PERMIT

PERMIT MUST BE POSTED AT PROJECT SITE, VISIBLE FROM ROAD

 Permit Number: 15-02  Permit Date: 02/09/2015

 Permit Granted To: MN DOT

 Project Address: T.H. 10 AND T.h.59 Corridor Project (MN DOT SP 0301-60)

 City, Street, Zip: Detroit Lakes, MN 56501

 Project Type: Linear Project - T.H. 10 AND T.h.59 Corridor Project (MN DOT SP 0301-60)

 Permit is granted with conditions prior to start of construction:

- Relief from Rules RLF 2014-01 for certain highway segments (per approved design plans), attached hereto.
- Provide a written detailed schedule indicating dates and sequence of land alteration activities from contractor prior to construction;
- Provide fully executed, signed copy of State of MN DOT and City of Detroit Lakes Cooperative Construction Agreement (MN/DOT Contract No. 06846)
- Provide a detailed inspection and maintenance plan/checklist which includes frequency (see attached sample plan).

Storm water Management Plan by MN DOT - updated 2/5/15 with modeling calculations
Approved by Wenck Engineering 2/09/15

This permit is valid for 18 months.

Permit may be revoked at any time upon violation of Pelican River Water Management Rules. Any changes to this site permit results in nullification of this permit and a new permit will have to be obtained.

Signature of Pelican River Watershed District Board of Managers or Designee (District Administrator)
PERMIT APPLICATION

TO BE COMPLETED BY APPLICANT (Property Owner OR by Governmental Entity if a public project)

1. PROPERTY OWNERS List all. (Last, First, M.L.)
   Minnesota Department of Transportation - District 4; Thomas Lundberg P.E. (MnDOT Contact)

Address (Street, Box #, City, State, Zip)
   1000 Highway 10 West, Detroit Lakes, MN 56501

Day Telephone  Cellular Phone  E-mail
   218-846-3534  218-849-1663  Thomas.Lundberg@state.mn.us

2. PROJECT LOCATION (Attach drawing with directions to site):

   LAKE (if applicable)  TOWNSHIP(S)  TWP NO.  RANGE  SECTION (1/4)  LOT, BLOCK, SUBDIVISION
   Saint Clair Lake  S20 - T139N - R41W
   S27 - T139N - R41W

PROJECT ADDRESS:
   Linear project near intersection of TH10 & TH59

   CITY:
   Detroit Lakes

3. PERMIT APPLICATION FOR:

   A. alterations to land, vegetation, impervious surface in shore impact zone
   B. rip-rap or beach sand blanket (installation, repair, replacement)
   C. alterations to land, vegetation, impervious surface in bluff impact zone or on steep slopes in shoreline district
   D. retaining wall (installation, repair, replacement within shore impact or bluff impact zones)
   E. impervious surface (road constructon coverage)
   F. subdivisions, plats, or planned unit developments (PUD’s)
   G. highway, road, street, parking lot, or public water access (construction or recreation)
   H. bridges, culverts, inlets to waters of the state; storm sewers (new or changes to existing structures)
   I. groundwater de-watering (discharges to Waters of the State)

   X.

3.a PROJECT PLAN DESIGN CONTACT
   COMPANY, NAME, ADDRESS, PHONE, CELL PHONE, EMAIL, FAX
   Thomas L. Lundberg P.E.
   MnDOT
   1000 Highway 10 West
   Detroit Lakes, MN 56501
   Telephone: 218-846-3634

3.b EROSION CONTROL GRADING CONTACT for our Inspector
   COMPANY, NAME, ADDRESS, PHONE, CELL PHONE, EMAIL, FAX
   Same

4. PROJECT DESCRIPTION

   MnDOT is proposing improvements within the T.H. 10 and T.H. 59 corridor near the intersection of these two highways. Improvements consist of resurfacing T.H. 10 and T.H. 59, new and reconstruction of the frontage road adjacent to these two highways, construction of a multi-use trail adjacent to the frontage road and new construction of Holmes Street. See attached drainage report for additional description.

5. DATES
   Proposed start of activity: 2015
   Proposed Completion Date: [Blank]

(For office use only)

PERMIT NO. 15  REC'D OFFICE 7/16/14  REC'D ENGR/SWCD
PERMIT & FIELD INSPECTION FEES $ 7/14
CASH OR CHECK NO. 7/14
Submittal Requirements
Applicants must submit all of the following items:
1. Completed permit application (application must be signed by the PROPERTY OWNER or Governmental Entity)
2. 2 copies of drawings, plans and other data as outlined in “Pelican River Watershed District Permit Information Sheets”
3. The application/field inspection fees according to the most recent schedule set by the Board of Managers
4. Street location map

Applying for the permit does not preclude your applying for any necessary permit that may be required from OTHER governmental agencies. Any work performed prior to obtaining all required authorizations may be subject to Federal, State, and/or local administrative, civil and/or criminal penalties. No liability shall be imposed on the district or any of its officers, agents, or employees, officially or personally, on account of the granting of this permit, on an account of any damage to any person or property resulting from any act or omission of the permittee or any of its agents, employees or contractors relating to any matter hereunder. This permit shall not be construed as limiting any legal claim or right of action of the District against the permittee, its agents, employees, or contractors for the violation of or failure to comply with the provisions of the permit or applicable provisions of law.

When all items have been satisfactorily completed and the District determines the project meets the District’s Rule requirement, this permit will be issued. The permit may be picked up at the office or it will be mailed out. A copy will be fixed to the applicable governmental entity (Becker County or City of DL Zoning Departments).

The permit will be valid for 18 months from date of issuance unless otherwise suspended or revoked. A permit may be extended at no charge provided the property owner notifies the District in writing stating the reasons for extension. Any plan changes, and related project documents must also be included in the extension application. The District must receive the extension application at least 30 days prior to the permit’s expiration date.

If changes are made to the permitted plans for this project, changes must be submitted to the District (in duplicate) for review. If approved, an amended permit will be issued.

When the project is complete, please call the District office at (218) 846-0436 to request final inspection.

This permit may be terminated by the Board of Managers without notice at any time deemed necessary for the management of the water resources of the District, or in the interest of the public health and welfare, or for violation of any of the provisions of this permit.

"I understand that, as a Permittee, I am legally accountable to ensure compliance with the terms and conditions of the permit. I understand that I am not authorized to begin the project until I receive the permit and the permit sign is posted on the site. If the project is modified, I will obtain approval by the District before I continue with the project. I authorize the District, and its agents, employees, officers and contractors, to enter the project site to perform any inspection or work authorized by the permit or any applicable law."

"I certify that I have thoroughly read and understand the information on this permit application, including submittal requirements."

SIGNATURE: [Signature]
DATE: 6-30-14
Property Owner or Authorized Signature of Governmental Entity

APPROVED PERMIT MUST BE POSTED PROMINENTLY ON THE SITE BEFORE ANY WORK CAN BEGIN. THE PELICAN WATERSHED DISTRICT MAY ISSUE STOP-WORK ORDERS ON SITES WITHOUT APPROVED PERMITS. IF A PERMITTED SITE IS OUT OF COMPLIANCE WITH ITS PLAN, AS DETERMINED BY INSPECTION, A STOP WORK ORDER MAY BE ISSUED AND PENALTIES APPLIED. VIOLATION OF DISTRICT WATER MANAGEMENT RULES IS A MISDEMEANOR SUBJECT TO A PENALTY AS PROVIDED BY LAW.

ACTION BY PELICAN RIVER WATERSHED DISTRICT
PERMIT NO. __________

The above application for permit is APPROVED / DISAPPROVED this 9th day of Dec, 2014

BY [Signature]
Its Administrator

[Signature]
2-9-15
Relief from Rules
RLF-2014-01

The Board of Managers at the November 20, 2014 monthly meeting, reviewed the Minnesota Department of Transportation − District 4 letter dated October 10, 2014, attached hereto, which requested relief from the minimum requirements and design criteria of sections 4.11, sub a, b, and c of the District’s Water Management Rules for the T.H. 10 and T.H. 59 corridor project (MN DOT S.P. 0301-60) near the intersection of these two highways due the following circumstances:

1. The results of the geotechnical investigation of the proposed stormwater management sites of the project area concluded two of the three stormwater treatment ponds (West Pond 1 and T.H. 59 Pond) contained significant contamination of soils and demolition waste; and
2. There is a lack of other nearby suitable areas for stormwater treatment and management due to adjacent wetlands and undeveloped properties along the roadway corridor for treatment practices.

Whereby, due to the above unique circumstances, the District finds:

1. There are exceptional circumstances and special conditions inherent to the property and they do not apply generally to other land within the District; and
2. The hardship was not created by MN DOT, or its agent or representative, or a contractor; and
3. There is not a feasible and prudent alternative to the proposed activity requiring a relief, and granting the relief will not impair or be contrary to the intent of the District’s Water Management Rules.

Therefore, the District Board of Managers at the November 20, 2014 regular monthly meeting approved the relief from the District’s Water Management Rules for MN DOT S.P. 0301-60 T.H. 10 and T.H.59 corridor project with the following conditions:

a. That the project will implement the other feasible stormwater treatment practices as identified in the modified project plan.

The relief will become void after eighteen (18) months if not used; the relief will remain valid only as long as the underlying permit remains valid. A violation of any condition of approval of a permit subject to this relief shall constitute grounds for termination of the relief.

Dated at Detroit Lakes, Minnesota this 20th day of November, 2014

[Signature]

Signature of Pelican River Watershed District Board of Managers or Designee (District Administrator)
Date: October 10, 2014

Tera Guetter, Administrator
Pelican River Watershed District
211 Holmes St. West
Suite 201
Detroit Lakes, MN 56501

RE: Variance Request for storm water treatment requirements; S.P. 0301-60

Dear Ms. Guetter:

This variance request relates to the Watershed District's storm water treatment requirements for the Trunk Highway 10/69/Holmes Street extension project (S.P. 0301-60) planned to start in spring 2015. Please present this variance request for board consideration at the October 16, 2014 meeting for the following reasons:

- High water table in areas with contaminated soil, groundwater, and demolition waste materials make ponding impractical at two of the three proposed ponding locations
- Lack of areas for treatment given wetlands
- Lack of undeveloped properties along the corridor available for ponding

The following detailed information supports this request.

Background

Please refer to the two attached sheets for reference. MnDOT has been working with the Watershed District and members of Wenck Engineering to meet your permit criteria. Through the design process MnDOT planned for three ponds in conjunction with the project to meet permit criteria. The first pond is located on the old Grover Lindberg truck stop site (West Pond 1), the second by the MnDOT Salt Shed (West Pond 2) and the third, south of the Tesoro Gas Station and North of the Old DL Chiropractic building (T.H.59 Pond). These locations were selected based on available space and a location that accepts a meaningful amount of drainage conducive for treatment. Pending a full submittal we had anticipated meeting watershed criteria with the construction of these three ponds as it relates to the project.

In a separate process MnDOT evaluates our project corridors for environmental concerns and how our project may relate to them. As part of that process, MnDOT completed a Phase I Environmental Site Assessment (ESA) and a Phase II Investigation. The Phase I ESA completes a historical search on property uses and evaluates the risk for potential contamination on a property. A Phase II Investigation completes soil and/or groundwater sampling on the property. Through this process, significant contamination was identified at two locations.

The first location is at the former Grover Lindberg Truck Stop. West Pond 1 was designed for that location because of the treatment requirements needed and availability of right of way.
From the Phase I Environmental Site Assessment and Phase II investigation, the site has been deemed unacceptable for storm water treatment based on the following reasons:

**Contaminated Materials Concerns at the West Pond 1**

West Pond 1 consists of three hydraulically interconnected but separate basins (south of and north of the Frontage Road). West Pond 1 is located on a property that has petroleum impacts to soil and groundwater. Historically the property was a marsh and was developed with a truck stop (Grover-Lindberg Truck Stop), Maintenance Company, and other commercial businesses that were the source of multiple petroleum and chemical releases over the years. There were multiple underground and above ground petroleum storage tanks located on the site. The site has been registered with the Minnesota Pollution Control Agency (MPCA) under four fuel leak numbers. The leak sites were active with the MPCA between 1990 and 2005. One of the reported releases, a 14,000 gallon unleaded gasoline release, was described by the MPCA as 'catastrophic'. Other leaks involved fuel oil and diesel. Almost three feet of petroleum product was present on the water table before remediation activities occurred at the site. Remediation activities including pump and treat, soil composting, and soil excavation have been conducted at the site. However, the site was closed with contaminated groundwater and soil remaining on the site.

*In preparation for West Pond 1, MnDOT completed environmental borings to assess the current condition of contaminated soil and groundwater. Petroleum was encountered in the groundwater and soil. Diesel Range Organics (DRO) was encountered in groundwater up to 699 micrograms per liter (ug/L). Additional petroleum constituents were also detected in the water.*

*During completion of environmental borings on site, saturated soils were recorded between 2.0 and 5.7 feet below the current ground surface (bgs) (~1340-1344' msl). The depth to groundwater recorded after drilling was complete ranged from 1.0 to 3.0 feet bgs (~1344-1346' msl). The proposed treatment basin elevations intersect the petroleum impacted groundwater and therefore it is anticipated that petroleum contaminated water would enter the treatment basin. Additionally, the change in groundwater flow gradients could potentially influence the transport of contamination from nearby portions of the site to the treatment basin.*

MnDOT is currently amending the property acquisition from the owner to only construct the roadway portion. MnDOT is changing the design to retain and convey the drainage above the water table as to not intercept the contaminated groundwater. MnDOT will be placing geotextile down and "floating" the road over the geotechnically unsuitable material to minimize contact with contaminated soil and groundwater.
The second location was most recently known as DL Chiropractic and covers the building and adjacent parking lot to the north. This was a site that was available and conducive for a pond. From the Phase I Environmental Site Assessment and Phase II investigation, the site has been deemed unacceptable for a pond based on the following reasons:

**Contaminated Materials Concerns at T.H. 59 Pond**

TH 59 Pond is located in an area of petroleum impacted groundwater. Historically the property was first developed as a car lot in the early 1990s. The northern portion of the pond is located in an overgrown area where demolition waste is buried. MnDOT will be conducting the removal and abatement of the demolition waste in the near future.

In preparation for the TH 59 Pond, MnDOT completed environmental borings to investigate for soil and groundwater impacts based on the historical site use related to auto repair and dumping of demolition waste. Petroleum contaminated groundwater was encountered on the southwestern portion of the pond (the area nearest to the on-site buildings). Diesel Range Organics (DRO) was encountered in groundwater in this area up to 505 micrograms per liter (µg/L). Petroleum impacted soil was also encountered at the water table. Additionally, one location of impacted soil (fill material within the pond foot print) was encountered. MnDOT may also identify additional areas of concern for soil and groundwater in the (upcoming) process of completing the removal of demolition waste from the site.

During completion of environmental borings on site, saturated soils were recorded during drilling between 4.0 and 8.0 feet below the current ground surface (bgs) (~1341-1337 feet msl). The depth to groundwater recorded after drilling, ranged from 2.1 to 5.1 feet bgs (~1343-1340 feet msl). Select borings completed in the central portion of the treatment basin did not encounter saturated soils. The proposed treatment basin elevations intersect the petroleum groundwater and therefore it is anticipated that petroleum contaminated water would enter the treatment basin. Additionally, the change in groundwater flow gradients could potentially influence the transport of contamination from nearby portions of the site to the pond.

MnDOT is also changing the design in this area to convey the proposed drainage above the water table as to not intercept the contaminated groundwater. As MnDOT builds Morrow Avenue heading to the south in this area, MnDOT will start with excavation near Holmes Street for sanitary sewer and road work and will switch to laying geotextile down and "floating" the road over the geotechnically unsuitable area to minimize contact with contaminated soil, groundwater and further demolition materials referenced above.

The City is removing their water and sanitary work from the plan here as well so dewatering and excavation is limited. MnDOT will use the area were the treatment basin was to be located to stage traffic during construction. Upon construction completion, the temporary roadway will be removed and converted to green space.

Due to the above findings, MnDOT has determined that the letting date will need to move from November 2014 to February 2015. In order to meet the new letting, design changes need to be completed no later than mid-November. Construction is anticipated to start in May 2015. This
allows enough time for the major project elements to finish in one season and not leave half-built items over the winter. MnDOT cannot identify any feasible alternatives for treatment options given the nature of the corridor flanked by rail roads, wetlands, high groundwater table, contaminated soil, and development of properties along the corridor. For these reasons MnDOT is asking for a variance to not construct all the ponding required by the Watershed District. The remaining treatment basin on the project does meet the MPCA NPDES Permit requirements and that permit is currently in hand.

Please note that the small area of treatment on the south side of the Tesoro Gas Station impacted by this project will be replaced with this project.

Thank you for your consideration of this variance request. Please contact me at 218-846-3634 with any questions.

Sincerely,

[Signature]

Thomas J. Lundberg
Project Manager
MnDOT District 4 – Detroit Lakes

Enclosures

cc: Paul Munsterteiger, Environmental Coordinator
    Justin Knopf, Hydraulics Engineer
    Shiloh Wahl, Assistant District Engineer
    Jody Martinson, District Engineer