

Proposed Edit to ATTACHMENT 10, Part 1

Public Act 451, 1994, as amended (Part 91: Soil Erosion and Sedimentation Control)

Statutory reference: M.C.L. 323.1701 through 323.1714

Prior to 1994, the Soil Erosion and Sedimentation Control Act was a separate statute that gave counties the authority to control erosion from development sites within their respective jurisdictions. The Drain Commissioner was designated as the official responsible for plan approval and enforcement in Eaton County. In 1994, numerous environment laws were combined into a single statute (the Natural Resources and Environmental Protection Act) and the soil erosion control component was designated as Part 91.

The original statute required a county to formulate rules consistent with requirements of the law. A county could also pass an ordinance that included, at minimum, measures at least as stringent as those found in the statute. Unlike the statute, Eaton County's *Soil Erosion and Sedimentation Control Ordinance* (<http://www.eatoncounty.org/departments/drain-commissioner>) includes regulation of disturbances in the areas around wetlands (both regulated and unregulated) and private ponds. Rules designed to minimize the impact of development on sensitive waters and lands are found in the Soil Erosion and Sedimentation Control Manual on the website.

In addition, the drain commissioner's own activities are subject to regulation under an Authorized Public Agency plan approved by DEQ in 2010.

New Drain Construction / Reconstruction

As petitions are received for reconstruction of existing drains (Chapter 8) or new drains (Chapters 3 & 4), the criteria in this manual must be incorporated into the design by Engineers and Engineering Firms employed by the Eaton County Drain Commissioner.