

# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District

**From:** Kaci Fisher, Environmental Specialist  
Katy Thompson, PE, CFM

**Date:** April 30, 2021

**Re:** Cretex Site After-the-Fact Permit (LMRWD No. 2021-019)

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On April 23, 2021, the City of Shakopee (City) brought to the attention of the Lower Minnesota River Watershed District (LMRWD or District) that it had inadvertently issued an Interim Use Permit (grading permit) to Cretex Industrial Park, LLC (Contractor) on March 23, 2021, for earthwork and temporary storage of equipment and an aggregate stockpile on the Cretex Site (Project) without requiring the applicant to obtain a LMRWD Individual Project Permit (Permit) as well. The Project is located east of the Southwest Logistics Center site (LMRWD No. 2021-003) and west of the Stagecoach Road Roundabout (LMRWD No. 2021-015), as shown in Figure 1. With only the City-approved permit, the Contractor began work on the site on April 5, 2021. After realizing on April 22, 2021, that the Contractor was working without a Permit, Steve Lillehaug, the City Public Works Director, issued a stop-work order, and the Contractor ceased all work. On April 23, 2021, the City inspected the site, realized that the Contractor was about 90 percent complete with grading and earthwork, and contacted the District Administrator and Young Environmental to discuss how to proceed. The City was concerned that because the site was under active construction at the time the stop-work order was issued, the Contractor did not have time to stabilize exposed soil, and erosion would occur if not dealt with promptly (see attached photos).

Per LMRWD, Rule A, Section 1.2.9, the District has the authority to issue an after-the-fact permit. Considering the work was in progress and the site was not stabilized when the City issued the stop-work order, Young Environmental advised the City to require the Contractor to stabilize the site (place aggregate and seed appropriate areas) and cease all work until an LMRWD permit was issued. The City communicated this with the Contractor, and the Contractor begin stabilizing the site. The City also provided Young

Environmental the City-approved grading permit for review.

On April 26, 2021, the City inspected the site again and noted that the Contractor had addressed most of the City's erosion control concerns (see attached photos). On April 29, 2021, the City said that with the exception of removing one of the rock construction entrances, the site was stabilized, but that the City intended to continue inspections until the site met its requirements.

### **After-the-Fact Permit Review**

At the direction of the City and Young Environmental, on April 26, 2021, Cretex Industrial Park, LLC, applied for a LMRWD Permit and provided site plans for the Project.

The Project consists of interim grading of Lot 4 within the Cretex Industrial Park (also known as the Hentges Industrial Park) and construction of a temporary sedimentation basin. The Project disturbs 9.65 acres and is expected to temporarily impact the land, not to exceed one year. The Project is not located within the High Value Resource Area, Steep Slopes Overlay District, or Minnesota River floodplain.

Because the City does not have its LMRWD Municipal LGU Permit, this project requires an LMRWD individual permit and, as such, is subject to an LMRWD permitting review.

### **Summary**

<u>Project Name:</u>	Cretex Site
<u>Purpose:</u>	Interim grading, temporary stockpile and equipment storage
<u>Project Size:</u>	9.65 acres disturbed
<u>Location:</u>	Stagecoach Road and County Road 101, Shakopee, MN 55379 (PID 270730050)
<u>LMRWD Rules:</u>	Rule B—Erosion and Sediment Control
<u>Recommended Board Action:</u>	Conditional approval

### **Discussion**

The District received the following documents for review:

- LMRWD online permit application, received April 26, 2021
- City of Shakopee Grading Permit Approval, dated March 23, 2021, received April 23, 2021

- Cretex Site Interim Grading, Drainage, Erosion & Sediment Control Plan by James R. Hill, Inc., dated January 21, 2021, revised March 3, 2021, received April 23, 2021

The application was deemed incomplete on April 29, 2021, because it was missing the permit review fee, the NPDES permit, and contact information for individual(s) responsible for erosion and sediment control inspection and maintenance. The Contractor has been notified of the incomplete status, and that if the permit fee is received before the May 5, 2021, board meeting, the project will be recommended for conditional approval.

#### Rule B—Erosion and Sediment Control

The District regulates land-disturbing activities that affect one acre or more under Rule B. The proposed project would disturb approximately 9.65 acres within the LMRWD boundaries. The applicant has provided a grading, drainage, and erosion and sediment control plan. A copy of the NPDES permit and the contact information for the person(s) responsible for the erosion and control inspection and maintenance will be required for issuance of the final permit. The Project generally complies with Rule B.

#### Additional Considerations

The applicant is proposing that interim grading, including a temporary sedimentation basin for construction stormwater management, will last for one year, while the Southwest Logistics Center and Stagecoach Road Improvement projects are constructed. Because the Cretex grading project is considered temporary, standard stormwater management requirements do not apply.

#### **Recommendations**

We are recommending conditional approval, pending receipt, of the outstanding items and will provide an update on the Project at the May 5, 2021, board meeting. Young Environmental will continue to work with the City to confirm stabilization of the site and the Contractor to ensure receipt of the outstanding permit fee, NPDES permit, and erosion-control inspector contact information.

#### **Attachments**

- Figure 1—Cretex Site Project Location Map
- April 23, 2021, City of Shakopee Site Inspection Photographs
- April 26, 2021, City of Shakopee Site Inspection Photographs





Figure 1: Cretex Site Project Location



**LEGEND**

- |                          |                   |
|--------------------------|-------------------|
| Cretex Site              | Public Waterways  |
| Grading Extents          | Open Water        |
| Aggregate Stockpile      | Railroads         |
| Temporary Sediment Basin | Scott County      |
| Previous LMRWD Permits   | Floodway          |
| Public Waterbodies       | 500-yr Floodplain |

**LMRWD Watershed Location Map**





April 23, 2021 City Inspection Photographs



April 23, 2021 City Inspection Photographs





April 23, 2021 City Inspection Photographs



April 23, 2021 City Inspection Photographs





April 26, 2021 City Inspection Photographs



April 26, 2021 City Inspection Photographs





April 26, 2021 City Inspection Photographs

