LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting
Wednesday, July 16, 2025

Agenda Item
Item 6. B. - 2024 LMRWD Municipal Local Governmental Unit (LGU) Audit

Prepared By
Linda Loomis, Administrator

Summary
The LMRWD periodically reviews how municipalities are performing in relation to the requirements outlined in their LGU permits. The most recent evaluations focused on the cities of Carver and Burnsville. These assessments are conducted by Young Environmental Consulting Group on behalf of the LMRWD.

The findings are documented in two Technical Memorandums:

- The first memo outlines the overall evaluation process.
- The second memo provides city-specific results and is shared directly with the respective municipality.

Both are attached for the Board's information.

Attachments
- Technical Memorandum - 2024 LMRWD Municipal Local Governmental Unit (LGU) Audit dated July 9, 2025
- Technical Memorandum - 2024 LMRWD Municipal Local Governmental Unit (LGU) Permit Audit – City of Burnsville dated June 27, 2025

Recommended Action
No action recommended - for information only

Technical Memorandum

Young Environmental Consulting Group, LLC

To: Linda Loomis, Administrator
Will Lytle, PhD, Administrator
Lower Minnesota River Watershed District (LMRWD)

From: Rachel Kapsch, Water Resources Scientist
Della Schall Young, CPESC, PMP, CTF, Principal Scientist
Young Environmental Consulting Group, LLC (Young Environmental)

Date: July 9, 2025

Re: 2024 LMRWD Municipal Local Governmental Unit (LGU) Audit

In Quarter 1 (Q1) 2025, Young Environmental Consulting Group, LLC (Young Environmental), LMRWD's technical consultant and engineer, conducted an external audit of LMRWD municipal local governmental unit (LGU) permit holders. Pursuant to Rule A, the LMRWD reserves the right to conduct audits of LGU programs as they pertain to conformance with the LGU permit. The audit process, assessments and findings are presented below.

Young Environmental proposed to conduct audits of two LGU permit holders, the City of Burnsville and the City of Carver (Table 1). However, on March 18, 2025, the City of Carver confirmed that there were no projects permitted by the City within the LMRWD in 2024, making Carver exempt from LMRWD's 2024 LGU permit audit. Further details on the City of Carver's LGU permit will not be included as part of this memorandum.

Table 1. Municipalities included in 2024 Audit Cycle (Q1)

LGU Permit Holder	Issue Date	Applicable Rules
Burnsville	**May 11, 2023**	Rule B – Erosion and Sediment Control Rule D – Stormwater Management Rule F – Steep Slopes
Carver	**February 18, 2021**	Rule B – Erosion and Sediment Control Rule D – Stormwater Management Rule F – Steep Slopes

Process Overview

The LGU Permit audit consisted of the following four steps summarized below:

1. **Audit Kick-off Meeting:** LMRWD and Young Environmental hosted a meeting with representatives from the City of Burnsville and the City of Carver on February 21, 2025, to introduce the audit process, provide the audit schedule, and answer questions. The meeting summary is attached (Appendix A).

2. **Program Survey:** A survey was developed and shared with permittees to collect program-specific information. Responses allowed Young Environmental to understand the municipal implementation process and to compile inconsistencies and misunderstandings in how the LMRWD rules are being interpreted for future rule amendment considerations.
3. **Project Review:** LGU permittees were asked to submit two (2) projects triggering LMRWD Rule D – Stormwater Management, one submitted project was to be currently active (under construction or construction complete) and one was to be recently closed. Additionally, if the municipalities granted any variances, submission of those projects was also requested. Young Environmental reviewed the submitted projects.
4. **Field Inspection:** Young Environmental conducted a field inspection of the submitted projects to understand how the permittee implements and enforces the LMRWD rules during active construction and post-construction. Site inspections were conducted on May 28, 2025 (Quarter 2).

Assessment and Findings

Survey and Interviews

Young Environmental requested that municipalities complete and submit the survey by March 21, 2025. Survey results from the City of Burnsville as well as an individual municipal audit summary are incorporated as Appendix C. Young Environmental reviewed the survey and generated a list of clarifying questions, which were discussed at the LGU audit debrief meeting on April 7, 2025.

Project Reviews

For the LGU permit audit, the projects listed in **Table 2** were submitted for assessment. No LGU permit holder approved a variance in 2024.

Table 2. Projects Submitted by Municipalities for 2024 LMRWD Project Review Audit

LGU Permit Holder	Project Submitted	Rules Triggered
Burnsville	**GRD-24-4 (Black Dog Road)**	Rule B – Erosion and Sediment Control *Rule C – Floodplain and Drainage Alteration (Permitted by the LMRWD because the City of Burnsville has not obtained the ability to permit Rule C projects from the LMRWD)*
Burnsville	**GRD-24-7 (Hwy 13 W)**	Rule B – Erosion and Sediment Control Rule D – Stormwater Management
Carver	**Not applicable**	Not applicable

The City of Carver did not submit a project for review as they did not receive an application within the LMRWD boundary in 2024.

The City of Burnsville provided application materials necessary to conduct a complete review but did not provide the required executed maintenance agreement (Rule D 5.4.4) for the GRD-24-7 project. As presented and confirmed by Young Environmental, the GRD-24-4 project and the GRD-24-7 project submitted by the City of Burnsville generally comply with LGU permit requirements.

Field Inspection

For the LGU permit audit, Young Environmental inspected each submitted project on May 28, 2025. The results of the inspection are listed in **Table 3**. The completed inspection forms with site photos are attached to the City of Burnsville's individual debrief (Appendix C).

Table 3. Inspection Results for the 2024 LGU Permit Audit

City – Project	Construction Status	Violation Status	Violation Follow-Up
Burnsville - GRD-24-4 (Black Dog Road)	**Active**	Compliant	None
Burnsville - GRD-24-7 (Hwy 13 W)	**Active**	Non-Compliant	Permittee needs to replace inlet protection and downgradient perimeter controls for inlets receiving drainage from disturbed areas without permanent vegetation establishment (70% uniform perennial vegetative cover).

Based on the field inspection, the projects submitted by Burnsville vary in compliance. GRD-24-4 was found to be compliant, while GRD-24-7 has compliance issues that must be addressed.

The GRD-24-7 project submitted by the City of Burnsville is currently in violation of Rule D. The City of Burnsville has been made aware of the issue. As the site has an open permit with the City of Burnsville, continued inspection will occur. It is recommended that inspection frequency is increased from the current monthly basis (as described in the City of Burnsville's Audit Survey) until the project is brought into compliance with the permit and can be closed.

SUMMARY AND RECOMMENDATIONS

The LGU permit holder should be commended for maintaining a comprehensive permitting program, beginning with collecting most required materials per the LMRWD rules and concluding with engagement from multiple reviewers. Overall, the results from the survey and interview audit show diligence in the City of Burnsville's processes for plan review, permitting, and enforcement.

The following summary presents Young Environmental's findings as areas of excellence and opportunity to enhance either the District rules or a City's permitting program.

Areas of Excellence

- Flow charts with relevant reference materials are used by the City of Burnsville to assist applicants and clarify stormwater permitting processes.
- Inspections conducted by the City of Burnsville are performed or overseen by well-trained staff who have completed relevant coursework and certifications.
- The City of Burnsville uses OpenGov software to manage permits and inspections efficiently and transparently.
- Young Environmental actively updates the project review process and fee structure.

Areas of Opportunity

- It is recommended the City of Burnsville:
    - formalize a weekly inspection process to ensure consistent oversight of construction and stormwater practices;
    - consistently document verbal warnings to support enforcement actions and maintain clear records;
    - formalize a private best management practice (BMP) inspection schedule;
    - obtain an executed maintenance agreement before issuing a permit; and
    - obtain stormwater models (if applicable) in a form acceptable to the District.
- It is recommended that the LMRWD:
    - review the benefits and limitations of not requiring water quality modeling when volume retention requirements are not met through infiltration;
    - research the possibility of using variable length permits; and
    - conduct inspections in line with project construction rather than once a year during the summer.

Attachments

- Appendix A – LMRWD Municipal (LGU) Permit Audit Kick-off Meeting Summary
- Appendix B –Final LMRWD Municipal (LGU) Permit Audit Survey
- Appendix C – LMRWD Municipal (LGU) Permit Audit–City of Burnsville
- Appendix D – LMRWD Project List Spreadsheet

Meeting Agenda

Project Name: Lower Minnesota River Watershed District (LMRWD) Municipal (LGU) Permit Audit
Date: February 21, 2025
Time: 1:00-1:18 PM [CST]
Location: Virtual via Teams

MEETING OBJECTIVES:

- To initiate the LMRWD audit process as expressed in Rule A
- To provide information about the Municipal (LGU) Permit Audit Process
- To address initial questions for municipal partners

ATTENDEES: Walter Ehresmann – City of Burnsville
Aaron Schmidt and Bob Bean – Bolton & Menk, Inc. (City of Carver representatives)

HOSTS: Della Schall Young, Rachel Kapsch, and Ashley Weihs – Young Environmental Consulting Group, LLC (LMRWD representatives)

AGENDA:

1. **Welcome (Rachel Kapsch)**

2. **Introductions (All)**
   a. Walter Ehresmann – Engineering Specialist
   b. Aaron Schmidt – Serves as the Carver City Engineer
   c. Bob Bean – Serves as a Water Resources Engineer for the City of Carver

3. **Overview of the LGU Permit Audit Process (Rachel Kapsch and Ashley Weihs)**
   a. Projects for review
      a. City will be asked to provide 2 projects for independent review
         i. 1 active permitted project that triggers Rule D – Stormwater Management
         ii. 1 project recently closed that triggers Rule D – Stormwater Management
         iii. Any projects that have been granted a variance, if any have been granted since approval of LMRWD LGU Permit
   b. Program survey and interview of permitting personnel
      a. City will be asked to complete a comprehensive survey on their permitting program
   c. Field Inspection
      a. LMRWD will coordinate with City designated personnel to conduct a field inspection of the 1 active permitted project reviewed.
      b. City personnel are not required to be present
   d. Audit Conclusion/Debrief
      a. Depending on the findings, debrief meeting will be coordinated.
      b. Following completion of the program review, LMRWD will share our findings and recommendations with each city.

e. Action items and tentative schedule

Task	Completion Date	Responsible Party
Send out survey and request projects for review	After kick-off meeting	LMRWD
Return 2 projects with materials for review	2/28/2025	City
Field inspections	5/28/2025	LMRWD
Return completed survey	3/7/2025	City
Debrief meetings	3/17/2025 through 3/21/2025	City / LMRWD
Send audit debrief memos	6/27/2025	LMRWD

4. LMRWD will send a follow-up email with the following attachments:

a. LMRWD Municipal (LGU) Permit Audit – Project List Spreadsheet
b. LMRWD Municipal (LGU) Permit Audit – Project Survey Questions

5. Questions and Clarifications

a. Aaron Schmidt noted that there may not be any projects that were permitted in Carver. The 3rd Street Bridge project permitting and approval was completed by the LMRWD, and Carver did not have any other projects.
    a. There was a small road reconstruction project that was permitted through the Carver County Water Management Organization (CCWMO). Aaron will check if this project is within the LMRWD. If so, he will submit applicable materials for the audit process.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Young Environmental Consulting Group, LLC

Lower Minnesota River Watershed District Municipal (LGU) Permit Audit Survey Questions

City Name: _____ **Contributing Staff Name:** _____
Contact Name: _____ **Contributing Staff Name:** _____
Contact Email: _____ **Contributing Staff Name:** _____
Date: _____ **Contributing Staff Name:** _____
Contributing Staff Name: _____

Instructions: The Lower Minnesota Watershed District (LMRWD) Municipal/Local Government Unit (LGU) Permit Audit Survey Questions were developed to collect program-specific information from LGU permittees. This information will be used to inform the LGU permit audit process. Please fill out the following survey and answer all questions to the best of your ability. There may be more than one staff member needed to answer the questions sufficiently (please include their name(s) above). If you have any questions during completion of the survey, please reach out to LMRWD staff at permit@lowermnriverwd.org.

Permit Review Process

1. Please describe the overall project review process from receipt of an application to issuance of a permit for projects involving erosion control, stormwater, floodplain, and/or steep slope components. In addition to the review process, please include what staff/department(s) conduct reviews and how applications and permits are tracked.

2. Approximately how many erosion control/stormwater/floodplain/steep slopes permits were issued in 2024? (Only include permits that trigger LMRWD rules.)

3. Does the LGU have a permit review fee? Yes _____ No _____

4. What items are commonly missing from permit applications?

5. What parts of the permit application process seem to be most confusing to applicants?

6. What parts of the permit review process seem to be most confusing for reviewers?

7. Upon receipt of a permit application, how are permit reviews delegated to reviewers?

8. What actions are taken if an application is incomplete?

9. During review of a permit application, how is the review documented (e.g., standard checklist)? Describe the materials used to conduct a permit review.

10. Regarding recordkeeping, how long are permit records kept on file? Are they archived at a certain point?

11. Describe the process for approving a variance request.
    a. What information/exhibits are required as proof for need of a variance?
    b. Who is notified of a variance request? Are they given the opportunity to provide comment?
    c. How many variances did the LGU approved in 2024?

12. How are long-term stormwater Best Management Practices (BMP) operation and maintenance agreements recorded and tracked? How often are private post-construction stormwater BMPs inspected by LGU staff?

Permit Amendments

13. When is a permit amendment required for project changes? What information must be submitted?

Field Inspections

14. What LGU staff/department(s) are responsible for conducting project inspections?

15. Are all permitted projects inspected by LGU staff? If not, how does the LGU determine what projects do not require inspections?

16. How do inspectors prepare for their first inspection? Outline the process in detail below, including what materials and information is compiled for the inspection. How often is the checklist or procedure reviewed and revised? If a standard inspection checklist or standard operating procedure is used, please also provide a copy of it.

17. Schedule/Frequency
    a. How often are projects inspected?
    b. Are some projects prioritized for more frequent inspections?
    c. What conditions may warrant changes to the inspection frequency?

18. Training
    a. What type of training do inspectors receive if they are responsible for field inspections (e.g., University of Minnesota Erosion and Stormwater Management Construction Site Manager)?
    b. How often is training conducted?

19. Documentation
    a. What kind of report is generated as a result of the inspection? Does it detail all problems found at the site or does it document only that the inspection occurred?

b. Are findings from the inspection tracked in a central location or data management system?

Enforcement

20. Describe the LGU's overall approach to noncompliance and enforcement of the official controls, including enforcement mechanisms used to obtain compliance.
21. What are the most common construction and/or post-construction violations requiring enforcement actions?
22. Are verbal warnings documented?
23. Who follows up on enforcement actions?

Permit Closeout

24. How is the LGU notified a project is complete?
25. What information/exhibits are required to close out a permit?
26. Are field inspections completed by LGU staff before a permit is closed? Yes _____ No _____
27. What is the LGU process if required permit closeout information is not provided or if information is incorrect?

After-the-Fact Permits

28. How is the LGU informed of work without a permit?
29. Regarding after-the-fact permits for completed and incomplete work, is the process the same as regular permit review? Yes _____ No _____
30. If the process is different, please answer the following questions.
    a. What is the LGU process once informed about work completed without a permit?
    b. What information/exhibits are required to perform an after-the-fact permit review?
31. What is the LGU process if the work completed does not meet LGU standards?
32. When are after-the-fact permitted projects inspected?
    a. If the inspection process differs from normal project inspections, outline the inspection process below. If an inspection checklist is used that differs from that used for standard inspections, please also provide a copy of it.

33. Does the LGU utilize enforcement mechanisms for projects that start without a permit, and if so, what enforcement mechanism is used to obtain compliance?

Emergency Work

34. How is the LGU informed of emergency work and what activities qualify as emergency work?

35. What actions are taken once the LGU is informed about emergency work? If the review process differs from a regular permit review, briefly describe the process.

36. What is the LGU process if emergency work does not meet LGU standards?

37. Does the LGU inspect emergency work projects? If the inspection process differs from normal project inspections, outline the inspection process. Attach documentation if applicable.

Regulations

38. Have any LGU codes or ordinances changed since our last coordination meeting? Yes____No____
    a. If yes, please describe what prompted the updates or changes.
    b. If yes, please provide a copy of the revised code/ordinances for review.

39. Are any applicable LGU rules more stringent than the LMRWD rules? If yes, please describe.

Technical Memorandum

Young Environmental Consulting Group, LLC

To: Logan Vlasaty, City Engineer
Daryl Jacobson, Natural Resources Manager
Walter Ehresmann, Engineering Specialist
City of Burnsville

From: Rachel Kapsch, Water Resources Scientist
Della Schall Young, CPESC, PMP, CTF, Principal Scientist
Young Environmental Consulting Group, LLC

CC: Linda Loomis, Administrator
Will Lytle, PhD, Administrator
Lower Minnesota River Watershed District (LMRWD)

Date: June 27, 2025

Re: 2024 LMRWD Municipal Local Governmental Unit (LGU) Permit Audit – City of Burnsville

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The City of Burnsville was issued a municipal local government unit (LGU) permit in May 2023, granting it permission to perform actions as authorized by Permit Number 2023-M-02. Pursuant to Rule A, the LMRWD reserves the right to conduct audits of LGU programs as they pertain to conformance with the LGU permit. Young Environmental Consulting Group, LLC (Young Environmental), LMRWD's technical consultant and engineer, conducted an audit in 2025 for the 2024 permitting cycle. Audit processes, assessments, and findings are presented below.

Process Overview

The LGU Permit audit consisted of the following four steps summarized below:

1. **Audit Kick-off Meeting:** LMRWD and Young Environmental hosted a meeting with representatives from the City of Burnsville and the City of Carver on February 21, 2025, to introduce the audit process, provide the audit schedule, and answer questions. The meeting summary is attached (Appendix A).
2. **Program Survey:** A survey was developed and shared with permittees to collect program-specific information. Responses allowed Young Environmental to understand the municipal implementation process and to compile inconsistencies and misunderstandings in how the LMRWD rules are being interpreted for future rule amendment considerations.
3. **Project Review:** LGU permittees were asked to submit two (2) projects triggering LMRWD Rule D – Stormwater Management; one submitted project was to be currently active (under construction or construction complete) and one was to be recently closed. Additionally, if the municipalities granted

any variances, submission of those projects was also requested. Young Environmental reviewed the submitted projects.

4. Field Inspection: Young Environmental conducted a field inspection of the submitted projects to understand how the permittee implements and enforces the LMRWD rules during active construction and post-construction. Site inspections were conducted on May 28, 2025 (Quarter 2).

Assessment and Findings

Survey and Interviews

The City of Burnsville completed the survey on March 20, 2025, which is attached as Appendix B. Young Environmental reviewed the survey and generated a list of clarifying questions, which were considered during the debrief meeting held with the City on April 7, 2025. A summary of the LGU permit debrief meeting is also attached (Appendix C).

Project Reviews

The City of Burnsville submitted two projects within the LMRWD boundary that triggered LMRWD rules. No variances were granted. For assessment purposes, the City submitted the Altitude Properties (GRD-24-7) project and the Portland Line Abandonment (GRD-24-4) project (Figure 1).

Altitude Properties – Project Summary

The Altitude Properties project triggered Rule B (Erosion and Sediment Control) and Rule D (Stormwater Management). The project is considered active, with final establishment of perennial vegetation expected later in 2025. The project consisted of constructing a commercial building, a bituminous parking lot, a stormwater basin and other associated site improvements. As part of the project, 2.09 acres were disturbed, and 1.15 acres of new impervious surface were created. The LMRWD received the following documents for review:

- Approved Civil Set by Rehder & Associates, Inc; dated May 14, 2024.
- Geotechnical Exploration and Evaluation Report by GE Geoservices; dated August 14, 2024.
- Approved Stormwater Management Report by Rehder & Associates, Inc; dated June 24, 2024.
- LMRWD LGU Permit Audit—Project List by the City of Burnsville; dated March 5, 2025.

Following the debrief meeting, the City also provided the project's National Pollutant Discharge Elimination System (NPDES) permit coverage letter, a template stormwater maintenance and easement agreement for the filtration basin, and as-built drawings. An executed maintenance agreement was not submitted as the property was sold prior to final execution of the agreement.

Portland Line Abandonment – Project Summary

The Portland Line Abandonment project triggered Rule B (Erosion and Sediment Control) and Rule C (Floodplain and Drainage Alteration). Rule C was permitted by the LMRWD (LMRWD Permit No. 2023-026), as the City of Burnsville has not obtained an LGU permit for this rule. The project is considered active, with final establishment of perennial vegetation expected in 2025. The

LMRWD received the following documents for review:

- Site Plan – Grading Permit by CenterPoint Energy; dated November 29, 2023.
- Cover Letter – Grading Permit by CenterPoint Energy; dated July 23, 2024.
- Grading Permit by CenterPoint Energy; dated July 23, 2024.
- Federal Emergency Management Agency (FEMA) No-Rise Certificate by the State of Minnesota; dated November 27, 2023.
- LMRWD LGU Permit Audit—Project List by the City of Burnsville; dated March 5, 2025.

During the debrief meeting, LMRWD requested additional information on the site's erosion and sediment control measures. Following the debrief meeting, the City submitted photos of the site's temporary perimeter control measures, but they were unable to locate more detailed erosion and sediment control plans.

Rule B (Erosion and Sediment Control) Compliance

Rule B regulates land-disturbing activities that affect one or more acres, with more stringent requirements applying within high-value resource areas (HVRAs). Within HVRAs, any land-disturbing activities causing 5,000 square feet or more of disturbance, or the excavation of 50 cubic yards, are subject to Rule B requirements.

- The Altitude Properties project disturbed approximately 2.09 acres within the LMRWD boundary. The City provided the project's grading, drainage and erosion control plan, stormwater management plan, and NPDES permit coverage letter. The project complies with Rule B, as confirmed by Young Environmental.
- The Portland Line Abandonment project disturbed approximately 111.7 cubic yards within an HVRA of the LMRWD. The City provided the project's site plans with erosion and sediment control specifications, and a cover letter. The project complies with Rule B, as confirmed by Young Environmental.

Rule D (Stormwater Management) Compliance

Rule D regulates land-disturbing activities that create new or reconstructed impervious areas greater than one acre. The Portland Line Abandonment project does not trigger LMRWD Rule D and, therefore, will not be discussed further in this section.

For the Altitude Properties project, the applicant submitted a stormwater management report (produced by Rehder & Associates, Inc.) demonstrating that the proposed filtration basin is an acceptable alternative to an infiltration best management practice (BMP) that will decrease runoff rates and reduce pollutant loading to stormwater. To demonstrate no net increase in total phosphorus (TP) and total suspended solids (TSS) to receiving waterbodies compared to existing conditions, the applicant submitted screenshots of P8 modeling within their stormwater management report. The model shows a decrease in both constituents.

The project submitted by the City of Burnsville generally complies with LGU Permit requirements, as confirmed by Young Environmental. Prior to issuing a permit, the LMRWD would require documentation of an executed maintenance agreement (Rule D 5.4.4).

5.4.1 Rate Control

The LMRWD requires that stormwater runoff rates from development, redevelopment, and drainage alterations do not exceed the existing runoff rates for the 1 or 2-year, 10-year, and 100-year 24-hour events. The table below presents existing and proposed rates for the Altitude Properties project, reflecting their compliance with LMRWD requirements:

Storm Event	Existing Rate (cubic feet per second)	Proposed Rate (cubic feet per second)
2-year	1.0	0.4
10-year	4.3	4.2
100-year	15.6	10.1

5.4.2 Volume Reduction

Section 5.4.2 of LMRWD Rule D states, "Filtration technologies are an acceptable alternative for types C and D soils and other sites where infiltration is infeasible given the criteria in section 5.4.2.C". The Altitude Properties site is located within a Drinking Water Supply Management Area and, thus, infiltration is prohibited (5.4.2C (vii)). Additionally, the site is located within the City of Burnsville Drinking Water Protection Overlay in which infiltration is prohibited. Filtration was used as an alternative for the Altitude Properties project.

The Altitude Properties project proposed construction of an iron-enhanced filtration basin with an impermeable liner to meet LMRWD and NPDES stormwater management requirements. Per LMRWD Rule D, Section 5.4.5, "At sites where infiltration is infeasible, an applicant must comply with the NPDES General Construction Permit, issued by the Minnesota Pollution Control Agency (MPCA), August 1, 2018, as amended". The City of Burnsville Design Standards also require any alternative measures incorporated to comply with the NPDES Permit and Minnesota Stormwater Manual. Section 17 of the NPDES General Construction Permit outlines design and performance requirements for filtration basins as presented below. The Altitude Properties meets all NPDES requirements for filtration basins:

- **17.2: Filtration options include but are not limited to: sand filters with underdrains, biofiltration areas, swales using underdrains with impermeable check dams and underground sand filters. If permittees utilize a filtration system to meet the permanent stormwater treatment requirements of this permit, they must comply with items 17.3 through 17.11.**
    - Altitude Properties basin is included within these options.
- **17.3: Permittees must not install filter media until they construct and fully stabilize the contributing drainage area unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the filtration area**
    - Audit inspection was performed after installation of filter media. Therefore, compliance with this subpart is unknown but assumed as compliant.
- **17.4: Permittees must design filtration systems to remove at least 80 percent of TSS**
    - P8 modeling provided reflects that the filtration basin will remove 91.7% of TSS.

- **17.5: Permittees must use a pretreatment device**
    - Detail 4 of Page C5 illustrates the project's use of InfraSafe inlets, an example of a water quality inlet, ultimately satisfying this requirement.
- **17.6: Permittees must design filtration systems to treat a water quality volume (calculated as an instantaneous volume) of one (1) inch of runoff, or one (1) inch minus the volume of stormwater treated by another system on the site, from the net increase of impervious surfaces created by the project.**
    - Required: $1.15\ acres\ x\ \frac{1.0}{12\ inch/ft} = 0.095$ acre − feet (or 4,138 cubic feet)
    - Provided: 4,840 cubic feet
- **17.7: Permittees must design the filtration system to discharge all stormwater (including stormwater in excess of the water quality volume) routed to the system through the uppermost soil surface or engineered media surface within 48 hours. Additional flows that the system cannot filter within 48 hours must bypass the system or discharge through an emergency overflow.**
    - The modeling results indicate a drawdown time of 48 hours for the Altitude Properties filtration basin; however, this drawdown was not directly observed in the field.
- **17.8: Permittees must design the filtration system to provide a means to visually verify the system is discharging through the soil surface or filter media within 48 hours**
    - Young Environmental staff were able to visually verify the system was functioning as designed while on site (not retaining water).
- **17.9: Permittees must employ appropriate on-site testing to ensure a minimum of three (3) feet of separation between the seasonally saturated soils (or from bedrock) and the bottom of the proposed filtration system**
    - A geotechnical report was produced as part of the project (Geotechnical Exploration & Evaluation Report by GS Geoservices, 2024). Seasonally saturated soils and groundwater were not encountered during this study.
- **17.10: Permittees must ensure that filtration systems with less than three (3) feet of separation between seasonally saturated soils or from bedrock are constructed with an impermeable liner.**
    - A geotechnical report was produced as part of the project. Seasonally saturated soils and groundwater were not encountered during this study. Despite this, an impermeable liner was proposed as part of the filtration basin.
- **17.11: The permittees must design a maintenance access, typically eight (8) feet wide, for the filtration system**
    - The filtration system is easily accessed from the right-of-way.

5.4.3 Water Quality

Regarding water quality, projects that create one (1) acre or more of new impervious shall have no net increase from existing conditions in TP or TSS to receiving waterbodies. According to P8 modeling submitted, the Altitude Properties basin will reduce TP by 76.9% and TSS by 91.7%, ultimately complying with LMRWD requirements.

Field Inspection

Young Environmental conducted field inspections of both projects (GRD-24-7 and GRD-24-4) on May 28, 2025. The site inspections occurred the day after a small rainfall (0.11 inches of precipitation as recorded at the Minneapolis-St. Paul International Airport station [MN US USW00014922]). Both inspected sites are considered active.

Altitude Properties

The site has not reached final stabilization (70% or greater uniform perennial vegetative cover). According to onsite staff, hydraulic mulch was applied on all unestablished surfaces throughout the site approximately three weeks prior to the inspection date. Some temporary BMPs (sediment control logs) remained in place while others (inlet protection) had been removed. Protection for inlets receiving drainage from the completed bituminous parking lot is no longer required as contributing drainage areas have been stabilized. Inlets receiving drainage from unestablished areas require inlet protection until the contributing drainage area has achieved 70% or greater uniform perennial vegetative cover (or alternative cover). An inlet located on the southwest corner of the parking lot no longer had inlet protection, and the sediment log holding back sediment washout from the adjacent hillslope was out of place, allowing sediment to enter the catch basin. Inlet protection must be added and the sediment log moved to bring this area of the Altitude Properties site back into compliance with LMRWD Rule B.

All impervious areas have been constructed as proposed and appear maintained. Additionally, stormwater treatment facilities (filtration basin) appear to be functioning as designed.

The completed inspection form is included as Appendix D. Based on the field inspection, the project is not in compliance with LMRWD rules.

Portland Line Abandonment

The site has not reached final stabilization. All temporary perimeter controls have been removed, but grasses and vegetation surrounding the disturbed areas are dense, ultimately providing natural perimeter control. Additionally, erosion control blankets are still in place throughout the site, providing temporary cover.

There is no evidence of erosion or sedimentation throughout the site. There are no water resources directly adjacent to the disturbed area. The combination of erosion control blankets and dense vegetation provides ample water and natural resource protection.

The completed inspection form is included as Appendix E. Based on the field inspection, the project complies with LMRWD rules.

SUMMARY AND RECOMMENDATIONS

The City should be commended for maintaining a comprehensive permitting program beginning with the collection of most required materials per the LGU permit and concluding with engagement from multiple reviewers. Overall, the results from the survey and interview audit show diligence in the City's process for plan review, permitting, and enforcement.

The summary below presents Young Environmental's findings as areas of excellence and opportunities to enhance either the LMRWD's rules or the City permitting program.

Areas of Excellence

- Flow charts with relevant reference materials are used by the City of Burnsville to assist applicants and clarify stormwater permitting processes.
- Inspections conducted by the City of Burnsville are performed or overseen by well-trained staff who have completed relevant coursework and certifications.
- The City of Burnsville uses OpenGov software to manage permits and inspections efficiently and transparently.

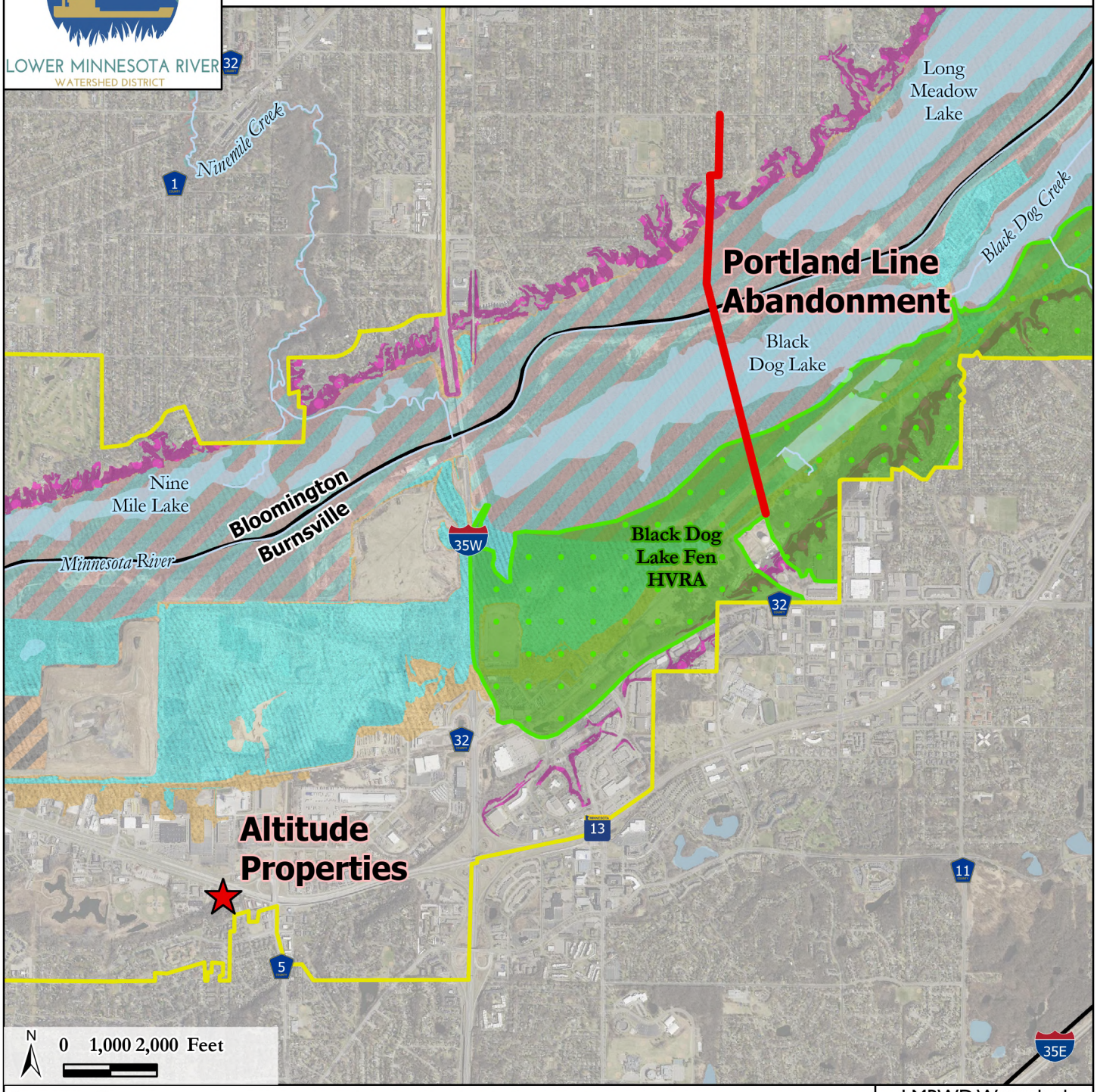
Areas of Opportunity

- It is recommended the City of Burnsville formalize a weekly inspection process to ensure consistent oversight of construction and stormwater practices.
- It is recommended the City of Burnsville consistently document verbal warnings to support enforcement actions and maintain clear records.
- It is recommended the City of Burnsville formalize a private BMP inspection schedule.
- It is required that the City of Burnsville obtain an executed maintenance agreement before issuing a permit.
- It is recommended that the City of Burnsville obtain stormwater models (if applicable) in a form acceptable to the District.

Attachments

- Figure 1 – Burnsville LGU Project Audit
- Appendix A – LMRWD Municipal (LGU) Permit Audit Kickoff Meeting Summary
- Appendix B –LMRWD Municipal (LGU) Permit Audit Survey – Burnsville
- Appendix C – LMRWD Municipal (LGU) Permit Audit Debrief Meeting Summary – Burnsville
- Appendix D – LMRWD Field Inspection Report – Altitude Properties
- Appendix E – LMRWD Field Inspection Report – Portland Line Abandonment

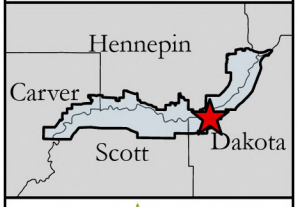
Burnsville LGU Project Audit



Legend

- Project Location
- Project Location
- LMRWD Boundary
- Public Waters
- Public Waterbodies
- High Value Resource Area
- Steep Slope Overlay District
- 100-yr Floodplain
- 500-yr Floodplain
- Floodway
- Levee Floodplain Area

LMRWD Watershed Location Map



Young Environmental Consulting Group, LLC

Projects\LMRWD\Municipal Oversight\GIS Maps

Meeting Agenda

Project Name: Lower Minnesota River Watershed District (LMRWD) Municipal (LGU) Permit Audit
Date: February 21, 2025
Time: 1:00-1:18 PM [CST]
Location: Virtual via Teams

MEETING OBJECTIVES:

- To initiate the LMRWD audit process as expressed in Rule A
- To provide information about the Municipal (LGU) Permit Audit Process
- To address initial questions for municipal partners

ATTENDEES: Walter Ehresmann – City of Burnsville
Aaron Schmidt and Bob Bean – Bolton & Menk, Inc. (City of Carver representatives)

HOSTS: Della Schall Young, Rachel Kapsch, and Ashley Weihs – Young Environmental Consulting Group, LLC (LMRWD representatives)

AGENDA:

1. **Welcome (Rachel Kapsch)**

2. **Introductions (All)**
   a. Walter Ehresmann – Engineering Specialist
   b. Aaron Schmidt – Serves as the Carver City Engineer
   c. Bob Bean – Serves as a Water Resources Engineer for the City of Carver

3. **Overview of the LGU Permit Audit Process (Rachel Kapsch and Ashley Weihs)**
   a. Projects for review
      a. City will be asked to provide 2 projects for independent review
         i. 1 active permitted project that triggers Rule D – Stormwater Management
         ii. 1 project recently closed that triggers Rule D – Stormwater Management
         iii. Any projects that have been granted a variance, if any have been granted since approval of LMRWD LGU Permit
   b. Program survey and interview of permitting personnel
      a. City will be asked to complete a comprehensive survey on their permitting program
   c. Field Inspection
      a. LMRWD will coordinate with City designated personnel to conduct a field inspection of the 1 active permitted project reviewed.
      b. City personnel are not required to be present
   d. Audit Conclusion/Debrief
      a. Depending on the findings, debrief meeting will be coordinated.
      b. Following completion of the program review, LMRWD will share our findings and recommendations with each city.

e. Action items and tentative schedule

Task	Completion Date	Responsible Party
Send out survey and request projects for review	After kick-off meeting	LMRWD
Return 2 projects with materials for review	2/28/2025	City
Field inspections	5/28/2025	LMRWD
Return completed survey	3/7/2025	City
Debrief meetings	3/17/2025 through 3/21/2025	City / LMRWD
Send audit debrief memos	6/27/2025	LMRWD

4. LMRWD will send a follow-up email with the following attachments:

a. LMRWD Municipal (LGU) Permit Audit – Project List Spreadsheet
b. LMRWD Municipal (LGU) Permit Audit – Project Survey Questions

5. Questions and Clarifications

a. Aaron Schmidt noted that there may not be any projects that were permitted in Carver. The 3rd Street Bridge project permitting and approval was completed by the LMRWD, and Carver did not have any other projects.
    a. There was a small road reconstruction project that was permitted through the Carver County Water Management Organization (CCWMO). Aaron will check if this project is within the LMRWD. If so, he will submit applicable materials for the audit process.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Young Environmental Consulting Group, LLC

Lower Minnesota River Watershed District Municipal (LGU) Permit Audit Survey Questions

City Name: City of Burnsville
Contact Name: Logan Vlasaty
Contact Email: logan.vlasaty@burnsvillemn.gov
Date: 3/19/2025

Contributing Staff Name: Walter Ehresmann
Contributing Staff Name:
Contributing Staff Name:
Contributing Staff Name:
Contributing Staff Name:

Instructions: The Lower Minnesota Watershed District (LMRWD) Municipal/Local Government Unit (LGU) Permit Audit Survey Questions were developed to collect program-specific information from LGU permittees. This information will be used to inform the LGU permit audit process. Please fill out the following survey and answer all questions to the best of your ability. There may be more than one staff member needed to answer the questions sufficiently (please include their name(s) above). If you have any questions during completion of the survey, please reach out to LMRWD staff at permit@lowermnriverwd.org.

Permit Review Process

1. Please describe the overall project review process from receipt of an application to issuance of a permit for projects involving erosion control, stormwater, floodplain, and/or steep slope components. In addition to the review process, please include what staff/department(s) conduct reviews and how applications and permits are tracked.

   Applications for any development or excavation project are submitted through a software called OpenGov which is administered by our Community Development staff. Special features such as watershed district, steep slope areas,

2. Approximately how many erosion control/stormwater/floodplain/steep slopes permits were issued in 2024? (Only include permits that trigger LMRWD rules.)

   Two

3. Does the LGU have a permit review fee? Yes X No ____

4. What items are commonly missing from permit applications?

   The City's planning staff do a good job of ensuring applications have complete information being routing them for review, so by the time it gets to engineering review it is rare that any information is missing.

5. What parts of the permit application process seem to be most confusing to applicants?

   I can't answer that very well.

6. What parts of the permit review process seem to be most confusing for reviewers?

   I'm not aware of any issues.

7. Upon receipt of a permit application, how are permit reviews delegated to reviewers?

   Automatically, depending on the triggers determined by the planning staff that do the application intake. Keep in mind that all development related projects are permitted through OpenGov, so the LMRWD requirements may be met by a number

8. What actions are taken if an application is incomplete?

   staff reach out to the applicant to let them know that their application is incomplete, and what additional information is needed

9. During review of a permit application, how is the review documented (e.g., standard checklist)? Describe the materials used to conduct a permit review.

   Engineering uses a mixture of checklists and flowcharts with links to relevant reference material, such as City Code or LMRWD rules. Approvals and comments are tracked online.

10. Regarding recordkeeping, how long are permit records kept on file? Are they archived at a certain point?

At this time, the records will be kept indefinitely.

11. Describe the process for approving a variance request.
    a. What information/exhibits are required as proof for need of a variance?

    I'm not sure what this question is regarding. A variance to watershed requirements? We have not done this before and

    b. Who is notified of a variance request? Are they given the opportunity to provide comment?

    c. How many variances did the LGU approved in 2024?

    0

12. How are long-term stormwater Best Management Practices (BMP) operation and maintenance agreements recorded and tracked? How often are private post-construction stormwater BMPs inspected by LGU staff?

They are filed into our records keeping software called Laserfiche. Private stormwater BMPs are inspected as issues come up or if our annual review of pond effectiveness identifies a private pond that would benefit from maintenance.

Permit Amendments

13. When is a permit amendment required for project changes? What information must be submitted?

We have not done this, but we would treat it similarly to a new permit application and if the changes required additional BMPs or other elements then that would trigger a review from the previous reviewers. The revised plans would be

Field Inspections

14. What LGU staff/department(s) are responsible for conducting project inspections?

Engineering

15. Are all permitted projects inspected by LGU staff? If not, how does the LGU determine what projects do not require inspections?

Everything that has site work outside of a building would trigger LGU staff inspection from engineering. If the work if fully internal to a building, then no engineering review or inspection would be triggered.

16. How do inspectors prepare for their first inspection? Outline the process in detail below, including what materials and information is compiled for the inspection. How often is the checklist or procedure reviewed and revised? If a standard inspection checklist or standard operating procedure is used, please also provide a copy of it.

attached is what we provide our seasonal staff when they perform inspections

17. Schedule/Frequency
    a. How often are projects inspected?

    Our Goal is weekly inspections with the addition of summer intern help.

    b. Are some projects prioritized for more frequent inspections?

    yes - areas with slopes, areas adjacent to water bodies, areas with active excavation, etc.

    c. What conditions may warrant changes to the inspection frequency?

    Adjacent to high impact areas, multiple issues noted, complaints

18. Training
    a. What type of training do inspectors receive if they are responsible for field inspections (e.g., University of Minnesota Erosion and Stormwater Management Construction Site Manager)?

    Full time staff has U of M Erosion and Stormwater Construction Site Management

    b. How often is training conducted?

    3 years as required to maintain certification

19. Documentation
    a. What kind of report is generated as a result of the inspection? Does it detail all problems found at the site or does it document only that the inspection occurred?

    Contacts receive an email showing an inspection was performed along with a general synopsis. They can log into our s

b. Are findings from the inspection tracked in a central location or data management system?

Enforcement

20. Describe the LGU's overall approach to noncompliance and enforcement of the official controls, including enforcement mechanisms used to obtain compliance.

Tools to obtain compliance include, failed inspection notice, utilizing escrows to complete work, pause in all building inspections, and stop work orders.

21. What are the most common construction and/or post-construction violations requiring enforcement actions?

sediment tracking and failing perimeter control tend to be the common violations.

22. Are verbal warnings documented?

Not consistenty...but have been documented in our OpenGov system as a "Partial" or correction notice.

23. Who follows up on enforcement actions?

City Staff

Permit Closeout

24. How is the LGU notified a project is complete?

the applicant will request a final inspection in order to release their erosion control escrow/security

25. What information/exhibits are required to close out a permit?

primarily a field inspection and maintenance schedule/agreement for any BMPs that require it

26. Are field inspections completed by LGU staff before a permit is closed? Yes X No _____

27. What is the LGU process if required permit closeout information is not provided or if information is incorrect?

continue to hold erosion control security

After-the-Fact Permits

28. How is the LGU informed of work without a permit?

most commonly would be if a utility locate ticket is requested but there is no permit

29. Regarding after-the-fact permits for completed and incomplete work, is the process the same as regular permit review? Yes _____ No X

30. If the process is different, please answer the following questions.
    a. What is the LGU process once informed about work completed without a permit?

    generally there is an increased fee

    b. What information/exhibits are required to perform an after-the-fact permit review?

    generally the same information is needed so that we have sufficient records of what was done

31. What is the LGU process if the work completed does not meet LGU standards?

we would likely need to issue an administrative citation if the owner/contractor is not willing to work on corrective actions

32. When are after-the-fact permitted projects inspected?

as soon as we are notified, and then once any final establishment is done

    a. If the inspection process differs from normal project inspections, outline the inspection process below. If an inspection checklist is used that differs from that used for standard inspections, please also provide a copy of it.

    same checklist

33. Does the LGU utilize enforcement mechanisms for projects that start without a permit, and if so, what enforcement mechanism is used to obtain compliance?

administrative citation and stop work orders would be the first steps

Emergency Work

34. How is the LGU informed of emergency work and what activities qualify as emergency work?

emergency work would only be for utility repairs, in my experience

35. What actions are taken once the LGU is informed about emergency work? If the review process differs from a regular permit review, briefly describe the process.

36. What is the LGU process if emergency work does not meet LGU standards?

37. Does the LGU inspect emergency work projects? If the inspection process differs from normal project inspections, outline the inspection process. Attach documentation if applicable.

Regulations

38. Have any LGU codes or ordinances changed since our last coordination meeting? Yes____ No X___
    a. If yes, please describe what prompted the updates or changes.
    b. If yes, please provide a copy of the revised code/ordinances for review.

39. Are any applicable LGU rules more stringent than the LMRWD rules? If yes, please describe.

our volume control trigger is 5,000 sq ft of new impervious

Meeting Summary

Project Name: Lower Minnesota River Watershed District (LMRWD) Municipal/Local Government Unit (LGU) Permit Audit
Date: April 7, 2025
Time: 3:30-4:09 PM [CST]
Location: Virtual via Teams

MEETING OBJECTIVES:

- To debrief Municipal (LGU) Permit audit findings and provide recommendations
- To address areas of excellence and areas of opportunity
- To discuss next steps and future deliverables

INVITEES: Walter Ehresmann, Logan Vlasaty~~, and Daryl Jacobson~~ – City of Burnsville

Linda Loomis – Lower Minnesota River Watershed District (LMRWD)

Della Schall Young, Rachel Kapsch, and Ashley Weihs – Young Environmental Consulting Group (Young Environmental)

AGENDA:

1. **Welcome (Rachel Kapsch)**

2. **Audit Process Review (Rachel)**

   - Were there any challenges you (City of Burnsville) faced while completing the audit process?
     - The number of questions in the survey is cumbersome, especially because many of the answers to the questions are situation-specific and the City did not have relevant examples to provide.
       - For example, emergency and after-the-fact permitting are situations the City has not encountered.
     - Permits related to private work are routed through OpenGov, meaning that project permitting within the watershed may be lumped into a City grading permit. Hard to convey how the City meets watershed-specific requirements when there is not a watershed-specific permit in the OpenGov system.
   - How can LMRWD improve our audit process to make it more approachable for the City staff in the future?
     - Less questions on the survey.

3. **Discuss LGU Audit Findings (Ashley Weihs)**

   - GRD-24-4 (Portland Line Abandonment)
     - Materials Submitted: Grading Permit, CenterPoint Energy (CPE) cover letter, FEMA No-Rise Certificate, and Site Plans

- Rule B – Erosion and Sediment Control
  - Applicant wrote "BMPs to be installed as needed based upon field conditions" and did not include temporary erosion and sediment control (ESC) in their plan set.
    - Is this sufficient? Were additional materials submitted for ESC?
      - The City remembers that the plans for this project were vague. Logan will look through project materials to try and find more detailed ESC plans.
        - Scope of the project was very small (two small pits dug on flat ground), which may be why their plans were less detailed.
      - CenterPoint has completed numerous pipeline projects throughout Burnsville. They are efficient and responsive regarding ESC inspections and monitoring.
  - Do you require applicants to describe decompaction efforts in their ESC plans or SWPPP?
    - Burnsville does not require applicants to describe decompaction efforts.

- GRD-24-7 (Altitude Properties)
  - Materials Submitted: Civil Set, Geotechnical Report, Stormwater Management Plan
  - Rule B – Erosion and Sediment Control
    - Do you follow up with applicants regarding submitting National Pollutant Discharge Elimination System (NPDES) coverage letters/permits?
      - LMRWD Rule B, Section 3.5.2(h)
        - This is a condition of Burnsville's permit approval. The City asks that applicants upload it into OpenGov. If a NPDES permit is not in the OpenGov system, Burnsville will follow up with the applicant.
  - What is your equivalent to the following statement (LMRWD Rule B, section 3.5.1(f)):
    - Designation of an individual who will remain liable to the District for performance under this Rule from the time the permitted activities commence until vegetative cover is established and the District has certified satisfaction with erosion and sediment control requirements.
      - Unless an applicant specifically names an alternate representative in their permit application, the designated individual would be the permit applicant and, ultimately, the property owner. If the City has performed corrective action at a project site, the property owner would be responsible for any associated cost.

- How do you verify authorized agents (representatives of property owners acting on their behalf)?
  - This would be completed during permit intake by the building department (engineering department is not directly involved with permit intake). Logan will ask the building department if there is a specific procedure that they follow or if it is built into OpenGov.
- Rule D – Stormwater Management
  - HydroCAD report provided. Rate control and volume reduction requirements met.
  - Are maintenance agreements for best management practices (BMPs) required as part of permit application?
    - Yes, any permanent BMPs have stormwater maintenance agreements.

4. Questions and Clarifications (Rachel)

- Survey
  - Can you please provide LMRWD with a flow chart that is linked to reference material?
  - An inspection checklist was provided, but training for seasonal inspectors was not detailed.
    - Do seasonal staff receive the same training as full-time staff (University of Minnesota course)?
      - Seasonal staff are directed/supervised by experienced staff members. Walter onboards seasonal staff and familiarizes them with project sites before they are allowed to inspect on their own.
  - Burnsville has written that their goal is weekly inspections for project sites. LMRWD Rule B 3.4.4 requires weekly inspections.
    - How often is Burnsville conducting inspections currently? Is bandwidth an issue?
      - When seasonal staff are hired, the City exceeds the weekly inspection requirements. However, full-time staff bandwidth for the remainder of the year is a barrier.
        - If a site is found noncompliant, staff increase inspection frequency.
        - If a site is fairly compliant and the conditions are dry, performing a weekly inspection is not prioritized.
  - Would you like assistance from LMRWD to make verbal warnings more consistent?
    - The software package (NEOGOV) is the largest barrier. The software cannot assign pre-determined enforcement actions for specific noncompliance items observed; meaning, individual inspectors determined enforcement procedures for noncompliance items. This led to inconsistencies in the enforcement actions for varying noncompliance items.

        - The City has not looked into resolving this yet. The software has been tweaked as much as it can be to fit ESC inspection needs. The cost to make an ESC-specific NEOGOV inspection would be too large for the City to realistically implement.
    - How diligent are permittees in requesting a final inspection? Do you often have sites where permittees will not follow up on the inspection and leave their permit open?
        - Permittees are diligent because of escrow funds. Generally, permittees are inclined to get escrows released.
        - If so, how do you close out the permit? What are your enforcement mechanisms?
            - City has not dealt with this previously.
                - Hanging escrows cause an alert for the financial department. The financial department pings the engineering department, and engineering follows up with permittee. This cycle repeats until the escrow is released to the permittee.
    - A field inspection and maintenance schedule/agreement are cited as the information needed to close out a permit.
        - Are record drawings for BMPs also required and reviewed by City staff?
            - As-builts are required and are housed in a GIS database. Applicants either submit through OpenGov or email directly to Logan.
    - Could you please provide more information on procedures for addressing emergency work? (35-37 on survey)
        - Not a situation the City has encountered. Illicit discharges (outside of LMRWD) have been addressed through code enforcement.
    - Have any LGU codes or ordinances changed since our last coordination meeting? (38 on survey)
        - No. Last update was approximately two years ago.

5. **Recommendations (Rachel and Ashley)**

- Areas of opportunity:
    - The projects submitted are inspected either monthly or only once. The City cited that it is their goal to perform weekly inspections, therefore formalizing a weekly inspection process is an area for potential growth.
    - Consistency with documenting verbal warnings.
    - Developing a formalized schedule for inspecting private stormwater BMPs post-construction.
    - It is recommended that the LMRWD review the benefits and limitations of not requiring water quality modeling when volume retention requirements are met through infiltration.
    - It is recommended the LMRWD research the possibility of using variable length permits.

    - It is recommended that the LMRWD conduct inspections in line with project construction rather than once a year during the summer.
- Areas of excellence:
    - Use of flow charts with links to relevant reference materials during the application review process.
    - City and LMRWD inspections are conducted by well-trained staff who have taken relevant courses from the University of Minnesota. Oversight is performed by knowledgeable professionals.
    - Use of OpenGov software to easily assign permit types and reviewers for each project and to provide applicants with real time feedback on review/approval and inspection results.
    - Young Environmental actively updates the project review process and inefficiencies or issues arise.

6. Discuss Next Steps (Ashley)

- Inspection: May 28, 2025
    - Follow up email with inspection information will be sent closer to inspection date.
- Debrief memo: June 27, 2025
    - City-specific memo will be sent to Burnsville representatives.
- Questions?
    - City asked for update on 35W project permit status. LMRWD notified City that a permit was issued on April 1, 2025 (LMRWD Permit No. 2023-025).

2024 Project Inspections

Submitted by: Deyoung03

Submitted time: May 28, 2025, 12:59:31 PM

Project Name

Burnsville LGU audit

Permit Number

2205 highway 13 west

Date & Time

May 28, 2025, 10:53:00 AM

Inspector

Rachel Kapsch

Weather Conditions

Overcast light rain

Date of Last Rainfall

May 27, 2025

Construction Status

Completed

Soils stabilized with 70% density perennial vegetative cover?

No

Permanent stormwater management system is operating as designed?

Yes

All sediment removed from stormwater basin and conveyances (i.e. pipes)?

Yes

All temporary erosion prevention and sediment control BMPs removed?

No

Does proposed cut/fill/compensatory storage look like what was proposed on the plans?

N/A

Do impervious areas in the construction plans match those seen in the field?

Yes

Do stormwater management facilities look like what was proposed?

Yes

Do emergency overflow areas look like what was proposed?

Yes

Do outlet control structures look like what was proposed?

Yes

Is there any erosion around stormwater BMPs?

No

Notes

Hydromulch installed in thick layer adjacent to frontage road and pond. Evidence of rainfall moving hydromulch on back of property. All inlet protection removed. Sparse vegetation throughout. Significant growth on north side of pond. Hydroseeding roughly three weeks ago.

Photos

2024 Project Inspections

Submitted by: Deyoung03

Submitted time: May 28, 2025, 12:59:17 PM

Project Name

Burnsville LGU Audit

Permit Number

2023-026

Date & Time

May 28, 2025, 9:57:00 AM

Inspector

Rachel Kapsch

Weather Conditions

Overcast

Date of Last Rainfall

May 27, 2025

Other Person(s) Interviewed or Onsite

NA

Construction Status

Completed

Soils stabilized with 70% density perennial vegetative cover?

No

Permanent stormwater management system is operating as designed?

N/A

All sediment removed from stormwater basin and conveyances (i.e. pipes)?

N/A

All temporary erosion prevention and sediment control BMPs removed?

Yes

Does proposed cut/fill/compensatory storage look like what was proposed on the plans?

N/A

Do impervious areas in the construction plans match those seen in the field?

N/A

Do stormwater management facilities look like what was proposed?

N/A

Do emergency overflow areas look like what was proposed?

N/A

Do outlet control structures look like what was proposed?

N/A

Is there any erosion around stormwater BMPs?

N/A

Notes

Mapped BMPs indicated but not specified so any erosion control has since been removed.

Photos

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Lower Minnesota River Watershed District (LMRWD) Municipal/Local Government Unit (LGU) Permit Audit—Project List Instructions

For the project review, the LMRWD will review two projects.

Project Review Requirements:

1) Must be in the LMRWD
2) Permit issued after LGU permit was received
2) Provide projects that trigger at a minimum, Rule D
3) If you've issued a variance since the beginning of your LGU Permit, provide one project with a variance.

KEY	
Project Description	
Category	**Description**
Project No.	Provide the project permit number used to identify the permitted project.
Project Name	Provide the project name used to identify the permitted project.
Date Application Received	Provide the date that the initial project application was received
Date Permit Issued	Provide the date that the project permit was issued
Project Inspection Frequency	Provide how often the project is inspected (yearly, monthly, weekly, after rain events, etc..)
Date of Most Recent Project Inspection	Provide the date of the most recent project inspection
Project Closed Date	Provide the date the project permit was closed
Address	Provide the project address.
Area Disturbed	Provide the total area disturbed by the project in acres or square feet.
New/Reconstructed Impervious Area	Provide the total new and reconstructed impervious area created by the project in acres or square feet.
Variance	
Was a variance granted for this project?	If a variance was granted for the project, indicate yes. If not, indicate no.
LMRWD Rule Triggered	
Rule B, Rule C, Rule D, Rule F	Indicate yes, if a rule was triggered and no, if a rule was not triggered
In HVRA (Y/N)	
Category	**Description**
In HVRA (Y/N)	If project is located within or drains to an HVRA, indicate yes. If project is not located in and does not drain to an HVRA, indicate no.
If yes, what HVRA?	If project is located within or drains to an HVRA, indicate which HVRA the project is associated with.
Floodplain	
Category	**Description**
Located in a Floodplain? (Y/N)	If project is located within the floodplain of a public water, indicate yes. If project is not located within the floodplain of a public water, indicate no.
Steep Slopes Overlay District (SSOD)	
Category	**Description**
Located in or Drains to a Steep Slopes Overlay District? (Y/N)	If project is located within or drains to the SSOD, indicate yes. If project is not located in and does not drain to the SSOD, indicate no.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

LMRWD Municipal (LGU) Permit Audit—Project List

Project Description										*Variance*	*LMRWD Rule Triggered*				*HVRA Information*		*Floodplain*	*Steep Slopes*
Project No.	Project Name	Date Application Received	Date Permit Issued	Project Inspection Frequency	Date of Most Recent Project Inspection	Project Closed Date	Address	Area Disturbed	New/Reconstructed Impervious Area	Was a Variance Granted for the Project? Y/N	Rule B-Erosion & Sediment Control Y/N	Rule C-Floodplain & Drainage Alteration Y/N	Rule D-Stormwater Management Y/N	Rule F-Steep Slopes Y/N	In HVRA? (Y/N)	If yes, what HVRA?	Located in a Floodplain? Y/N	Located in or Drains to a Steep Slopes Overlay District? Y/N

Technical Memorandum

Young Environmental Consulting Group, LLC

To: Logan Vlasaty, City Engineer
Daryl Jacobson, Natural Resources Manager
Walter Ehresmann, Engineering Specialist
City of Burnsville

From: Rachel Kapsch, Water Resources Scientist
Della Schall Young, CPESC, PMP, CTF, Principal Scientist
Young Environmental Consulting Group, LLC

CC: Linda Loomis, Administrator
Will Lytle, PhD, Administrator
Lower Minnesota River Watershed District (LMRWD)

Date: June 27, 2025

Re: 2024 LMRWD Municipal Local Governmental Unit (LGU) Permit Audit – City of Burnsville

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The City of Burnsville was issued a municipal local government unit (LGU) permit in May 2023, granting it permission to perform actions as authorized by Permit Number 2023-M-02. Pursuant to Rule A, the LMRWD reserves the right to conduct audits of LGU programs as they pertain to conformance with the LGU permit. Young Environmental Consulting Group, LLC (Young Environmental), LMRWD's technical consultant and engineer, conducted an audit in 2025 for the 2024 permitting cycle. Audit processes, assessments, and findings are presented below.

Process Overview

The LGU Permit audit consisted of the following four steps summarized below:

1. **Audit Kick-off Meeting:** LMRWD and Young Environmental hosted a meeting with representatives from the City of Burnsville and the City of Carver on February 21, 2025, to introduce the audit process, provide the audit schedule, and answer questions. The meeting summary is attached (Appendix A).
2. **Program Survey:** A survey was developed and shared with permittees to collect program-specific information. Responses allowed Young Environmental to understand the municipal implementation process and to compile inconsistencies and misunderstandings in how the LMRWD rules are being interpreted for future rule amendment considerations.
3. **Project Review:** LGU permittees were asked to submit two (2) projects triggering LMRWD Rule D – Stormwater Management; one submitted project was to be currently active (under construction or construction complete) and one was to be recently closed. Additionally, if the municipalities granted

any variances, submission of those projects was also requested. Young Environmental reviewed the submitted projects.

4. Field Inspection: Young Environmental conducted a field inspection of the submitted projects to understand how the permittee implements and enforces the LMRWD rules during active construction and post-construction. Site inspections were conducted on May 28, 2025 (Quarter 2).

Assessment and Findings

Survey and Interviews

The City of Burnsville completed the survey on March 20, 2025, which is attached as Appendix B. Young Environmental reviewed the survey and generated a list of clarifying questions, which were considered during the debrief meeting held with the City on April 7, 2025. A summary of the LGU permit debrief meeting is also attached (Appendix C).

Project Reviews

The City of Burnsville submitted two projects within the LMRWD boundary that triggered LMRWD rules. No variances were granted. For assessment purposes, the City submitted the Altitude Properties (GRD-24-7) project and the Portland Line Abandonment (GRD-24-4) project (Figure 1).

Altitude Properties – Project Summary

The Altitude Properties project triggered Rule B (Erosion and Sediment Control) and Rule D (Stormwater Management). The project is considered active, with final establishment of perennial vegetation expected later in 2025. The project consisted of constructing a commercial building, a bituminous parking lot, a stormwater basin and other associated site improvements. As part of the project, 2.09 acres were disturbed, and 1.15 acres of new impervious surface were created. The LMRWD received the following documents for review:

- Approved Civil Set by Rehder & Associates, Inc; dated May 14, 2024.
- Geotechnical Exploration and Evaluation Report by GE Geoservices; dated August 14, 2024.
- Approved Stormwater Management Report by Rehder & Associates, Inc; dated June 24, 2024.
- LMRWD LGU Permit Audit—Project List by the City of Burnsville; dated March 5, 2025.

Following the debrief meeting, the City also provided the project's National Pollutant Discharge Elimination System (NPDES) permit coverage letter, a template stormwater maintenance and easement agreement for the filtration basin, and as-built drawings. An executed maintenance agreement was not submitted as the property was sold prior to final execution of the agreement.

Portland Line Abandonment – Project Summary

The Portland Line Abandonment project triggered Rule B (Erosion and Sediment Control) and Rule C (Floodplain and Drainage Alteration). Rule C was permitted by the LMRWD (LMRWD Permit No. 2023-026), as the City of Burnsville has not obtained an LGU permit for this rule. The project is considered active, with final establishment of perennial vegetation expected in 2025. The

LMRWD received the following documents for review:

- Site Plan – Grading Permit by CenterPoint Energy; dated November 29, 2023.
- Cover Letter – Grading Permit by CenterPoint Energy; dated July 23, 2024.
- Grading Permit by CenterPoint Energy; dated July 23, 2024.
- Federal Emergency Management Agency (FEMA) No-Rise Certificate by the State of Minnesota; dated November 27, 2023.
- LMRWD LGU Permit Audit—Project List by the City of Burnsville; dated March 5, 2025.

During the debrief meeting, LMRWD requested additional information on the site's erosion and sediment control measures. Following the debrief meeting, the City submitted photos of the site's temporary perimeter control measures, but they were unable to locate more detailed erosion and sediment control plans.

Rule B (Erosion and Sediment Control) Compliance

Rule B regulates land-disturbing activities that affect one or more acres, with more stringent requirements applying within high-value resource areas (HVRAs). Within HVRAs, any land-disturbing activities causing 5,000 square feet or more of disturbance, or the excavation of 50 cubic yards, are subject to Rule B requirements.

- The Altitude Properties project disturbed approximately 2.09 acres within the LMRWD boundary. The City provided the project's grading, drainage and erosion control plan, stormwater management plan, and NPDES permit coverage letter. The project complies with Rule B, as confirmed by Young Environmental.
- The Portland Line Abandonment project disturbed approximately 111.7 cubic yards within an HVRA of the LMRWD. The City provided the project's site plans with erosion and sediment control specifications, and a cover letter. The project complies with Rule B, as confirmed by Young Environmental.

Rule D (Stormwater Management) Compliance

Rule D regulates land-disturbing activities that create new or reconstructed impervious areas greater than one acre. The Portland Line Abandonment project does not trigger LMRWD Rule D and, therefore, will not be discussed further in this section.

For the Altitude Properties project, the applicant submitted a stormwater management report (produced by Rehder & Associates, Inc.) demonstrating that the proposed filtration basin is an acceptable alternative to an infiltration best management practice (BMP) that will decrease runoff rates and reduce pollutant loading to stormwater. To demonstrate no net increase in total phosphorus (TP) and total suspended solids (TSS) to receiving waterbodies compared to existing conditions, the applicant submitted screenshots of P8 modeling within their stormwater management report. The model shows a decrease in both constituents.

The project submitted by the City of Burnsville generally complies with LGU Permit requirements, as confirmed by Young Environmental. Prior to issuing a permit, the LMRWD would require documentation of an executed maintenance agreement (Rule D 5.4.4).

5.4.1 Rate Control

The LMRWD requires that stormwater runoff rates from development, redevelopment, and drainage alterations do not exceed the existing runoff rates for the 1 or 2-year, 10-year, and 100-year 24-hour events. The table below presents existing and proposed rates for the Altitude Properties project, reflecting their compliance with LMRWD requirements:

Storm Event	Existing Rate (cubic feet per second)	Proposed Rate (cubic feet per second)
2-year	1.0	0.4
10-year	4.3	4.2
100-year	15.6	10.1

5.4.2 Volume Reduction

Section 5.4.2 of LMRWD Rule D states, "Filtration technologies are an acceptable alternative for types C and D soils and other sites where infiltration is infeasible given the criteria in section 5.4.2.C". The Altitude Properties site is located within a Drinking Water Supply Management Area and, thus, infiltration is prohibited (5.4.2C (vii)). Additionally, the site is located within the City of Burnsville Drinking Water Protection Overlay in which infiltration is prohibited. Filtration was used as an alternative for the Altitude Properties project.

The Altitude Properties project proposed construction of an iron-enhanced filtration basin with an impermeable liner to meet LMRWD and NPDES stormwater management requirements. Per LMRWD Rule D, Section 5.4.5, "At sites where infiltration is infeasible, an applicant must comply with the NPDES General Construction Permit, issued by the Minnesota Pollution Control Agency (MPCA), August 1, 2018, as amended". The City of Burnsville Design Standards also require any alternative measures incorporated to comply with the NPDES Permit and Minnesota Stormwater Manual. Section 17 of the NPDES General Construction Permit outlines design and performance requirements for filtration basins as presented below. The Altitude Properties meets all NPDES requirements for filtration basins:

- **17.2: Filtration options include but are not limited to: sand filters with underdrains, biofiltration areas, swales using underdrains with impermeable check dams and underground sand filters. If permittees utilize a filtration system to meet the permanent stormwater treatment requirements of this permit, they must comply with items 17.3 through 17.11.**
    - Altitude Properties basin is included within these options.
- **17.3: Permittees must not install filter media until they construct and fully stabilize the contributing drainage area unless they provide rigorous erosion prevention and sediment controls (e.g., diversion berms) to keep sediment and runoff completely away from the filtration area**
    - Audit inspection was performed after installation of filter media. Therefore, compliance with this subpart is unknown but assumed as compliant.
- **17.4: Permittees must design filtration systems to remove at least 80 percent of TSS**
    - P8 modeling provided reflects that the filtration basin will remove 91.7% of TSS.

- **17.5: Permittees must use a pretreatment device**
    - Detail 4 of Page C5 illustrates the project's use of InfraSafe inlets, an example of a water quality inlet, ultimately satisfying this requirement.
- **17.6: Permittees must design filtration systems to treat a water quality volume (calculated as an instantaneous volume) of one (1) inch of runoff, or one (1) inch minus the volume of stormwater treated by another system on the site, from the net increase of impervious surfaces created by the project.**
    - Required: $1.15\ acres\ x\ \frac{1.0}{12\ inch/ft} = 0.095$ acre − feet (or 4,138 cubic feet)
    - Provided: 4,840 cubic feet
- **17.7: Permittees must design the filtration system to discharge all stormwater (including stormwater in excess of the water quality volume) routed to the system through the uppermost soil surface or engineered media surface within 48 hours. Additional flows that the system cannot filter within 48 hours must bypass the system or discharge through an emergency overflow.**
    - The modeling results indicate a drawdown time of 48 hours for the Altitude Properties filtration basin; however, this drawdown was not directly observed in the field.
- **17.8: Permittees must design the filtration system to provide a means to visually verify the system is discharging through the soil surface or filter media within 48 hours**
    - Young Environmental staff were able to visually verify the system was functioning as designed while on site (not retaining water).
- **17.9: Permittees must employ appropriate on-site testing to ensure a minimum of three (3) feet of separation between the seasonally saturated soils (or from bedrock) and the bottom of the proposed filtration system**
    - A geotechnical report was produced as part of the project (Geotechnical Exploration & Evaluation Report by GS Geoservices, 2024). Seasonally saturated soils and groundwater were not encountered during this study.
- **17.10: Permittees must ensure that filtration systems with less than three (3) feet of separation between seasonally saturated soils or from bedrock are constructed with an impermeable liner.**
    - A geotechnical report was produced as part of the project. Seasonally saturated soils and groundwater were not encountered during this study. Despite this, an impermeable liner was proposed as part of the filtration basin.
- **17.11: The permittees must design a maintenance access, typically eight (8) feet wide, for the filtration system**
    - The filtration system is easily accessed from the right-of-way.

5.4.3 Water Quality

Regarding water quality, projects that create one (1) acre or more of new impervious shall have no net increase from existing conditions in TP or TSS to receiving waterbodies. According to P8 modeling submitted, the Altitude Properties basin will reduce TP by 76.9% and TSS by 91.7%, ultimately complying with LMRWD requirements.

Field Inspection

Young Environmental conducted field inspections of both projects (GRD-24-7 and GRD-24-4) on May 28, 2025. The site inspections occurred the day after a small rainfall (0.11 inches of precipitation as recorded at the Minneapolis-St. Paul International Airport station [MN US USW00014922]). Both inspected sites are considered active.

Altitude Properties

The site has not reached final stabilization (70% or greater uniform perennial vegetative cover). According to onsite staff, hydraulic mulch was applied on all unestablished surfaces throughout the site approximately three weeks prior to the inspection date. Some temporary BMPs (sediment control logs) remained in place while others (inlet protection) had been removed. Protection for inlets receiving drainage from the completed bituminous parking lot is no longer required as contributing drainage areas have been stabilized. Inlets receiving drainage from unestablished areas require inlet protection until the contributing drainage area has achieved 70% or greater uniform perennial vegetative cover (or alternative cover). An inlet located on the southwest corner of the parking lot no longer had inlet protection, and the sediment log holding back sediment washout from the adjacent hillslope was out of place, allowing sediment to enter the catch basin. Inlet protection must be added and the sediment log moved to bring this area of the Altitude Properties site back into compliance with LMRWD Rule B.

All impervious areas have been constructed as proposed and appear maintained. Additionally, stormwater treatment facilities (filtration basin) appear to be functioning as designed.

The completed inspection form is included as Appendix D. Based on the field inspection, the project is not in compliance with LMRWD rules.

Portland Line Abandonment

The site has not reached final stabilization. All temporary perimeter controls have been removed, but grasses and vegetation surrounding the disturbed areas are dense, ultimately providing natural perimeter control. Additionally, erosion control blankets are still in place throughout the site, providing temporary cover.

There is no evidence of erosion or sedimentation throughout the site. There are no water resources directly adjacent to the disturbed area. The combination of erosion control blankets and dense vegetation provides ample water and natural resource protection.

The completed inspection form is included as Appendix E. Based on the field inspection, the project complies with LMRWD rules.

SUMMARY AND RECOMMENDATIONS

The City should be commended for maintaining a comprehensive permitting program beginning with the collection of most required materials per the LGU permit and concluding with engagement from multiple reviewers. Overall, the results from the survey and interview audit show diligence in the City's process for plan review, permitting, and enforcement.

The summary below presents Young Environmental's findings as areas of excellence and opportunities to enhance either the LMRWD's rules or the City permitting program.

Areas of Excellence

- Flow charts with relevant reference materials are used by the City of Burnsville to assist applicants and clarify stormwater permitting processes.
- Inspections conducted by the City of Burnsville are performed or overseen by well-trained staff who have completed relevant coursework and certifications.
- The City of Burnsville uses OpenGov software to manage permits and inspections efficiently and transparently.

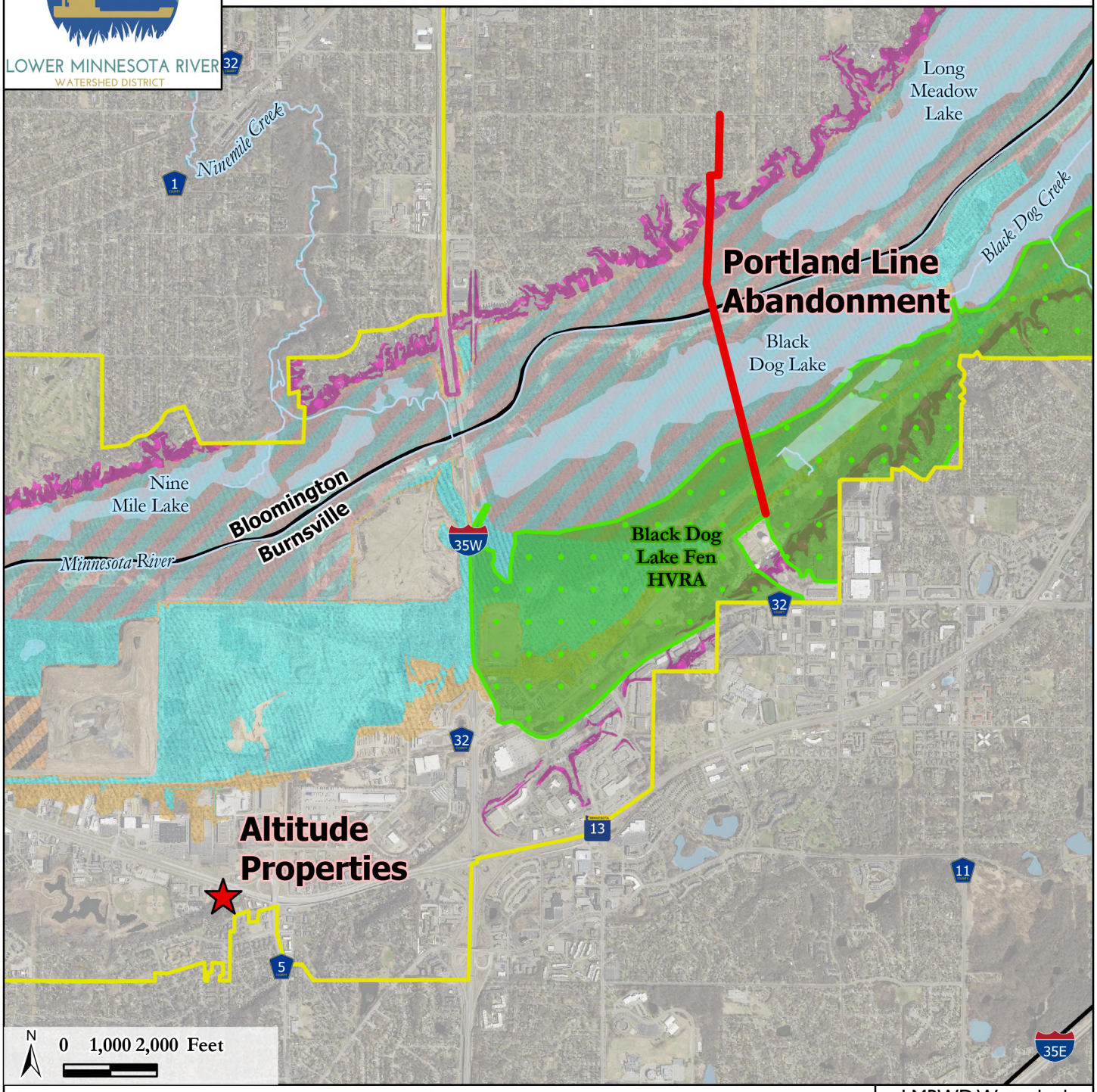
Areas of Opportunity

- It is recommended the City of Burnsville formalize a weekly inspection process to ensure consistent oversight of construction and stormwater practices.
- It is recommended the City of Burnsville consistently document verbal warnings to support enforcement actions and maintain clear records.
- It is recommended the City of Burnsville formalize a private BMP inspection schedule.
- It is required that the City of Burnsville obtain an executed maintenance agreement before issuing a permit.
- It is recommended that the City of Burnsville obtain stormwater models (if applicable) in a form acceptable to the District.

Attachments

- Figure 1 – Burnsville LGU Project Audit
- Appendix A – LMRWD Municipal (LGU) Permit Audit Kickoff Meeting Summary
- Appendix B –LMRWD Municipal (LGU) Permit Audit Survey – Burnsville
- Appendix C – LMRWD Municipal (LGU) Permit Audit Debrief Meeting Summary – Burnsville
- Appendix D – LMRWD Field Inspection Report – Altitude Properties
- Appendix E – LMRWD Field Inspection Report – Portland Line Abandonment

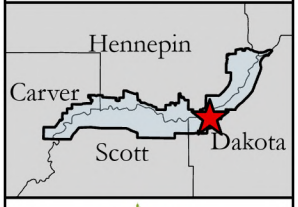
Burnsville LGU Project Audit



Legend

- Project Location
- Project Location
- LMRWD Boundary
- Public Waters
- Public Waterbodies
- High Value Resource Area
- Steep Slope Overlay District
- 100-yr Floodplain
- 500-yr Floodplain
- Floodway
- Levee Floodplain Area

LMRWD Watershed Location Map



Young Environmental Consulting Group, LLC

Projects\LMRWD\Municipal Oversight\GIS Maps

Meeting Agenda

Project Name: Lower Minnesota River Watershed District (LMRWD) Municipal (LGU) Permit Audit
Date: February 21, 2025
Time: 1:00-1:18 PM [CST]
Location: Virtual via Teams

MEETING OBJECTIVES:

- To initiate the LMRWD audit process as expressed in Rule A
- To provide information about the Municipal (LGU) Permit Audit Process
- To address initial questions for municipal partners

ATTENDEES: Walter Ehresmann – City of Burnsville
Aaron Schmidt and Bob Bean – Bolton & Menk, Inc. (City of Carver representatives)

HOSTS: Della Schall Young, Rachel Kapsch, and Ashley Weihs – Young Environmental Consulting Group, LLC (LMRWD representatives)

AGENDA:

1. **Welcome (Rachel Kapsch)**

2. **Introductions (All)**
   a. Walter Ehresmann – Engineering Specialist
   b. Aaron Schmidt – Serves as the Carver City Engineer
   c. Bob Bean – Serves as a Water Resources Engineer for the City of Carver

3. **Overview of the LGU Permit Audit Process (Rachel Kapsch and Ashley Weihs)**
   a. Projects for review
      a. City will be asked to provide 2 projects for independent review
         i. 1 active permitted project that triggers Rule D – Stormwater Management
         ii. 1 project recently closed that triggers Rule D – Stormwater Management
         iii. Any projects that have been granted a variance, if any have been granted since approval of LMRWD LGU Permit
   b. Program survey and interview of permitting personnel
      a. City will be asked to complete a comprehensive survey on their permitting program
   c. Field Inspection
      a. LMRWD will coordinate with City designated personnel to conduct a field inspection of the 1 active permitted project reviewed.
      b. City personnel are not required to be present
   d. Audit Conclusion/Debrief
      a. Depending on the findings, debrief meeting will be coordinated.
      b. Following completion of the program review, LMRWD will share our findings and recommendations with each city.

e. Action items and tentative schedule

Task	Completion Date	Responsible Party
Send out survey and request projects for review	After kick-off meeting	LMRWD
Return 2 projects with materials for review	2/28/2025	City
Field inspections	5/28/2025	LMRWD
Return completed survey	3/7/2025	City
Debrief meetings	3/17/2025 through 3/21/2025	City / LMRWD
Send audit debrief memos	6/27/2025	LMRWD

4. LMRWD will send a follow-up email with the following attachments:

a. LMRWD Municipal (LGU) Permit Audit – Project List Spreadsheet
b. LMRWD Municipal (LGU) Permit Audit – Project Survey Questions

5. Questions and Clarifications

a. Aaron Schmidt noted that there may not be any projects that were permitted in Carver. The 3rd Street Bridge project permitting and approval was completed by the LMRWD, and Carver did not have any other projects.
    a. There was a small road reconstruction project that was permitted through the Carver County Water Management Organization (CCWMO). Aaron will check if this project is within the LMRWD. If so, he will submit applicable materials for the audit process.

LOWER MINNESOTA RIVER
WATERSHED DISTRICT

Young Environmental Consulting Group, LLC

Lower Minnesota River Watershed District Municipal (LGU) Permit Audit Survey Questions

City Name: _____ **Contributing Staff Name:** _____
Contact Name: _____ **Contributing Staff Name:** _____
Contact Email: _____ **Contributing Staff Name:** _____
Date: _____ **Contributing Staff Name:** _____
Contributing Staff Name: _____

Instructions: The Lower Minnesota Watershed District (LMRWD) Municipal/Local Government Unit (LGU) Permit Audit Survey Questions were developed to collect program-specific information from LGU permittees. This information will be used to inform the LGU permit audit process. Please fill out the following survey and answer all questions to the best of your ability. There may be more than one staff member needed to answer the questions sufficiently (please include their name(s) above). If you have any questions during completion of the survey, please reach out to LMRWD staff at permit@lowermnriverwd.org.

Permit Review Process

1. Please describe the overall project review process from receipt of an application to issuance of a permit for projects involving erosion control, stormwater, floodplain, and/or steep slope components. In addition to the review process, please include what staff/department(s) conduct reviews and how applications and permits are tracked.

2. Approximately how many erosion control/stormwater/floodplain/steep slopes permits were issued in 2024? (Only include permits that trigger LMRWD rules.)

3. Does the LGU have a permit review fee? Yes _____ No _____

4. What items are commonly missing from permit applications?

5. What parts of the permit application process seem to be most confusing to applicants?

6. What parts of the permit review process seem to be most confusing for reviewers?

7. Upon receipt of a permit application, how are permit reviews delegated to reviewers?

8. What actions are taken if an application is incomplete?

9. During review of a permit application, how is the review documented (e.g., standard checklist)? Describe the materials used to conduct a permit review.

10. Regarding recordkeeping, how long are permit records kept on file? Are they archived at a certain point?

11. Describe the process for approving a variance request.
    a. What information/exhibits are required as proof for need of a variance?
    b. Who is notified of a variance request? Are they given the opportunity to provide comment?
    c. How many variances did the LGU approved in 2024?

12. How are long-term stormwater Best Management Practices (BMP) operation and maintenance agreements recorded and tracked? How often are private post-construction stormwater BMPs inspected by LGU staff?

Permit Amendments

13. When is a permit amendment required for project changes? What information must be submitted?

Field Inspections

14. What LGU staff/department(s) are responsible for conducting project inspections?

15. Are all permitted projects inspected by LGU staff? If not, how does the LGU determine what projects do not require inspections?

16. How do inspectors prepare for their first inspection? Outline the process in detail below, including what materials and information is compiled for the inspection. How often is the checklist or procedure reviewed and revised? If a standard inspection checklist or standard operating procedure is used, please also provide a copy of it.

17. Schedule/Frequency
    a. How often are projects inspected?
    b. Are some projects prioritized for more frequent inspections?
    c. What conditions may warrant changes to the inspection frequency?

18. Training
    a. What type of training do inspectors receive if they are responsible for field inspections (e.g., University of Minnesota Erosion and Stormwater Management Construction Site Manager)?
    b. How often is training conducted?

19. Documentation
    a. What kind of report is generated as a result of the inspection? Does it detail all problems found at the site or does it document only that the inspection occurred?

b. Are findings from the inspection tracked in a central location or data management system?

Enforcement

20. Describe the LGU's overall approach to noncompliance and enforcement of the official controls, including enforcement mechanisms used to obtain compliance.
21. What are the most common construction and/or post-construction violations requiring enforcement actions?
22. Are verbal warnings documented?
23. Who follows up on enforcement actions?

Permit Closeout

24. How is the LGU notified a project is complete?
25. What information/exhibits are required to close out a permit?
26. Are field inspections completed by LGU staff before a permit is closed? Yes _____ No _____
27. What is the LGU process if required permit closeout information is not provided or if information is incorrect?

After-the-Fact Permits

28. How is the LGU informed of work without a permit?
29. Regarding after-the-fact permits for completed and incomplete work, is the process the same as regular permit review? Yes _____ No _____
30. If the process is different, please answer the following questions.
    a. What is the LGU process once informed about work completed without a permit?
    b. What information/exhibits are required to perform an after-the-fact permit review?
31. What is the LGU process if the work completed does not meet LGU standards?
32. When are after-the-fact permitted projects inspected?
    a. If the inspection process differs from normal project inspections, outline the inspection process below. If an inspection checklist is used that differs from that used for standard inspections, please also provide a copy of it.

33. Does the LGU utilize enforcement mechanisms for projects that start without a permit, and if so, what enforcement mechanism is used to obtain compliance?

Emergency Work

34. How is the LGU informed of emergency work and what activities qualify as emergency work?

35. What actions are taken once the LGU is informed about emergency work? If the review process differs from a regular permit review, briefly describe the process.

36. What is the LGU process if emergency work does not meet LGU standards?

37. Does the LGU inspect emergency work projects? If the inspection process differs from normal project inspections, outline the inspection process. Attach documentation if applicable.

Regulations

38. Have any LGU codes or ordinances changed since our last coordination meeting? Yes____No____
    a. If yes, please describe what prompted the updates or changes.
    b. If yes, please provide a copy of the revised code/ordinances for review.

39. Are any applicable LGU rules more stringent than the LMRWD rules? If yes, please describe.

Meeting Summary

Project Name: Lower Minnesota River Watershed District (LMRWD) Municipal/Local Government Unit (LGU) Permit Audit
Date: April 7, 2025
Time: 3:30-4:09 PM [CST]
Location: Virtual via Teams

MEETING OBJECTIVES:

- To debrief Municipal (LGU) Permit audit findings and provide recommendations
- To address areas of excellence and areas of opportunity
- To discuss next steps and future deliverables

INVITEES: Walter Ehresmann, Logan Vlasaty~~, and Daryl Jacobson~~ – City of Burnsville

Linda Loomis – Lower Minnesota River Watershed District (LMRWD)

Della Schall Young, Rachel Kapsch, and Ashley Weihs – Young Environmental Consulting Group (Young Environmental)

AGENDA:

1. **Welcome (Rachel Kapsch)**

2. **Audit Process Review (Rachel)**

   - Were there any challenges you (City of Burnsville) faced while completing the audit process?
     - The number of questions in the survey is cumbersome, especially because many of the answers to the questions are situation-specific and the City did not have relevant examples to provide.
       - For example, emergency and after-the-fact permitting are situations the City has not encountered.
     - Permits related to private work are routed through OpenGov, meaning that project permitting within the watershed may be lumped into a City grading permit. Hard to convey how the City meets watershed-specific requirements when there is not a watershed-specific permit in the OpenGov system.
   - How can LMRWD improve our audit process to make it more approachable for the City staff in the future?
     - Less questions on the survey.

3. **Discuss LGU Audit Findings (Ashley Weihs)**

   - GRD-24-4 (Portland Line Abandonment)
     - Materials Submitted: Grading Permit, CenterPoint Energy (CPE) cover letter, FEMA No-Rise Certificate, and Site Plans

- Rule B – Erosion and Sediment Control
  - Applicant wrote "BMPs to be installed as needed based upon field conditions" and did not include temporary erosion and sediment control (ESC) in their plan set.
    - Is this sufficient? Were additional materials submitted for ESC?
      - The City remembers that the plans for this project were vague. Logan will look through project materials to try and find more detailed ESC plans.
        - Scope of the project was very small (two small pits dug on flat ground), which may be why their plans were less detailed.
      - CenterPoint has completed numerous pipeline projects throughout Burnsville. They are efficient and responsive regarding ESC inspections and monitoring.
  - Do you require applicants to describe decompaction efforts in their ESC plans or SWPPP?
    - Burnsville does not require applicants to describe decompaction efforts.

- GRD-24-7 (Altitude Properties)
  - Materials Submitted: Civil Set, Geotechnical Report, Stormwater Management Plan
  - Rule B – Erosion and Sediment Control
    - Do you follow up with applicants regarding submitting National Pollutant Discharge Elimination System (NPDES) coverage letters/permits?
      - LMRWD Rule B, Section 3.5.2(h)
        - This is a condition of Burnsville's permit approval. The City asks that applicants upload it into OpenGov. If a NPDES permit is not in the OpenGov system, Burnsville will follow up with the applicant.
  - What is your equivalent to the following statement (LMRWD Rule B, section 3.5.1(f)):
    - Designation of an individual who will remain liable to the District for performance under this Rule from the time the permitted activities commence until vegetative cover is established and the District has certified satisfaction with erosion and sediment control requirements.
      - Unless an applicant specifically names an alternate representative in their permit application, the designated individual would be the permit applicant and, ultimately, the property owner. If the City has performed corrective action at a project site, the property owner would be responsible for any associated cost.

- How do you verify authorized agents (representatives of property owners acting on their behalf)?
  - This would be completed during permit intake by the building department (engineering department is not directly involved with permit intake). Logan will ask the building department if there is a specific procedure that they follow or if it is built into OpenGov.
- Rule D – Stormwater Management
  - HydroCAD report provided. Rate control and volume reduction requirements met.
  - Are maintenance agreements for best management practices (BMPs) required as part of permit application?
    - Yes, any permanent BMPs have stormwater maintenance agreements.

4. Questions and Clarifications (Rachel)

- Survey
  - Can you please provide LMRWD with a flow chart that is linked to reference material?
  - An inspection checklist was provided, but training for seasonal inspectors was not detailed.
    - Do seasonal staff receive the same training as full-time staff (University of Minnesota course)?
      - Seasonal staff are directed/supervised by experienced staff members. Walter onboards seasonal staff and familiarizes them with project sites before they are allowed to inspect on their own.
  - Burnsville has written that their goal is weekly inspections for project sites. LMRWD Rule B 3.4.4 requires weekly inspections.
    - How often is Burnsville conducting inspections currently? Is bandwidth an issue?
      - When seasonal staff are hired, the City exceeds the weekly inspection requirements. However, full-time staff bandwidth for the remainder of the year is a barrier.
        - If a site is found noncompliant, staff increase inspection frequency.
        - If a site is fairly compliant and the conditions are dry, performing a weekly inspection is not prioritized.
  - Would you like assistance from LMRWD to make verbal warnings more consistent?
    - The software package (NEOGOV) is the largest barrier. The software cannot assign pre-determined enforcement actions for specific noncompliance items observed; meaning, individual inspectors determined enforcement procedures for noncompliance items. This led to inconsistencies in the enforcement actions for varying noncompliance items.

        - The City has not looked into resolving this yet. The software has been tweaked as much as it can be to fit ESC inspection needs. The cost to make an ESC-specific NEOGOV inspection would be too large for the City to realistically implement.
    - How diligent are permittees in requesting a final inspection? Do you often have sites where permittees will not follow up on the inspection and leave their permit open?
        - Permittees are diligent because of escrow funds. Generally, permittees are inclined to get escrows released.
        - If so, how do you close out the permit? What are your enforcement mechanisms?
            - City has not dealt with this previously.
                - Hanging escrows cause an alert for the financial department. The financial department pings the engineering department, and engineering follows up with permittee. This cycle repeats until the escrow is released to the permittee.
    - A field inspection and maintenance schedule/agreement are cited as the information needed to close out a permit.
        - Are record drawings for BMPs also required and reviewed by City staff?
            - As-builts are required and are housed in a GIS database. Applicants either submit through OpenGov or email directly to Logan.
    - Could you please provide more information on procedures for addressing emergency work? (35-37 on survey)
        - Not a situation the City has encountered. Illicit discharges (outside of LMRWD) have been addressed through code enforcement.
    - Have any LGU codes or ordinances changed since our last coordination meeting? (38 on survey)
        - No. Last update was approximately two years ago.

5. **Recommendations (Rachel and Ashley)**

- Areas of opportunity:
    - The projects submitted are inspected either monthly or only once. The City cited that it is their goal to perform weekly inspections, therefore formalizing a weekly inspection process is an area for potential growth.
    - Consistency with documenting verbal warnings.
    - Developing a formalized schedule for inspecting private stormwater BMPs post-construction.
    - It is recommended that the LMRWD review the benefits and limitations of not requiring water quality modeling when volume retention requirements are met through infiltration.
    - It is recommended the LMRWD research the possibility of using variable length permits.

    - It is recommended that the LMRWD conduct inspections in line with project construction rather than once a year during the summer.
- Areas of excellence:
    - Use of flow charts with links to relevant reference materials during the application review process.
    - City and LMRWD inspections are conducted by well-trained staff who have taken relevant courses from the University of Minnesota. Oversight is performed by knowledgeable professionals.
    - Use of OpenGov software to easily assign permit types and reviewers for each project and to provide applicants with real time feedback on review/approval and inspection results.
    - Young Environmental actively updates the project review process and inefficiencies or issues arise.

6. Discuss Next Steps (Ashley)

- Inspection: May 28, 2025
    - Follow up email with inspection information will be sent closer to inspection date.
- Debrief memo: June 27, 2025
    - City-specific memo will be sent to Burnsville representatives.
- Questions?
    - City asked for update on 35W project permit status. LMRWD notified City that a permit was issued on April 1, 2025 (LMRWD Permit No. 2023-025).

2024 Project Inspections

Submitted by: Deyoung03

Submitted time: May 28, 2025, 12:59:31 PM

Project Name

Burnsville LGU audit

Permit Number

2205 highway 13 west

Date & Time

May 28, 2025, 10:53:00 AM

Inspector

Rachel Kapsch

Weather Conditions

Overcast light rain

Date of Last Rainfall

May 27, 2025

Construction Status

Completed

Soils stabilized with 70% density perennial vegetative cover?

No

Permanent stormwater management system is operating as designed?

Yes

All sediment removed from stormwater basin and conveyances (i.e. pipes)?

Yes

All temporary erosion prevention and sediment control BMPs removed?

No

Does proposed cut/fill/compensatory storage look like what was proposed on the plans?

N/A

Do impervious areas in the construction plans match those seen in the field?

Yes

Do stormwater management facilities look like what was proposed?

Yes

Do emergency overflow areas look like what was proposed?

Yes

Do outlet control structures look like what was proposed?

Yes

Is there any erosion around stormwater BMPs?

No

Notes

Hydromulch installed in thick layer adjacent to frontage road and pond. Evidence of rainfall moving hydromulch on back of property. All inlet protection removed. Sparse vegetation throughout. Significant growth on north side of pond. Hydroseeding roughly three weeks ago.

Photos

2024 Project Inspections

Submitted by: Deyoung03

Submitted time: May 28, 2025, 12:59:17 PM

Project Name

Burnsville LGU Audit

Permit Number

2023-026

Date & Time

May 28, 2025, 9:57:00 AM

Inspector

Rachel Kapsch

Weather Conditions

Overcast

Date of Last Rainfall

May 27, 2025

Other Person(s) Interviewed or Onsite

NA

Construction Status

Completed

Soils stabilized with 70% density perennial vegetative cover?

No

Permanent stormwater management system is operating as designed?

N/A

All sediment removed from stormwater basin and conveyances (i.e. pipes)?

N/A

All temporary erosion prevention and sediment control BMPs removed?

Yes

Does proposed cut/fill/compensatory storage look like what was proposed on the plans?

N/A

Do impervious areas in the construction plans match those seen in the field?

N/A

Do stormwater management facilities look like what was proposed?

N/A

Do emergency overflow areas look like what was proposed?

N/A

Do outlet control structures look like what was proposed?

N/A

Is there any erosion around stormwater BMPs?

N/A

Notes

Mapped BMPs indicated but not specified so any erosion control has since been removed.

Photos