



## Livingston County Drain Commissioners Office

### Soil Erosion and Sedimentation Control (SESC) Division

Under the Provisions of Part 91 of Act 451 as Amended,  
and the Livingston County SESC Ordinance

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Welcome,

This **COMMERCIAL** Soil Erosion and Sedimentation Control (SESC) Permit Application Packet includes all the forms and information needed to apply. It includes a compiled list of documents, reviews, conditions, and terms that are required for a Commercial SESC Permit. You will need to read the information sheets and complete these forms. All items will need to be completed at the time they are submitted to our office.

**PLEASE NOTE: Livingston County has enacted a Soil Erosion and Sediment Control Ordinance that is more restrictive than Part 91 of Act 451, as amended.**

**Documents included in this packet:** Applicant must use our forms. Originals must be submitted with signatures.

- This *Welcome Letter* with Required Items List (includes: Commercial Permit Application Form List)
- Soil Erosion and Sedimentation Control Plan Review Items
- Commercial Soil Erosion and Sedimentation Control (SESC) Permit Application
- Right of Entry Form
- Completion Criteria for Commercial Permit (*This form is required to initiate the bond return.*)
- Letter of Credit Form (*Required to be copied onto bank's letterhead using our verbiage.*)
- Sample: Wetland Delineation Maps for Subdivision Developments
- MDEQ SESC Part 91 FAQ Sheet
- MDEQ NPDES Permit Process

### **National Pollutant Discharge Elimination System (NPDES) Permit Requirements**

If this project exceeds the five (5) acre minimum of disturbed soils, you are required to obtain a National Pollutant Discharge Elimination System (NPDES) Permit/Notice of Coverage from the MDEQ prior to the commencement of earth disturbance. The Michigan Department Environmental Quality (MDEQ) now does all NPDES Permits electronically at the following link: <https://miwaters.deq.state.mi.us/miwaters>

***If the site is over one (1) acre of disturbance a Storm Water Operator is required. The SWO REPORTS ARE REQUIRED TO BE SUBMITTED TO THE LCDC INSPECTOR via e-mail (or other means) as they are generated until the project is stabilized.***

### **Caution Regarding Grade Changes**

Applicants are cautioned that grade changes resulting in increased runoff onto adjacent properties, or preventing existing flow from continuing to come onto the property are subject to civil damage litigation.

**Prior to permit application the plans must be submitted for Storm Water Drainage Review and SESC Review. The permit will not be issued until all requirements listed below are met, and the permit must be obtained prior to the commencement of earth disturbance.**

- **Storm Water Drainage Review:** Drainage review letter from a State of Michigan licensed engineer is required prior to permit issuance. You may request our office to perform such a review (requires 2 sets of plans and the appropriate fee). If the proposed drainage facilities are to be privately maintained, the local municipality's engineer may provide such a letter. The letter needs to state that said system was found to be in compliance with the requirements of the Design Criteria for Stormwater Management Systems for Livingston County.
- **SESC Plan Review:** The SESC plan review (one set of plans required) will be performed by an inspector in this office prior to application. The review will outline any deficiencies that need to be addressed prior to submittal of the final plans with the application.

**The Commercial Soil Erosion Permit Packet must be submitted with all required items at the time of submittal but after plans have passed the reviews.**

- **Application Form:** Must be completely filled out and signed by both Landowner and Applicant. Document must have original signatures.
- **Application Fee:** Permit application fee of \$530.00\*, payable to the Livingston County Drain Commissioner or LCDC.
- **Construction Plans:** ONE (1) full set of sealed construction plans including soil erosion control measures.
- **Right of Entry:** The required Right of Entry form is enclosed and available online. Right of Entry is required for **all** applications and requires original signatures be notarized. *(A Notary is available at the Drain office.)*
- **File Reference:** May be required, especially where *subdivisions* are concerned. An 8.5" x 11" reference sheet of the site depicting roads, wetlands, lakes, ponds, county drains, etc. *(Needs to include a 500' delineation of all waters, waterways, wetlands, drains, and basins.)*
- **Land Use Permit:** A Land Use Permit or statement of approval from the municipality where the work will occur is required. If the municipality does not claim jurisdiction over the proposed activity, evidence of this must be provided (e.g., a statement waiving the Land Use Permit requirement).
- **Inspection Fees:** All Commercial Major permits will require a monthly inspection fee of \$110 per month\* with a minimum of four (4) months (\$440) required up front with the application. The inspection fees are **not refundable**. The fee period ends when it is determined that the applicant has met all requirements of Part 91 of Act 451, as amended, and the local ordinances, the permit, the plan specifications, the final inspection has been performed by this office. Any and all additional inspection fees will be calculated and invoiced following a final inspection and the receipt of required closing documents. ***The invoice must be paid prior to the release of the performance bond. (Monthly fee: In any one month, while the permit is open for more than 10 calendar days, inspection fees of \$110 will apply.)***
- **Performance Bond:** The LCDC bond forms are in the packet from the Drain office or can be obtained online. Use of LCDC forms are required, except for Cash or Certified Check bonds. The amount is computed at **\$.05 per square foot of all disturbed area**. Upon review by SESC staff, in cases of a Minor Commercial Permit (disturbance less than an acre), the bond may be waived or set at a fixed amount.  
*\*Fees are subject to change without notice. Please call or check online to verify the current rates.*

**Soil Erosion Bonds submitted by Contractors will not be accepted.**

**Bonds must be OBTAINED AND SUBMITTED BY THE LANDOWNER(S) OR EASEMENT OWNER**

- a. **Certified check or money order** payable to the Livingston County Drain Commissioner (or L.C.D.C.).
- b. **Letter of Credit Form** – Must be on our form printed on the bank's letterhead, and original signatures are required.

**Entering, Crossing, or Connecting to a County Drain**

When necessary to connect to or cross an established Livingston County drain, an inspection will be required to confirm that said connection has been conducted in accordance with the approved plans. **A permit must be obtained from the office of the Livingston County Drain Commissioner prior to any construction activity within a county drain easement.** *The permit form will be customized and supplied by this office with the particulars of the project.* A drain crossing permit fee per instance will be assessed. In addition, if the size of the disturbance warrants inspection, time (including plan review, and inspection report time) and mileage fees will also be assessed.

**Single Family Structure Within a Subdivision or Condominium Development**

If this permit is for a subdivision or condominium development, it is valid for the mass earth movement, installation of roads, drains and utilities, NOT for individual residential units. It is required that temporary stabilization of the entire site be completed and approval from the Livingston County Drain Commissioner's Office must be obtained PRIOR to the issuance of individual units.

**Reminders**

- ✓ **Issuance of the Part 91 SESC Permit does not waive the necessity for obtaining other federal, state, and local permits.**
- ✓ **In accordance with Public Act No. 53 of 1974, the permit holder shall call MISS DIG (811) for staking and locating utilities at least seventy-two (72) hours in advance of the start of any work.**

**Stabilization standards - R 323.1709 Earth Change Requirements**

**Rule 1709. 1.)** A person shall design, construct, and complete in such a manner that shall limit the exposed area of any disturbed land for the shortest possible period of time as determined by the county local enforcing agency.

**Rule 1709. 5.)** A person shall complete permanent soil erosion control measures for all slopes, channels, ditches or any disturbed land area within five (5) calendar days after final grading or the final earth change has been completed. If it is not possible to permanently stabilize a disturbed area after an earth change activity ceases, then a person shall maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.