## Riley Purgatory Bluff Creek Watershed District Permit Application Review

Permit No: 2022-076
Considered at Board of Managers Meeting: February 1, 2023
Received complete: January 13, 2022

| Applicant: | Tricam Industries, Jeff Skubic |
| :--- | :--- |
| Consultant: | Civil Site Group, David Knaeble |
| Project: | Tricam Addition - The applicant proposes the expansion of an existing building, <br> improvements to onsite sidewalks, additional parking areas, and the addition of a |
|  | pickleball court on the site. Stormwater management includes a subsurface stormwater <br> management facility to provide volume control, water quality, and rate control. |
| Location: | 7677 Equitable Drive, Eden Prairie, Minnesota |
| Reviewer: | Scott Sobiech P.E., and Annie Brunton, Barr Engineering |

## Board Action

Manager $\qquad$ moved and Manager $\qquad$ seconded adoption of the following resolution based on the permit report that follows and the presentation of the matter at the February 1, 2023 meeting of the managers:

Resolved that the application for Permit 2022-076 is approved, subject to the conditions and stipulations set forth in the Recommendations section of the attached report.

Resolved that on determination by the RPBCWD administrator that the conditions of approval have been affirmatively resolved, the RPBCWD president or administrator is authorized and directed to sign and deliver Permit 2022-076 to the applicant on behalf of RPBCWD.

Upon roll call vote, the resolutions were adopted, $\qquad$ .

## Applicable Rule Conformance Summary

| Rule | Issue |  | Conforms to RBPCWD Rules? | Comments |
| :---: | :---: | :---: | :---: | :---: |
| C | Erosion Control Plan |  | See comment | See rule-specific permit condition C1 related to name of individual responsible for on-site erosion control. |
| J | Stormwater Management | Rate | Yes |  |
|  |  | Volume | See comments | See stipulation \#5 related to verifying the infiltration capacity of the soils. |
|  |  | Water Quality | Yes |  |
|  |  | Low Floor Elev. | Yes |  |
|  |  | Maintenance | See comment | See rule-specific permit condition J1 related to recordation of stormwater facility maintenance declaration. |
|  |  | Chloride <br> Management | See comment | See stipulation \#6 related to providing an executed chloride management plan prior to permit close-out. |
|  |  | Wetland Protection | Yes |  |
| L | Permit Fee Deposit |  | Yes | \$3,000 deposit fee received November 28, 2022. The applicant must replenish the permit fee deposit to the original amount due before the permit will be issued. As of January 25, 2023 the amount due is $\$ 2,910$. |
| M | Financial Assurance |  | See Comment | The financial assurance is calculated at \$74,250. |

## Background

The proposed redevelopment will include the expansion of an existing building, improvements to onsite sidewalks, additional parking areas, and the addition of a pickleball court on the site in Eden Prairie, Minnesota. The applicant proposes to use a subsurface stormwater infiltration/detention chamber facility, to provide water quality treatment, rate control, and volume abstraction.

The project site information is summarized in Table 1.

Table 1. Project site information

| Site Information | Project Area |
| :--- | :---: |
| Total Site Area (acres) | 3.25 |
| Existing Site Impervious Area (acres) | 1.83 |
| Post Construction Site Impervious (acres) | 2.00 |
| New (increase) in Site Impervious Area (acres) | 0.17 |
| Percent increase in Impervious Surface | $9 \%$ |
| Disturbed Site Impervious Area (acres) | 0.19 |


| Site Information | Project Area |
| :--- | :---: |
| Percent Disturbance of Existing Impervious Surface | $10 \%$ |
| Total Disturbed Area (acres) | 0.6 |

The following materials were reviewed in support of the permit request:

1. Permit Application received October 31, 2022 (Notified applicant on November 18, 2022 that submittal was incomplete; materials completing the application were received on January 13, 2023).
2. Stormwater Management Report dated October 28, 2022 (revised January 13, 2023)
3. Project Plan Set (12 sheets) dated October 28, 2022 (revised January 13, 2023)
4. Electronic HydroCAD models received on January 13, 2023
5. Geotechnical Evaluation Report by Haugo Geotechnical Services dated February 15, 2022
6. Geotechnical Evaluation Report by Chosen Valley Testing dated January 12, 2023
7. Engineer's Preliminary Estimate of Construction Costs dated January 13, 2023
8. Engineer's Response to Comments dated January 13, 2023

## Rule Specific Permit Conditions

## Rule C: Erosion Prevention and Sediment Control

Because the applicant proposes to alter 0.60 acres of land-surface area, the project must conform to the requirements in the RPBCWD Erosion Prevention and Sediment Control rule (Rule C, Subsection 2.1).

The erosion and sediment control plans prepared by Civil Site Group include installation of silt fence, rock construction entrance, erosion control blanket, placement of a minimum of 6 inches of topsoil, construction sequencing, decompaction of pervious areas compacted during construction, and retention of native topsoil onsite. To conform to RPBCWD Rule C requirements the following revisions are needed:

C1. The Applicant must provide the name and contact information of the individual responsible for erosion control at the site. RPBCWD must be notified if the responsible individual changes during the permit term.

## Rule J: Stormwater Management

Because the applicant proposes to disturb 0.6 acres of land-surface area, the project must meet the criteria of RPBCWD's Stormwater Management rule (Rule J, Subsection 2.1). The criteria listed in Subsection 3.1 will only apply to the disturbed areas and additional impervious surface on the project site because the proposed activity will not disturb more than 50 percent of the existing impervious surface and increases the impervious surface on the parcel by less than 50 percent (Rule J, Subsection 2.3).

The applicant is proposing construction of a subsurface stormwater infiltration/detention chamber facility to provide the rate control, volume abstraction and water quality management for the disturbed and replaced impervious area. Pretreatment for runoff entering the infiltration basin is being provided by a drawdown riser with a baffle.

## Rate Control

In order to meet the rate control criteria listed in Subsection 3.1.a, the 2-, 10-, and 100-year post development peak runoff rates must be equal to or less than the existing discharge rates at all locations where stormwater leaves the site. The Applicant used a HydroCAD hydrologic model to simulate runoff rates for pre- and post-development conditions for the 2-, 10-, and 100-year frequency storm events using a nested rainfall distribution, and a 100-year frequency, 10-day snowmelt event. The existing and proposed 2-, 10-, and 100-year frequency discharges from the site are summarized in the table below.

| Modeled Discharge Location | 2-Year Discharge <br> (cfs) |  | 10-Year <br> Discharge (cfs) |  | 100-Year <br> Discharge (cfs) |  | 10-Day Snowmelt <br> (cfs) |  |
| :--- | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Ex | Prop | Ex | Prop | Ex | Prop | Ex | Prop |
| Total site | 6.7 | 6.7 | 11.6 | 11.2 | 22.0 | 19.9 | 0.6 | 0.6 |

The proposed stormwater management plan will provide rate control in compliance with the RPBCWD requirements for the 2-, 10-, and 100-year events. Thus, the proposed project meets the rate control requirements in Rule J, Subsection 3.1a.

## Volume Abstraction

Subsection 3.1.b of Rule J requires the abstraction onsite of 1.1 inches of runoff from the new and disturbed impervious surface of the parcel. An abstraction volume of 1480 cubic feet is required from the 0.37 acres ( 16145 square feet) of regulated impervious area. Plans indicate pretreatment for runoff entering the infiltration basin is provided by a settling chamber with drawdown riser and baffle, thus the proposed project conforms with RPBCWD Rule J, Subsection 3.1b.1.

Soil borings performed by Chosen Valley Testing show that soils in the project area are typically silty sands over poorly graded sand with silt. Groundwater was observed at 20 feet at the soil borings (B-01 and B-02) under the subsurface stormwater infiltration/detention chamber facility. The subsurface investigation information summarized in the table below shows that groundwater is at least 3 feet below the bottom of the proposed infiltration basin (Rule J, Subsection 3.1.b.2.a).

| Proposed BMP | Nearest <br> Subsurface <br> Investigation | Boring is within <br> footprint? | Groundwater <br> Elevation <br> (feet) | BMP Bottom <br> Elevation <br> (feet) | Separation <br> (feet) |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Infiltration Basin | B-01 | Yes | Groundwater <br> observed at 20 ft <br> (approx. el 851.5 ft ) | 858.04 | 6.54 |

The engineer concurs with the applicant's design infiltration rates of 0.45 inches per hour for sand and silty sand based on the guidelines provided in the Mn Stormwater Manual. Based on the design infiltration rate, the engineer concurs that the basins will draw down within 48 hours (Rule J, subsection 3.1b.3). Because an existing parking lot is at the location of proposed subsurface infiltration/detention, subsurface infiltration testing was not performed at the BMP location. Per Rule J, Subsection 3.1.b.2.c measured infiltration capacity of the soils at the bottom of the infiltration systems must be provided. The applicant must submit documentation verifying the infiltration capacity of the soils and that the volume control capacity is calculated using the measured infiltration rate. If infiltration capacity is less than needed to conform with the volume abstraction requirement in subsection 3.1 b or there is inadequate separation to groundwater, design modifications to achieve compliance with RPBCWD requirements will need to be submitted (in the form of an application for a permit modification or new permit).

The table below summarizes the volume abstraction required and the volume abstraction achieved by the proposed stormwater management facilities on site. With the stipulation noted above regarding verification of amended soil infiltration rate, the engineer concurs with the submitted information and finds that the proposed project will conform with Rule J, Subsection 3.1.b.

| Required <br> Abstraction <br> Depth (inches) | Required <br> Abstraction <br> Volume <br> (cubic feet) | Provided <br> Abstraction <br> Depth (inches) | Provided <br> Abstraction <br> Volume <br> (cubic feet) |
| :---: | :---: | :---: | :---: |
| 1.1 | 1480 | 1.18 | 1592 |

## Water Quality Management

Subsection 3.1.c of Rule J requires the Applicant provide for at least 60 percent annual removal efficiency for total phosphorus (TP), and at least 90 percent annual removal efficiency for total suspended solids (TSS) from site runoff, and no net increase in TSS or TP loading leaving the site from existing conditions.

Subsection 3.1.c of Rule J requires the Applicant to provide volume abstraction in accordance with 3.1b or least 60 percent annual removal efficiency for total phosphorus (TP), and at least 90 percent annual
removal efficiency for total suspended solids (TSS) from site runoff, and no net increase in TSS or TP loading leaving the site from existing conditions. Because the subsurface infiltration/detention system proposed by the applicant provides volume abstraction meeting the standard in 3.1 b and the engineer concurs with the modeling, under paragraph 3.1c.i, the engineer finds that the proposed project provides the required stormwater-quality protection.

## Low floor Elevation

All new buildings must be constructed such that the lowest floor is at least two feet above the 100-year high water elevation or one foot above the emergency overflow of a stormwater-management facility according to Rule J, Subsection 3.6a. In addition, a stormwater-management facility must be constructed at an elevation that ensures that no adjacent habitable building will be brought into noncompliance with this requirement according to Rule J, Subsection 3.6b.

The low floor elevation of the existing Tricam Industries building, the existing low floor of the adjacent property, and the 100-year flood elevation in the subsurface stormwater infiltration/detention chamber facility are summarized below. Because the low floor elevations are more than two feet above the proposed 100-year flood elevation, the proposed project is in conformance with Rule J, Subsection 3.6.

| Location) | Building Low Floor <br> Elevation (ft) | Stormwater Facility | 100-year Event Flood <br> Elevation of Stormwater <br> Facility (ft) | Freeboard to 100- <br> year Event (ft) |
| :---: | :---: | :---: | :---: | :---: |
| Tricam Building | 873.82 | subsurface stormwater <br> infiltration/detention <br> chamber facility | 863.08 | 10.4 |
| 7667 Equitable Dr | 871.53 | subsurface stormwater <br> infiltration/detention <br> chamber facility | 863.08 | 8.45 |

## Maintenance

Subsection 3.7 of Rule J requires the submission of a maintenance plan. All stormwater management structures and facilities must be designed for maintenance access and properly maintained in perpetuity to assure that they continue to function as designed. The stormwater management facilities include the subsurface stormwater infiltration/detention chamber facility and associated pretreatment chamber. To conform to the RPBCWD Rule J the following revisions are needed:

J1. Permit applicant must provide a maintenance and inspection declaration as required by Rule J, Subsection 3.7. A draft declaration must be provided for District approval prior to recordation as a condition of issuance of the permit.

## Wetland Protection

Because runoff from this site is tributary to a downstream, off-site stormwater pond and is not tributary to any wetland, the proposed project does not trigger analysis under Rule J, subsection 3.10.

## Chloride Management

Subsection 3.8 of Rule J requires the submission of chloride management plan that designates the individual authorized to implement the chloride management plan and the MPCA-certified salt applicator engaged in implementing the plan. To close out the permit and release the $\$ 5,000$ in financial assurance held for the purpose of chloride management, the permit applicant must provide a chloride management plan that designates the individual authorized to implement the chloride management plan and the MPCA-certified salt applicator engaged in implementing the plan at the site.

## Rule L: Permit Fee Deposit:

The RPBCWD permit fee schedule adopted in February 2020 requires permit applicants to deposit $\$ 3,000$ to be held in escrow and applied to cover the $\$ 10$ permit-processing fee and reimburse RPBCWD for permit review and inspection-related costs and when a permit application is approved, the deposit must be replenished to the applicable deposit amount by the applicant before the permit will be issued to cover actual costs incurred to monitor compliance with permit conditions and the RPBCWD Rules. A permit fee deposit of $\$ 3,000$ was received on November 28, 2022. The applicant must replenish the permit fee deposit to the original amount due before the permit will be issued. Subsequently, if the costs of review, administration, inspections and closeout-related or other regulatory activities exceed the fee deposit amount, the applicant will be required to replenish the deposit to the original amount or such lesser amount as the RPBCWD administrator deems sufficient within 30 days of receiving notice that such deposit is due. The administrator will close out the relevant application or permit and revoke prior approvals, if any, if the permit-fee deposit is not timely replenished.

L1. The applicant must replenish the permit fee deposit to the original amount due before the permit will be issued. As of January 25,2023 the amount due is $\$ 2,910$.

Rule M: Financial Assurance:

|  | Unit | Unit Cost | \# of Units | Total |
| :--- | ---: | ---: | ---: | ---: |
| Rule C: Erosion Control |  |  |  |  |
| Silt Fence | LF | $\$ 2.50$ | 1,450 | $\$ 3,625$ |
| Inlet Protection | EA | $\$ 100$ | 8 | $\$ 800$ |
| Rock Entrance | EA | $\$ 250$ | 1 | $\$ 250$ |
| Restoration | Ac | $\$ 2,500$ | 0.6 | $\$ 1,500$ |
| Rule J: Chloride Management | LS | $\$ 5,000$ | 1 | $\$ 5,000$ |
| Rule J: Stormwater Management <br> infiltration basin and Rain Guardian: <br> 125\% of engineer's opinion of cost (\$54,000) | EA | $125 \%$ OPC | 1 | $\$ 67,500$ |
| Contingency (10\%) |  |  |  |  |
| Total Financial Assurance |  | $10 \%$ |  | $\$ 7,868$ |

## Applicable General Requirements:

1. The RPBCWD Administrator and Engineer shall be notified at least three days prior to commencement of work.
2. Construction shall be consistent with the plans and specifications approved by the District as a part of the permitting process. The date of the approved plans and specifications is listed on the permit.
3. Construction must be consistent with the plans, specifications, and models that were submitted by the applicant that were the basis of permit approval. The date(s) of the approved plans, specifications, and modeling are listed on the permit. The grant of the permit does not in any way relieve the permittee, its engineer, or other professional consultants of responsibility for the permitted work.
4. The grant of the permit does not relieve the permittee of any responsibility to obtain approval of any other regulatory body with authority.
5. The issuance of this permit does not convey any rights to either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
6. In all cases where the doing by the permittee of anything authorized by this permit involves the taking, using or damaging of any property, rights or interests of any other person or persons, or of any publicly owned lands or improvements or interests, the permittee, before proceeding therewith, must acquire all necessary property rights and interest.
7. RPBCWD's determination to issue this permit was made in reliance on the information provided by the applicant. Any substantive change in the work affecting the nature and extent of applicability of RPBCWD regulatory requirements or substantive changes in the methods or means of compliance with RPBCWD regulatory requirements must be the subject of an application for a permit modification to the RPBCWD.
8. If the conditions herein are met and the permit is issued by RPBCWD, the applicant, by accepting the permit, grants access to the site of the work at all reasonable times during and after construction to authorized representatives of the RPBCWD for inspection of the work.

## Findings

1. The proposed project includes the information necessary, plan sheets, and erosion control plan for review.
2. The proposed project will conform to Rules $C$ and $J$ if the Rule Specific Permit Conditions listed above are met.

## Recommendation:

Approval, contingent upon:

1. Financial Assurance in the amount of $\$ 86,543$.
2. Applicant providing the name and contact information of the individual responsible for erosion and sediment control at the site.
3. Receipt in recordation a maintenance declaration for the operation and maintenance all stormwater management facilities. Drafts of all documents to be recorded must be approved by the District prior to recordation and proof of recordation must be provided to RPBCWD.
4. The applicant must replenish the permit fee deposit to the original amount due before the permit will be issued. As of January 25, 2023 the amount due is $\$ 2,910$.

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

1. Continued compliance with General Requirements
2. Per Rule J Subsection 4.5, upon completion of the site work, the permittee must submit as-built drawings demonstrating that at the time of final stabilization, all the stormwater facilities conform to design specifications and function as intended and approved by the District. Asbuilt/record drawings must be signed by a professional engineer licensed in Minnesota and include, but not limited to:
a. the surveyed bottom elevations, water levels, and general topography of all facilities;
b. the size, type, and surveyed invert elevations of all stormwater facility inlets and outlets;
c. the surveyed elevations of all emergency overflows including stormwater facility, street, and other;
3. Providing the following additional close-out materials:
a. Documentation that disturbed pervious areas remaining pervious have been decompacted per Rule C.2c criteria
b. Documentation that constructed infiltration facilities perform as designed. This may include infiltration testing, flood testing, or other with prior approval from RPBCWD.
4. The work on the Tricam Industries development under the terms of permit 2022-076, if issued, must have an impervious surface area and configuration materially consistent with the approved plans. Design that differs materially from the approved plans (e.g., in terms of total impervious area) will need to be the subject of a request for a permit modification or new permit, which will be subject to review for compliance with all applicable regulatory requirements.
5. Per Rule J, Subsection 3.1.b.ii measured infiltration capacity of the soils at the bottom of the infiltration system must be provided. The applicant must submit documentation verifying the infiltration capacity of the soils and that the volume control capacity is calculated using the measured infiltration rate. In addition, subsurface soil investigation is needed to verify adequate separation to groundwater (Rule J subsection 3.1.b.2). If infiltration capacity is less than needed to conform with the volume abstraction requirement in subsection 3.1 b or there is inadequate separation to groundwater, design modifications to achieve compliance with RPBCWD requirements will need to be submitted (in the form of an application for a permit modification or new permit).
6. To close out the permit and release the $\$ 5,000$ in financial assurance held for the purpose of the chloride management, the permit applicant must provide a chloride management plan that
designates the individual authorized to implement the chloride management plan and the MPCA-certified salt applicator engaged in implementing the plan at the site.
7. Replenish the permit fee deposit to the original amount or such lesser amount as the RPBCWD administrator determines sufficient within 45 days of receiving notice that such deposit is due in order to cover continued actual costs incurred to monitor compliance with permit conditions and the RPBCWD Rules.















