

Permit Application Review

Permit No. 2018-56  
Received complete: June 12, 2018

Applicant: John Pierce; HOM Furniture (property owner)  
Consultant: Todd Erickson; Erickson Civil  
Project: Budget Truck and Car Rental  
Location: 305 American Boulevard West: Bloomington  
Rule(s): 4,5,11,12  
Reviewer: BCO

#### **General Background & Comments**

The project proposes the redevelopment of the site at 305 American Boulevard West for a Budget Truck and Car Rental outlet. Formerly, Kelly Fuels operated a bulk petroleum facility on the site.

The project site information is:

- Total Site Area: 32,418 square feet)
- Existing Total Site Impervious Area: 25,010 square feet
- New Total Site Impervious Area : 21,608 square feet ( a 3,402 square foot reduction in impervious area)
- 13.6% decrease in the site impervious area
- 100% of existing impervious area will be disturbed

An application for this redevelopment project was originally submitted July 17,, 2017, and was found incomplete at the time of submittal. The items needed for the submittal to be complete were identified in an email sent to the applicant on July 27, 2017. In response, the project scope was reduced to the removal of the building, tanks and appurtenances which triggered the Erosion and Sediment Control Rule and a permit, #2017-93, was issued and a permit was conditionally approved September 21, 2017 for the removal of the existing office building, transfer areas for truck and rail loading and the underground storage tanks located on the south side of the site. The permit before the Board at this time is for the redevelopment of the site that includes the building and infrastructure construction for Budget Rental. Because the application was complete after the May 21 effective date, the work is subject to the rules as amended by the managers in April. West Central Environmental Consultants (WCEC) oversaw the environmental work associated with the past land-use activities on the site. On May 26,

2017, a hand auger boring was completed by WCEC in the location of the former transport filling area. Diesel range organics (DRO) were detected in the 2-foot soil sample. The MPCA was contacted and a leak identification number was assigned to the site. In October, 2017, the underground storage tanks, product lines, the loading rack and dispensers were removed. WCEC collected both groundwater samples and additional soil borings during the removal operation and no petroleum compounds were detected in the groundwater samples taken and DRO impacts were not detected after the soil clean-up. No petroleum compounds were detected in the samples collected around the tanks as they were being removed. (There were 11 tanks located on the site). It was determined that the soil contamination encountered in the auger boring was isolated and likely the result of spillage during a refueling. There was no evidence of a significant spill or leak on the site. The MPCA issued a Petroleum Tank Release Site File Closure letter on January 23, 2018.

To comply with the District's volume retention requirements, Rule 4.3.1a I, volume retention through infiltration of the site runoff is proposed. The procedures for groundwater mounding assessment listed in the Minnesota Stormwater Manual, "Screening assessment for contamination at potential stormwater infiltration sites" was used to determine the compatibility of infiltration with potential site constraints. The results of the analysis indicates the separation distance required for stormwater infiltration is 90 feet based on the groundwater mounding calculator. The calculator results indicate the maximum extent of the groundwater mound (at 0.25 feet) beyond the infiltration area is approximately 45 feet. This value is multiplied by a safety factor of 2 resulting in a design separation of 90 feet. The distance from the edge of the infiltration area and the location of the underground storage tanks is 140 feet.

Based on the documentation submitted on behalf of the applicant, we find no basis to require additional assessment of the suitability of the property for infiltration. Relying on the findings, analysis and conclusions of its consultant, the applicant has requested that NMCWD allow the applicant to meet the NMCWD stormwater-retention requirement through infiltration (i.e. the applicant has requested the property not be classified as a restricted site.). We do not represent that infiltration will not cause or exacerbate contamination condition at or near the site but we are in agreement with the methodology used and conclusions reached in the assessment by Erickson Civil that infiltration on the site will not cause or exacerbate migration

The Nine Mile Creek Watershed District's Rule for Redevelopment, Rule 4.2.3, states, if a proposed activity will disturb more than 50% of the existing impervious surface on a parcel or will increase the imperviousness of the parcel by more than 50%, storm water management will apply to the entire project parcel. Otherwise, the storm water requirements will apply only to the disturbed areas and additional impervious area on the parcel. Since the entire site impervious area will be disturbed, storm water management is required for the entire project area of 32,418 square feet including the 21,608 square feet of impervious area. (Because the project involves disturbance of all impervious on the property and treatment of all imperviousness on the site and because the work under permit #2017-93 did not involve the creation of any impervious surface, aggregation of project work in accordance with subsection 4.2.5 of the Stormwater Management Rule does not result in any more or less stormwater management to comply with the NMCWD rules.)i

The District's requirements for both storm water management and erosion and sediment control apply to the project because more than 50 cubic yards of material will be disturbed and 5000 square feet or more surface area disturbed, Rules 4.2.1a and b and 5.2.1a and b.

Storm water management is to be provided within a proposed underground storm water management facility (UGSWMF) that will provide volume retention and water quality management. Rate control will be provided by the reduction in 3,402 square feet of site impervious area.

Silt fence is to be constructed at the limits of construction, inlet protection and a rock construction entrance will be provided for erosion control.

#### Exhibits

1. Permit Application dated June 12, 2018.
2. Plans dated August 10, 2017 with a last revision date of May 8, 2018 prepared by Erickson Civil.
3. Storm Water Management calculations latest revision May 5, 2018, prepared by Erickson Civil.
4. MPCA Petroleum Remediation Program Investigation Report dated November 27, 2017 prepared by West Central Environmental Consultants (WCEC). This report also includes the geotechnical information for the site.
5. MPCA General Excavation Report Worksheet dated November 27, 2017 prepared by WCEC.
6. MPCA Petroleum Tank Release File Closure correspondence dated January 23, 2018.
7. Stormwater Infiltration Mounding Assessment submitted on June 1, 2018 by Erickson Civil.
8. District Permit 32017-93 for site grading associated with the removal of the building, underground fuel storage and appurtenances at 305 American Boulevard West. The permit was issued on September 21, 2017.
9. E-mails dated July 27, 2017, December 29, 2017, January 2nd, February 7th, February 8th, April 24th, May 23rd, and May 25th, 2018 summarizing review comments of the project information submitted including a statement that the application was considered incomplete until the information requested had been provided.

The submittal is now considered complete.

#### **4.0 Stormwater Management**

A UGSWMF to be constructed will provide volume retention and water quality management. The 13.6% reduction in the on-site impervious area results in less runoff being generated therefore compliance with Rule 4.3.1b. There is one discharge point from the site. The existing and proposed 2, 10 and 100 year frequency discharges are:

<b>Frequency</b>	<b>Existing Discharge c.f.s.</b>	<b>Proposed Discharge c.f.s.</b>
2 year	2.5	1.9
10 year	4.1	3.2
100 year	6.8	5.4

Rule 4.3.1b is met.

An infiltration volume of 1,981 cubic feet is required from the 21,608 square feet of site impervious area. Soil borings indicate the underlying soil as sand (SP) and sand with gravel (SW). An infiltration rate of 1.0 inches/hour has been assumed using the Minnesota Storm Water Manual. An area of 495 square feet is required for volume retention using this infiltration rate. The UGSWMF combined with volume within the 18-inch pipe discharging to the UGSWMF will provide a retention volume of 2,195 cubic feet (1,981 cubic feet required). The UGSWMF provides an area of 780 square feet (495 square feet required).

The District's water quality criterion requires a 60% annual removal efficiency for phosphorus and 90% annual removal efficiency for total suspended solids. The results of the MIDS calculator show that the UGSWMF will provide an annual removal efficiency of 91% for total suspended solids (160 lbs.) and an annual removal efficiency of 93% for total phosphorus (0.89 lbs.). Rule 4.3.1c is met.

The soil boring logs indicates that groundwater was encountered at a depth of 24 feet, approximately elevation 814 +/- M.S.L. The bottom of the UGSWMF is shown to be 831 M.S.L., a separation of 17 feet. A 3 foot of separation is required between the bottom of an infiltration facility and groundwater.

Rule 4.3.2 a states, all structures riparian to inundation areas or constructed or natural storm water management facilities must be located and elevations must be set according to Appendix 4a, "Suggested Low Floor Guidance." Referring to Plot 1, Appendix 4A of the District Rules with the building a distance of 30 feet from the UGSWMF, the minimum permissible depth to groundwater is 10 feet. With groundwater not being encountered to a minimum elevation of 814 M.S.L., a separation of 27.5 feet between the low floor elevation of the structure (841.5 M.S.L) and the elevation groundwater was encountered (814 M.S.L.). Rule 4.3.2 is met.

In accordance with Rule 4.3.1a (i), where below-ground infiltration facilities, practices or systems are proposed, pretreatment of runoff must be provided. The plans show that pretreatment of storm water (sump manhole) will be provided upstream of the UGSWMF.

In accordance with Rule 4.3.4, a post-project chloride management plan must be provided that will, 1) designate an individual authorized to implement the chloride-use plan and 2) designate a MPCA certified salt applicator engaged in the implementation of the chloride-use plan for the site.

## **5.0 Erosion and Sediment Control**

The submitted erosion and sediment control plan includes silt fence at the limits of construction, bio-logs and a gravel construction entrance. The project contact is Todd Erickson, Erickson Civil.

## **11.0 Fees**

Fees for the project are:

Rules 2.0-6.0	\$750
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## **12.0 Financial Assurances**

Financial Assurances for the project are:

Rule 4.0 Volume Retention: 495 sq. ft. x \$12/sq. ft. = \$5,940	\$5,940
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Chloride Management: \$5000

Rule 5: Silt fence: 670 L.F. x \$2.50/L.F.= \$1,675

Bio-logs: 185 L.F. x \$5/L.F. = \$925

Site restoration: 0.75 acres x \$2500/acre = \$1,875	\$4,475
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Contingency and Administration	\$4,485
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## **Findings**

The proposed project includes the information necessary, plan sheets and erosion control plan, for review.

1. Rules 4 and 5 are met.

## **Recommendation**

Approval, contingent upon:

1. General Conditions
2. Financial Assurance in the amount of \$19,900 - \$14,900 for stormwater management, erosion control and site restoration and \$5,000 for compliance with the chloride management requirements.
3. Submission of documentation that a drainage easement over the stormwater-management facility has been submitted to Bloomington (4.5.4i), if such easement is required by the city, and a receipt showing recordation of a maintenance declaration for the on-site storm water management facility. A draft of the declaration must be approved by the District prior to recordation.
4. Submission of a plan for post-project management of Chloride use on the site. The plan must include 1) the designation of an individual authorized to implement the chloride use plan and 2) the designation of a Minnesota Pollution Control Agency certified salt applicator engaged in the implementation of the chloride-use plan for the site.

By accepting the permit, when issued, the applicant agrees to the following stipulations:

1. Per Rule 4.5.6, an as-built drawing of the storm water facilities conforming to the design specifications as approved by the District must be submitted.
2. For the release of the \$14,900 financial assurance required in Recommendation #2, Rule 12.4.1b requires demonstration and confirmation that the storm water management facilities have been constructed or installed and are functioning as designed and permitted. Verification, through daily observation logs and photographs, must be provided showing

the storm water facilities used for volume retention have drawn down within 48 hours from the completion of two 1-inch (approximate) separate rainfall events.

The release of the \$5000 financial assurance required for the chloride management plan requires that the documentation required in Rule 4.3.3 has been provided and approved by the District's Administrator.

#### Board Action

It was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_ to approve permit application No. 2018-56 with the conditions recommended by staff.

**Permit #:** 2018-56  
**Project Name:** Budget Truck and Car Rental – 305 American Boulevard West: Bloomington  
**Approval Date:** June 20, 2018

## General Provisions

1. All temporary erosion control measures shown on the erosion and sedimentation control plans must be installed prior to commencement of surface or vegetation alteration and be maintained until completion of construction and vegetation is established as determined by NMCWD.  
  
If silt fence is used, the bottom flap must be buried and the maximum allowable spacing between posts is 4-foot on center. All posts must be either 2-inch x 2-inch pine, hardwood, or steel fence posts. If hay bales are used, all bales must be staked in place and reinforced on the downstream side with snow fence.
2. All areas altered because of construction must be restored with seed and disced mulch, sod, wood fiber blanket, or be hard surfaced within two weeks after completion of land alteration and no later than the end of the permit period.
3. Upon final stabilization, the permit applicant is responsible for the removal of all erosion control measures installed throughout the project site.
4. At the entryway onto the site, a rock filter dike being a minimum of two feet in height and having maximum side slopes of 4:1 must be constructed. This rock filter dike will enable construction traffic to enter the site and also provide an erosion control facility.
5. If dewatering is required and sump pumps are used, all pumped water must be discharged through an erosion control facility prior to leaving the construction site. Proper energy dissipation must be provided at the outlet of the pump system.
6. The NMCWD must be notified a minimum of 48 hours prior to commencement of construction.
7. The NMCWD, its officers, employees and agents review, comment upon, and approve plans and specifications prepared by permit applicants and their consultants for the limited administrative purpose of determining whether there is reasonable assurance that the proposed project will comply with the regulations and criteria of the NMCWD. The determination of the NMCWD that issuance of this permit is appropriate was made in reliance on the information provided by the applicant.
8. The grant of this permit shall not in any way relieve the permittee, its engineer, or other professional consultants of responsibility, nor shall it make the NMCWD responsible for the technical adequacy of the engineer's or consultant's work. The grant of this permit shall not relieve the permittee from complying with all conditions and requirements of the permit which shall be retained by the permittee with the permit.
9. The issue of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
10. This permit is permissive only. No liability shall be imposed upon the NMCWD or any of its officers, agents or employees, officially or personally, on account of the granting of this permit or on account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees, or contractors.

11. In all cases where the doing by the permittee of anything authorized by this permit shall involve the taking, using, or damaging of any property, rights or interests of any other person or persons, or of any publicly-owned lands or improvements or interests, the permittee, before proceeding therewith, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all necessary property, rights, and interest.
12. The permit is transferable only with the approval of the NMCWD (see NMCWD Rule 1.0). The permittee shall make no changes, without written permission previously obtained from the NMCWD, in the dimensions, capacity, or location of any items of work authorized by this permit.
13. The permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the NMCWD for inspection of the work authorized by this permit.
14. This permit may be terminated by the NMCWD at any time deemed necessary in the interest of public health and welfare, or for violation of any of the provisions of this permit.
15. Construction work authorized under this permit shall be completed on or before date specified above. The permittee may, in writing, request that the NMCWD extend the time to complete the project in accordance with NMCWD Rule 1.0.



## **Permit No.2018-56**

Is hereby issued to John Pierce, HOM Furniture, subject to the conditions specified in the attached form:

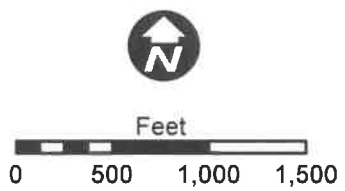
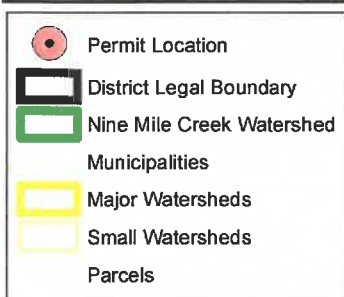
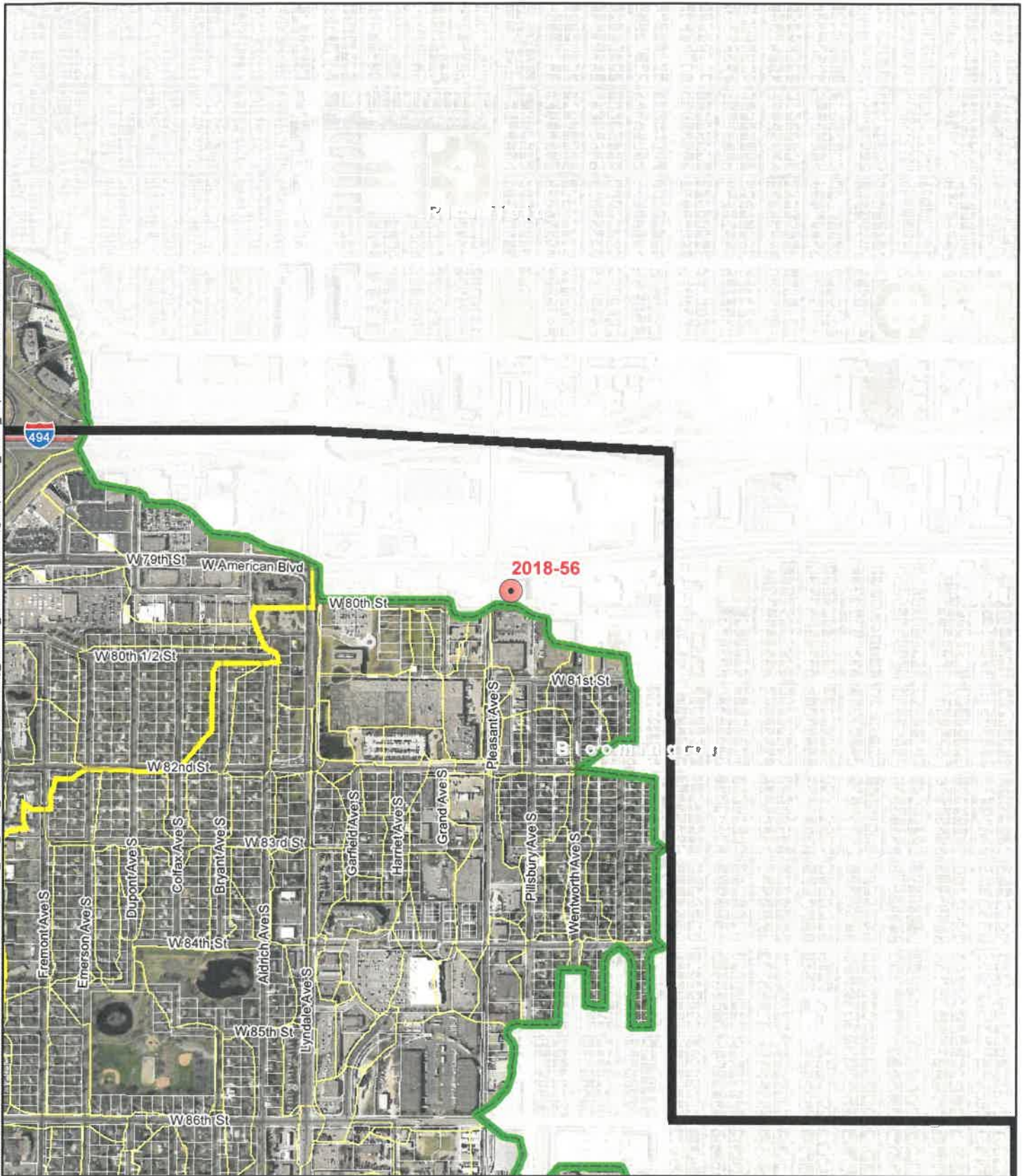
For the construction of a Budget Truck and Car Rental facility to be located at 305 American Boulevard West in Bloomington.

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Steve Kloiber

Chair, Board of Managers

This permit expires on: July 1, 2019



**PERMIT LOCATION MAP**  
**PERMIT 2018-56**  
**Nine Mile Creek**  
**Watershed District**