



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, September 21, 2022

Agenda Item

Item 6. J. – Permits and Project Reviews

Prepared By

Linda Loomis, Administrator

Summary

i. LMRWD Permit Renewals

There is only one permit renewal this month. The traffic improvements at Lone Oka Road and TH 13 will expire 10/22//2022. Young Environmental Consulting Group reviewed the permit renewal request on behalf of the LMRWD and recommends renewal of the permit.

Attachments

Technical memorandum dated September 14, 2022, September 2022 Permit Renewal Requests

Recommended Action

Motion to renew permits as provided in Table 1. Summary of July 2022 LMRWD permit Renewal Requests

ii. Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024)

M.A. Gedney Company once operated in the City of Chaska, The company has ceased operations at the Chaska plant and the property is being redeveloped. As part of the redevelopment the treatment ponds will be decommissioned. Young Environmental Consulting Group has reviewed the permit application on behalf of the LMRWD. Comments on the application are attached as Technical Memorandum - Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024).

Attachments

Technical memorandum dated September 14, 2022, Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024)

Recommended Action

Motion to conditionally approve Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024) subject to receipt of Project permit fee of \$1,500 and a copy of the NPDES Construction Stormwater Permit.

iii. Freeway Landfill Expansion

The LMRWD was notified that the City of Burnsville received an application for a Conditional Use Permit to allow the Landfill to recommence accepting trash. He City of Burnsville asked for comments on the application. Young Environmental Consulting Group reviewed the application on behalf of the LMRWD. Comments are attached in the Technical Memorandum – Freeway Landfill Expansion (LMRWD No. 2020-105) dated August 31, 2022. In addition, LMRWD received comments provided by the MPCA to the City and the consultant for the applicant, Stantec Consulting Services, Inc. Those comments are attached.

Attachments

Technical Memorandum – Freeway Landfill Expansion (LMRWD No. 2020-105) dated August 31, 2022

Letter from Kirk Koudelka, MPCA Assistant Commissioner, to Stantec Consulting Services, Inc. dated February 16, 2022

Letter from Kirk Koudelka to Daniel S. Schleck, Messerli Kramer dated August 31, 2022

Recommended Action

No action is required by the Board at this time

iv. City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review)

The LMRWD received an application from the City of Burnsville for a Municipal LGU Permit. A Municipal LGU would allow the City of Burnsville to permit projects in the City on behalf of the LMRWD. As part of the Municipal LGU Permit application process Young Environmental Consulting Group reviews City Codes to make sure official controls conform to the LMRWD rules.

Technical Memorandum – City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review) dated September 14, 2022, is attached and provides comments and recommendations regarding the approval of the Municipal LGU Permit. As noted in the Technical Memorandum, the City’s ordinances for Floodplain Management differs from LMRWD Rule C – Floodplain and Drainage Alteration. As such the LMRWD would retain permitting authority for projects located in the floodplain.

The Public Works Director for the City, Ryan Peterson, informed the LMRWD that the City believes the LMRWD rules should not exceed the requirements of the MN Department of Natural Resources (MnDNR) and the Federal Emergency Management Agency (FEMA). Staff will be available at the Board meeting to discuss where the LMRWD differs from the MnDNR and FEMA.

There were several outstanding items noted in the Technical Memorandum. Along with the Floodplain question, the Board may wish to delay approval of the Municipal LGU Permit for the City of Burnsville outstanding items are resolved.

Attachments

Technical Memorandum – City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review) dated September 14, 2022

Recommended Action

Motion to conditionally approve a Municipal; LGU Permit for the City of Burnsville subject to resolving outstanding items listed in the Technical Memorandum – City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review) dated September 14, 2022

v. City of Eden Prairie Code Amendment Review

The City of Eden Prairie informed the LMRWD that the City is revising its City Code as part of the new MS4 permit. Young Environmental Consulting Group reviewed the proposed changes on behalf of the LMRWD. Comments and recommendation are documented in Technical Memorandum – City of Eden Prairie Code Amendment Review dated September 14, 2022.

Attachments

Technical Memorandum – City of Eden Prairie Code Amendment Review dated September 14, 2022

Recommended Action

No action is required by the Board of Managers at this time.

vi. Permit Program Summary

A summary of all open permits is attached for the Board’s information.

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Executive Summary

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Attachments

LMRWD Permit Program Summary – September 14, 2022

Recommended Action

No action is required – for information only

vii. 535 Lakota Lane, Chanhassen – work without a permit

There has been no communication from the property owner. Staff will update the Board at the meeting.



Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Karina Weelborg
Hannah LeClaire, PE

Date: September 14, 2022

Re: September 2022 Permit Renewal Requests

Per Lower Minnesota River Watershed District (LMRWD) Rule A, it is the permittee's responsibility to request permit renewals when necessary. However, LMRWD staff has taken a proactive approach by sending out monthly reminders to current permit holders with upcoming permit expirations.

Table 1 summarizes the permittees who have responded to the permit expiration reminder, confirmed that no significant changes to the proposed project have occurred since the original permit was issued, and requested a permit extension to complete their projects.

Table 1. Summary of July 2022 LMRWD permit renewal request.

LMRWD No.	Project Name	City	Previous Expiration Date	Recommended Expiration Date
2021-042	Highway 13 and Lone Oak Signal	Eagan	10/20/22	06/20/23
	<u>Reason for Extension:</u> The construction was delayed due to scheduling and material procurement needs.			

Recommendation

Staff recommends renewing the permits provided in Table 1.



Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Hannah LeClaire, PE
Katy Thompson, PE, CFM

Date: September 14, 2022

Re: Gedney Treatment Pond Decommissioning (LMRWD No. 2022-024)

M.A. Gedney Company (“Gedney” or “the applicant”) has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) to decommission the Gedney treatment ponds, located south of the intersection of Stoughton Avenue and Flying Cloud Drive in Chanhassen, Minnesota. Pond decommissioning involves excavating and hauling away all pond sediments, and leveling and reseeded the entire pond site as shown in Figure 1. The applicant’s engineering firm, Sathre-Bergquist, Inc. (Sathre-Bergquist), has provided site plans for the Gedney Treatment Pond Decommissioning project (Project), along with the permit application.

The proposed Project involves temporarily improving parts of the existing 12- to 16-foot-wide pond access road (i.e., the deteriorated gravel) with turf reinforcement mats and creating two gravel bypass points to allow dump trucks to safely pass one another. After the road is improved, the contractor plans to excavate and haul sediment from the ponds to an offsite permitted landfill and then deconstruct the pond berms and regrade the pond area to return it to its original elevations. The Project would disturb approximately 13.8 acres of land and create approximately 0.14 acres of temporary impervious surfaces. The proposed Project site is not located in the High Value Resource Area or Steep Slopes Overlay District; however, it is located within the Minnesota River floodplain, triggering LMRWD Rule C—Floodplain and Drainage Alteration. The applicant proposes commencing construction in October 2022 and expects the project to be completed by February 2022. All turf reinforcement mat and gravel bypass materials will be removed at the completion of the project.

Because the City of Chanhassen does not have an LMRWD municipal LGU permit, the Project requires an LMRWD individual permit and is subject to an LMRWD permitting review.

Summary

Project Name: Gedney Treatment Pond Decommissioning

Purpose: Decommission the treatment ponds; level and reseed the entire site

Project Size:

Disturbed Area	Existing Impervious Area	Proposed Temporary Impervious Area	Net Change in Temporary Impervious Area
13.8 acres	0.7 acres	0.14 acres	+0.14 acres

Location: South of the intersection of Stoughton Avenue and Flying Cloud Drive (Parcel Nos. 250030210, 30032500, and 250030300)

LMRWD Rules: Rule B – Erosion and Sediment Control, Rule C – Floodplain and Drainage Alteration

Recommended Board Action: Conditional Approval

Discussion

The LMRWD has received the following documents for review:

- LMRWD online permit application received August 10, 2022
- Grading Plans by Sathre-Bergquist; dated August 1, 2022; received August 10, 2022; revised September 2, 2022
- Stormwater Pollution Prevention Plan by Sathre-Bergquist, Inc.; dated August 1, 2022; received August 10, 2022
- Access Easement between Private Landowner and Gedney; dated August 19, 1963; received September 2, 2022
- Access Easement between Carver County and Gedney; dated July 12, 1971; received September 2, 2022
- Access Easement between Private Landowner and Gedney; dated July 16, 1971; received September 2, 2022
- Access Easement between Carver County and Gedney; dated July 19, 1971;

received September 2, 2022

- Easement and Deed between American Crystal Sugar and Gedney dated December 17, 1957; received September 2, 2022
- Watershed Comment Response by Sathre-Bergquist; dated September 2, 2022; received September 2, 2022
- No-Rise Certificate by AE2S; dated September 9, 2022; received September 9, 2022
- Hydraulic model by AE2S; dated September 9, 2022; received September 9, 2022

The application was deemed complete on September 9, 2022. The documents received provide the minimum information necessary for permit review.

Rule B—Erosion and Sediment Control

The LMRWD regulates land-disturbing activities that affect one or more acres of land under Rule B—Erosion and Sediment Control. The proposed Project would disturb approximately 13.8 acres within the LMRWD boundary. The applicant has provided an erosion and sediment control plan, stormwater pollution prevention plan, and contact information for the contractor and person(s) responsible for the inspection and maintenance of the erosion and sediment control features. The Project generally complies with Rule B; however, a copy of the NPDES permit is needed before the LMRWD can issue a permit.

Rule C—Floodplain and Drainage Alteration

The LMRWD regulates the placement of fill and alterations within drainageways below the 100-year flood elevation. The proposed Project site is located in the Minnesota River floodplain, shown on the FEMA Flood Insurance Rate Map (FIRM) for Carver County (Panel 27019C0237D; effective December 21, 2018). The effective FIRM shows the Project in the FEMA Zone AE (or 100-year floodplain) as well as the floodway with a 100-year elevation of 721.5 NAVD88 at cross section G.

To decommission the ponds, the applicant proposes removing settled sediment from the ponds, and then using the existing pond berm material (approximately 34,600 cubic yards) to fill the ponds and provide a consistent 1% grade toward the Minnesota River. There will be no permanent or temporary fill outside the existing pond berms.

AE2S provided updated hydraulic modeling based on the FEMA effective model as well as a Minnesota No-Rise Certificate signed by a professional engineer. AE2S received FEMA's effective model from the Minnesota Department of Natural Resources to use for its analysis of the proposed pond decommissioning impacts. AE2S modified cross section 67 in the provided model (equivalent to cross section G on the FIRM) to represent the proposed grading (Figure 2). No other changes were made to the

proposed conditions geometry. With the grading modification shown in Figure 2, AE2S confirmed that the proposed modifications within the floodplain are not expected to raise the 100-year flood elevation or impact the conveyance capacity of the of the Minnesota River floodway. The project complies with LMRWD Rule C.

Recommendations

On September 2, 2022, Sathre-Bergquist indicated that Gedney would be submitting the permit fee for \$1,500; however, this fee was not received. Young Environmental called Sathre-Bergquist to verify that the payment had been sent. Sathre-Bergquist informed us that there was a miscommunication and the permit fee was sent via mail on September 13, 2022. Young Environmental informed the applicant that the LMRWD will not issue a permit until the fee is in hand. Based on our review of the Project, we recommend conditional approval contingent on receipt of the following:

- Project permit fee (\$1,500.00)
- Copy of the NPDES Construction Stormwater Permit

Attachments

- Figure 1—Gedney Treatment Ponds Project Location Map
- Figure 2—HEC-RAS Cross Section Modifications



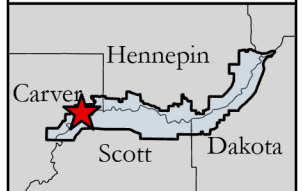
Figure I: Gedney Treatment Pond Decommissioning Project Location



Legend

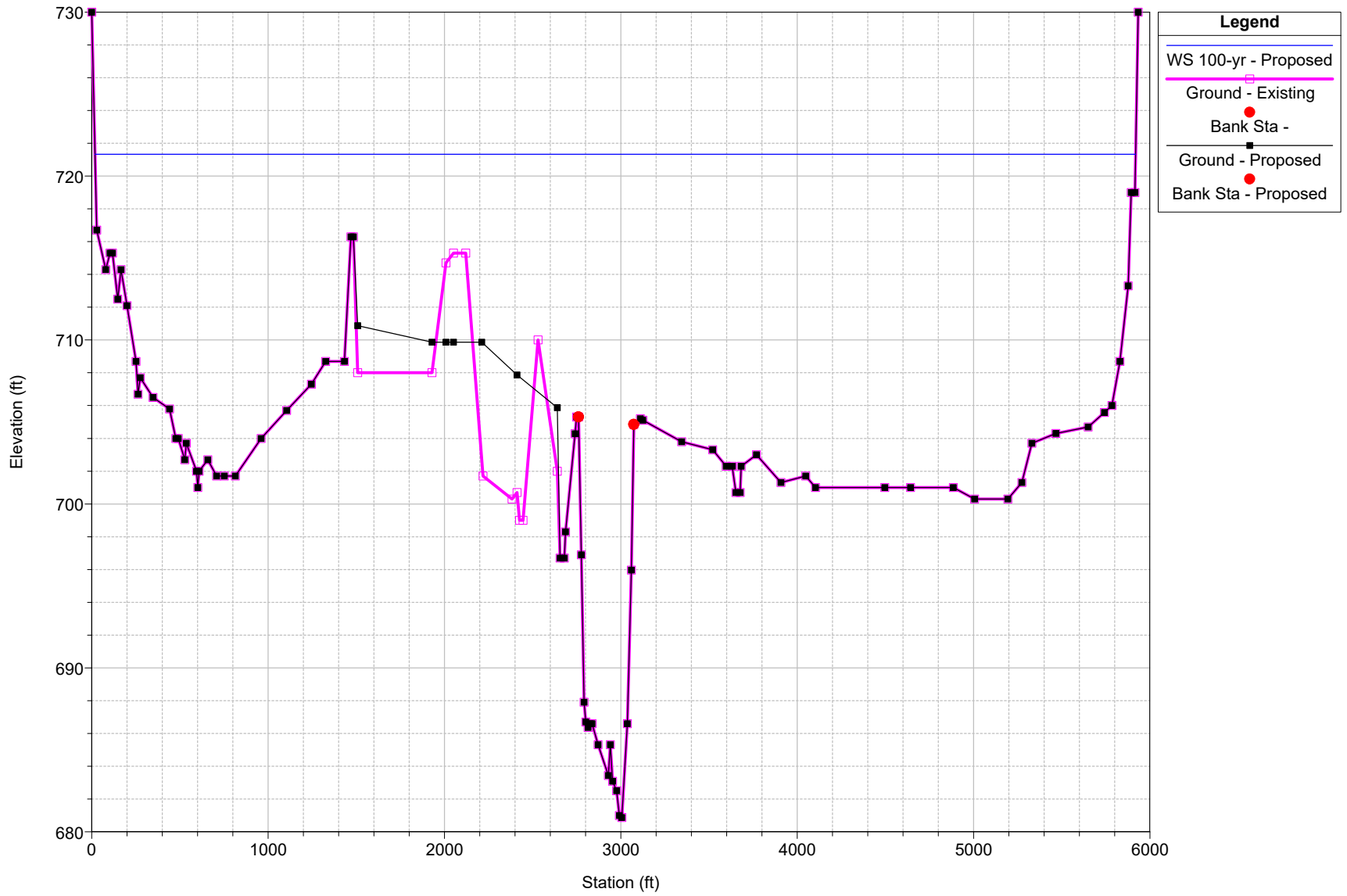
- Gedney Pickles Project Location
- Temporary Gravel Bypass
- Existing Pond
- Temporary Turf Reinforcement Mat
- High Value Resource Area
- Past LMRWD Permits
- Parcels
- Floodway
- Public Waterbodies
- Public Waters
- FEMA Cross Section G

LMRWD Watershed Location Map



Projects\LMRWD\Project Reviews\02 In Process\Gedney Pickles\04 GIS

LowerMinnesotaRiver_GedneyPond_NoRise Plan: 1) Proposed



Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Hannah LeClaire, PE
Katy Thompson, PE, CFM

Cc: Daniel S. Schleck

Date: August 31, 2022

Re: Freeway Landfill Expansion (LMRWD No. 2020-105)

On August 19, 2022, the City of Burnsville (City) submitted an Agency Review Request to the Lower Minnesota River Watershed District (LMRWD) and requested comments concerning the Freeway Landfill Expansion Concept Stage Planned Unit Development (PUD) application submitted by R. B. McGowan Company Inc. (applicant). The applicant proposes to expand the Freeway Landfill by constructing an overlay liner system on top of the existing unlined Freeway Landfill.

The Freeway Landfill was opened in 1969 and accepted waste until 1990, when it was closed with a soil capping system. The landfill is located west of Interstate 35W (I-35W) and south of the Minnesota River, as shown in Figure 1. A portion of the site is currently being used as the Freeway Transfer Inc. (FTI) station, which opened in 1991 and intends to continue its waste transfer operations after the project is completed. It should be noted this expansion project does not include the Freeway Dump, which is south and east of the Freeway Landfill on the east side of I-35W.

In June 2020, the Minnesota Pollution Control Agency (MPCA) began soliciting feedback for two design options to remediate the waste currently stored in the Freeway Landfill because the disposal occurred without the protections required by modern landfills to manage landfill leachate and landfill gasses. At the time, the design options were as follows: Dig and Line (Option 1), where a new, modern landfill would be constructed on the property, and Dig and Haul (Option 2), in which the MPCA proposed

removing the waste from the landfill and dumping it off-site. In June 2020, the LMRWD submitted comments to the MPCA as part of the project's stakeholder engagement process regarding the two proposed options for waste management (Attachment 1). As part of that process, on June 18, 2020, the LMRWD Administrator and Young Environmental Consulting Group LLC (Young Environmental) met with Barr Engineering (the MPCA's engineer) to discuss the LMRWD rules and their applicability to the project. Since that time, Stantec Consulting Services Inc. (Stantec) has assumed the engineering role for the project and has developed preliminary plans for the current Concept Stage PUD application.

The applicant proposes to recommence municipal solid waste (MSW) disposal at the Freeway Landfill facility (Facility) by constructing a new lined disposal facility over the top of the existing waste. The proposed Facility spans several parcels totaling approximately 189.2 acres, including the FTI. According to Stantec, the existing impervious area is 19.7 acres, and the proposed impervious area is 19.2 acres, resulting in a net decrease of 0.5 acres. The proposed overlay liner footprint is approximately 80 acres, and the remaining 90 acres will be pervious area, including wooded areas, open grass, and green landscaping. The proposed lined disposal facility would provide the metro area with approximately 6.4 million cubic yards of additional MSW disposal capacity. The estimated life of the expanded Facility is 20 to 40 years, and the planned top elevation of the Facility is approximately 824 feet above mean sea level or approximately 74 feet above the current top layer. The Facility is not located within the High Value Resource Area or the Steep Slopes Overlay District. However, portions of the disturbance (not including the overlay liner) occur within the Minnesota River Floodplain.

Young Environmental has completed a preliminary review of the concept stage PUD application and believes the project would likely require an LMRWD Individual Project permit under Rules B—Erosion and Sediment Control, C—Floodplain and Drainage Alteration, and D—Stormwater Management.

Summary

<u>Project Name:</u>	Freeway Landfill Expansion		
<u>Purpose:</u>	Recommence and expand MSW disposal operations at Freeway Landfill		
<u>Project Size:</u>	Disturbed <u>Area</u>	Existing <u>Impervious Area</u>	Total New <u>Impervious Area</u>
	Unknown	19.7 acres	19.2 acres
<u>Location:</u>	1020 W Black Dog Road, Burnsville, MN 55337 (Parcel 037-021560002010)		

LMRWD Rules: Rule B—Erosion and Sediment Control
Rule C—Floodplain and Drainage Alteration
Rule D—Stormwater Management

Recommended Board Action: Information Only

Discussion

The LMRWD received the following documents for review:

- Freeway Landfill (SW-57)—Conceptual PUD Application for Freeway Landfill Expansion Overlay Liner Construction Feasibility Memo by Stantec; addressed to Deb Garross; dated March 31, 2022; received August 19, 2022
- Minnesota Interagency Water Resource Application Form (Wetland Impacts) by Stantec; dated July 28, 2022; received August 19, 2022
- Freeway Landfill Wetland Delineation Report by Barr Engineering; dated October 2019, received August 19, 2022
- Appendix A—Conceptual Civil Plans by Stantec; dated December 3, 2021; received August 19, 2022
- Appendix B—Natural Resource Documents by Stantec; dated November 2021; received August 19, 2022
- Plat by McCombs Frank Roos Associates Inc.; dated November 1, 1990; received August 19, 2022
- Project Narrative by Stantec; dated January 5, 2022; received August 19, 2022

Rule B—Erosion and Sediment Control

The LMRWD regulates land-disturbing activities that affect one acre or more under Rule B. The proposed project would disturb a minimum of 80 acres and a maximum of 189.2 acres, triggering Rule B. Stantec provided a preliminary erosion control plan. However, it does not appear to meet the minimum requirements of Rule B and will need to be revised per Rule B, Section 2.4.

Rule C—Floodplain and Drainage Alteration

The LMRWD regulates the placement of fill and alterations within drainageways below the 100-year flood elevation. The Facility is located near the Minnesota River Floodplain, shown on the FEMA Flood Insurance Rate Map (FIRM) for Dakota County, Panel 27037C0070E (effective March 16, 2016). The project appears to disturb areas within FEMA Zone AE (or the 100-year floodplain) as well as within the floodway. The effective FIRM shows the project at cross-section Z and has a regulatory 100-year elevation of 716.0 NAVD88.

To comply with Rule C, the applicant must meet the following general requirements:

- Computations by a professional engineer of all grading (cut and fill) and drainage alterations occurring below the 100-year flood elevation are needed.
- No-rise certification and supporting hydraulic modeling by a professional engineer demonstrating the proposed grading below the 100-year flood elevation will not cause a rise in the 100-year flood elevation of the Minnesota River, nor will it result in a loss of flood conveyance capacity.
- The low floor of any occupied structures must be constructed at least two feet above the 100-year flood elevation or be protected with a floodproofing system.

We recommend the applicant review LMRWD Rule C, Sections 3.4 and 3.5 for further information regarding compliance.

Rule D—Stormwater Management

The LMRWD regulates projects that create more than one acre of new impervious area. The project proposes to reduce the total impervious area from 19.7 acres to 19.2 acres. In previous reviews (Attachment 1 and 2), the LMRWD provided guidance for calculating the total amount of impervious areas, and it considers the overlay liner to be a semi-impervious surface, subject to Rule D. The LMRWD provided the MPCA with guidance for calculating the stormwater runoff (Attachment 2).

The proposed overlay liner is consistent with the design reviewed in 2020 and is a geosynthetic cap. A two-foot-thick impermeable clay liner will be placed over the existing waste, which will prevent rainfall from percolating into and through the waste below. The geosynthetic cap will be covered with 12 inches of granular drainage material with a minimum permeability of 1.42 inches per hour, which is equivalent to soils within Hydrologic Soil Group A. That will allow for some infiltration of rainfall through that material. The rainfall that infiltrates that layer will then be collected by an underdrain system and directed downslope to retaining ponds on site (Figure 1).

The project narrative indicates 65.6 acres of the overlay liner drain to the existing Marina Pond to the north of the Facility, which can retain a 100-year, 24-hour storm event. The remaining 14.4 acres drain to one of two smaller ponds or a rain garden, all designed for a 25-year, 24-hour storm event. Although the project provides some level of stormwater management, as presented, it does not comply with Rule D. Please refer to the LMRWD Rules and Attachment 2 for additional information. We recommend the applicant review LMRWD Rule D for further information regarding compliance.

Recommendations

No board action is required at this time. As presented, the applicant must obtain an LMRWD Individual Project Permit before the start of construction activities for the

applicable LMRWD rules. We recommend the following summarized comments to the applicant to help facilitate the future permit review process:

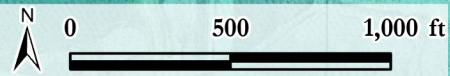
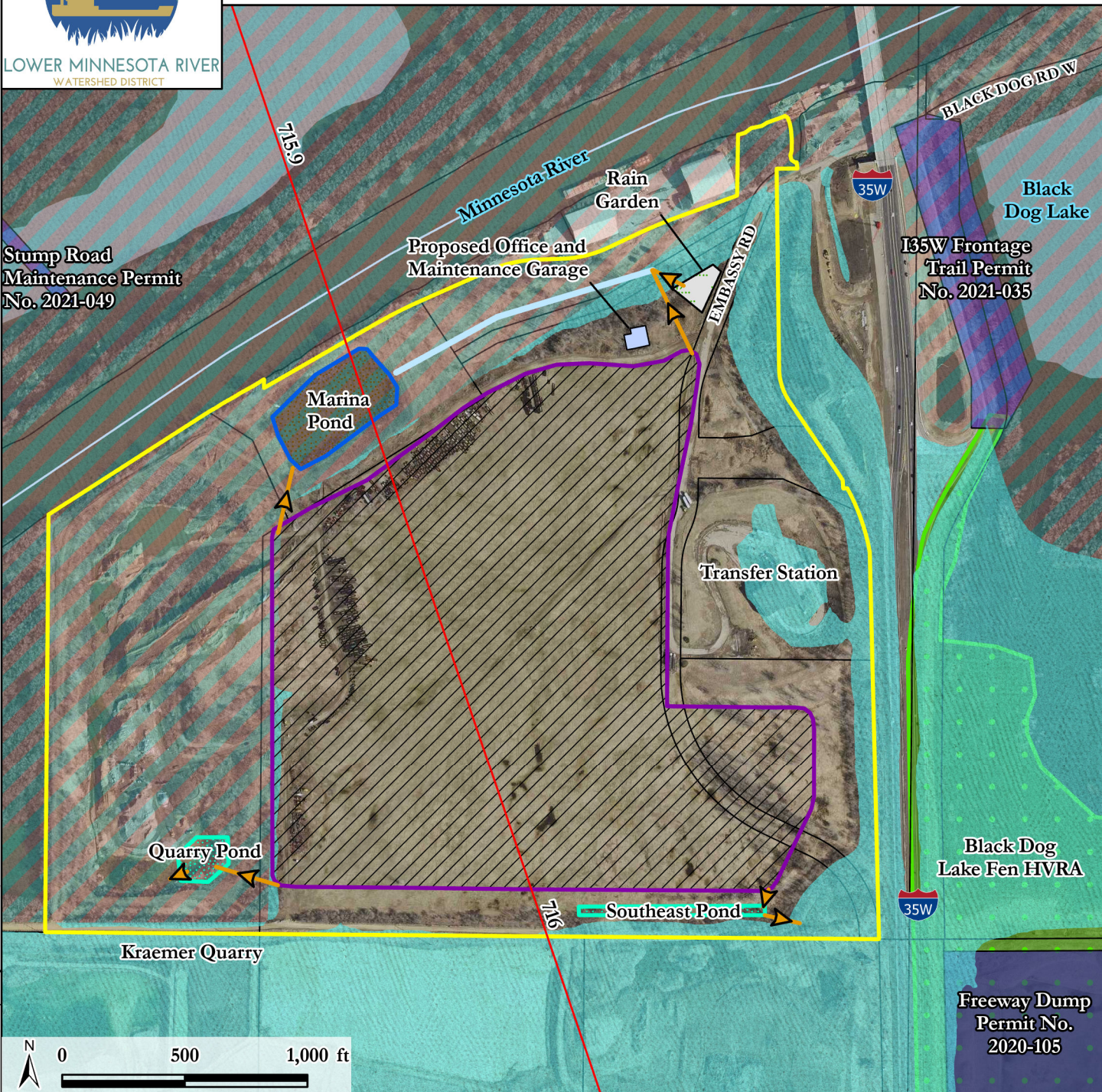
- It is our understanding the MPCA chose the [Dig and Line Option Variation C](#) to move forward for project bidding to remediate the Freeway Landfill site. How does the proposed project align with the MPCA's intent?
- If the existing waste remains in place, how will groundwater-dependent resources neighboring the landfill be protected from contamination? For example, the Black Dog Fen Complex on the east side of I-35W.
- Review the [LMRWD Rules](#), especially the *Criteria and Required Information and Exhibits* sections, to determine the design requirements necessary to comply with LMRWD rules.
- The LMRWD encourages early coordination for complex development projects, such as the Freeway Landfill Expansion. The LMRWD recommends continued coordination and suggests scheduling a pre-application meeting to discuss the LMRWD permitting process and requirements.

Attachments

- Figure 1—Freeway Landfill Expansion Project Location Map
- Attachment 1—Freeway Landfill and Dump Remediation Preliminary Project Review Memo, dated June 10, 2020
- Attachment 2—Freeway Landfill Dump and Remediation Project Update Memo, dated June 27, 2020

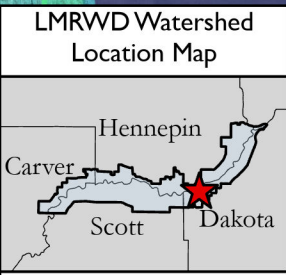


Figure I: Freeway Landfill Project Location



Legend

- | | | |
|--|--------------------------|----------------------------|
| Freeway Landfill Project Location | Existing Pond | Public Waterbodies |
| 100-yr Floodplain | Proposed Rain Garden | Public Waters |
| Floodway | Proposed Liner | Proposed Culvert |
| Proposed Office and Maintenance Garage | Parcels | Proposed Stone Lined Swale |
| Proposed Pond | Past LMRWD Permits | Cross Section Z |
| | High Value Resource Area | |



Projects \LMRWd \Project Reviews \02 In Process \Freeway Landfill and Freeway Dump Construction \OGIS

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: June 10, 2020

Re: Freeway Landfill and Dump Remediation Preliminary Project Review
(Permit No. 2020_105)

The Minnesota Pollution Control Agency (MPCA) is in the process of soliciting stakeholder design input on the proposed remediation options for the Freeway Landfill and Dump site in the City of Burnsville. In 2019, Barr Engineering Co. (Barr) completed a focused feasibility study to evaluate potential remediation options, and at the time, the Lower Minnesota River Watershed District (District) requested that Young Environmental conduct a review to determine which District standards the proposed options would trigger. The MPCA and Barr have since developed two design options that the MPCA intends to release for bidding in early 2021. The following is a more detailed review of the two options and the District requirements for the MPCA public comment period ending June 12, 2020.

Summary

Project Name: Freeway Landfill and Dump Remediation

Purpose: Remediation of two closed, but unlined, solid waste facilities

Project Size: Approximately 175 acres of disturbance,

Location: 11937 Interstate 35W and 1020 W. Black Dog Rd, Burnsville, MN

Applicable LMRWD Rules: Rule A – Administrative and Procedural Requirements
Rule B – Erosion and Sediment Control
Rule C – Floodplain and Drainage Alteration
Rule D – Stormwater Management

Recommended Board Action: Information only, no Board action at this time

Discussion

The MPCA is proposing to remediate the waste currently stored at the Freeway Landfill and Dump because the waste disposal occurred without the needed protections required by modern landfills to manage landfill leachate and landfill gas. The MPCA has proposed two options:

1. **Dig and Line:** Build a new modern landfill on the property (three variations of this option have been provided).
2. **Dig and Haul:** Move the waste from the landfill and dump off the property to another modern landfill.

As part of the MPCA's stakeholder outreach, the District was provided with the following documents for review:

- Freeway Remediation Presentation by Barr, dated May 6, 2020
- Freeway Remediation Preliminary Drainage Figures by Barr, dated May 6, 2020
- Focused Feasibility Study Report for the Freeway Landfill and Freeway Dump by Barr, dated October 2019

Rule A – Administrative and Procedural Requirements

The proposed project is located within the City of Burnsville and would normally be subject to municipal review; however, the City of Burnsville does not have an approved Municipal Permit with the District, and as such, the MPCA must receive a District Individual Project Permit prior to construction.

Rule B – Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more outside the High Value Resource Area (HVRA) Overlay District under Rule B. The proposed project disturbs 174 acres and will trigger the requirements under Rule B.

In addition, Option 1 should also address long-term erosion control concerns due to the long and steep flow paths from the top of the proposed landfill down to the stormwater management ponds to prevent damage to the underlying landfill cap and reduce erosion

at the toe of the slope and future sedimentation in the stormwater ponds and downstream waterbodies.

Based on the preliminary information provided, the proposed grading at the Freeway Dump site appears acceptable. However, it should be noted that the proposed grading will discharge into the Black Dog Lake Fen complex (**Figure 1**), and care should be taken during final design to ensure no adverse impacts would result to the fen from any concentrated stormwater runoff or outfalls.

Rule C – Floodplain and Drainage Alteration

The portions of the proposed project are located in the 100-year FEMA floodplain, and a District permit is required for land alteration or placement of fill below the floodplain. The City of Burnsville will be requiring a No Rise Certificate indicating that the proposed remediation will not cause an increase in water surface elevations of more than 0.00 ft. The District requests a copy of the No Rise documentation as well as calculations that demonstrate no net loss of flood conveyance capacity.

Rule D – Stormwater Management

The District requires stormwater management for projects that propose to create more than one acre of new impervious surface and more than 10,000 square feet in the HVRA. While neither remediation option currently includes the creation of traditional impervious surfaces (such as concrete or asphalt) as part of the design, we recommend considering the impermeable landfill cap an impervious surface because it may contribute to increased runoff rates from the final landfill when compared to existing conditions.

The District Rules define an impervious surface as “a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to runoff the surface in greater quantities and at an increased rate of flow than before development.” The inherent purpose of a landfill final cover is to be impervious to surface and groundwater intrusions and to separate waste and byproducts from rain and groundwater infiltration, and the proposed remediation plans for Option 1 includes 60 to 80 acres of impervious liner and cover.

Further discussion of Rule D is broken below into three categories: rate control, volume reduction, and water quality.

Rate Control

The District clearly states one of the underlying policies in Rule D is to “require property owners control the rate and volume of stormwater runoff originating from their property so that surface water and groundwater quantity and quality is

protected or improved, soil erosion is minimized, and flooding potential is reduced.” The current Freeway Landfill and Dump sites, for better or worse, are unlined and do allow for some rainfall infiltration, which affects the overall stormwater runoff from the site.

Under Option 1 (Dig and Line), the project proposes to line and cover the landfill waste with an impervious liner under the waste and an impervious cap on top of the waste (Figure 1). Installing an impervious cover, even with roughly two feet of pervious cover vegetation and topsoil on top, may increase the amount of stormwater runoff generated from the landfill site, particularly with the proposed height and slopes of the final landfill. If Option 1 is selected as the final design, the District will require hydrologic calculations to demonstrate that the proposed stormwater runoff rates from the site do not exceed the existing rates.

As presented, Option 2 (Dig and Haul) does not propose any new impervious surface, either traditional hard surfaces or an impenetrable cover layer, and would not trigger the rate control requirements of Rule D. However, as noted in Rule B, runoff from the Freeway Dump will be entering the Black Dog Lake Fen HVRA, and care must be taken during final design to ensure no adverse impacts would result due to concentrated stormwater discharges into the fen.

Volume Reduction

Section 4.4.2 of Rule D requires volume reduction for post-construction stormwater runoff volume for projects that create more than one acre of impervious surface or redevelopment of more than 10,000 square feet in the HVRA. The District does not allow infiltration practices in areas that may mobilize high levels of contaminants in soil or groundwater; however, filtration technologies are an acceptable method in lieu of infiltration.

Water Quality

Section 4.4.3 of Rule D requires projects that create more than one acre of new impervious surface to provide evidence that no net increase in total phosphorus (TP) or total suspended solids (TSS) in the receiving waters will result from the project.

Stormwater ponds are currently proposed as part of the design; the District will require the applicant to develop and adhere to a stormwater maintenance plan for the project, including the acquisition of any necessary easements.

Recommendations

We applaud the MPCA for tackling this project and recognize the need to segregate the landfill waste from surface and groundwater. The following summarizes the comments from the District to the MPCA:

- The MPCA should apply for and receive a District Individual Project Permit prior to construction.
- The proposed project will trigger *Rule B – Erosion and Sediment Control* and require an Erosion and Sediment Control Plan, SWPPP, and NPDES Construction Stormwater Permit.
- The Freeway Dump portion of the project is located within the High Value Resource Area for Black Dog Lake Fen, and care should be taken during design to avoid concentrated stormwater discharges into the fen during and after construction.
- Portions of the project are located within the 100-year FEMA floodplain and floodway and *Rule C – Floodplain and Drainage Alteration*. The District will require a no-rise certification by a professional engineer and calculations demonstrating no loss of floodplain storage would result from the project.
- The District considers the landfill cap an impervious surface, and *Rule D – Stormwater Management* will apply to the project.
- The District does not allow infiltration practices in areas that may mobilize high levels of contaminants in soil or groundwater; however, filtration technologies are an acceptable method in lieu of infiltration.
- All stormwater BMPs will require a maintenance agreement with the District.

Attachments:

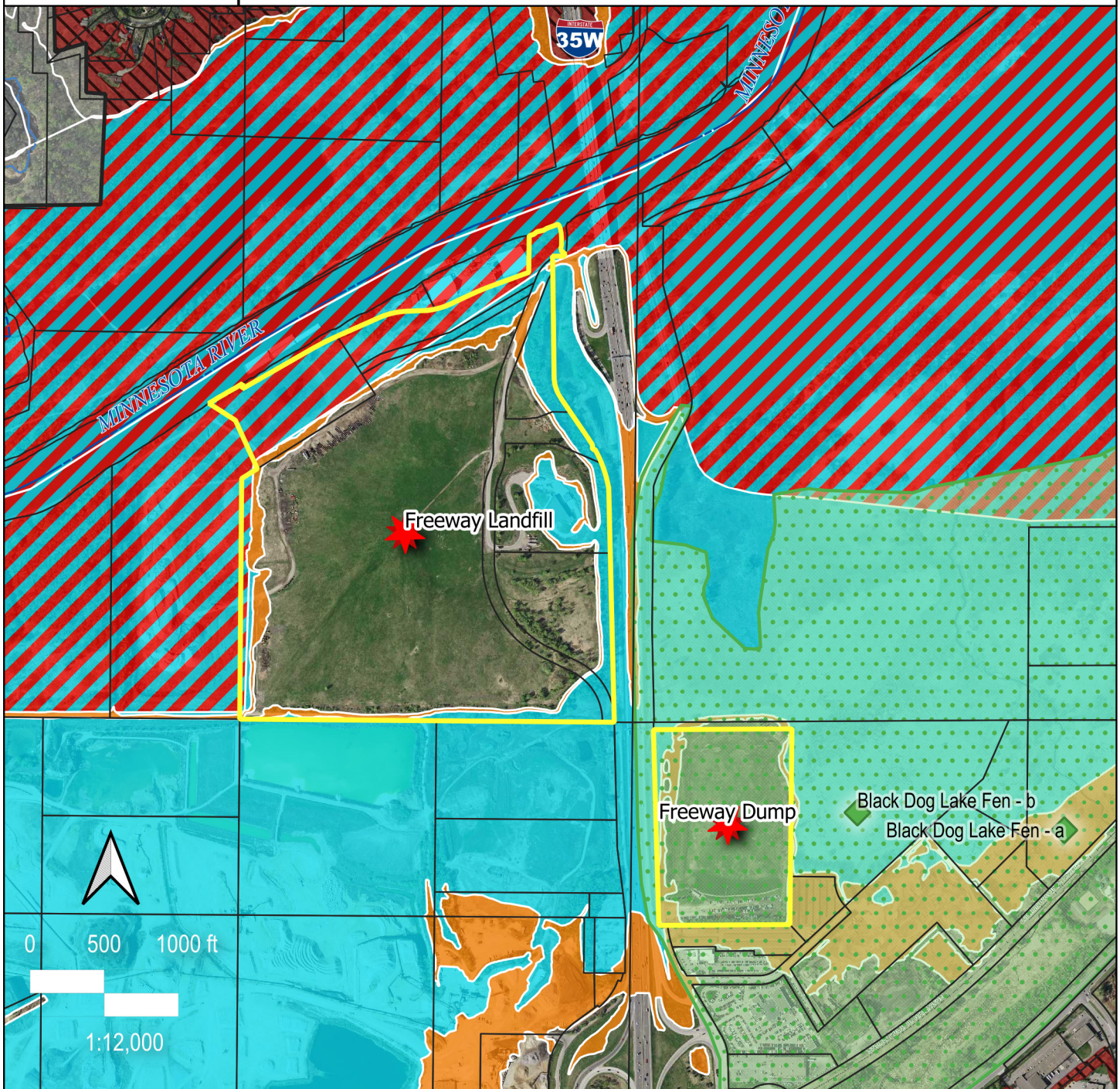
Figure 1—Proposed Freeway Landfill and Dump Location Map

LMRWD Permit Review Checklist



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Figure 1: Freeway Landfill and Dump Preliminary Review, City of Burnsville, MN 09-June-2020



LEGEND

- | | | |
|-----------------------|-----------------------|-------------------------------|
| LMRWD Boundary | Dakota Co. Floodplain | Steep Slopes Overlay District |
| Proposed Project Area | 100-yr Floodplain | Calcareous Fen Locations |
| Dakota Co. Parcels | Floodway | HVRA Overlay District |
| | 500-yr Floodplain | |



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LOWER MINNESOTA RIVER WATERSHED DISTRICT PROJECT REVIEW

Project ID	<input type="text" value="2020_0105"/>	Authorization Agent	<input type="text"/>
Project Name	<input type="text" value="Freeway Landfill and Freeway Dump"/>	Email Address	<input type="text"/>
Organization	<input type="text" value="Minnesota Pollution Control Agency"/>	Phone Number	<input type="text" value="5555555555"/>
Notes	<input type="text" value="1/21/2020 - Review of preliminary plan documents and feedback"/>		

Project Summary

Anticipated start date	<input type="text" value="1/1/2021"/>	Date received	<input type="text"/>
Project location	<input type="text" value="Burnsville, MN"/>	Project map included?	<input checked="" type="checkbox"/>
Project acres	<input type="text" value="174"/>	Is the project in an unincorporated area?	<input type="checkbox"/>
Total disturbed acres	<input type="text" value="174"/>	Is it located in a High Value Resource Area	<input checked="" type="checkbox"/>
New impervious acres	<input type="text" value="0"/>	Is it located in a Steep Slope Overlay District	<input type="checkbox"/>
Local Partners	<input type="text" value="City of Burnsville"/>	Other Sensitive Area	<input type="text" value="Black Dog Lake Fen Complex"/>

Project Description

The MPCA has determined additional waste management efforts are needed for the closed Freeway Landfill and Freeway Dump sites to prevent pollutants from further release of landfill gases and leachate into groundwater and the Minnesota River, particularly with the cessation of quarry pumping operations at nearby Kramer Quarry. The project proposed two options:

1. Dig & Line - excavate the waste from both sites and construct a modern landfill within the Landfill footprint
2. Dig & Haul - excavate the waste from both sites and haul to an existing landfill.

The MPCA is currently soliciting stakeholder feedback on the preliminary design through a public comment period that ends on June 12, 2020.

Additional Notes

Review Status

Is this a preliminary review?

Is this a permit review?

Does this project require a technical review?

Project Status

Project is pending

Project is active

Project has been archived

Erosion and Sediment Control

This project triggers one or more thresholds for this rule.

<u>Triggers</u>		<u>Criteria</u>	
Disturbs one acre plus	<input checked="" type="checkbox"/>	Erosion and Sediment Control Plan	<input type="checkbox"/>
Located within the HVRA Overlay District	<input checked="" type="checkbox"/>	Inspection and maintenance addressed	<input type="checkbox"/>
Meets the HVRA threshold	<input checked="" type="checkbox"/>	NPDES/SDS General Construction Permit documentation	<input type="checkbox"/>

The documentation requirements for this rule have not been met. A review cannot be completed until all required documentation has been submitted.

Additional Notes

6/7/2020 - Based on the feasibility study and 5/6/2020 LMRWD presentation, the proposed project will disturb approximately 174 acres, including portions within the HVRA near Black Dog Lake Fen Complex. The District will require and erosion & sediment control plan, SWPPP, and a maintenance agreement for any permanent stormwater BMPs.

Floodplain Drainage Alteration

This project triggers one or more thresholds for this rule.

<u>Triggers</u>			
Changes in water surface elevation of floodplain	<input checked="" type="checkbox"/>	Calculations by a professional engineer demonstrating no decrease to conveyance	<input type="checkbox"/>
<i>If yes,</i> Compensatory storage equal or greater than volume of fill	<input type="checkbox"/>	Conveyance capacity decrease below 100yr high water elevation	<input type="checkbox"/>
<i>If no,</i> No-rise certification by a professional engineer	<input type="checkbox"/>	Temporary placement of fill	<input type="checkbox"/>
<u>Criteria</u>		Adverse impacts to water quality, habitat, or fisheries	<input type="checkbox"/>
Net decrease of storage capacity OR increase in 100yr elevation	<input type="checkbox"/>	New structures have 2ft+ between lowest enclosed area's floor and 100yr high water elevation	<input type="checkbox"/>
Will floodplain storage be created	<input type="checkbox"/>		

The documentation requirements for this rule have not been met. A review cannot be completed until all required documentation has been submitted.

Additional Notes

6/5/2020 - The proposed project is located within the 1% Special Flood Hazard Area for the Minnesota River. At this time it is not known if the project will reduce the flood storage capacity of the floodplain or not, but the potential impact should be con

Stormwater Managment

This project triggers one or more thresholds for this rule.

Type of project Development

Triggers

One acre or more of impervious surface



Are trout streams protected



HVRA Overlay District

Located within the HVRA Overlay District



Rate control exceeded for 1, 2, 10, and 100yr 24-hour event



If yes,

Meets the HVRA threshold



Projects with 1+ acres of new impervious: are MPCA's Construction General Permit



Criteria

Post-construction runoff rates exceed existing rates for 1, 2, 10, and 100yr 24-hour events?



Net increase of TP



Net increase of TSS



Is maintenance adequately addresse



New Development: the post-construction runoff volume retained onsite equal 1.1 inches of runoff from impervious surfaces



Project will result in a net decrease of TP and TSS



Redevelopment: the project will capture and retain onsite 1.1 inches from new/fully reconstructed impervious surface



Volume control requirements sufficiently addressed



Linear: the site will capture and retain (a) 0.55 inches of runoff from new/fully reconstructed impervious, or (b) 1.1 inches of runoff from the net increase in impervious area



The documentation requirements for this rule have not been met. A review cannot be completed until all required documentation has been submitted.

Alternative Infiltration Measures

Additional Notes

6/5/2020 - Option 1 (Dig & Line) proposes to dig up the existing landfill waste and construct an

impermeable liner under the waste, replace the waste, then cap with an impermeable cover over the waste per current regulatory standards. The purpose of a landfill liner and cap are to provide a permanent separation between the landfill waste and surface and groundwater, as such, the cap and liner should be considered impervious surface and would trigger the District's Rule D - Stormwater Management.

Option 2 (Dig & Haul) would remove the waste from both sites and presumably replace the waste with clean fill and pervious surface. In which case, Rule D would not be triggered.

Steep Slopes

This rule does not apply.

Triggers

Is the project in the Steep Slopes Overlay District

Excavation of 50 cubic yards+ of earth

Displacement of 5,000 sq. ft+ of earth

Vegetation removal or displacement

Activities that require LGU permits

Criteria

Has the project been certified by a professional engineer

Adverse impact to waterbodies

Unstable slope conditions

Degradation of water quality

Preservation of existing hydrology

New discharge points along slope

Additional Notes

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: July 27, 2020

Re: Freeway Landfill and Dump Remediation – Project Update (Permit No. 2020-105)

The Minnesota Pollution Control Agency (MPCA) recently concluded the public comment period on the proposed remediation options for the Freeway Landfill and Dump site in the City of Burnsville. In 2019, Barr Engineering Co. (Barr) completed a focused feasibility study to evaluate potential remediation options and, at the time, the Lower Minnesota River Watershed District (District) requested that Young Environmental conduct a review to determine which District standards would be triggered by the proposed options. The MPCA and Barr have since developed two design options that the MPCA intends to release for bidding in early 2021. Young Environmental provided the District with a preliminary review of the proposed designs and permit requirements on June 10, 2020 (attached), which was then submitted to the MPCA as part of the public comment period.

On June 18, 2020, the District Administrator, Young Environmental, and Barr met online to discuss the project and the District's preliminary review (meeting notes attached). As part of the discussion, the project team and District staff walked through each of the District rules to determine applicability.

June 18, 2020: Meeting Summary

Rule A – Administrative and Procedural Requirements

The District confirmed that because the City of Burnsville does not have an approved municipal permit, an Individual Project Permit will be required for the project.

Rule B – Erosion and Sediment Control

The project team concurred with LMRWD that Rule B applies to the project and acknowledged the District's concern that concentrated discharges could enter the surrounding fen complex, causing scour and erosion.

Rule C – Floodplain and Drainage Alteration

The project team concurred with LRMWD that Rule C applies to the project and confirmed that it is working with Suzanne Jiwani at the Minnesota Department of Natural Resources (MnDNR) to obtain a no-rise certificate. The team also confirmed that the City of Burnsville has required a no-rise certificate for its floodplain records but no additional approval or permits.

Young Environmental contacted the MnDNR to confirm floodplain permitting requirements. A meeting was held on July 21, 2020 to discuss the floodplain review process for the MnDNR and District. During the meeting, it was decided that the District will take the review lead of the no-rise application because the District rules are more stringent than the MnDNR and FEMA requirements for the flood fringe impacts. The MnDNR will review short-term temporary impacts of the temporary construction berm in the floodway.

Rule D – Stormwater Management

The final stormwater management for the site remains a point of disagreement between the project team and the District. Our initial review was based on the determination that the proposed landfill liner and cap should be treated as a constructed impervious surface and be subject to District rules and definitions. The rules define an impervious surface as “a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to runoff the surface in greater quantities and at an increased rate of flow than before development.” The inherent purpose of the landfill final cover is to prevent surface and groundwater intrusions into the waste layers.

Barr's position is that the proposed landfill liner and cap should be considered pervious because the landfill design proposes a two-foot vegetated soil cover on top of the liner.

During the meeting, we discussed the District's willingness to consider a variance from the stormwater management requirement, specifically the peak rate control, given the MPCA's robust operation and maintenance requirement for capped landfills.

Additional Stormwater Considerations

Following the June 18 meeting, the District Administrator directed Young Environmental to research landfill permitting requirements, specifically stormwater regulations. The

proposed landfill remediation project would change the landscape of the area, and that change would alter the area's hydrology. Of the two options, the Dig and Line option is the most concerning for stormwater management due to the height of the proposed landfill and the proposed liner and cover system. For this option the MPCA is proposing stormwater detention ponds. However, the ponds were not sized with the assumption that the entire cap is impervious. Instead, they appear to have been sized to retain the additional runoff caused by the increased slopes and internal landfill stormwater mitigation system.

Given the disagreement over whether the cap is pervious or impervious, we contacted other metro watershed districts to determine if they have permitted similar projects. We found that there is wide latitude in the definition of "impervious surface" but general agreement that, while the proposed landfill cap is not a traditional impervious surface, neither is it a traditional pervious surface. One recommendation we received was to consider applying the methodology for permitting artificial turf because artificial turf systems also typically have a liner and underdrain system, similar to the proposed landfill.

Artificial Turf Hydrology Options

The proposed landfill cap and liner system is somewhat similar to an artificial turf system. Both systems provide an upper media layer that can filter or infiltrate stormwater, but both are limited by a lower impervious layer. In addition, water that filters through the upper media is collected in a drainage system and discharged elsewhere to prevent its infiltrating the underlying aquifer.

Rather than considering the proposed landfill cap and liner entirely impervious or entirely pervious, we propose three alternative methods for determining the final hydrology for the site:

1. Using a modified SCS curve number that accounts for the maximum water retention available within the final cover system (if the cover soil's moisture-storage capacity and other necessary soil properties are known) as well as the final landfill slopes.
2. Modeling the final cover system and drainage layer in a method consistent with artificial turf methodology.¹
3. Utilizing the Hydrologic Evaluation of Landfill Performance (HELP) program² to evaluate the evapotranspiration, infiltration, and filtration of the final cover

¹ <https://www.hydrocad.net/curvenumber.htm>

² <https://www.epa.gov/land-research/hydrologic-evaluation-landfill-performance-help-model>

system.

Recommendations

We applaud the MCPA for tackling this project, and we recognize the need to segregate the landfill waste from surface water and groundwater. We also want to protect the downstream resources from increased runoff or erosion due to the proposed project.

We recommend that the MPCA more closely examine the hydrology of the proposed Dig and Line options to ensure that no adverse impacts would result. In an effort to work with the MPCA on this complicated project, we also recommend considering the final landfill cover system as a quasi-impervious layer that may have the same effects as an impervious layer, unless the MPCA can prove otherwise.

Finally, due to the various definitions of an impervious surface that we encountered in the metro area, we recommend that the District consider revising the definition and clarify the overall intent of the stormwater rule for future projects.

Attachments:

June 10, 2020 – Freeway Landfill and Dump Preliminary Project Review

June 18, 2020 – Barr Meeting Notes

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Katy Thompson, PE, CFM
Della Schall Young, CPESC, PMP

Date: June 10, 2020

Re: Freeway Landfill and Dump Remediation Preliminary Project Review
(Permit No. 2020_105)

The Minnesota Pollution Control Agency (MPCA) is in the process of soliciting stakeholder design input on the proposed remediation options for the Freeway Landfill and Dump site in the City of Burnsville. In 2019, Barr Engineering Co. (Barr) completed a focused feasibility study to evaluate potential remediation options, and at the time, the Lower Minnesota River Watershed District (District) requested that Young Environmental conduct a review to determine which District standards the proposed options would trigger. The MPCA and Barr have since developed two design options that the MPCA intends to release for bidding in early 2021. The following is a more detailed review of the two options and the District requirements for the MPCA public comment period ending June 12, 2020.

Summary

Project Name: Freeway Landfill and Dump Remediation

Purpose: Remediation of two closed, but unlined, solid waste facilities

Project Size: Approximately 175 acres of disturbance,

Location: 11937 Interstate 35W and 1020 W. Black Dog Rd, Burnsville, MN

Applicable LMRWD Rules: Rule A – Administrative and Procedural Requirements
Rule B – Erosion and Sediment Control
Rule C – Floodplain and Drainage Alteration
Rule D – Stormwater Management

Recommended Board Action: Information only, no Board action at this time

Discussion

The MPCA is proposing to remediate the waste currently stored at the Freeway Landfill and Dump because the waste disposal occurred without the needed protections required by modern landfills to manage landfill leachate and landfill gas. The MPCA has proposed two options:

1. **Dig and Line:** Build a new modern landfill on the property (three variations of this option have been provided).
2. **Dig and Haul:** Move the waste from the landfill and dump off the property to another modern landfill.

As part of the MPCA's stakeholder outreach, the District was provided with the following documents for review:

- Freeway Remediation Presentation by Barr, dated May 6, 2020
- Freeway Remediation Preliminary Drainage Figures by Barr, dated May 6, 2020
- Focused Feasibility Study Report for the Freeway Landfill and Freeway Dump by Barr, dated October 2019

Rule A – Administrative and Procedural Requirements

The proposed project is located within the City of Burnsville and would normally be subject to municipal review; however, the City of Burnsville does not have an approved Municipal Permit with the District, and as such, the MPCA must receive a District Individual Project Permit prior to construction.

Rule B – Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more outside the High Value Resource Area (HVRA) Overlay District under Rule B. The proposed project disturbs 174 acres and will trigger the requirements under Rule B.

In addition, Option 1 should also address long-term erosion control concerns due to the long and steep flow paths from the top of the proposed landfill down to the stormwater management ponds to prevent damage to the underlying landfill cap and reduce erosion

at the toe of the slope and future sedimentation in the stormwater ponds and downstream waterbodies.

Based on the preliminary information provided, the proposed grading at the Freeway Dump site appears acceptable. However, it should be noted that the proposed grading will discharge into the Black Dog Lake Fen complex (**Figure 1**), and care should be taken during final design to ensure no adverse impacts would result to the fen from any concentrated stormwater runoff or outfalls.

Rule C – Floodplain and Drainage Alteration

The portions of the proposed project are located in the 100-year FEMA floodplain, and a District permit is required for land alteration or placement of fill below the floodplain. The City of Burnsville will be requiring a No Rise Certificate indicating that the proposed remediation will not cause an increase in water surface elevations of more than 0.00 ft. The District requests a copy of the No Rise documentation as well as calculations that demonstrate no net loss of flood conveyance capacity.

Rule D – Stormwater Management

The District requires stormwater management for projects that propose to create more than one acre of new impervious surface and more than 10,000 square feet in the HVRA. While neither remediation option currently includes the creation of traditional impervious surfaces (such as concrete or asphalt) as part of the design, we recommend considering the impermeable landfill cap an impervious surface because it may contribute to increased runoff rates from the final landfill when compared to existing conditions.

The District Rules define an impervious surface as “a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to runoff the surface in greater quantities and at an increased rate of flow than before development.” The inherent purpose of a landfill final cover is to be impervious to surface and groundwater intrusions and to separate waste and byproducts from rain and groundwater infiltration, and the proposed remediation plans for Option 1 includes 60 to 80 acres of impervious liner and cover.

Further discussion of Rule D is broken below into three categories: rate control, volume reduction, and water quality.

Rate Control

The District clearly states one of the underlying policies in Rule D is to “require property owners control the rate and volume of stormwater runoff originating from their property so that surface water and groundwater quantity and quality is

protected or improved, soil erosion is minimized, and flooding potential is reduced.” The current Freeway Landfill and Dump sites, for better or worse, are unlined and do allow for some rainfall infiltration, which affects the overall stormwater runoff from the site.

Under Option 1 (Dig and Line), the project proposes to line and cover the landfill waste with an impervious liner under the waste and an impervious cap on top of the waste (Figure 1). Installing an impervious cover, even with roughly two feet of pervious cover vegetation and topsoil on top, may increase the amount of stormwater runoff generated from the landfill site, particularly with the proposed height and slopes of the final landfill. If Option 1 is selected as the final design, the District will require hydrologic calculations to demonstrate that the proposed stormwater runoff rates from the site do not exceed the existing rates.

As presented, Option 2 (Dig and Haul) does not propose any new impervious surface, either traditional hard surfaces or an impenetrable cover layer, and would not trigger the rate control requirements of Rule D. However, as noted in Rule B, runoff from the Freeway Dump will be entering the Black Dog Lake Fen HVRA, and care must be taken during final design to ensure no adverse impacts would result due to concentrated stormwater discharges into the fen.

Volume Reduction

Section 4.4.2 of Rule D requires volume reduction for post-construction stormwater runoff volume for projects that create more than one acre of impervious surface or redevelopment of more than 10,000 square feet in the HVRA. The District does not allow infiltration practices in areas that may mobilize high levels of contaminants in soil or groundwater; however, filtration technologies are an acceptable method in lieu of infiltration.

Water Quality

Section 4.4.3 of Rule D requires projects that create more than one acre of new impervious surface to provide evidence that no net increase in total phosphorus (TP) or total suspended solids (TSS) in the receiving waters will result from the project.

Stormwater ponds are currently proposed as part of the design; the District will require the applicant to develop and adhere to a stormwater maintenance plan for the project, including the acquisition of any necessary easements.

Recommendations

We applaud the MPCA for tackling this project and recognize the need to segregate the landfill waste from surface and groundwater. The following summarizes the comments from the District to the MPCA:

- The MPCA should apply for and receive a District Individual Project Permit prior to construction.
- The proposed project will trigger *Rule B – Erosion and Sediment Control* and require an Erosion and Sediment Control Plan, SWPPP, and NPDES Construction Stormwater Permit.
- The Freeway Dump portion of the project is located within the High Value Resource Area for Black Dog Lake Fen, and care should be taken during design to avoid concentrated stormwater discharges into the fen during and after construction.
- Portions of the project are located within the 100-year FEMA floodplain and floodway and *Rule C – Floodplain and Drainage Alteration*. The District will require a no-rise certification by a professional engineer and calculations demonstrating no loss of floodplain storage would result from the project.
- The District considers the landfill cap an impervious surface, and *Rule D – Stormwater Management* will apply to the project.
- The District does not allow infiltration practices in areas that may mobilize high levels of contaminants in soil or groundwater; however, filtration technologies are an acceptable method in lieu of infiltration.
- All stormwater BMPs will require a maintenance agreement with the District.

Attachments:

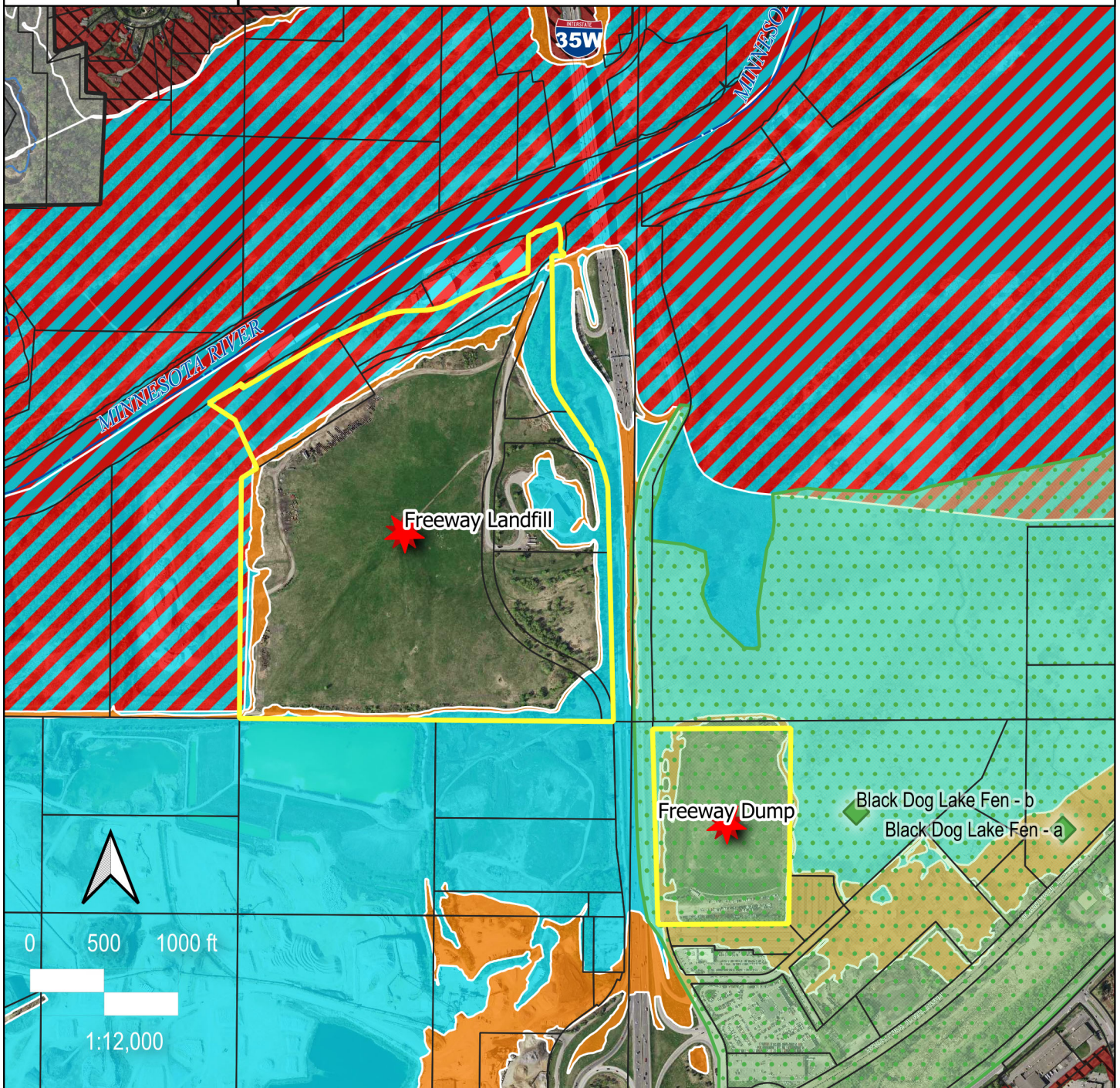
Figure 1—Proposed Freeway Landfill and Dump Location Map

LMRWD Permit Review Checklist



LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Figure 1: Freeway Landfill and Dump Preliminary Review, City of Burnsville, MN 09-June-2020



LEGEND

- LMRWD Boundary
- Proposed Project Area
- Dakota Co. Parcels
- Dakota Co. Floodplain
- Floodway
- 500-yr Floodplain
- Steep Slopes Overlay District
- Calcareous Fen Locations
- HVRA Overlay District



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LOWER MINNESOTA RIVER WATERSHED DISTRICT PROJECT REVIEW

Project ID	<input type="text" value="2020_0105"/>	Authorization Agent	<input type="text"/>
Project Name	<input type="text" value="Freeway Landfill and Freeway Dump"/>	Email Address	<input type="text"/>
Organization	<input type="text" value="Minnesota Pollution Control Agency"/>	Phone Number	<input type="text" value="5555555555"/>
Notes	<input type="text" value="1/21/2020 - Review of preliminary plan documents and feedback"/>		

Project Summary

Anticipated start date	<input type="text" value="1/1/2021"/>	Date received	<input type="text"/>
Project location	<input type="text" value="Burnsville, MN"/>	Project map included?	<input checked="" type="checkbox"/>
Project acres	<input type="text" value="174"/>	Is the project in an unincorporated area?	<input type="checkbox"/>
Total disturbed acres	<input type="text" value="174"/>	Is it located in a High Value Resource Area	<input checked="" type="checkbox"/>
New impervious acres	<input type="text" value="0"/>	Is it located in a Steep Slope Overlay District	<input type="checkbox"/>
Local Partners	<input type="text" value="City of Burnsville"/>	Other Sensitive Area	<input type="text" value="Black Dog Lake Fen Complex"/>

Project Description

The MPCA has determined additional waste management efforts are needed for the closed Freeway Landfill and Freeway Dump sites to prevent pollutants from further release of landfill gases and leachate into groundwater and the Minnesota River, particularly with the cessation of quarry pumping operations at nearby Kramer Quarry. The project proposed two options:

1. Dig & Line - excavate the waste from both sites and construct a modern landfill within the Landfill footprint
2. Dig & Haul - excavate the waste from both sites and haul to an existing landfill.

The MPCA is currently soliciting stakeholder feedback on the preliminary design through a public comment period that ends on June 12, 2020.

Additional Notes

Review Status

Is this a preliminary review?	<input checked="" type="checkbox"/>
Is this a permit review?	<input type="checkbox"/>
Does this project require a technical review?	<input type="checkbox"/>

Project Status

Project is pending	<input checked="" type="checkbox"/>
Project is active	<input type="checkbox"/>
Project has been archived	<input type="checkbox"/>

Erosion and Sediment Control

This project triggers one or more thresholds for this rule.

<u>Triggers</u>		<u>Criteria</u>	
Disturbs one acre plus	<input checked="" type="checkbox"/>	Erosion and Sediment Control Plan	<input type="checkbox"/>
Located within the HVRA Overlay District	<input checked="" type="checkbox"/>	Inspection and maintenance addressed	<input type="checkbox"/>
Meets the HVRA threshold	<input checked="" type="checkbox"/>	NPDES/SDS General Construction Permit documentation	<input type="checkbox"/>

The documentation requirements for this rule have not been met. A review cannot be completed until all required documentation has been submitted.

Additional Notes

6/7/2020 - Based on the feasibility study and 5/6/2020 LMRWD presentation, the proposed project will disturb approximately 174 acres, including portions within the HVRA near Black Dog Lake Fen Complex. The District will require an erosion & sediment control plan, SWPPP, and a maintenance agreement for any permanent stormwater BMPs.

Floodplain Drainage Alteration

This project triggers one or more thresholds for this rule.

<u>Triggers</u>			
Changes in water surface elevation of floodplain	<input checked="" type="checkbox"/>	Calculations by a professional engineer demonstrating no decrease to conveyance	<input type="checkbox"/>
<i>If yes,</i> Compensatory storage equal or greater than volume of fill	<input type="checkbox"/>	Conveyance capacity decrease below 100yr high water elevation	<input type="checkbox"/>
<i>If no,</i> No-rise certification by a professional engineer	<input type="checkbox"/>	Temporary placement of fill	<input type="checkbox"/>
<u>Criteria</u>		Adverse impacts to water quality, habitat, or fisheries	<input type="checkbox"/>
Net decrease of storage capacity OR increase in 100yr elevation	<input type="checkbox"/>	New structures have 2ft+ between lowest enclosed area's floor and 100yr high water elevation	<input type="checkbox"/>
Will floodplain storage be created	<input type="checkbox"/>		

The documentation requirements for this rule have not been met. A review cannot be completed until all required documentation has been submitted.

Additional Notes

6/5/2020 - The proposed project is located within the 1% Special Flood Hazard Area for the Minnesota River. At this time it is not known if the project will reduce the flood storage capacity of the floodplain or not, but the potential impact should be con

Stormwater Managment

This project triggers one or more thresholds for this rule.

Type of project Development

Triggers

One acre or more of impervious surface



Are trout streams protected



HVRA Overlay District

Located within the HVRA Overlay District



Rate control exceeded for 1, 2, 10, and 100yr 24-hour event



If yes,

Meets the HVRA threshold



Projects with 1+ acres of new impervious: are MPCA's Construction General Permit



Criteria

Post-construction runoff rates exceed existing rates for 1, 2, 10, and 100yr 24-hour events?



Net increase of TP



Net increase of TSS



Is maintenance adequately addresse



New Development: the post-construction runoff volume retained onsite equal 1.1 inches of runoff from impervious surfaces



Project will result in a net decrease of TP and TSS



Redevelopment: the project will capture and retain onsite 1.1 inches from new/fully reconstructed impervious surface



Volume control requirements sufficiently addressed



Linear: the site will capture and retain (a) 0.55 inches of runoff from new/fully reconstructed impervious, or (b) 1.1 inches of runoff from the net increase in impervious area



The documentation requirements for this rule have not been met. A review cannot be completed until all required documentation has been submitted.

Alternative Infiltration Measures

Additional Notes

6/5/2020 - Option 1 (Dig & Line) proposes to dig up the existing landfill waste and construct an

impermeable liner under the waste, replace the waste, then cap with an impermeable cover over the waste per current regulatory standards. The purpose of a landfill liner and cap are to provide a permanent separation between the landfill waste and surface and groundwater, as such, the cap and liner should be considered impervious surface and would trigger the District's Rule D - Stormwater Management.

Option 2 (Dig & Haul) would remove the waste from both sites and presumably replace the waste with clean fill and pervious surface. In which case, Rule D would not be triggered.

Steep Slopes

This rule does not apply.

Triggers

Is the project in the Steep Slopes Overlay District

Excavation of 50 cubic yards+ of earth

Displacement of 5,000 sq. ft+ of earth

Vegetation removal or displacement

Activities that require LGU permits

Criteria

Has the project been certified by a professional engineer

Adverse impact to waterbodies

Unstable slope conditions

Degradation of water quality

Preservation of existing hydrology

New discharge points along slope

Additional Notes

Meeting Notes

Freeway Landfill and Dump Closure – LMRWD

June 18, 2020

3:00pm – 4:00pm

Attendees: LMRWD: Linda Loomis, Della Schall Young, Katy Thompson
Barr: Jim Herbert, Eric Lund, Bryan Pitterle

1. Introductions and Meeting Objectives

- Jim Herbert kicked off the meeting, thanked everyone for joining, and provided a brief overview of the agenda and meeting objectives

2. LMRWD Rules

- Rule A: Administrative and Procedural Requirements
 - Burnsville does not have an approved Municipal Permit with LMRWD
 - LMRWD confirmed an Individual Project Permit is requested
- Rule B: Erosion and Sediment Control
 - LMRWD and Barr confirmed applicability of rule
 - Bryan clarified that the side slopes of the landfill will be at 5H:1V and have downslope drainage collection berms/ditches at 200' maximum spacing. Water that is collected off the landfill top or within the downslope drainage collection berms/ditches is routed to downslope inlets and then pipes that flow to energy dissipators at the toe of slope.
 - Katy Thompson requested considerations be made for runoff or outfalls to the fen complex surrounding the dump site, especially if any concentrated stormwater becomes a part of the project.
- Rule C: Floodplain and Drainage Alteration
 - LMRWD and Barr confirmed applicability of rule
 - Della Schall Young inquired about who MPCA and Barr were working with from the city and MN DNR regarding the floodplain. Eric Lund indicated the primary DNR contact has been Suzanne Jiwani and the city contacts are Ryan Peterson and Jenni Faulkner. Eric stated the city has requested a no-rise certificate but has confirmed no approval or permit is required from the city.
- Rule D: Stormwater Management
 - Barr's position is that the proposed landfill cover should be defined as pervious because the liner is two feet deep and the surface soils do not impede entry of water into the soils.
 - LMRWD considers the proposed landfill cover as impervious due to the liner system and to ensure consistency with its review of future projects.
 - LMRWD indicated a willingness to work with the MPCA for a variance to its Rate Control requirement given that the MPCA will have an O & M plan and the cover soil materials will provide some filtration.
 - LMRWD and Barr concurred that if the proposed cap is considered as an impervious surface then the existing cap should also be considered as an impervious surface (to the extent documentation supports an existing clay cap).

- Operations & Maintenance (O & M)
 - LMRWD emphasized the importance of continued O & M at the site. Barr indicated the MPCA has a program for maintaining its sites that will be described in the final application.

3. Schedule

- Eric Lund described that the currently assumed schedule is as follows
 - July 2020 - selected variation of dig-and-line option
 - November 2020 – bid both dig-and-line and dig-and-haul options
 - Early 2021 – legislature selects which option receives funding
 - Summer 2021 – construction begins

4. Action Items

- Eric Lund to reach out to Ryan Peterson (City) and Jenni Faulkner (City) to see if it is OK to forward an email regarding city coordination and permitting. [Post meeting note – task completed and email forwarded]
- Della Schall Young to reach out to Suzanne Jiwani with the MN DNR to coordinate floodplain and flood conveyance alterations.
- Barr to begin preparing documentation that would support request for variance for rate control requirements as part of Rule D. Additional correspondence with LMRWD prior to submittal may be requested.

February 16, 2022

Mark D. Olson
Stantec Consulting Services Inc.
1800 Pioneer Creek Center
Maple Plain, MN 55359

Re: Expansion and Reopening of Freeway Landfill

Dear Mark Olson:

Thank you for your letter dated September 10, 2021, regarding your potential proposed expansion and reopening of Freeway Landfill. While Stantec identifies what it contends are benefits for reopening Freeway Landfill, Stantec fails to address the numerous regulatory constraints related to expanding and reopening a closed landfill. The MPCA encourages Stantec and its client to review all applicable federal regulations, Minnesota Rules and Statutes, including but not limited to those below, as it develops its proposal into a formal submission.

As you know, the Metropolitan Landfill Abatement Act prohibits the permitting of landfill disposal capacity without the issuance of a certificate of need (CON) by the Minnesota Pollution Control Agency (MPCA). The Metropolitan Landfill Abatement Act directs MPCA to establish standards and procedures for certifying CON in Metropolitan Solid Waste Management Policy Plan (Policy Plan). The MPCA did so and the Policy Plan requires that all applications for CON within the metropolitan area must be submitted within a period of 180 days after MPCA's CON notification. MPCA issued its notice in July 2020. The MPCA's records do not indicate that Freeway Landfill submitted an application.

In addition, Freeway Landfill is listed on both the National Priority List (NPL) overseen by the United States Environmental Protection Agency and the Permanent List of Priorities (PLP) overseen by the MPCA and is also a facility in the Closed Landfill Program (CLP). The purpose of the Closed Landfill Program is to manage eligible closed landfills to prevent threats to public health and the environment posed by mixed municipal solid wastes, including at NPL and PLP sites. Moreover, the failure of a CLP priority qualified facility to enter into a binding agreement to appropriately manage its facility is prima facie evidence that an owner is unfit to operate a solid waste landfill. Additionally, failure of a CLP qualified facility to undertake closure or post closure care in compliance with section 115B.40 subdivision 4 is also prima facie evidence that an owner is unfit to operate a solid waste landfill. The MPCA's records do not indicate that Freeway Landfill has entered into a binding agreement.

Mark D. Olson
Page 2
February 16, 2022

These are a sampling of the state and federal regulations that your client and you should consider if you develop any potential proposal. The MPCA sees these as significant hurdles. Any final application submitted to the MPCA will have to address all solid waste and remediation regulations.

Sincerely,



Kirk Koudelka
Assistant Commissioner

cc: Mayor Elizabeth Kautz, City of Burnsville
Dan Schleck

August 31, 2022

VIA EMAIL

Daniel S. Schleck
Messerli Kramer
100 South Fifth Street, Suite 1400
Minneapolis, MN 55402

Re: R.B. McGowan Company, Inc. (DEV-22-1) New Application

Dear Daniel S. Schleck:

Thank you for the opportunity to provide public comment. The City of Burnsville directed the Minnesota Pollution Control Agency (MPCA) to address comments to you about the application for a Concept Stage Planned Unit Development to reopen and expand Freeway Landfill submitted by R.B. McGowan Company, Inc. Please note that no application has been submitted to the MPCA; therefore, these public comments do not represent any final determination by the MPCA. These public comments are based on the information provided and the limited timeframe allowed for public comments. The MPCA has consolidated comments from various departments for ease of reference and because there is overlap related to the issues discussed.

Remediation Programs

A. Freeway's Application Does Not Appear To Address Threats To Groundwater, Drinking Water Supply, And The Minnesota River.

When Freeway Landfill and Freeway Dump (Freeway) accepted waste prior to closure in 1993, few design and operational standards to manage landfill liquid waste and landfill gas were available compared to modern landfill programs. The site is a threat to groundwater, the drinking water supply of the cities of Burnsville and Savage, and to the Minnesota River. Data from monitoring wells at Freeway show contamination is widespread within the waste area, and that contamination has migrated beyond the area of waste. Although drinking water supply wells in the area are tested regularly, and the water currently meets drinking water standards, expected future changes in the groundwater movement will increase the threat to the drinking water supply. The movement of landfill gas underground is also a potential threat to adjacent buildings. Freeway's application does not appear to identify how its proposed project would address these concerns.

B. Freeway Is Subject To Stringent Federal And State Regulations Because It Is An NPL Site And Closed Landfill In The Closed Landfill Program.

On February 16, 2022, the MPCA sent a letter to Stantec Consulting Services, Inc., which provides environmental consulting to Freeway Landfill, identifying some of these issues in response to a potential proposal to expand and reopen Freeway (see attached).

As the MPCA stated in that letter, Freeway is a facility in the Closed Landfill Program and is also listed on both the National Priority List (NPL) overseen by the United States Environmental Protection Agency (EPA) and the Permanent List of Priorities (PLP) overseen by the MPCA. Freeway entered the Closed Landfill Program without entering into a binding agreement. Under Minn. Stat. § 115B.406 subd. 5, failure of a Closed Landfill Program priority-qualified facility to enter into a binding agreement to appropriately manage its facility is prima facie evidence that an owner is unfit to operate a solid waste landfill.

Further, facilities like Freeway cannot be in the Closed Landfill Program and accept waste for disposal except under the limited circumstances provided under Minn. Stat. § 115B.403. Additionally, Minn. Stat. § 115B.412 subd. 8b outlines the limited circumstances for removing a landfill from the Closed Landfill Program. The criteria are that no solid waste remains at the facility and the MPCA has determined that no further response actions are required to protect human health and the environment. Freeway's proposal suggests that it intends to leave solid waste remaining at the facility.

Solid Waste and Environmental Review Programs

Even if Freeway were somehow able to exit the Closed Landfill Program, the MPCA permits, and approvals identified by the applicant in Section 6 of the 'Project Narrative and Information' document in the application would be managed under the Solid Waste and Environmental Review programs. The staff from those programs have performed a cursory review of Freeway's application to the City of Burnsville and have identified the following hurdles for issuance of a Solid Waste Permit.

A. Freeway's Application Does Not Appear To Address That Freeway Has Not Applied for a Certificate Of Need

The letter the MPCA sent on February 16, 2022, also noted that the Metropolitan Landfill Abatement Act prohibits the permitting of landfill disposal capacity without the issuance of a certificate of need (CON) by the MPCA. The Metropolitan Landfill Abatement Act directs the MPCA to establish standards and procedures for certifying a CON in the Metropolitan Solid Waste Management Policy Plan (Policy Plan). The MPCA has done that, and the Policy Plan required that all applications for a CON within the metropolitan area must be submitted within a period of 180 days after the MPCA's CON notification. The MPCA issued its CON notice in July of 2020 and issued its preliminary determination in October of 2021 to allocate the estimated waste disposal capacity for the next seven years to four solid waste facilities. The MPCA's records do not indicate that Freeway submitted an application for a CON, and Freeway's application does not appear to address that the need for the project must first be identified through the CON process before a solid waste application can be taken up by the MPCA for review.

B. Freeway Has Not Submitted An Application To The MPCA For a Permit or Environmental Review

Freeway has not submitted a complete application for a permit or environmental review to the MPCA for evaluation. As part of an environmental review process for a proposed project, the MPCA would require a final description of the proposed project, submission of a CON application, a Municipal Solid Waste (MSW) permit application, and a scoping Environmental Assessment Worksheet (EAW). The MPCA, however, notes that Freeway states the proposed project is to "add 6.87 million cubic yards of municipal solid waste over the top of the existing closed landfill." As proposed, such a quantity would exceed the mandatory threshold for an Environmental Impact Statement (EIS) in Minn. Rules 4410.4400, subp. 13. A. ("For construction of a mixed municipal solid waste land disposal facility for 100,000 cubic

yards or more of waste fill per year, the Pollution Control Agency is the Responsible Governmental Unit.”) An EIS is typically a multiyear process.

In Section 3.6 of the ‘Project Narrative and Information’ document in the MSW permit application, the applicant indicates that the proposed project would not require additional environmental review due to an EIS completed in 1991 and subsequent environmental investigations at Freeway. A previous environmental review would be evaluated by the MPCA as part of the EIS process and only after all documentation had been supplied to the Agency. At this juncture, the MPCA certainly cannot predetermine the relevancy of the previous environmental review prior to engaging in the EIS process and understanding any differences between a past project and the current proposed project. The MPCA review of the previous EIS would include a determination of whether or not the proposed project was covered under the previous EIS as required by Minn. Rules 4410.4600, subp. 2.E. Since the proposed project appears to be new and novel, the previous EIS may not provide a basis for an exemption from environmental review.

Further, the applicant suggests that EISs conducted for neighboring projects (e.g., the expansion of the Burnsville Sanitary Landfill and the reconstruction of the I-35W bridge) could potentially stand in for additional environmental review at Freeway. The existence of a neighboring environmental review is not a basis for an exemption from environmental review. The information from a previous environmental review for a different proposed project or information from neighboring environmental reviews can certainly inform a required EIS if that information is still accurate and related to the potential for significant environmental effects of the current proposed project.

Because Freeway has not submitted an application and related documentation to the MPCA, the MPCA has not made any final determination related to environmental review at this time.

C. Freeway’s Application Does Not Appear To Address Location Standards Or Siting Requirements For Solid Waste Facilities

Solid waste facilities are subject to the location restrictions described in Minn. R. 7035.2555, and, if applicable, the additional siting requirements for landfills described in Minn. R. 7001.3111. As detailed above, the MPCA’s position is that Freeway would first need to remove all existing waste and be delisted from the Closed Landfill Program before accepting new waste as a permitted solid waste landfill. If Freeway were to pursue that path, then Freeway would be considered a new solid waste facility and thus evaluated against the requirements of both Minn. R. 7035.2555 and Minn. R. 7001.3111. In particular, the siting standards described in Minn. R. 7001.3111 Subparts 3A and 3B appear difficult for Freeway to satisfy given the current site conditions, the existing site constraints, and the evidence gathered during remedial investigations performed by the Closed Landfill Program.

D. Freeway’s Application Does Not Appear To Address A Compliance Boundary to Meet Solid Waste Rules

One of the siting requirements described above includes reference to a “compliance boundary” for groundwater monitoring and corrective actions. The compliance boundary is further described in Minn. R. 7035.2815 Subpart 4 and requires, among other considerations, that the feasibility of groundwater monitoring and corrective actions shall be considered when establishing the compliance boundary. Given the groundwater data collected by the Closed Landfill Program and the site constraints (particularly to the south), the MPCA questions whether an acceptable compliance boundary could be established for the proposed site design of Freeway.

E. Freeway Makes An Incongruous Comparison For The Use Of Overlay Liners In The MPCA Solid Waste Program

A memo regarding the feasibility to utilize an overlay liner for landfill expansions was included in the application materials submitted to the City of Burnsville by Freeway. The memo provides examples of “permitted and/or active” MSW landfills in Minnesota that have utilized overlay liners. The memo fails to acknowledge, however, that the facilities provided as examples had a current solid waste permit and were in compliance with Solid Waste rules at the time the overlay liner was approved for construction.

Conversely, Freeway submitted its ‘Closure Report for Freeway Landfill’ in 1993 and has since entered the Closed Landfill Program. Further, since closure, Freeway Landfill has been issued multiple Notices of Violation (NOVs) culminating in administrative orders being issued in 2012 and 2014 that included specified actions to return the facility to compliance. Freeway’s application does not appear to address these issues and distinctions.

In conclusion, Freeway’s proposed project would need to meet all solid waste and remediation regulations, which include addressing the environmental and human health concerns currently present at the facility. The issues the MPCA raised above are examples of the areas that the project proposal does not address. Any future applications submitted to the MPCA may bring up additional issues, and further review is necessary to make a final determination.

Sincerely,

Kirk Koudelka

This document has been electronically signed.

Kirk Koudelka
Assistant Commissioner
Commissioners Office

Attachment: MPCA’s Response to Stantec Letter

cc: Kevin Trushenski, City of Burnsville (w/attachment) (electronic)
Deb Garross, City of Burnsville (w/attachment) (electronic)
BJ Jungmann, City of Burnsville (w/attachment) (electronic)

Technical Memorandum

To: Linda Loomis, Administrator
Lower Minnesota River Watershed District

From: Karina Weelborg, Water Resources Intern
Hannah LeClaire, PE
Della Schall Young, CPESC, PMP

Date: September 14, 2022

Re: LMRWD—City of Burnsville Municipal LGU Permit (Surface Water Management Plan and Ordinance Controls Review)

On August 4, Jen Desrude, with the City of Burnsville (City), applied for the Lower Minnesota River Watershed District (LMRWD) general municipal local government unit (LGU) permit. The documents offered as an exhibit were City Code Chapter 10-8 Environmental Overlay Districts, City Code Chapter 10-10 Flood Plain Regulations, Appendix C—Development Standards from the Water Resources Management Plan (Appendix C), and a document noting LMRWD rules and the City response. The documents present City evidence of compliance with policy, regulation, exceptions, and criteria associated with rules B—Erosion and Sediment Control, C—Floodplain and Drainage Alteration, D—Stormwater Management, and F—Steep Slopes.

Below is a summary of Young Environmental Consulting Group's (Young Environmental) review of the information provided by the City and our recommendations.

Erosion and Sediment Control

Compliance with the LMRWD's Rule B—Erosion and Sediment Control is captured in City Code Chapter 10-8-8 Controlling Erosion and Sediment from Land Disturbing Activities and Appendix C Sections IV.2 Standards—Erosion and Sediment Control, V Design Criteria, and VI.2 Submittals—Grading and Erosion Control Plan. It should also be noted that the City contains high value resource areas (HVRAs) associated with Black Dog Lake Fen and Nicols Meadow Fen.

The City has requested to include trail maintenance in its list of exceptions for City Code Chapter 10-8-8. All maintenance activities of existing roads (which includes trails) is

listed as an exception in LMRWD Rule B Section 2.3. We therefore recommend this exception be accepted. As presented, the City's general regulatory standards and requirements for the erosion and sediment control match or exceed the LMRWD's requirements. Therefore, the City complies with Rule B, and no additional information is required.

Floodplain Management

The City of Burnsville's ordinances adhere to the state-approved floodplain management and shoreland ordinances but differ from LMRWD Rule C—Floodplain and Drainage Alteration. As such, the City has requested the municipal permit be granted except for projects located in the floodplain.

Stormwater Management

Compliance with the LMRWD's Rule D—Stormwater Management is captured in City Code Chapter 10-8-11 Stormwater Management and Overlay District Standards and Appendix C Sections IV.1 Standards—Stormwater Management, V. Design Criteria, and VI.1 Submittals—Stormwater Management Plan. Approval of an LGU Permit for stormwater management is recommended contingent on addressing the following concerns:

- LMRWD Rule D Section 4.4.2c.iii lists areas that receive discharges from industrial facilities that are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA as unfit for infiltration practices. The City addresses this in Appendix C Section IV.1.A.iii.8, stating that "areas that receive industrial stormwater runoff regulated under the NPDES ISW program" are unfit for infiltration practices. As presented, this contradicts the intent of the LMRWD rule. Please provide clarification of the areas described here that are unfit for infiltration.
- LMRWD Rule D Section 4.4.3.b.iii addresses temperature controls for trout waters. The section lists specific measures in order of preference. The City addresses this in Appendix C Section IV.1.B.iii.2 but does not state specific temperature control measures. It is recommended that the City include these specific measures in its criteria before final approval of an LGU permit. Alternatively, the City may request a municipal permit, except for projects located within HVRAs.
- The LMRWD defines semi-pervious surfaces as land cover or surfaces that include both pervious and impervious features that allow for some infiltration but are directed to a conveyance system, such as synthetic turf and capped or lined systems at landfills. With the upcoming Burnsville Freeway landfill project, the LMRWD would like to know how the City will address stormwater management

for semi-pervious surfaces.

Steep Slopes

Compliance with the LMRWD's Rule F—Steep Slopes is captured in City Code 10-8-8 Controlling Erosion and Sediment from Land Disturbing Activities and Appendix C Sections IV.2 Standards—Erosion and Sediment Control, V. Design Standards, and VI.2 Submittals—Grading and Erosion Control Plan. Approval of an LGU Permit for steep slopes is recommended contingent on addressing the following concerns:

- LMRWD Rule F Section 6.2.b requires a permit for any net increase in impervious surfaces or stormwater runoff within the Steep Slopes Overlay District. This is not addressed in the City application documents. It is recommended this requirement be added before final approval of an LGU Permit.
- The City has requested an additional exception to section 6.3 of Rule F. The exception is as follows, "any activity requiring a city permit that includes less than 5,000 square feet or 50 cubic yards of land disturbance and drains to the street where a municipal storm sewer system manages runoff water." Please provide justification for this exception.

Recommendation

The City's application for an LGU Permit generally meets the requirements outlined within the LMRWD rules. We recommend conditional approval of the permit, conditioned on reconciliation of the outstanding items noted below for Rule D—Stormwater Management and Rule F—Steep Slopes. City staff are encouraged to coordinate any updates with the LMRWD's technical consultant.

- Provide clarification of the areas unfit for infiltration listed in Appendix C Section IV.A.iii.8.
- Update Appendix C Section IV.1.B.iii.2 on temperature control for trout streams to include the specific temperature control measures listed in LMRWD Section 4.4.3.b.iii.
- Provide information on how the City plans to address semi-pervious surfaces such as turf and capped or lined systems at landfills.
- Add a permit requirement for any impervious surfaces constructed in the LMRWD's Steep Slopes Overlay District.
- Provide justification for the City's requested exception for Rule F, "any activity requiring a city permit that includes less than 5,000 square feet or 50 cubic yards of land disturbance and drains to the street where a municipal storm sewer system manages runoff water."

Technical Memorandum

To: Linda Loomis, Administrator

From: Karina Weelborg, Water Resources Science Intern
Hannah LeClaire, PE
Della Schall Young, CPESC, PMP

cc: Lori Haak, City of Eden Prairie

Date: September 14, 2022

Re: LMRWD—City of Eden Prairie Code Amendment Review

The City of Eden Prairie (City) is updating City Code Section 11.55—Land Alteration, Tree Preservation and Stormwater Management Regulations as part of the requirements for the new MS4 permit. These changes are documented in *An Ordinance of the City of Eden Prairie, Minnesota Amending City Code Chapter 11, Section 11.55 Relating to Stormwater Management; and Adopting by Reference City Code Chapter 1 and Section 11.99, Which among Other Things Contains Penalty Provisions*.

Young Environmental Consulting Group (Young Environmental) reviewed City Code Chapter 11, Section 11.55 and proposed changes on behalf of the Lower Minnesota Watershed District (LMRWD) and compared the proposed changes with LMRWD Rules to better understand how the LMRWD and the City can work together to protect, preserve, and manage surface water resources and groundwater within the LMRWD.

City Code Chapter 11, Section 11.55 Subdivisions 1, 3, 5, 6, 7, 8, 14, and their proposed changes are relevant to this review. Below is a summary of Young Environmental's review of these subdivisions and our recommendations.

Erosion and Sediment Control

City Code Chapter 11, Section 11.55, contains information relevant to the LMRWD's Rule B—Erosion and Sediment Control. Many of the LMRWD's regulatory standards and requirements are covered under the amended Section 11.55, Subdivision 14 that also adopts and incorporates the Minnesota's Construction Stormwater General Permit by reference. We recommend adoption of all land alteration codes after addressing the

following concerns:

- Amendment Section 1 to City Code Section 11.55, Subdivision 2 adds a definition for impervious surfaces. While the City and LMRWD definitions are similar, the City does not address compacted surfaces in its definition. We recommend that compacted hard surfaces be added to the City’s definition of impervious surfaces.
- Land alteration requirements in Section 11.55 provide no mention of high value resource areas (HVRAs) for which the LMRWD regulatory standards and requirements are stricter than for general areas. It is recommended that the City provide additional amendments to Section 11.55 to include the LMRWD’s requirements for HRVAs listed in Rule B—Erosion and Sediment Control 2.2b.
- Amendment Section 9 to City Code Section 11.55, Subdivision 7, Subsection E, states that inspection of stormwater facilities and erosion control systems should be conducted “biweekly.” We recommend that the City clarify whether biweekly means twice a week or every two weeks.
- Amendment Section 9 to City Code Section 11.55, Subdivision 7, Subsection E also states that erosion or breaches in erosion control systems should be corrected within 48 hours. The LMRWD Rule B section 2.4.5.a requires such issues to be resolved by the next business day following discovery. We recommend that the City adjust its requirement to “within one business day during the work week.”

Stormwater Management

City Code Chapter 11 Section 11.55 contains information relevant to the LMRWD’s Rule D—Stormwater Management. The City provides coverage of the LMRWD’s stormwater regulatory standards and requirements in Section 11.55, Subdivision 8, Subsection G, which states that projects within the LMRWD must create a Runoff Management Plan in accordance with LMRWD requirements. The LMRWD encourages the City to adopt these regulatory standards and requirements throughout the entirety of the City because they provide greater protection to water resources. Recommended additional amendments include the following:

- Adoption of greater protection for HVRAs such as those in Rule D, Sections 4.2.b, 4.4.2.b, and 4.4.3.b
- Adoption of runoff rate control as listed in Rule D, Section 4.4.1
- Increasing runoff volume retention requirements for linear projects to 1 inch of runoff instead of the 0.5 inch listed in Amendment Section 3 to City Code Section 11.55, Subdivision 6, Subsection C.

Section 5.78 Salt Storage

The City proposes to amend City Code Chapter 5 by adopting a new section, Section 5.78 Salt Storage, with the purpose of establishing practices for the storage of chloride-based deicing materials to control their entry into the municipal storm sewer system. In general, the LMRWD concurs with the City's addition to Chapter 5, but we recommend the following:

- The draft ordinance Subd. 4.B.6 states, "Salt may not be stored within designated floodplains, on top of stormwater facilities, or down-gradient from snow storage areas." Using the MPCA's Chloride Reduction Model Ordinance as a guide, the LMRWD recommends that the City add either "in close proximity to surface waters" or "within a specific distance (e.g., 100 feet) of surface waters." The City can decide which distance requirement to add based on its goals and priorities as they relate to chloride management.
- Clarify the definition of "stormwater facilities" so it is clear whether a stormwater facility is a pond, structural stormwater BMP, catch basin, or something else.

Recommendations

We greatly appreciate the opportunity to review the amendments to the City's code. The City is to be commended for its efforts to protect our water resources. In general, the LMRWD supports the adoption of the amendments to City Code Chapter 11, Section 11.55; however, the LMRWD recommends the following clarifications and amendments to the City Code before adoption:

- Address compacted surfaces within the City's definition of "impervious surfaces" in Section 11.55, Subdivision 2.
- Provide stricter erosion control and stormwater management regulatory standards and requirements for HVRAs.
- Clarify the definition of "biweekly" in Section 11.55, Subdivision 7, Subsection E.
- Require erosion and erosion control system breaches to be fixed by the next business day during the work week.
- Provide runoff rate control requirements.
- Increase linear project volume retention requirements to 1 inch of runoff.
- Add a distance requirement for chloride storage areas near surface water.
- Clarify the definition of "stormwater facilities" related to Chapter 5.



Permit No.	Project Name	City	Status	Pre-Permit Meeting	Date Received	Date Application Considered Complete	Board Actions			On Hold / Cancelled	Permit Issued	Permit Expiration Date	Renewed	Inspection Date	Date Permit Closed
							Information Only	Conditional Approval	Approval						
2019-085	Minnesota Bluffs LRT Regional Trail Repair	Chanhassen	Closed	-	12/12/2019		-			-	5/20/2020	June 2023	-	7/6/2022	-
2019-065	Trunk Highway 101 Improvements	Chanhassen	Active Permit		11/8/2019				11/20/2019		11/20/2019			7/6/2022	
2020-100	Peterson Farms Road Maintenance	Chanhassen	Closed	-	5/6/2020	5/6/2020	-	-	5/20/2020	-	5/21/2020	5/21/2021	-	7/19/2022	-
2020-102	Structures, Inc.	Chaska	Cancelled by Applicant	-	5/4/2020	-	5/20/2020	6/17/2020	-	6/30/2020	-	-	-	-	-
2020-103	Prairie Heights Development	Eden Prairie	Expired	-	5/27/2020	6/5/2020	-	6/17/2020	-	-	10/23/2020	10/23/2021	-	7/6/2022	-
2020-105	Freeway Landfill Expansion	Burnsville	Pre-Permit	-	8/19/2022		9/21/2022								
2020-108	Hawthorne Ridge (2019-066)	Carver	Incomplete	-	6/23/2020	-	7/15/2020	-	-	-	-	-	-	-	-
2020-110	CSAH 11 Reconstruction	Carver	Active Permit	-	9/28/2020	11/3/2020	-	12/16/2020	-	-	4/13/2021	4/13/2022	4/20/2022	7/26/2022	-
2020-112	Vierling Industrial Project	Shakopee	Expired	-	6/25/2020	6/29/2020	-	7/15/2020	-	-	Not Issued		-	7/19/2022	-
2020-113	Fort Snelling Redevelopment (2019-057)	Fort Snelling	Active Permit	-	7/20/2020	8/12/2020	-	8/19/2020	-	-	9/11/2020	8/19/2022	7/20/2022	7/20/2022	-
2020-115	Quarry Lake Park Improvements and Mountain Bike Trail	Shakopee	Closed	-	7/23/2020	9/8/2020	-	9/16/2020	-	-	9/16/2020	9/16/2021	-	7/26/2022	3/17/2022
2020-116	Shakopee Memorial Park Pedestrian Bridge	Shakopee	Closed	-	8/24/2020	10/5/2020	-	10/21/2020	-	-	10/23/2020	10/23/2021	-	7/6/2022	10/5/2021
2020-117	Greystone Headquarters	Shakopee	Closed	-	7/24/2020	9/10/2020	-	-	9/16/2020	-	9/16/2020	9/16/2021	-	7/19/2022	-
2020-118	10117 1st Ave Demolition	Bloomington	No Permit Required	-	8/18/2020	-	-	-	-	-	-	-	-	-	-
2020-122	Cargo Van-Go	Shakopee	No Permit Required	-	8/20/2020	-	-	-	-	-	-	-	-	-	-
2020-123	Gaughan Companies Demolition	Shakopee	Closed	-	8/27/2020	8/27/2020	-	-	9/16/2020	-	9/17/2020	9/17/2021	-	7/6/2022	10/15/2021
2020-123 (amended)	Shakopee Flats	Shakopee	Closed								2/17/2021	9/17/2021		7/6/2022	
2020-124	Southbridge Crossings 6th Addition	Shakopee	Cancelled by Applicant	-	8/24/2020	-	-	-	-	3/5/2021	-	-	-	-	-
2020-126	Texas Roadhouse	Shakopee	Closed	-	9/17/2020	11/5/2020	-	-	11/18/2020	-	11/19/2020	11/18/2021	-	7/1/2022	10/14/2021
2020-131	Watermark at Savage	Savage	Cancelled by Applicant	10/7/2020	9/25/2020	-	-	-	-	-	-	-	-	-	-
2020-132	77th Street Underpass	Bloomington	Active Permit	10/18/2020	10/21/2020	11/12/2020	11/18/2020	12/16/2020	-	-	7/27/2021	7/27/2022	7/20/2022	7/28/2022	-
2020-133	Shakopee Mix Use	Shakopee	Closed	10/29/2020	11/2/2020	11/2/2020	-	-	11/18/2020	-	Not Issued				-



Permit No.	Project Name	City	Status	Pre-Permit Meeting	Date Received	Date Application Considered Complete	Board Actions			On Hold / Cancelled	Permit Issued	Permit Expiration Date	Renewed	Inspection Date	Date Permit Closed
							Information Only	Conditional Approval	Approval						
2020-135	Canterbury Crossings	Shakopee	Active Permit	-	11/19/2020	12/3/2020	-	12/16/2020	-	-	5/11/2021	5/11/2022	4/20/2022	7/26/2022	-
2020-137	5501 Warehouse South Improvements	Bloomington	No Permit Required	-	12/9/2020	-	-	-	-	-	-	-	-	-	-
2020-140	10029 Trails End Rd	Chanhassen	No Permit Required	-	12/29/2020	-	-	-	-	-	-	-	-	-	-
2021-001	Mallard Farms	Eden Prairie	No Permit Required	-	1/30/2021	-	-	-	-	-	-	-	-	-	-
2021-002	CSAH 61 Drainage Ditch	Chanhassen	Active Permit	-	2/1/2021	10/11/2021	-	-	10/20/2021	-	10/21/2021	5/31/2022	5/18/2022	-	-
2021-003	Southwest Logistics Center	Shakopee	Active Permit	-	2/11/2021	3/12/2021	-	3/17/2021	-	-	4/21/2021	4/21/2022	4/20/2022	7/1/2022	-
2021-005	Jefferson Chiller Project	Bloomington	No Permit Required	-	3/2/2021	-	-	-	-	-	-	-	-	-	-
2021-007	Burnsville Cemetery Expansion	Burnsville	Active Permit	3/5/2021	9/2/2021	9/17/2021	-	10/20/2021	-	-	11/17/2021	10/20/2022	-	7/28/2022	-
2021-009	Burnsville Industrial IV	Burnsville	Closed	4/2/2021	3/22/2021	3/31/2021	-	4/21/2021	-	-	4/23/2021	4/21/2022	-	7/28/2022	3/9/2022
2021-011	2021 Street & Utility Reconstruction	Shakopee	Closed	3/30/2021	3/30/2021	4/16/2021	-	4/21/2021	-	-	4/28/2021	4/28/2022	-	7/6/2022	3/28/2022
2021-012	Canterbury Park Parking Lots Phase 2	Shakopee	Closed	4/1/2021	4/2/2021	4/10/2021	-	4/21/2021	-	-	5/11/2021	5/11/2022	-	7/19/2022	5/11/2022
2021-013	Summerland Place	Shakopee	Closed	-	4/8/2021	5/27/2021	-	4/21/2021	-	-	4/26/2021	4/22/2022	-	6/20/2022	3/22/2022
2021-014	Quarry Lake Outlet	Shakopee	Cancelled by Applicant	6/7/2021	4/9/2021	9/29/2021	-	10/22/2021	-	11/19/2021	-	-	-	-	-
2021-015	Stagecoach Rd Improvements	Shakopee	Closed	4/16/2021	4/12/2021	4/30/2021	-	5/5/2021	-	-	5/7/2021	5/5/2022	-	7/1/2022	3/23/2022
2021-016	Whispering Waters	Shakopee	Active Permit	-	4/14/2021	6/4/2021	-	6/16/2021	-	-	7/13/2021	7/13/2022	7/20/2022	7/13/2022	-
2021-017	Capstone 35	Burnsville	Active Permit	-	4/20/2021	5/12/2021	-	5/19/2021	-	-	8/19/2021	8/17/2022	7/20/2022	7/13/2022	-
2021-018	Jefferson Court	Shakopee	Active Permit	-	4/22/2021	5/17/2021	-	6/2/2021	-	-	6/3/2021	6/2/2023	7/20/2022	7/6/2022	-
2021-019	Cretex Site	Shakopee	Expired	4/23/2021	4/26/2021	4/30/2021	-	5/5/2021	-	-	5/7/2021	5/5/2022	-	7/1/2022	5/5/2022
2021-020	Core Crossings Apartments (Prev. Southbridge)	Shakopee	Active Permit	-	6/14/2021	7/13/2021	-	7/21/2021	-	-	8/5/2021	6/15/2023	6/17/2022	7/26/2022	-
2021-021	Spirit of Truth Church	Burnsville	Cancelled by Applicant	5/13/2021	6/16/2021	-	-	-	-	7/16/2021	-	-	-	-	-
2021-022	2021 Safety and Security Center	Fort Snelling	Active Permit	-	5/18/2021	10/29/2021	-	11/17/2021	-	-	3/18/2022	3/18/2023	-	7/20/2022	-
2021-023	106th St Improvements	Bloomington	Active Permit	-	5/25/2021	5/28/2021	-	6/2/2021	-	-	6/17/2022	6/17/2022	4/20/2022	7/28/2022	-





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2021-025	TH 13	Savage	Active Permit	-	6/11/2021	6/15/2021	-	2/16/2022	-	-	5/20/2022	5/20/2023	-	7/13/2022	-
2021-026	TH 55	Ft Snelling, Mendota, Mendota Heights	No Permit Required	-	6/30/2021	-	-	-	-	-	-	-	-	-	-
2021-027	Minnesota River Greenway Trail	Eagan	Conditional Approval	-	8/17/2021	11/2/2021	-	11/17/2021	-	-	-	-	-	-	-
2021-029	Northland Paving	Burnsville	No Permit Required	6/29/2021	7/6/2021	-	-	-	-	-	-	-	-	-	-
2021-030	Building Renovation Park Jeep	Burnsville	Active Permit	-	7/9/2021	7/16/2021	-	9/15/2021	-	-	6/21/2022	6/21/2023	-	-	-
2021-031	Caribou Coffee	Savage	Closed	6/1/2021	7/9/2021	8/10/2021	-	8/18/2021	-	-	8/19/2021	-	-	7/13/2022	6/11/2022
2021-032	I-35W Auxiliary Lane	Bloomington	Pre-Permit	5/24/2021; 8/31/21	-	-	-	-	-	-	-	-	-	-	-
2021-033	Minnesota MASH & 130th St Extension	Savage	Active Permit	6/23/2021	9/17/2021	-	-	-	6/15/2022	-	6/17/2022	6/17/2023	-	-	-
2021-034	Circle K Holiday Station Stores	Savage	Closed	8/25/2021	7/26/2021	9/10/2021	-	9/15/2021	-	-	10/19/2021	9/15/2022	-	7/13/2022	7/12/2022
2021-035	I35W Frontage Trail	Burnsville	Conditional Approval	-	12/15/2021	12/22/2021	-	1/19/2022	-	-	-	-	-	-	-
2021-039	River Bluffs Improvements	Shakopee	Active Permit	-	7/23/2021	8/12/2021	-	8/18/2021	-	-	10/1/2021	8/18/2022	-	7/6/2022	-
2021-040	Canterbury Independent Senior Living	Shakopee	Active Permit	-	8/11/2021	8/19/2021	-	9/15/2021	-	-	1/7/2022	1/7/2023	-	7/26/2022	-
2021-041	Line 0832	Burnsville	Closed	-	9/7/2021	9/7/2021	-	9/15/2021	-	-	9/17/2021	9/15/2022	-	7/28/2022	6/27/2022
2021-042	Hwy 13 & Lone Oak	Eagan	Active Permit	-	8/27/2021	9/16/2021	-	10/20/2021	-	-	10/22/2021	10/20/2022	-	-	-
2021-043	Junction 35W & 13, LLC	Burnsville	No Permit Required	-	9/2/2021	-	-	-	-	-	-	-	-	-	-
2021-044	Storage Mart Phase 4 (1900 Stoughton Ave)	Chanhassen	No Permit Required	-	9/7/2021	-	-	-	-	-	-	-	-	-	-
2021-045	Triple Crown Residences Phase II	Shakopee	Active Permit	-	9/22/2021	10/27/2021	-	11/17/2021	-	-	11/19/2021	11/17/2022	-	7/26/2022	-
2021-046	CenterPoint Dakota Station Facility	Burnsville	Closed	-	9/21/2021	10/15/2021	-	10/20/2021	-	-	10/22/2021	10/22/2022	-	7/28/2022	6/24/2022
2021-047	River Valley Industrial Center	Chanhassen	On Hold	-	9/21/2021	-	-	-	-	10/1/2021	-	-	-	-	-
2021-048	Minnesota River Greenway Railroad Bridge	Eagan	Pre-Permit	9/28/2021	-	-	-	-	-	-	-	-	-	-	-
2021-049	Stump Road Maintenance	Bloomington	Closed	10/20/2021	10/22/2021	10/29/2021	-	11/17/2021	-	-	11/19/2021	11/17/2022	-	7/28/2022	-
2021-050	Spring Valley Cir & Wentworth Ave S	Bloomington	No Permit Required	10/27/2021	-	-	-	-	-	-	-	-	-	-	-





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2021-051	Blue Lake Siphon Landscape Restoration	Eden Prairie	No Permit Required	10/5/2021	10/28/2021	-	-	-	-	-	-	-	-	-	-
2021-052	Shakopee Dental Office	Shakopee	Active Permit	-	11/3/2021	12/14/2021	-	12/15/2021	-	-	12/17/2021	12/15/2022	-	7/13/2022	-
2021-056	Twin Overlook	Bloomington	No Permit Required	-	12/7/2021	-	-	-	-	-	-	-	-	-	-
2021-057	Cliff Road Ramp	Burnsville	Active Permit	-	12/14/2021	1/4/2022	-	1/19/2022	-	-	6/8/2022	6/8/2023	-	7/13/2022	-
2021-058	MAC Gate Security Improvements	Fort Snelling	Active Permit	-	12/15/2021	12/16/2021	-	1/19/2022	-	-	4/27/2022	4/27/2023	-	7/28/2022	-
2021-061	Merriam Junction Trail	Burnsville	Pre-Permit	1/31/2022	-	-	-	-	-	-	-	-	-	-	-
2022-001	Centerpoint Shakopee Piggings	Shakopee	No Permit Required	-	1/12/2022	-	-	-	-	-	-	-	-	-	-
2022-002	2022 MBL Nicollet River Crossing	Bloomington, Burnsville	Active Permit	-	1/18/2022	-	-	3/16/2022	-	-	4/25/2022	4/25/2023	-	-	-
2022-003	Ivy Brook Parking East	Burnsville	Active Permit	-	1/19/2022	2/25/2022	-	3/16/2022	-	-	5/16/2022	5/16/2023	-	-	-
2022-004	CHS Savage Terminal	Savage	Incomplete	-	1/27/2022	-	-	-	-	-	-	-	-	-	-
2022-005	Chaska West Creek Apartments	Chaska	Incomplete	-	2/8/2022	-	-	-	-	-	-	-	-	-	-
2022-006	Quality Forklift	Shakopee	No Permit Required	-	2/10/2022	-	-	-	-	-	-	-	-	-	-
2022-007	Engineered Hillside	Eden Prairie	Active Permit	-	2/15/2022	3/14/2022	-	-	4/20/2022	-	4/21/2022	4/21/2023	-	-	-
2022-008	Ivy Brook Parking West	Burnsville	Active Permit	-	2/16/2022	2/25/2022	-	3/16/2022	-	-	5/31/2022	5/31/2023	-	-	-
2022-010	Quarry Lake Pedestrian Bridge and Trail	Shakopee	Conditional Approval	-	2/24/2022	-	-	4/20/2022	-	-	-	-	-	-	-
2022-011	Biffs Inc.	Burnsville	Active Permit	-	2/28/2022	3/29/2022	-	4/20/2022	-	-	8/16/2022	8/16/2023	-	-	-
2022-012	Quarry Lake Park Improvements - Roadway and Boat Launch	Shakopee	Cancelled by Applicant	-	3/17/2022	-	-	-	-	5/24/2022	-	-	-	-	-
2022-013	Normandale & 98th Intersection Improvements	Bloomington	Active Permit	-	3/22/2022	4/1/2022	-	4/20/2022	-	-	4/22/2022	4/22/2023	-	-	-
2022-014	TH 41/CSAH 61 Improvements	Chaska	Conditional Approval	2/16/2021; 1/6/2022	3/23/2022	5/11/2022	-	5/18/2022	-	-	-	-	-	-	-
2022-015	Xcel Driveway	Shakopee	Incomplete	-	4/20/2022	-	-	-	-	-	-	-	-	-	-
2022-016	Organice Recycling Facility Relocation	Louisville Township	Incomplete	-	4/20/2022	-	-	-	-	-	-	-	-	-	-
2022-017	PLOC Channel Stabilization	Shakopee	Active Permit	-	6/30/2022	7/5/2022	-	-	7/20/2022	-	7/21/2022	7/21/2023	-	-	-



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2022-018	Lakota Lane	Chanhassen	Under Review		4/19/2022	-	5/18/2022	-	-	-	-	-	-	-	-
2022-019	TH 494 SP 2785-433	Eagan and Bloomington	Conditional Approval		4/21/2022	6/24/2022	-	7/20/2022	-	-	-	-	-	-	-
2022-020	New Century School	Bloomington	No Permit Required		4/28/2022	-	-	-	-	-	-	-	-	-	-
2022-021	Oak St N (CenterPoint Energy)	Chaska	Active Permit		4/29/2022	-	-	-	6/15/2022	-	6/17/2022	6/17/2023	-	-	-
2022-022	Ace Rent A Car	Fort Snelling	Under Review		5/10/2022	-	-	-	-	-	-	-	-	-	-
2022-023	494 Corridors of Commerce	Fort Snelling	Pre-Permit	5/3/2022	5/19/2022		7/20/2022			-	-	-	-	-	-
2022-024	Gedney Pickles Holding Pond Restoration	Chanhassen	Pre-Permit	6/16/2022	8/10/2022			9/21/2022*		-	-	-	-	-	-
2022-025	10561 E Riverview Drive	Eden Prairie	No Permit Required		6/22/2022					-	-	-	-	-	-
2022-026	10521 Spyglass Drive	Eden Prairie	Active Permit	5/31/2022	7/13/2022	8/8/2022			7/20/2022	-	8/8/2022	8/8/2023	-	-	-
2022-027	Ivy Brook Parking Northeast	Burnsville	Active Permit		7/5/2022			8/17/2022		-	8/31/2022	8/31/2023	-	-	-
2022-028	Quarry Lake Park Restroom	Fort Snelling	Active Permit		7/6/2022	7/8/2022	-	7/20/2022	-	-	7/22/2022	7/22/2023	-	-	-
2022-029	Reliakor	Shakopee	Conditional Approval					8/17/2022		-	-	-	-	-	-
2022-030	Frenchies Metals	Chaska	Incomplete		7/22/2022					-	-	-	-	-	-
2022-031	RSI Marine (Great Plains Blvd)	Chanhassen	Pre-Permit		7/18/2022		8/17/2022			-	-	-	-	-	-
2022-032	PMP Street Maintenance	Bloomington	No Permit Required		8/31/2022					-	-	-	-	-	-
2022-033	Dred Scott Fields Area	Bloomington	Under Review		8/31/2022					-	-	-	-	-	-

STATUS DEFINITIONS:

- Active Permit:** Applicant has a valid permit issued by LMRWD
- Cancelled by Applicant:** Applicant withdrew their application for a LMRWD permit
- Closed:** Applicant has indicated the project has completed construction and that the permit file may be closed
- Conditional Approval:** LMRWD managers conditionally approved the permit application, pending receipt of additional information from applicant
- Expired:** Applicant either obtained conditional approval, approval, and/or was issued a permit and the expiration date has passed
- Incomplete:** Applicant applied for a permit, but the application is incomplete
- No Permit Required:** Applicant applied for a permit, but during the completeness review, it was determined that the project did not trigger the regulatory thresholds



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On Hold: Applicant requested their application be placed on hold

Pre-Permit: Applicant has requested pre-permit application reviews or meetings, but has not yet applied for a permit from LMRWD

Under Review: Permit application is complete and under review by LMRWD staff

** Staff recommendation only, has not yet been presented to the Board for action*