

Applicant: Shelly Hanson; City of Bloomington
Consultant:
Project: Sediment Removal within Victoria Pond
Location: 4801 W. 81st Street and 4851 American Blvd. West: Bloomington
Rule(s): 3, 5 and 8
Reviewer: BCO

General Background & Comments

The project proposes the excavation/removal of approximately 242 cubic yards of accumulated sediment within Victoria Pond located at 4801 West 81st Street and 4851 American Boulevard West in Bloomington. The sediment occurred following the repeated failure of sediment and erosion control during construction at the nearby Luxemboug Apartments.

Victoria Pond is an altered storm water pond, graded in an existing wetland, with Minnesota Wetland Conservation Act jurisdiction. The proposed work meets the No- Loss criteria of MN Rule 8420.0415E, "excavation limited to removal of deposited sediment in wetlands that are presently utilized as storm water management basins, or excavation and removal of contaminated substrate, when the excavated area is limited to the minimum dimensions necessary for achieving the desired purposes and stabilized to prevent water quality degradation". The City of Bloomington, being the LGU administrating the requirements of WCA, has issued a No-Loss determination dated June 19,, 2018. The work is limited to an area within the excavated stormwater basin at the outlet of the existing storm sewer in the southwest corner of the wetland where the delta has formed. .

A District permit is required because the project will excavate 50 cubic yards or more of material, Rules 4.2.1a and 5.2.1a. The excavation also triggers the District's storm water requirements, Rule 4.3.1a. But because no impervious surfaces will be disturbed, created or reconstructed by the proposed work, no storm water management facilities need to be provided to meet the criteria in subsection 4.3.1. District Rule 5, Erosion and Sediment Control also applies to the project.

Sampling of the material to be removed has found that the level of PAH's (polycyclic aromatic hydrocarbons) in the sediment exceed the SRV (Soil Reference Values) for residential or industrial use. The material will therefore be disposed of at a permitted Municipal Solid Waste Landfill.

Exhibits

1. Permit Application dated June 19, 2016.
2. Plan sheets dated May 21, 2018.
3. WCA Notice of Decision dated June 19, 2018 stating the project meets the No-Loss Criteria under MN Rule 8420.0415E.
4. Analytical results of the testing of the material to be removed dated November 14, 2017 prepared by Pace Analytical.

3.0 Wetlands Management

The City is the LGU administering the requirements of WCA and has determined that the excavated of accumulated sediment within Victoria Pond qualifies as a "No-Loss" based on State Rule 8420.0415(E), excavation limited to removal of deposited sediments in wetlands that are currently utilized as storm management basins. The revised District rule states that the District's buffer requirements do not apply to incidental wetlands or to wetlands that are disturbed by utility improvements or repairs that are subject of a no-loss determination from the relevant LGU. A liberal interpretation of this rule would consider the delta removal as an improvement at the outlet of a utility (storm sewer) and exempt. However in this instance, the area surrounding the wetland is privately owned and the only City easement is over the storm sewer pipe discharging into the wetland. The City only has a floodage easement over the wetland which allows for the temporary inundation of storm water runoff over the area therefore the District's buffer requirements cannot be applied to property that is not under the ownership of the applicant..

5.0 Erosion and Sediment Control

The proposed work is anticipated to begin in early fall and completed by December 31, 2018. The project will include dewatering the pond, floatation silt curtain, wood chips and fabric to minimize the disturbed area of staging and minimize tracking, bio-rolls will be used as needed around the sediment staging and final restoration will include 4-inches of topsoil, erosion control blanket and seed. The project contact is Steve Segar, city of Bloomington.

11.0 Fees

Because the property owner is a public entity, no fees are charged.

Rules 2.0-6.0 \$0

12.0 Financial Assurances

Because the property owner is a public entity, the District's financial assurance requirements do not apply.

Sureties for the project are: \$0

Findings

1. The proposed project includes the information necessary, plan sheets and erosion control plan, for review.
2. Rules 3 and 5 are met.

Recommendation

Approval, contingent upon:

1. General Conditions

It was moved by Manager _____, seconded by Manager _____ to approve permit application modification No. 2018-76 with the conditions recommended by staff.

Permit #: 2018-76
Project Name: Sediment Removal – Victoria Pond – 4801 West 81st Street and 4851 American Boulevard
West: Bloomington
Approval Date: July 18, 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.2018-76

Is hereby issued to Shelly Hanson, City of Bloomington, subject to the conditions specified in the attached form:

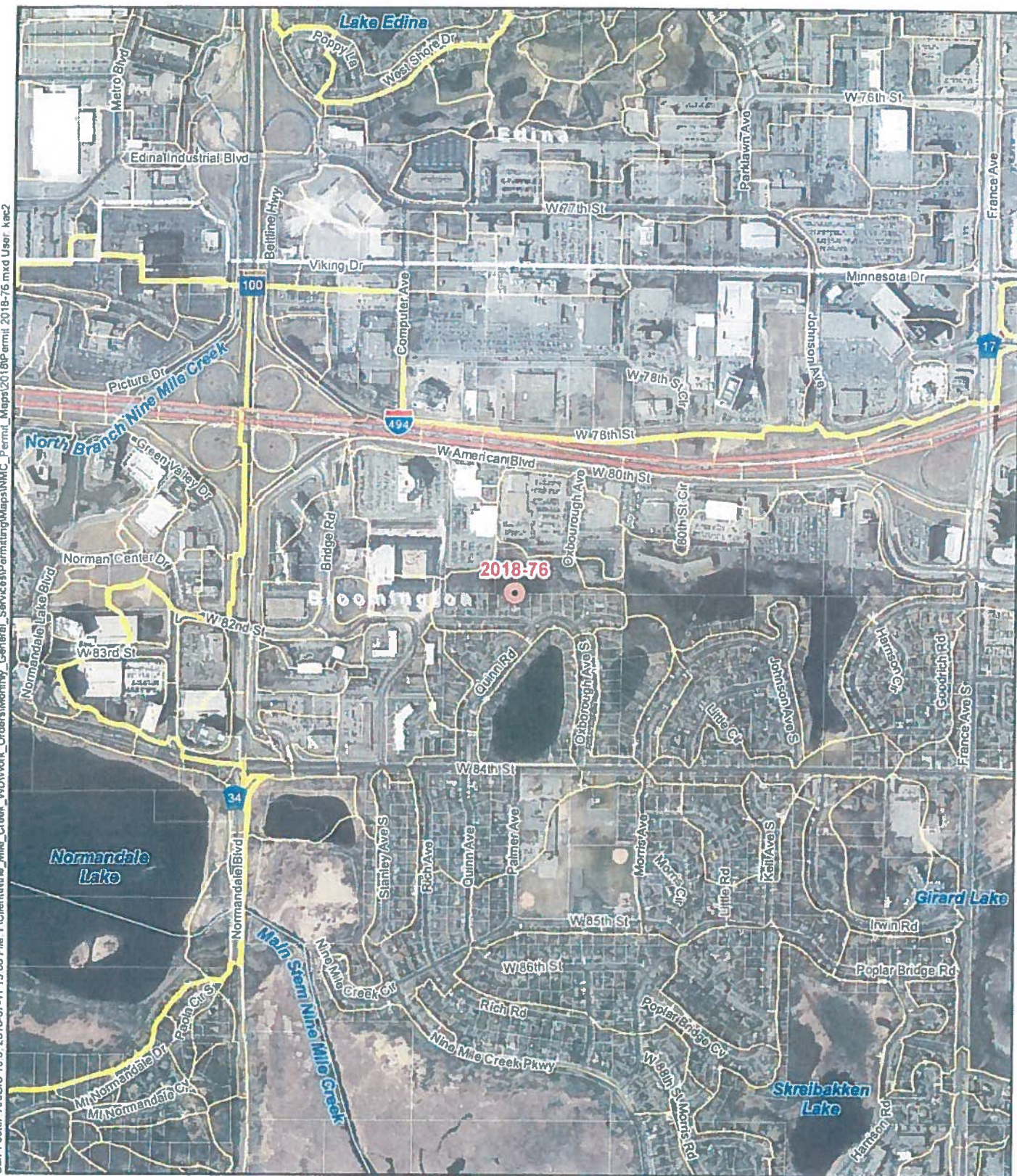
For the excavation and disposal of 242 cubic yards of sediment from Victoria Pond located at 4801 West 81st Street and 4851 American Boulevard West in Bloomington.

Steve Kloiber

Chair, Board of Managers

This permit expires on: August 1, 2019

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- Permit Location
- District Legal Boundary
- Nine Mile Creek Watershed
- Municipalities
- Major Watersheds
- Small Watersheds
- Parcels



PERMIT LOCATION MAP
PERMIT 2018-76
Nine Mile Creek
Watershed District

Imagery Source: Met Council Spring 2016 (MnGeo WMS)