**General Background & Comments**

The project proposes the construction of a 4,154 square foot building addition and reconstruction of a portion of the existing parking lot for Walser Collision located at 9001 Grand Avenue in Bloomington. In 2013, a portion of the parking lot (approximately 7,400 square feet) was milled and overlaid – requiring an erosion and sediment control permit from the District but not triggering the District's stormwater rule because the underlying native soils were not disturbed.

The site is located within the area identified by the Minnesota Pollution Control Agency (MPCA) as the Lyndale Avenue Corridor site (Corridor) generally bounded by West 86th Street on the north, Aldrich Avenue – I 35W on the west, West 96th Street on the south and Wentworth Avenue on the east. Both trichloroethylene (TCE) and perchloroethylene (PCE) have been found in the soil and groundwater in this area. The site is furthermore located within the area identified by the MPCA as the “vapor intrusion area of concern” in which MPCA has stated (in a recent meeting with the City of Bloomington and NMCWD representatives) that infiltration should not occur. As a result, the applicant is requesting concurrence that the site is restricted under subsection 4.3.2 of the NMCWD rules.

Other forms of volume retention practices, such as reuse or collection and transporting stormwater runoff off-site, are not practical or viable options because of the volume of stormwater generated from the 80% impermeable lot coverage and lack of green space for reuse. Under District Rule 4.3.2, Restricted sites, retention to the standard in paragraph 4.3.1a is not practicably feasible, and site conditions (as described above) as such that 0.55 inches of retention is not feasible and indeed retention to the maximum extent practicable is 0. The applicant must provide rate control and water quality treatment in accordance with paragraphs 4.3.1b and 4.3.1c, respectively.

The project site information is:
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. The total area disturbed is 31.6% of the total site. Storm water management proposed within a reconstructed on-site basin will be only for water quality management and rate control is provided by the reduction in the site impervious area.

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.

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 September 24, 2019, received by the District on November 15, 2019.
2. Plans dated August 16, 2019, latest revision December 2, 2019, prepared by Civil Site Group.

The submittal is complete.
4.0 Stormwater

Stormwater management is to be provided within an existing on-site basin that is to be reconstructed to provide additional "dead-storage" volume for water quality management. As previously presented, rate control will be provided by a 1.5% reduction (1,150 square feet) of the on-site impervious area. In light of the MPCA’s guidance that infiltration presents too great a risk of mobilizing groundwater contamination, the applicant is effectively obligated to request that the site be considered restricted under subsection 4.3.2 of the NMCWD rules. The submittal cover letter indicates that plans will be provided describing the method to be used for “sealing” the basin bottom (importing clay material or the use of a geotextile membrane) to minimize seepage/infiltration from occurring.

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 reconstructed on-site stormwater basin will provide an annual removal efficiency of 90% for total suspended solids (300 lbs.) and an annual removal efficiency of 60% for total phosphorus (1.1 lbs.). Rule 4.3.1c is met.

The finished floor of both the existing on-site building and proposed building addition are shown to be 835 M.S.L. The calculated 100-year flood elevation of the on-site stormwater basin is 832.6 M.S.L., providing a separation of 2.4 feet complying with Rule 4.3.3c. The low opening of both the building and proposed addition is also 835 M.S.L. This complies with the portion of Rule 4.3.3 that states all new and reconstructed buildings must be constructed such that no opening where surface flow can enter the structure is less than two feet above the 100-year high water elevation of an adjacent facility or waterbody.

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, inlet control, and a gravel construction entrance. The project contact is Matt Pavek, Civil Site Group.

11.0 Fees

Fees for the project are:

Rules 2.0-6.0 $2,250
12.0 Financial Assurances

Financial Assurances for the project are:

Rule 4.0: Water Quality Basin Reconstruction: $10,900 *
  Chloride Management: $5000

Rule 5: Silt fence: 600 L.F. x $2.50/L.F. = $1,500
  Inlet Control: 4 x $100/each = $400
  Site restoration: 0.7 acres x $2500/acre = $1,750 $3,650

Contingency and Administration $6,350

*Note: The cost assumes excavation and disposal of material to provide the “dead-storage” volume required for compliance with NMCWD rule 4.3.1c at a certified landfill and the “sealing” of the basin bottom and side slopes to its outlet elevation of 829.8 M.S.L. with imported clay material.

Findings

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

1. Rules 4 and 5 are met.
2. The MPCA has directed that no infiltration of surface water for volume retention will be allowed for new and redevelopment project within the area defined as the Corridor.

Recommendation

Approval, contingent upon:

1. General Conditions
2. Financial Assurance in the amount of $25,900 - $20,900 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 facilities 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 describing the methodology for “sealing” the bottom of the reconstructed on-site basin to minimize infiltration of surface water from 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, including a stage volume relationship in tabular form for the basin, as approved by the District must be submitted.
2. 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. The release of the $5,000 of the financial assurance required for the chloride-management plan requires that chloride-management plan has been provided and approved by the District's Administrator.

3. For the release of the $20,900 financial assurance required in Recommendation #2, Rule 12.4.1a requires demonstration and confirmation by the District that the site has been revegetated and stabilized to prevent erosion and sedimentation per subsection 5.3.3 and that the erosion and sedimentation controls have been removed.