

# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>City of Golden Valley</b>	Address <b>7800 Golden Valley Rd          Golden Valley, MN 55427</b>
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### 1. PROJECT INFORMATION

Applicant Name <b>Tom Hoffman, City of Golden Valley</b>	Project Name <b>DeCola Pond F Maintenance</b>	Date of Application <b>11/21/16</b>	Application Number
<input checked="" type="checkbox"/> Attach site locator map.			

Type of Decision:

<input type="checkbox"/> Wetland Boundary or Type	<input checked="" type="checkbox"/> No-Loss	<input type="checkbox"/> Exemption	<input type="checkbox"/> Sequencing
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach): none		

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>12/05/16</b>		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/> Denied

LGU Findings and Conclusions (attach additional sheets as necessary):

The City of Golden Valley is proposing to excavate DeCola Pond F, a city-owned stormwater pond to remove contaminated sediment. Work is expected to begin in January 2017 and finish in Spring 2017.

The City of Golden Valley applied for a No-Loss decision under the criteria that WCA does not regulate excavation limited to the removal of contaminated substrate. The 1972 record drawings are attached and show that area was excavated to be stormwater pond for the surrounding development in 1972. Sediment sampling was completed in 2016. The sampling results showed that top layer of substrate across the entire pond is contaminated, with PAH's. Those sampling results were included in the application and are attached.

The LGU approves this application pursuant to MR 8420.0415

For Replacement Plans using credits from the State Wetland Bank:

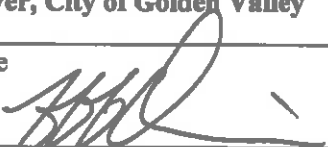
Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
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**Replacement Plan Approval Conditions.** In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

**Wetlands may not be impacted until all applicable conditions have been met!**

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name Jeff Oliver, City of Golden Valley	Title City Engineer	
Signature 	Date 11/30/16	Phone Number and E-mail 763-593-8034 joliver@goldenvalleymn.gov

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

### 3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input checked="" type="checkbox"/> Appeal of an LGU staff decision. Send petition and <b>\$TBD</b> fee (if applicable) to: <b>City Clerk</b> <b>7800 Golden Valley Rd</b> <b>Golden Valley, MN 55427</b>	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: <b>Executive Director</b> <b>Minnesota Board of Water and Soil Resources</b> <b>520 Lafayette Road North</b> <b>St. Paul, MN 55155</b>
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#### 4. LIST OF ADDRESSEES

- SWCD TEP member: **Stacey Lijewski, Hennepin County Environment & Energy Dept**
  - BWSR TEP member: **Ben Meyer, BWSR, 520 Lafayette Road North, St. Paul, MN 55155, ben.meyer@state.mn.us, 612-201-9806**
  - LGU TEP member (if different than LGU Contact):
  - DNR TEP member: **Becky Horton, 1200 Warner Road, St. Paul, MN 55106, becky.horton@state.mn.us, 651-259-5755**
  - DNR Regional Office (if different than DNR TEP member)
  - WD or WMO (if applicable): **Laura Jester, Bassett Creek WMC Admin, laura.jester@keystonewaters.com**
  - Applicant and Landowner (if different)
  - Members of the public who requested notice:
- 
- Corps of Engineers Project Manager
  - BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

#### 5. MAILING INFORMATION

➤ For a list of BWSR TEP representatives: [www.bwsr.state.mn.us/aboutbwsr/workareas/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf)

➤ For a list of DNR TEP representatives: [www.bwsr.state.mn.us/wetlands/wca/DNR\\_TEP\\_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)

➤ Department of Natural Resources Regional Offices:

<u>NW Region:</u>	<u>NE Region:</u>	<u>Central Region:</u>	<u>Southern Region:</u>
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)

➤ For a list of Corps of Project Managers: [www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687)  
or send to:

US Army Corps of Engineers  
St. Paul District, ATTN: OP-R  
180 Fifth St. East, Suite 700  
St. Paul, MN 55101-1678

➤ For Wetland Bank Plan applications, also send a copy of the application to:

Minnesota Board of Water and Soil Resources  
Wetland Bank Coordinator  
520 Lafayette Road North  
St. Paul, MN 55155

#### 6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

- Joint Application with project plans and sediment sampling results
- Record Drawings

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Project Name and/or Number: DeCola Pond F Maintenance Project (City of Golden Valley)

## PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

**Applicant/Landowner Name:** Tom Hoffman, City of Golden Valley  
**Mailing Address:** 7800 Golden Valley Road, Golden Valley, MN 55427  
**Phone:** 763-593-8044  
**E-mail Address:** thoffman@goldenvalleymn.gov

**Authorized Contact (do not complete if same as above):**

**Mailing Address:**  
**Phone:**  
**E-mail Address:**

**Agent Name:** Laura Messman, WSB & Associates, Inc.  
**Mailing Address:** 701 Xenia Ave S, Minneapolis, MN 55416  
**Phone:** 763-762-2833  
**E-mail Address:** lmessman@wsbeng.com

## PART TWO: Site Location Information

**County:** Hennepin **City/Township:** City of Golden Valley  
**Parcel ID and/or Address:**  
**Legal Description (Section, Township, Range):** S29, T118N, R21W  
**Lat/Long (decimal degrees):** 44.752021, -93.355046  
**Attach a map showing the location of the site in relation to local streets, roads, highways.**  
**Approximate size of site (acres) or if a linear project, length (feet):** 2 acres

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

[http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform\\_4345\\_2012oct.pdf](http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf)

## PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted *prior to* this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

The City of Golden Valley has proposed excavate Decola Pond F, a city-owned stormwater pond to remove contaminated sediment. Work is expected to begin in January 2016 and finish in Spring 2017.

Project Name and/or Number: DeCola Pond F Maintenance Project (City of Golden Valley)

## PART FOUR: Aquatic Resource Impact<sup>1</sup> Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) <sup>1</sup>	Size of Impact <sup>2</sup>	Overall Size of Aquatic Resource <sup>3</sup>	Existing Plant Community Type(s) in Impact Area <sup>4</sup>	County, Major Watershed #, and Bank Service Area # of Impact Area <sup>5</sup>
DeCola Pond F	Stormwater Pond	Remove sediment	P	1.8 acres	2 acres	Type 4	Hennepin, 20, 7

<sup>1</sup>If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

<sup>2</sup>Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

<sup>3</sup>This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

<sup>4</sup>Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.

<sup>5</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

N/A

## PART FIVE: Applicant Signature

Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature: \_\_\_\_\_

Date: 11/21/14

I hereby authorize Laura Messman to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

<sup>1</sup>The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

## Attachment B

# Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation

Complete this part *if* you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR *if* you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

### WCA

**8420.0415 No-Loss Criteria** which states that the WCA does not regulate excavation limited to the removal of contaminated substrate

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

### WCA

DeCola Pond F is a large stormwater pond in a residential neighborhood in Golden Valley. Sediment sampling completed during Summer 2016 found contamination in sediment across the entire pond. The proposed project will remove the contaminated substrate to improve the water quality treatment capacity of the pond. Contaminated sediment will be treated as hazardous waste and will be disposed of in compliance with current regulations.

### COE

As stated above, the project involves excavation in a stormwater pond.

The project involves excavation and the excavation does not convert the wetland to nonwetland. It is our understanding that the project is outside of COE jurisdiction.

**Appendix A**  
**Project Location**





DeCola Pond F

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**Figure 1 - Project Location**  
DeCola Pond F Maintenance  
City of Golden Valley

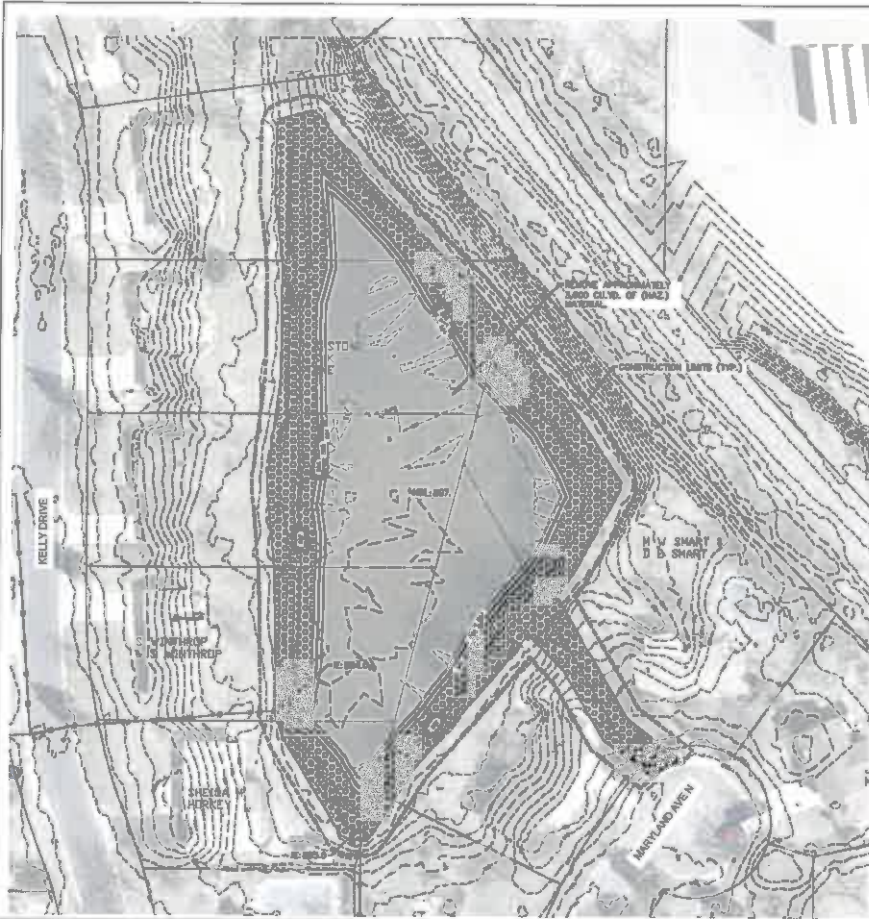


0 1,700 Feet





**Appendix B  
Relevant Plans**



**POND NOTES**

1. REVERSE ALL POND EDGES AND WOODS AREAS WITH TYPE 30-30-500 (30 INCHES, COVER CRIP EXCEL 200 GRADE), AND CURBWAY & BARRIER CONTROL BLANKET WITHIN 10 FEET OF BOUNDARY. IF BOUNDARY CHANGES FROM CONDITIONS, BLANKET MAY BE USED IN LIEU OF BLANKET. CONTRACTOR WILL NEED TO VERIFY VEGETATION REMOVAL/REMOVAL IS NECESSARY BY THE SPEC.
2. CONTRACTOR RESPONSIBLE FOR THE REMOVAL OF STumps, CONCRETE CURB AND BATTERY, AND TRAIL.
3. ONLY EXISTING STRUCTURES INCLUDED DURING DEMOLITION OPERATIONS.
4. IF EXISTING STRUCTURES ARE PRESENT DURING DEMOLITION, CONTRACTOR WILL PUMP MUD/WATER FROM SITE TO BE UP, CONTRACTOR WILL BE RESPONSIBLE FOR ALL NECESSARY DISPOSALS.
5. CONTRACTOR TO GRADE AROUND EXISTING STORM DRAIN STRUCTURES AS DIRECTED BY THE ENGINEER.
6. CONTRACTOR TO COORDINATE ACCESS LIMITS WITH THE OWNER IN THE FIELD.
7. CLEARING AND GRUBBING REQUIRED TO ACCESS POND IS CONSIDERED INCIDENTAL.
8. EXISTING POND CONTOURS DEVELOPED FROM PEG-COPIED SURVEY.
9. VEGETATION REMOVED TO ALLOW FOR DEMOLITION IS INCIDENTAL TO DEMOLITION.

ALLIANCE Surveying



PROJECT NO.	01473-370
DATE	01/17/17
SCALE	AS SHOWN
DRAWN BY	ALLIANCE SURVEYING
CHECKED BY	ALLIANCE SURVEYING
DATE	01/17/17
PROJECT NO.	01473-370
DATE	01/17/17
SCALE	AS SHOWN
DRAWN BY	ALLIANCE SURVEYING
CHECKED BY	ALLIANCE SURVEYING
DATE	01/17/17

2016 / 2017 POND MAINTENANCE PROJECT  
FOR THE CITY OF  
GOLDEN VALLEY, MINNESOTA

WSB  
WISCONSIN SURVEYING & CONSULTING, INC.  
A Division of  
WISCONSIN SURVEYING & CONSULTING, INC.

**Appendix C**  
**Sediment Sampling Results**

**Summary of Stormwater Pond Sediment Testing Results (Revised 7-2-2012 "Stormwater Sediment" spreadsheet only)**

**Project Name:** Golden Valley BC-80 Soil Sample Results

**Sample Date:** 11/6/2015

**Sample Locations and Depths**

**Composite Sample Depths:** Residential SRV Values, Industrial SRV Values, BC 80 1 mg/kg (Surface, 1', and 2'), BC 80 2 mg/kg (Surface, 1', 2', and 3')

**Parameters:** mg/kg, mg/kg, Insert Reporting Limit\*

**Metals:** Arsenic (0, 20, 0.08, 2.6, 0.51, 1.3), Copper (100, 9000, 1.2, 31.6, 1, 16.7)

**Noncarcinogenic PAHs:** Acenaphthene (1,200, 5,280, 0.0310, 0.0011, 0.1410, 0.0067), Acenaphthylene (na, na, 0.0310, 0.0011, 0.1410, 0.0048), Anthracene (7,880, 45,400, 0.0310, 0.0404, 0.1410, 0.188), Benzo(a,h)perylene (na, na, 0.0310, 0.24, 0.4140, 0.788), Fluoranthene (1,080, 6,800, 0.0310, 0.688, 0.1410, 1.87), Fluorene (890, 4,120, 0.0310, 0.0212, 0.1410, 0.024), 2-Methylnaphthalene (100, 389, 0.0310, 0.0013, 0.1410, 0.0057), Naphthalene (10, 28, 0.0310, 0.0012, 0.1410, 0.0082), Phenanthrene (na, na, 0.0310, 0.287, 0.1410, 0.888), Pyrene (690, 5,800, 0.0310, 0.033, 0.1410, 1.41), Quinoline\*\* (4, 7, 0.0776, 0.0076, 0.1410, 0.0134)

**Carcinogenic PAHs & Total B[a]P Equivalent:** Benz(a)anthracene (0.10, 0.0776, 1.0500, 0.1080, 0.1410, 1.2300, 0.1288), Benz(b)fluoranthene (0.10, see total, 0.0000, 0.0000, see total, 0.0000, 0.0000), Benz(k)fluoranthene (0.10, see total, 0.0000, 0.0000, see total, 0.0000, 0.0000), Benz(a)fluoranthene (0.10, see total, 0.0000, 0.0000, see total, 0.0000, 0.0000), Benzofluoranthene (Total) (0.30, 0.2390, 3.2300, 0.9690, 0.4220, 3.8600, 1.1640), Benz(a)pyrene (1.00, 0.0776, 1.4100, 1.4100, 0.1410, 1.8600, 1.8606), Chrysene (0.01, 0.0776, 1.5100, 0.0161, 0.1410, 1.7700, 0.0777), Dibenzo(a,h)acridine (0.10, 0.0776, 0.0045, 0.0065, 0.1410, 0.0081, 0.8008), Dibenzo(a,h)anthracene (0.56, 0.0776, 0.2190, 0.1326, 0.1410, 0.2100, 0.1176), 7H-Dibenz(a,c)carbazole (1.00, 0.0776, 0.0167, 0.0167, 0.1410, 0.0284, 0.0284), Dibenzo(a,e)pyrene (1.00, 0.0776, 0.2310, 0.2310, 0.1410, 0.1660, 0.1660), Dibenzo(a,i)pyrene (10.00, 0.0776, 0.0918, 0.9180, 0.1410, 0.0299, 0.2690), Dibenzo(a,j)pyrene (10.00, 0.0776, 0.0076, 0.0760, 0.1410, 0.0138, 0.1380), Dibenzo(a,l)pyrene (10.00, 0.0776, 0.0058, 0.0580, 0.1410, 0.0104, 0.1040), 7,12-Dimethylbenz-anthracene (34.00, 0.0776, 0.0139, 0.4728, 0.1410, 0.0252, 0.8890), Indene(1,2,3-c,d)pyrene (0.10, 0.0776, 0.8910, 0.8910, 0.1410, 0.8180, 0.8816), 3-Methylcholanthrene (3.00, 0.0776, 0.0101, 0.0303, 0.1410, 0.0183, 0.0548), 5-Methylchrysene (1.00, 0.0776, 0.0065, 0.0065, 0.1410, 0.2230, 0.2230), Total B[a]P Equivalent\*\*\* (mg/kg) (2, 3, 4.499, 4.884)

Residential SRV (suitable for residential land use)  
 Industrial SRV (suitable for industrial land use)  
 Highlight value for "J" flagged data - sample concentration is above Method Detection Level but is below Reporting Limit  
 Concentration "Not Detect" therefore detection limits and/or Kaplan Meier Statistics for calculate a B[a]P equivalent concentration

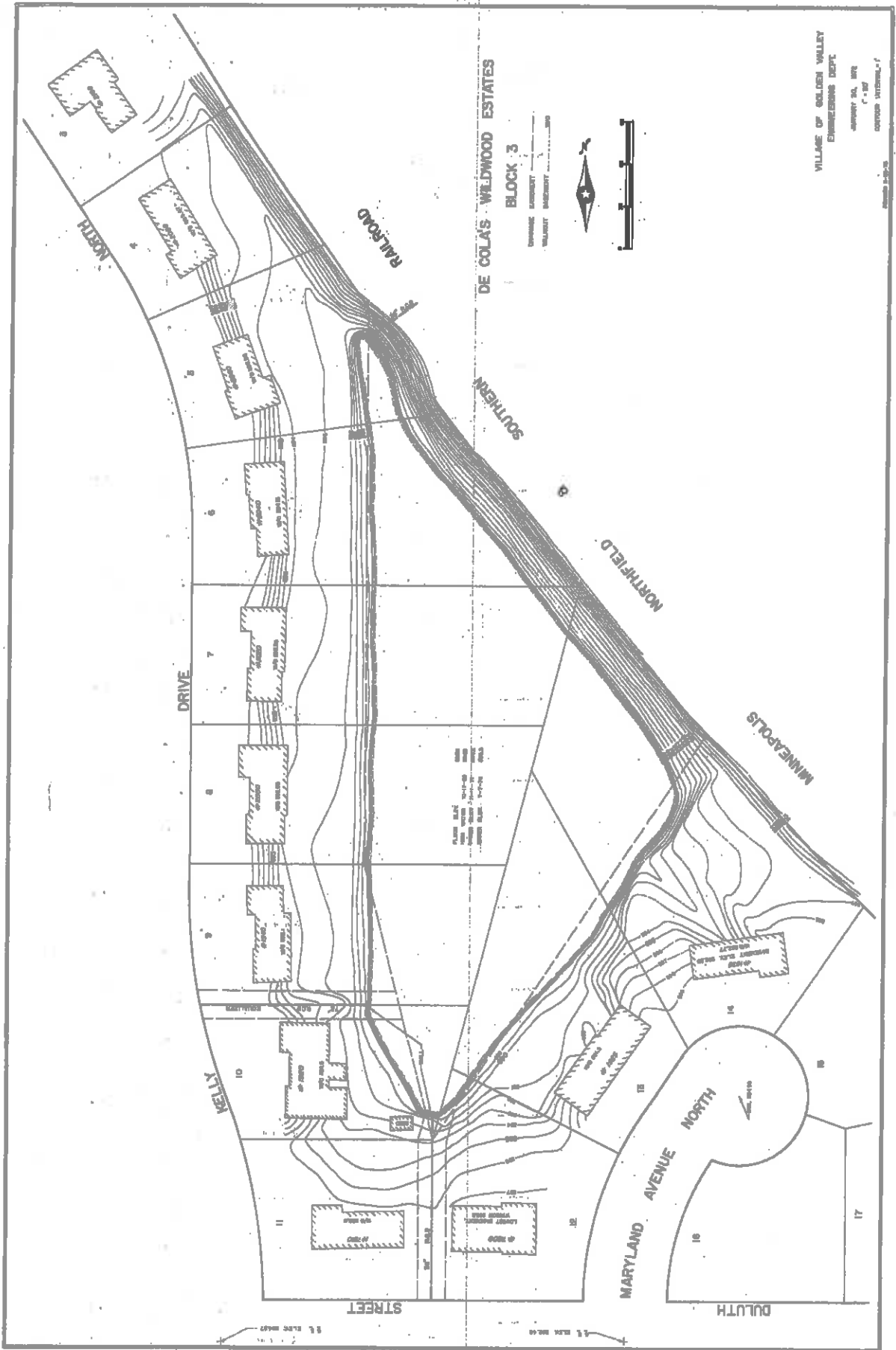
SRV = soil reference value  
 PAHs = polycyclic aromatic hydrocarbons  
 na = not available, there is no SRV available for this contaminant at this time.  
 B[a]P = benzo(a)pyrene  
 \* Reporting Limits- insert reporting limits in this column from the lab analytical results reports (converting to mg/kg if necessary)

\*\* Quinoline is a carcinogenic PAH that does not have a PEF value. Therefore, it is not included in the B[a]P equivalent calculation. It is included in the noncarcinogenic PAH section and evaluated separately.

\*\*\* B[a]P Equivalent - Each contaminant sample concentration is multiplied by its Potency Equivalency Factor (PEF) to obtain a B[a]P equivalent concentration. All B[a]P equivalent concentrations are summed to calculate the total B[a]P equivalent concentration. For nondetect data, use the procedures outlined in Appendix B of "Managing Stormwater Sediment BMP Guidance For Municipalities".

\*\*\*\* Value generated using the Kaplan Meier method 80% or Less Nondetects

\*\*\*\*\* Value generated using the Kaplan Meier method greater than 80% Nondetects (Summing up the BeP Equiv. when replacing the nondetects with the full reporting limit)



VILLAGE OF GOLDEN VALLEY  
 ENGINEERING DEPT.  
 MAY 20, 1974  
 1" = 40'

DE COLAS WILDWOOD ESTATES  
 BLOCK 3

ENGINE EXHIBIT  
 VALUATION EXHIBIT



PLAN SIZE 11" x 17"  
 SHEET NO. 1  
 TOTAL SHEETS 1

KELLY DRIVE

RAILROAD

SOUTHERN  
 RAILROADS

NORTHFIELD

MINNEAPOLIS

KELLY

STREET

MARYLAND AVENUE NORTH

DULUTH

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# P1-3E

DECOLA PONDS: EAST OF KELLY DRIVE



1" = 100'

