



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
GAYLORD DISTRICT OFFICE



PHILLIP D. ROOS
DIRECTOR

August 8, 2023

VIA EMAIL

Mary Catherine Hannah, County Administrator
Alpena County
720 West Chisholm Street
Suite 7
Alpena, Michigan 49707

Dear Mary Catherine Hannah:

SUBJECT: Soil Erosion and Sedimentation Control (SESC) Draft Ordinance Approval
Designated Name: Alpena County-CEA

The enclosed draft SESC Ordinance (Ordinance) submitted by Alpena County-CEA has been reviewed by the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD). The Ordinance meets the minimum requirements of Part 91, SESC, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 91).

The WRD will formally approve the Ordinance pursuant to Section 9106(2) of Part 91 upon receiving a copy of the adopted Ordinance, as submitted on August 4, 2023, and proof of adoption by the Township/City Clerk. Please forward the certified copy of the Ordinance to me along with the meeting minutes from the board meeting showing it was approved.

Please be advised that the Ordinance approval granted by the WRD will only pertain to Part 91 requirements and will not apply to any additional regulations and requirements authorized in the Ordinance. The WRD offers no comment regarding the appropriateness or the legality of any additional regulations or requirements. The WRD does not have authority under Part 91 to review and approve portions of the proposed Ordinance that deal with issues other than those specifically addressed by Part 91 and the administrative rules promulgated under Part 91.

If you have any questions or concerns, please contact me at BraggJ@michigan.gov; 989-370-5819; or EGLE, WRD, Gaylord District Office, 2100 West M-32, Gaylord, Michigan 49735-9282.

Sincerely,

Justin Bragg
Gaylord District Office
Water Resources Division

Enclosure
cc: Brian Jankowski, EGLE



Soil Erosion and Sedimentation Control Ordinance Ordinance No. 2023-0x

An Ordinance to provide for soil erosion and sedimentation control within Alpena County.

THE PEOPLE OF THE COUNTY OF ALPENA, MICHIGAN, DO ORDAIN:

The Alpena County Soil Erosion and Sedimentation Control Ordinance is intended to protect the health, safety and welfare of the County residents and the public health, safety, and welfare of the community by regulating earth change activities, which can harm the environment through erosion and the unnatural accumulation of sediment. The Alpena County Board of Commissioners adopts this Ordinance pursuant to the provisions Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 91), being 324.9101 *et seq.* of the Michigan Compiled Laws and the Administrative Rules promulgated by the Michigan Department of Environmental Quality.

COUNTY ENFORCING AGENCY

The Alpena County Ordinance Enforcement Department shall be the county enforcing agency responsible for the administration and enforcement of Part 91, Soil erosion and Sedimentation Control, of the Natural Resources and Environmental Protections Act, 1994 PA 451, as amended, and the rules promulgated thereunder within the County of Alpena. All rules promulgated under Part 91 are hereby incorporated by reference.

JURISDICTION

The Alpena County Soil Erosion & Sedimentation Officer shall administer and enforce this Ordinance throughout the County except within the territorial boundaries of a governmental unit that has adopted an Ordinance and has been designated by the Department as a Municipal Enforcing Agency pursuant to Section 9106 of Part 91 or within the jurisdiction of an Authorized Public Agency designated by Section 9110 of Part 91.

FEE SCHEDULE

All fees for administering and enforcing this Ordinance shall be paid to the County in accordance with a Fee Schedule determined by resolution of the County Board of Commissioners. The County Board of Commissioners may revise the Fee Schedule by adopting a written amendment to the Fee Schedule from time to time.

All fees shall be doubled if work starts without a permit.

NOTICE OF COMPLETION; CERTIFICATE OF COMPLETION

Upon satisfactory execution of the approved plans and permit conditions and other requirements imposed under this Ordinance, the landowner shall file a written notice of completion with the Soil Erosion Control Agent. If the landowner has posted a cash bond or an irrevocable letter of credit the Soil Erosion Control Agent shall make a final inspection within thirty (30) days of receiving the notice of completion and shall issue a certificate or letter of completion and release of bond if the landowner has satisfactorily complied with the plan, permit conditions and this ordinance. If the project is to be completed in different phases, the landowner may submit a written notice of completion for a project phase and the Soil Erosion Control Agent may issue separate certificates of completion and authorize a proportionate release of a cash bond for each completed project phase.

MORE RESTRICTIVE PROVISIONS

To the extent that any provisions or requirements of this Ordinance are more restrictive than, or are in addition to, the provisions or requirements of Part 91 or the Rules, this Ordinance shall control.

EFFECTIVE DATE

This Ordinance shall take effect upon approval by the department and when notice of its adoption is published in a newspaper of general circulation in the County. All active permits issued prior to adoption of said Ordinance and bonds shall remain in effect and shall be subject to provisions of this Ordinance.

The undersigned do hereby certify that the above and foregoing Ordinance, known as the Soil Erosion and Sedimentation Control Ordinance, Ordinance No. 2003-04 of the County of Alpena, Michigan, was introduced at a regular meeting of the County Board of Commissioners, held on **Month xx, 2023**, and was thereafter passed at a regular meeting on **Month xx, 2023**.

Bill Peterson, Chairperson
Alpena County Board of Commissioners

Date

Keri Bertrand, Clerk
Alpena County Clerk

Date