

FAQ's

Q1. Why do I need a Soil Erosion Control Permit?

A. Part 91 of Act 454 of 1994 requires a Soil Erosion Control permit for any earth change that disturbs one or more acres, or within 500 feet of a lake, stream or wetland. Exempted activities include agricultural practices and some logging and mining activities. Access roads to the logging and mining sites and ancillary activities associated with logging and mining operations are not exempt. The removal of clay, gravel, sand, peat, or topsoil is not considered “mining” and therefore requires a permit.

Q2. I'm just doing a small project; do I still need a permit?

A. Possibly not. Permit wavers may be issued for projects within 500 feet of water that disturb less than 225 square feet and do not pose an erosion problem. You must still contact the Drain Commissioners office to obtain the waver, and must protect the adjoining waters from sedimentation during construction and until stabilization is complete.

Q3. Although my land lies within 500 feet of a lake, stream, river, drain or wetland, my house will be constructed outside the 500-foot mark. Do I still need a permit?

A. Only if there will be disturbance within the 500 foot limit. Exceptions might be made for pole constructed buildings with unexcavated dirt floors.

Q4. I want to landscape within 500 feet of a lake, stream, river, drain or wetland. Is a Soil Erosion Control Permit required?

A. Yes. Landscaping is considered a “disturbance” subject to regulation under Part 91.

Q5. My permit expires this fall, but I am unable to seed my lawn. What do I need to do to maintain compliance with Part 91?

A. All disturbed areas must be graded and seeded within 30 days of substantial completion of the exterior of your building and utilities. If you do not believe you are able to complete the work within the time allotted by your permit, you must contact the CEA to discuss temporary restoration requirements and to request an extension.

Q6. A home is being constructed next-door and loose topsoil is washing into my yard. What should I do?

- A. Call the Eaton County Drain Commissioner's Office at (517) 543-3890. Many single-family homes do not require a Permit. This does not mean that they are exempt from the Soil Erosion Control Act and its associated penalties.

Q7. Where is my “drain field and septic tank”?

- A. Contact the Barry-Eaton Health Department at (517) 543-2430.

Q8. What agency do I contact for permission to construct my driveway?

- A. For driveways connected to State Highways, call the Michigan Department of Transportation. For driveways connected to County Roads, call 1-877-88EATON All driveways crossing a lake, stream, river, drain or wetland must also contact the Eaton County Drain Commissioner at (517) 543-3870.

Q9. Are there penalties for not complying with permit conditions or with the Soil Erosion Control Act?

- A. Part 91 lists a number of penalties for failing to comply with the Act. In addition, the Eaton County Soil Erosion Ordinance imposes further penalties for willful violations. Following is a partial list:

1. A person who violates Part 91 (the soil erosion control act) is subject to a civil fine of up to \$25,000 for each day of violation.
2. Permit fees are doubled for projects started without first obtaining a permit.
3. A cease and desist order may be issued until compliance is obtained.
4. The County Enforcing Agent may install or maintain control measures to bring site into compliance with Part 91 and bill the landowner for costs incurred.
5. A person may be ordered to restore all areas affected by the violation. This includes areas offsite that may have been affected.
6. Construction permits may be denied or revoked.