



# CHARTER TOWNSHIP OF COMMERCE

2009 TOWNSHIP DRIVE

COMMERCE MI 48390

(248) 960-7060

## SOIL EROSION APPLICATION

The Charter Township of Commerce will be enforcing the provisions of the Soil Erosion Act under the provisions of Part 91 of Act 451 of 1994. Permits can be obtained at the Building Department.

### PERMIT SUBMITTAL REQUIREMENTS:

1. Application
2. Residential – Two (2) sets of plans showing control measures, sequence of operation, details of work and construction schedule sheets identifying temporary measures and permanent measures
3. Commercial - Four (4) sets of plans showing control measures, sequence of operation, details of work and construction schedule sheets identifying temporary measures and permanent measures

Commercial plans must be drawn by and sealed by a Professional Architect, Surveyor, Engineer or Planner

Commercial and residential plans must include:

- Scaled map
- Site location sketch
- Proximity to lake/stream/body of water
- Limits of earth change
- Predominant land features
- Slope information
- Soils information
- Drainage facilities
- Timing and sequence
- Temporary SESC measures
- Permanent SESC measures
- Maintenance program for SESC measures
- Show location and protection of spoils
- Type of soil, i.e. clay, sand, loam
- Show temporary gravel ingress/egress drive

**SOIL EROSION PLANS ONLY, DO NOT INCLUDE CONSTRUCTION PLANS**

# CHARTER TOWNSHIP OF COMMERCE SOIL EROSION PERMIT APPLICATION

Under the provisions of Ordinance #61 and the provisions of Part 91, Soil Erosion and Sedimentation Control,  
of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994.

PERMIT DATE: \_\_\_\_\_

PERMIT #: \_\_\_\_\_

## **APPLICANT'S INFORMATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

## **OWNER'S INFORMATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Owners signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **PLAN PREPARER**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

## **PERSON RESPONSIBLE FOR MAINTENACE**

Print name: \_\_\_\_\_

Office phone: \_\_\_\_\_ Cell/Pager number: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

I am responsible for soil erosion maintenance and permanent measures on this project:

\_\_\_\_\_  
Responsible person signature

**LOCATION OF PROJECT:**

NW NE SW SE (Circle quarter section) \_\_\_\_\_ Section number

Residential  Commercial  Land Balancing

Nearest major crossroads: \_\_\_\_\_ and \_\_\_\_\_

Project Name: \_\_\_\_\_ Address: \_\_\_\_\_

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_

Sidwell/ Tax Parcel Identification Number: \_\_\_\_\_

Legal Description (Use reverse side if necessary): \_\_\_\_\_

\_\_\_\_\_

**PROJECT DESCRIPTION:**

- Area of parcel (Acres): \_\_\_\_\_
- Approximate Extent of Earth Disruption (Acres): \_\_\_\_\_
- Type of soil (if known): \_\_\_\_\_
- Identify (by name if possible) off-site outlet(s) for project storm drainage and distance to lake or stream.

\_\_\_\_\_  
\_\_\_\_\_

- Will project include any work or disruption within a flood plain? Yes:  No:
- Will project include any work within the cross-section of a lake or stream? Yes:  No:
- Anticipated construction starting date: \_\_\_\_\_ completion date: \_\_\_\_\_

**SOIL EROSION AND SEDIMENTATION CONTROL PLAN**

Estimated cost of erosion and sediment control

\$ \_\_\_\_\_

**COMMERCIAL ONLY**

**EARTH DISRUPTING** – List installed cost and quantity estimates for the following earth disrupting activities:

	<u>OPERATION</u>	<u>QUANTITIES</u>	<u>COST</u>
a.	Grading- Rough & Finish	_____ Cubic yards	_____
b.	Storm Drainage	_____ Lineal feet	_____
c.	Sanitary System	_____ Lineal feet	_____
d.	Water System	_____ Lineal feet	_____
e.	Paving	_____ Lineal feet	_____
f.	Erosion control	_____ Square footage	_____
g.	Vegetative Stabilization	_____ acres x \$ 4,000	_____
		<b>TOTAL</b>	_____

I (we) affirm that the above information is accurate and that I (we) will conduct the above-described earth change in accordance with Part 91, Soil Erosion and Sedimentation Control, of the Natural Resource and Environmental Protection Act, 1994 PA 451, as amended, applicable local ordinances, and the documents accompanying this application.

**Applicant's Signature:** \_\_\_\_\_

**FOR TOWNSHIP USE ONLY**

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**BOND AMOUNT** \$ \_\_\_\_\_

**NUMBER OF ACRES:** \_\_\_\_\_

**Administrative fee** \$ \_\_\_\_\_

**Review fee** \$ \_\_\_\_\_

**Review per acres** \$ \_\_\_\_\_

**Permit fee** \$ \_\_\_\_\_

**TOTAL** \$ \_\_\_\_\_

**CONSTRUCTION SCHEDULE  
SOIL EROSION AND SEDIMENTATION CONTROL  
SHORT TERM PROJECT**

Construction Activity	Month work to be started					
Mark critical areas						
Stake building						
Sediment control measures						
A.						
B.						
Remove trees						
Stockpile topsoil						
A. Stabilize						
B. Maintain						
Rough grade site						
Temporary erosion control						
A. Seeding						
B. Mulching						
Excavate footings/basement						
Install underground utilities						
Construct footings/foundations						
Construct superstructure						
Apply aggregate base to drives						
Final grade						
Permanent erosion control						
A. Seeding						
B. Sodding						
C.						

**Directions: At the top of the first column enter the month project to begin, then complete other columns. Shade in boxes under the appropriate month, when work is to begin. If activity does not apply, do not shade in any boxes.**

**SOIL EROSION AND SEDIMENTATION CONTROL REQUIREMENTS**

1. All erosion and sediment control work shall conform to the standards and specifications of Commerce Township and the Oakland County Drain Commissioner.
2. The contractor shall make daily inspections to determine effectiveness of erosion and sediment control measures, and any necessary repairs shall be performed without delay.
3. Erosion and any sedimentation from work on this site shall be contained on the site and not allowed to collect on any off-site areas or in waterways. Waterways include natural and man-made open ditches, streams, storm drains, lakes and ponds.
4. Erosion and sediment control measures are to be placed prior to or as the first step in construction. Sediment control practices will be applied as a perimeter defense against any transporting of silt off the site.
5. Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within 5 calendar days after final grading or the final earth change has been completed. When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented. All permanent soil erosion control measures will be implemented and established before a certificate of compliance is issued.
6. All mud/dirt tracked onto existing city/county roads from this site, due to construction, shall be promptly removed by the contractor/builder.
7. All mud/dirt tracked or spilled on paved roads/surfaces within this site shall be promptly removed by the contractor/builder.
8. During construction of the storm sewer system, straw bales, stone filters or other approved means, will protect the ends of all open pipes
9. Promptly upon the backfilling of storm structures, inlet filters will be placed around the structure per details.
10. Within five (5) days after completion of paving, a 15-foot strip around paved areas shall be protected from soil erosion by an approved method consistent with the growing season.
11. Any remaining denuded area shall be seeded and mulched within 5 days after completion of final grading.
12. That all erosion control measures are installed in accordance with the following sequence of construction.
  - A. Install silt fence/straw berms as shown on plans.
  - B. Strip and stockpile topsoil and grade site.
  - C. Install on-site and off-site storm sewer systems complete, immediately install stone filters on all pipe inlets and catch basins and establish vegetation on all ditches, swales, and disrupted off-site areas.
  - D. Install all public utilities (gas, electricity, and telephone)
  - E. Install pavement complete repair and/or replace stone filters as required.
  - F. Finish grade, redistribute topsoil, establish vegetation and/or landscape all disturbed areas.
  - G. Clean pavement, walks, culverts, watercourses, and storm sewer systems of all sediment in conjunction with the removal of all temporary erosion control measures. Reestablished vegetation as necessary.

**IRREVOCABLE LETTER OF CREDIT (EXAMPLE)**

[ DATE] \_\_\_\_\_

[NAME and ADDRESS of BANK]

Irrevocable Letter of Credit No:  
\_\_\_\_\_

Expiration Date: \_\_\_\_\_

TO: Charter Township of Commerce  
2840 Fisher Ave.  
Commerce Township, MI 48390,  
The "Beneficiary", hereunder.  
Attention: \_\_\_\_\_; \_\_\_\_\_ [TITLE] \_\_\_\_\_.

APPLICANT:  
\_\_\_\_\_ [NAME and ADDRESS \_\_\_\_\_  
\_\_\_\_\_ OF PARTY SUPPLYING \_\_\_\_\_  
\_\_\_\_\_ LETTER OF CREDIT \_\_\_\_\_

At the request of the above-named Applicant, we, \_\_\_[Name of Bank]\_\_\_, hereby establish our IRREVOCABLE STANDBY LETTER OF CREDIT, in your favor, and authorize you, the Charter Township of Commerce (individually and collectively "you", herein) to draw on us up to the aggregate amount of \_\_\_\_\_ (\$ \_\_\_\_\_), U.S. Dollars. We hereby engage with you that, on or before the expiration date specified above, or any extensions thereof, we will honor your sight drafts drawn on us, up to the amount just stated, upon presentation thereof accompanied by your written certification that \_\_\_\_\_ has either; a) failed to comply with Charter Township of Commerce Ordinance No. \_\_\_\_\_; or b) failed to comply with all of the terms and conditions of the Charter Township of Commerce \_\_\_\_\_ permit number \_\_\_\_\_, issued to \_\_\_\_\_; or c) failed to adequately complete all of work and/or satisfy all of the conditions contemplated by the aforesaid permit and/or ordinances within the time limit therein specified or, if no time limit is specified therein, then within \_\_\_\_\_ days after the date of issue of the permit. Multiple drafts may be presented.

This Letter of Credit shall be automatically extended by us for additional periods of \_\_\_\_\_ from the expiration date specified above or extensions thereof unless we have notified you in writing, not less than sixty (60) days before such date, that we elect not to renew this Letter of Credit. Federal Express or other courier service to the above address, to the attention of \_\_, shall send our notice of such election.

We further state and agree that this Letter of Credit is irrevocable prior to the expiration date or extensions thereof and that our obligations hereunder are in no way contingent upon reimbursement with respect thereto or our ability to procure or perfect any lien or security interest. EXCEPT AS OTHERWISE EXPRESSLY STATED, THIS LETTER OF CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRATICE FOR DOCUMENTARY CREDITS (1993 REVISION) INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 500

Signed: \_\_\_\_\_  
By: \_\_\_\_\_  
Whose Title Is: \_\_\_\_\_

## REVISIONS TO THE SOIL EROSION AND SEDIMENTATION CONTROL LAW

(Dick Mikula, Land and Water Management Division,  
Michigan Department of Environmental Quality)

Part 91, Soil Erosion and Sedimentation Control (SESC), of the Natural Resources and Environmental Protection Act, PA 451, as amended (NREOA), was recently amended by 2000 PA 504. The amendments took effect on January 11, 2001.

The amendments clarify state and local regulatory authority and increase civil penalties for violations of the law. Major revisions to Part 91 include:

1. The Department of Environmental Quality (DEQ) shall review all Part 91 agencies by January 11, 2004, and every five years thereafter. The program review criteria are specified in the statute.
2. After due process, the DEQ shall hire a consultant to administer and enforce Part 91 on behalf of a county that has an unacceptable SESC program. The DEQ may bill the county for the cost of the consultant and for the cost of administering the contract.
3. Individuals engaged in the logging or mining industry or the plowing and tilling for crop production are not required to obtain a Part 91 permit. However, all earth changes associated with these activities shall conform to the same standards as if they required a permit. The following activities associated with logging and mining are not exempt and do require a permit.
  - a) Access roads to and from logging and mining sites
  - b) Ancillary activities associated with logging and mining
  - c) Mining of clay, gravel, sand, peat, or topsoil
4. A Part 91 permit is not required for earth changes associated with metallic mineral mining that have an approved SESC plan and are regulated under Part 631, Reclamation of Mining Lands, of the NREPA.
5. A Part 91 permit is not required for earth change activities associated with oil and gas exploration or development that have an approved SESC plan and are regulated under Part 615, Supervisor of Wells, of the NREPA.
6. A violation of Part 91 is no longer a misdemeanor. A violator may be subject to a state or municipal civil infraction of up to \$2,500.00 or may be ordered to pay a civil fine of up to \$25,000.00 for each day of violation. In addition, the court may order the violator to pay for natural resource damages and/or restoration of all impacted areas.
7. Individuals who will be responsible for administering Part 91 or making SESC decisions must successfully complete the DEQ SESC training and receive a certificate of training prior to assuming SESC responsibilities. A DEQ SESC training certificate is valid for five years. The statute authorizes the DEQ to charge fees for administering the training program and exam.

Electronic copies of Part 91 are available on the SESC Program's homepage at: [www.deq.state.mi.us/lwm/water\\_mgmt/soils/soils.html](http://www.deq.state.mi.us/lwm/water_mgmt/soils/soils.html). Other useful documents on the SESC homepage include the administrative rules for Part 91 and a listing, by county, of all agencies responsible for administering and enforcing Part 91.



Michigan Department of Environmental Quality  
Land and Water Management Division

Regulated Activities Under the  
Natural Resources and Environmental Protection Act, 1994 PA 451 as Amended

1. A. Does your project or activity involve an earth change that disturbs one or more acres of land or is located within 500 feet of a lake or stream? If yes, a Part 91 permit must be obtained from the county or local governmental agency Note: Some counties and local agencies may require permits for other earth changes in addition to those described above; please check with them prior to undertaking any earth change. A list of Part 91 permitting agencies is available at [www.deq.state.mi.us/lwm/](http://www.deq.state.mi.us/lwm/) under the Water Management Section, Soil Erosion and Sedimentation Control Program.

*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 and 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.

*Lake* means “the Great Lakes and all natural and artificial inland lakes or impoundments that have definite banks, a bed, visible evidence of a continued occurrence of water, and a water surface area equal to, or greater than, one acre.”

*Stream* mean “ a river, creek, or other surface water course which may or may not be serving as a drain, as defined in the drain code, and which has definite banks, a bed and visible evidence of the continued floor or continued occurrence of water, including the connecting waters of the Great Lakes.”

- B. Does your project or activity involve an earth change that is under the jurisdiction (crosses the boundaries) of two or more county and/or local Part 91 agencies described in 1a? (Part 91) No  Yes

If your project or activity disturbs five or more acres, a storm water permit is required for the Surface Water Quality Division (SWQD), Michigan Department of Environmental Quality (MDEQ). Please call 517-241-8993 for further information.

2. Is your project or activity in or near an *inland lake or stream*? (Parts 31 and 301) No  Yes

*Inland lake or steam means* “ a natural or artificial lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a county drain as defined by the drain code; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water ...” “inland lake or stream does not include ... a lake or pond that has a surface area of less than 5 acres.”

3. Does your project or activity impact a *wetland*? (Part 303) No  Yes

*Wetland* means “land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as bog, swamp, marsh ...”

If work in wetlands cannot be avoided, a permit for the MDEQ may be required; and wetland mitigation to compensate for the loss of the wetland and its functions may also be required. For questions regarding regulated wetlands, please contact your local LWMD Field Office or the Inland Lake and Wetlands Unit at 517-373-1746.

The MDEQ’s Wetland Assessment Program assists property owners in identifying wetlands on their property. For more information on the Wetland Assessment Program call 517-241-8485.

4. Is your project or activity in or adjacent to the *Great Lakes*? (Parts 323, 325, and 353) ... . No  Yes

5. Does your project or activity involve constructing, maintaining or altering a *dam*? (Part 315) No  Yes

6. *Dam* means “an artificial barrier, including dikes, embankments, and appurtenant works, that impounds, diverts, or is designed to impound or divert water or a combination of water or any other liquid or material in the water.”

1994 Pa 451, as Amended (NREPA)\*  
Administered by the Land and Water Management Division

1. Floodplain Regulatory Authority found in Part 31, Water Resources Protection  
A permit is required to:
  - Occupy, construct, fill, or grade within the 100-year floodplain of a river, stream, drain, or lake. Bridge and culverts are considered an occupation of the floodplain, as are activities that involve storage of materials in the flood plain.
2. Part 91, Soil Erosion and Sedimentation Control  
A permit is required for:
  - Earth changes within 500 feet of the water's edge of a lake or stream
  - Earth changes disturbing one or more acres
3. Part 301, Inland Lakes and Streams  
A permit is required to:
  - Dredge or fill bottomlands
  - Construct, enlarge, extend, remove, or place a structure on bottomland
  - Erect, maintain, or operate a marina
  - Create, enlarge, or diminish an inland lake or stream
  - Structurally interfere with the natural flow of an inland lake or stream
  - Construct, dredge, commence, extend, or enlarge an artificial canal, channel, ditch, lagoon, pond, lake, or similar waterway where the purpose is ultimate connection with an existing inland lake or stream, or where any part of the artificial waterway is located within 500 feet of the ordinary high water mark of an existing inland lake or stream.
  - Connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake, or wetland with an existing inland lake or stream for navigation or any other purpose
4. Part 303, Wetlands Protection  
A permit is required to:
  - Deposit or permit the placing of fill material in a regulated wetland
  - Dredge, remove, or permit the removal of soil or minerals from a regulated wetland
  - Construct, operate, or maintain any use or development in a regulated wetland
  - Drain surface water from a regulated wetland.

Regulated wetlands are defined in Part 303 and the associated administrative rules

5. Part 315, Dam Safety  
Permits are required for dams with a dam "height" of six feet or more and that have a surface area of five acres or more at the design flood elevation. A permit is required for new dam construction of a failed dam.
6. Part 323, Shore lands Protection and management  
Designated Environmental Areas – A permit is required for any of the following activities in a designated environmental area:
  - Dredging, filling, grading, or other alterations of the soil
  - Alteration of natural drainage, but not including the reasonable care and maintenance of established drainage
  - Alteration of vegetation utilized for the preservations and maintenance of fish or wildlife, including identified colonial bird nesting areas
  - Placement of permanent structures
  - Farming of land is allowed without a permit if the person is engaged in the business of farming and the land is used for the production and harvesting or agricultural products using normal farming implements and generally accepted agricultural practices and if artificial draining, diking, dredging, or filling are not used and the natural contour of the land is not altered.

The following counties have designated environmental areas:

Alcona	Arenac	Charlevoix	Delta	Huron	Monroe
Alger	Baraga	Cheboygan	Emmet	Mackinac	Tuscola
Alpena	Bay	Chippewa	Houghton	Marquette	Wayne

Designated High Risk Erosion Areas – A permit is required for the erection, installation, or moving of a permanent structure on a parcel of land where any portion is a designated high risk erosion area. Examples include homes, porches, septic systems, additions, substantial improvements of existing structures, and out buildings. With the exception of Alcona, Charlevoix, Macomb, Monroe, and Wayne Counties, all coastal counties have some designated high risk erosion areas.

7. Part 325, Great Lakes Submerged Lands  
A permit is required for all filling, dredging, and placement of permanent structures (i.e., groins, docks, piers, pilings, etc.) below the "ordinary high water mark" and on all upland channels extending landward of the "ordinary high water mark" of the Great Lakes.
8. Part 353, Sand Dune Protection and Management

A permit is required for all proposed new uses in designated critical dune areas mapped in the "Atlas of Critical Dune Areas," prepared by the MDEQ. The following counties have designated critical dune areas:

Alger	Benzie	Chippewq	Leelanau	Manistee	Oceana	VanBuren
Allegan	Berrien	Emmet	Luce	Mason	Ottawa	
Antrim	Charlevoix	Keweenaw	Mackinac	Muskegon	Schoolcraft	

Islands that have designated critical dune areas include Bever Island, North Fox Island, South Fox Island, High Island, North Manitou Island, and South Manitou Island.

Various parts of the NREPA are summarized above. Refer to the statute for detailed permitting criteria.