, collection of permit fees. All fees charged shall be in accordance with these Supplemental Rules and Conditions and shall be turned over to the County Enforcing Agency.