



Livingston County Drain Commissioners Office

Soil Erosion and Sedimentation Control Division

Under the Provisions of Part 91 of Act 451 as Amended 2001
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Guide to Soil Erosion and Sedimentation Control

“Soil erosion and its resulting sedimentation to water systems is identified as the #1 threat to surface waters of the State of Michigan. Each year, millions of tons of soil are deposited into waterways and millions of dollars are spent correcting the problems resulting from this form of environmental impact”

Common Questions

What is the purpose of Soil Erosion Control?

Soil erosion from construction is the number one contributor to pollution in our waterways. Uncontrolled run-off from areas of disturbed soils can move the soil particles, called sediment, off-site and into our lakes, streams, ponds, and wetlands. When deposited in lakes, streams, ponds, and wetlands, this sediment damages the habitats of fish and other wildlife. Sedimentation can clog drains and leave streets a muddy mess and can also cause an increase in flooding due to reduced storm drain capacity.

The LCDC has the responsibility for enforcing the Provisions of Part 91 of Public Act 451, as Amended, and the Livingston County Soil Erosion and Sedimentation Control Ordinance.

What do I need to obtain?

Whether you need a Permit or Waiver will depend on construction activities and site location. Generally, you will need a Permit for construction of a residential single family residence or similar structure, including additions, if construction activity is within 500' of a lake, stream, pond, wetland, or county drain, or the disturbed area is greater than one (1) acre.

A Waiver may be issued if you are not within 500' of a lake, stream, pond, or county drain and the disturbed area is less than one acre. A Waiver is also required if the earth disturbance is within 500' of a lake, stream, pond, wetland, or county drain, and the disturbed area is minimal. For further information please contact our office.

What control measures do I need?

Because every site is different, each has to be assessed separately. However, there are some general requirements. **If construction activity changes the affected area, control measures may need to be adjusted; This is your responsibility.** Sites are inspected a minimum of three times during construction.

If you have obtained a Waiver, you are still required to control erosion from your site. If you are building in a subdivision or on a paved street, you are required to install a coarse aggregate tracking mat and to install silt fence behind the curb or the road ditch, the same as for a Permit.

If you have obtained a Permit, the necessary controls such as tracking mat, silt fence, and vegetative buffer strips, need to be indicated on the site plan you submit to our office. In general, any area where soil has the potential to leave the site needs to have a control measure in place to prevent this from happening. All control measures need to be installed prior to your initial inspection. The coarse aggregate material for the tracking mat must, at a minimum, be piled in the area where the tracking mat will be installed. This material must be spread once construction has commenced.

For more information, please see the SESC Technical Specifications, which are attached.

What are my responsibilities?

You are responsible for maintaining the temporary controls until you achieve permanent stabilization of the site.

What if I do not maintain my controls?

If your site is found to be out of compliance, a Violation Notice will be posted at the site. Any failed inspection requires a re-inspection. There is a fee charged for each re-inspection. Some reasons a site will fail an inspection are as follows:

- Silt fence missing, not properly trenched in, knocked down, buried, or otherwise damaged.
- Tracking mat missing or not maintained.

- Dirt or mud in the street.
- Vegetative buffer strip not maintained and no other control measures installed.

If the site is non-compliant at the time of re-inspection, the inspector will assess the site conditions (e.g. the potential for further sedimentation if the site remains non-compliant) and what, if anything, has been done to address the non-compliance, then determine the appropriate enforcement. This may be:

- Issuance of a second Violation Notice, or
- Issuance of a Municipal Civil Infraction Notice of Violation, the first offense of which carries a fine of \$250.00, or
- Issuance of a Municipal Civil Infraction Citation, the first offense of which carries a civil fine of \$1000.00. In addition to this, you may be found liable for other damages and expenses and may be required to restore areas affected by the violation.

Other fines exist. For further information regarding violations and fines, please contact our office.

What can I do to prevent sediment from entering our lakes, streams, ponds, and wetlands?

The best way to prevent sedimentation is to control erosion. Controlling erosion is the first (primary) line of defense and sedimentation control is the second (secondary) line of defense.

Erosion Controls:

- Exposing the minimum area for the minimum time by staging project activities.
- Apply seed and straw mulch as soon as possible after the earth disturbance.

Sedimentation Controls:

- Using vegetative buffer strips and/or properly installed silt fence and stone tracking mat.
- Implementing a thorough inspection and maintenance program for all control measures.
- Restrict vehicle access to the tracking mat area only. This minimizes the amount of disturbed vegetation due to vehicle traffic.

Can I transfer a Permit?

Residential Soil Erosion Control Permits can be transferred on a completely voluntary basis. *The site must be in compliance and have no outstanding fees owed.* The following is a summary of the steps for transferring a Permit:

- The Current Permittee completes a Transfer Agreement and submits it to our office. This includes obtaining the New Permittee / Owners information and signature. The signatures of both parties need to either be witnessed by our staff or by a Notary Public. If the transfer application is not complete, it will not be accepted.
- Once the LCDC receives the completed transfer agreement, we inspect the site to verify compliance and check for unpaid fees. The transfer will not be processed if there are outstanding fees owed or if the site is not in compliance, in which case a Violation Notice will be posted.
- Once the transfer is processed, the New Permittee / Owners will assume responsibility for all soil erosion and sedimentation controls, and any subsequent re-inspection fees, as well as for the permanent stabilization of the site.

Complete details are available with the Transfer Agreement at our office.

Definitions

Earth Change: A human-made change in the cover or topography of land which may result in, or contribute to, erosion and sedimentation of surface waters.

Soil Erosion: The wearing away of land by the action of wind, water, or gravity.

Sediment: Solid particulate matter (usually soil) removed from its site of origin and deposited elsewhere.

Sedimentation: The process whereby the detached particles generated by erosion are deposited elsewhere on the land, or in our lakes, streams, ponds, and wetlands.

Sheet Flow: Un-concentrated flow of water over a relatively large surface area with a relatively low erosion potential (e.g. lawn).

Concentrated Flow: A stronger, more intense flow of waters confined to a relatively smaller surface area with a much higher erosion potential (e.g. ditch or gully).

Temporary Soil Erosion Control Measures: Measures that impede water flow and impede sediment from leaving the site that need to be maintained (e.g. silt fence).

Permanent Soil Stabilization: Maintenance-free measures that impede water flow and impede sediment from leaving the site (e.g. thick grass, asphalt driveway, etc.).