



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



February 9, 2006

Mr. Patrick Lindemann, President
Michigan Association of County Drain Commissioners
P.O. Box 220
707 Buhl Street
Mason, Michigan 48854-0220

Dear Mr. Lindemann:

The Michigan Association of County Drain Commissioner's (MACDC's) draft Soil Erosion and Sedimentation Control (SESC) Manual (manual), dated February 7, 2006, has been reviewed by the Water Bureau (WB) of the Michigan Department of Environmental Quality. The revisions adequately address the concerns identified during our March 24, 2005, meeting. Adherence to the specific guidelines and general concepts set forth in the manual while undertaking drain projects should minimize the impacts of erosion and off-site sedimentation.

I am pleased to inform you that the manual meets the SESC procedures requirement under Section 9110 of Part 91, SESC, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. If a drain commissioner submits the manual when applying for designation or re-designation as an Authorized Public Agency (APA) pursuant to Section 9110, the WB will approve it after requiring one minor revision.

The minor revision is necessary because several of the SESC measures identified in Sections 3, 4, and 5 involve earth work that would normally require an SESC plan prior to implementing the SESC measure. However, the SESC plans are not required for those measures identified in the manual as long as they are installed in accordance with the manual guidelines. Any deviation from the guidelines will require that an SESC plan be developed for those SESC measures that involve earth work. This can be easily addressed by adding one additional sentence in the manual under the "Planning Phase" section that states the above requirement.

The MACDC may also want to clarify somewhere that the SESC plan exemptions identified in the manual apply only to those drain commissioners that are APAs. If a drain commissioner is not an APA, he/she must submit an SESC plan and apply for an SESC permit from the appropriate county or municipal enforcing agent regardless of whether he/she is following the guidelines set forth in the manual. I suggest that a disclaimer statement or note to that effect could be included on the front page of the manual.

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I look forward to the drain commissioners' implementation of the manual. It took longer than either of us initially envisioned but I think it will prove to be a worthwhile endeavor.

If you have any questions, please contact me.

Sincerely,

Dick Mikula
Soil Erosion and Sedimentation Control
Water Bureau
517-335-3178

dm:rm

cc: Mr. Richard A. Powers, DEQ
Ms. Diana Klemans, DEQ