MINNESOTA POLLUTION CONTROL AGENCY

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June 17, 2021

TO: INTERESTED PARTIES

RE: South District Trunk Sanitary Sewer

The Minnesota Pollution Control Agency (MPCA) has approved the Findings of Fact, Conclusions of Law, and Order for a Negative Declaration on the need for an Environmental Impact Statement on the South District Trunk Sanitary Sewer. The Findings of Fact, Conclusions of Law, and Order document concludes that this project does not have the potential for significant environmental effects. The decision for a Negative Declaration completes the state environmental review process under the revised Environmental Quality Board rules, Minn. R. ch. 4410. Final governmental decisions on the granting of permits or approvals for the project may now be made.

These documents are available for review at the Minneapolis Public Library at 300 Nicollet Mall, Minneapolis (see the Minneapolis Public Library website at https://mplslibrary.com/ for COVID-19 access information). MPCA offices are closed at this time; however, the document can be viewed on MPCA's website at https://www.pca.state.mn.us/regulations/projects-under-mpca-review.

We want to express our appreciation for comments submitted on the Environmental Assessment Worksheet. Comments and responses to them have been incorporated into the Findings of Fact, Conclusions of Law, and Order and have been considered by MPCA staff during the permit process for the proposed project.

Sincerely,

Dan R. Card, P.E.

This document has been electronically signed.

Dan R. Card, P.E.
Supervisor, Environmental Review Unit
St. Paul Office
Resource Management and Assistance Division

DRC:bt

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

IN THE MATTER OF THE DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED SOUTH DISTRICT TRUNK SANITARY SEWER WASHINGTON COUNTY, MINNESOTA

FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER

Pursuant to Minn. ch. 4410, the Minnesota Pollution Control Agency (MPCA) staff prepared and distributed an Environmental Assessment Worksheet (EAW) for the proposed South District Trunk Sanitary Sewer project. Based on the MPCA staff environmental review, the EAW, comments and information received during the comment period, and other information in the record of the MPCA, the MPCA hereby makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

Project Description

1. The City of Cottage Grove (City) proposes to construct a new 5,095-foot trunk sanitary sewer collection system (Project) that will serve the City's South District (SD). The SD has yet to develop or tie into the City's sanitary sewer system.

2. The Project will connect into the existing Metropolitan Council Environmental Services (MCES) interceptor pipe that will convey the wastewater and treat it at the Eagles Point Wastewater Treatment Plant.

3. The Project will have a peak ultimate design flow of 6.705 million gallons per day.

Procedural History

4. An EAW is a brief document designed to provide the basic facts necessary for the Responsible Governmental Unit (RGU) to determine whether an Environmental Impact Statement (EIS) is required for a proposed project or to initiate the scoping process for an EIS (Minn. R. 4410.0200, subp. 24). The MPCA is the RGU for this Project.

5. Minn. R. 4410.4300, subp. 18 (A) requires preparation of an EAW for the Project because it constitutes an expansion of a municipal sewage collection system resulting in an increase in design average daily flow of that system by 1,000,000 gallons per day or more and the discharge is to a wastewater treatment facility with a capacity less than 20,000,000 gallons per day.

6. The MPCA notified the public of the Project as follows:
    a. The Environmental Quality Board (EQB) published the notice of availability of the EAW for public comment in the *EQB Monitor* on April 27, 2021, as required by Minn. R. 4410.1500.
    b. The EAW was available for review on the MPCA website at: www.pca.state.mn.us/eaw.
    c. The MPCA provided a news release to media in Minneapolis, southwest suburban areas, and other interested parties, on April 27, 2021.

7. During the 30-day comment period ending on May 27, 2021, the MPCA received comments from the Minnesota Department of Transportation and the Minnesota Department of Natural Resources (DNR).

8. The list of the comments received during the 30-day comment period are included as Appendix A to these Findings.

9. The MPCA prepared written responses to the comments received during the 30-day public comment period. These responses are also included as Appendix A to these Findings.

10. The MPCA prepared an Errata Sheet to correct an incorrect longitude coordinate given in the EAW. The Errata Sheet is included as Appendix B to these Findings.

Criteria for Determining the Potential for Significant Environmental Effects

11. The MPCA shall base its decision on the need for an EIS on the information gathered during the EAW process and the comments received on the EAW (Minn. R. 4410.1700, subp. 3). The MPCA must order an EIS for projects that have the potential for significant environmental effects (Minn. R. 4410.1700, subp. 1). In deciding whether a project has the potential for significant environmental effects, the MPCA must compare the impacts that may be reasonably expected to occur from the project with the criteria set forth in Minn. R. 4410.1700, subp. 7. These criteria are:

    A. Type, extent, and reversibility of environmental effects.

    B. Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project.

    C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project.

    D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the proposer, including other EISs.

The MPCA Findings with Respect to Each of These Criteria Are Set Forth Below

Type, Extent, and Reversibility of Environmental Effects

12. The first criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is the “type, extent, and reversibility of environmental effects” in

Minn. R. 4410.1700, subp. 7 (A). The MPCA findings with respect to this criterion are set forth below.

13. The types of impacts that may reasonably be expected to occur from the Project include the following:
    - Impacts to surface water quality
    - Impacts to groundwater quality

14. With respect to the type, extent and reversibility of impacts that are reasonably expected to occur from the Project, the MPCA makes the following findings.

Extent of surface water quality impacts

15. Several DNR Public Waters exist within 1 mile of the Project and include the following with DNR designated Hydro ID#'s: Mississippi River (103383), Grey Cloud Channel (57314), U.S. Lock & Dam #2 (57477), Balwin Lake (51065), Mooers Lake (54414), an unnamed intermittent stream (123991), and an unnamed public water wetland (57698). No other lake, stream, channel, or ditch exists within 1 mile of the Project limits.

16. The MPCA lists the Mississippi River as impaired on the 2020 Total Maximum Daily Load (TMDL) list. The Mississippi River is listed as impaired for: aquatic consumption, life and recreation; aluminum; fecal coliform; polychlorinated biphenyls in fish tissue; perfluorooctane sulfonate (PFOS) in fish tissue; perfluorooctane sulfonate (PFOS); mercury; nutrients; and, total suspended solids.

17. However, the Project will only impact the unnamed public water wetland and the unnamed intermittent stream due to trenching through the wetland and stream area to construct the trunk sanitary sewer.

18. The City completed a Level 1 wetland delineation of the Project and confirmed the National Wetland Inventory listing of the unnamed public water wetland (57698) located along the eastern extent of the Project.

19. During construction, the Project will cause soil disturbance of greater than 1 acre of soil and create the potential for increased erosion and sedimentation. Therefore, the City will apply for a National Pollutant Discharge Elimination System/ State Disposal System General Construction Stormwater Permit (CSW Permit) prior to Project construction.

20. The CSW Permit requires additional best management practices (BMPs) for those areas of the Project that drain to a discharge point that are within 1 mile of an impaired water, in this case, the Mississippi River.

21. For these areas, the City must immediately stabilize exposed soil areas and complete the stabilization within 7 calendar days after the construction activity in that portion of the Project site temporarily or permanently ceases.

22. The City will use BMPs to prevent sediments disturbed during the Project from entering the intermittent stream downstream of the Project, and from ultimately reaching the Mississippi River.

23. In general, stormwater flows overland from west to east at the Project area, ultimately reaching the unnamed intermittent stream that acts as a small tributary to the Mississippi River.

24. The City will use soil excavated during the trunk sewer installation to backfill the trenches and restore the area's physical characteristics back to pre-construction conditions. Therefore, Project installation will not affect permanent stormwater runoff.

25. The City will develop a Stormwater Pollution Prevention Plan (SWPPP) with temporary BMPs required to mitigate surface water impacts during construction.

26. The SWPPP identifies potential pollution sources at the Project, outlines operating procedures and regular inspections, and describes BMPs to minimize pollutants in stormwater runoff by regulating construction activities. The SWPPP is intended to prevent impacts to surface water bodies through erosion prevention and sediment control designed specifically for the Project.

27. The City will use the following BMPs, as appropriate: bio-netting or natural-netting (not containing plastics), limited use of erosion control blankets, silt fences, bio rolls, hydromulch (not containing plastics) and stabilized construction exits. The City will stabilize disturbed soils and comply with all CSW Permit requirements. The City will use additional BMPs along the proposed wetland/stream crossing including silt screens to minimize instream and downstream sedimentation effects, and will limit construction equipment usage in the wetland.

28. The Project will not generate any impervious surfaces. Therefore, the City is not required to install permanent runoff volume control treatment, nor does it expect changes to stormwater runoff quantity, quality, or drainage patterns after Project completion.

29. The greatest potential for stormwater-related impacts exists during construction; however, the City expects such impacts to be temporary, due to mitigation that would be required by the CSW Permit and a DNR water appropriation permit, if applicable.

30. If the Project requires dewatering, the City will discharge the water through the existing unnamed intermittent stream into the Mississippi River after sediment removal through permitted BMPs. The City will conduct this in a manner that does not create nuisance conditions that could adversely impact the receiving water or affect downstream properties.

31. The City will comply with the CSW Permit, the Board of Water and Soil Resources' (BWSR) Wetland Conservation Act "No Loss" exemption, the U.S. Army Corps of Engineers General Section 404 Clean Water Act, the DNR Utility Crossing License, the DNR Public Water Work Permit, and the DNR water appropriation permit (if applicable) for any construction dewatering.

Reversibility of surface water quality impacts

32. Although the MPCA does not expect significant adverse impacts to surface water quality related to the Project construction, if these were to occur, the City must adjust its BMPs as required by the CSW Permit. Therefore, the MPCA finds any surface water quality impacts to be reversible.

33. BMPs are adaptive by design in order to respond to mechanical malfunctions or unexpected events. The City will modify operation and management of BMPs to ensure that any potential impacts to surface water quality are temporary and not significant.

34. The MPCA expects that any adverse impacts that may occur will be short term in nature and therefore reversible, and the City can modify operations to prevent any further impacts from occurring.

35. The MPCA finds the information presented in the EAW and other information in the environmental review record is adequate to address the concerns related to surface water quality impacts. The MPCA considered impacts on surface waters that are reasonably expected to occur from the Project during the review process and determined that appropriate mitigation measures are available and required to prevent significant adverse impacts.

36. The MPCA finds that the Project, as it is proposed, does not have the potential for significant adverse environmental effects based on the type, extent, and reversibility of impacts related to surface water quality that are reasonably expected to occur.

Groundwater quality impacts

37. The Project is outside of the City's designated Wellhead Protection Area and its Drinking Water Supply Management Area, which were established by the City and approved by the Minnesota Department of Health (MDH). The City is required to comply with Minnesota well codes.

38. The City reviewed the Minnesota County Well Index (CWI) database for wells in the Project area, and identified five wells within 300 feet of the Project. The CWI lists one of the wells closest to the Project as an irrigation well (ID# 224647). This well is right on the Project boundary, but outside of the construction limits; the City will avoid it during construction.

39. The CWI lists a second well close to the Project area as "unlocated." According to the CWI, this well is right on the boundary of the construction limits. The Minnesota Geological Survey (MGS) lists wells not field checked and digitized or determined via Global Positioning Systems as unlocated. The MGS documents the well locations from township-range-section information recorded on the submitted well log.

40. However, the City obtained additional information regarding this unlocated well. It appears the well is associated with the 3M Company, it is active, and the suggested use is listed as "elevator." The Project will not affect this well as it is likely within the 3M Company complex, approximately 1 mile southwest of the Project site.

41. If the City or its contractor encounter any other unknown wells, its contractor will seal these in accordance with applicable MDH well codes.

42. Three other wells are within approximately 300 feet from the western edge of the Project construction area. Two of these wells are for domestic use and the third well is listed as a public supply/non-community transient well (transient wells are used to test a reservoir).

43. If the Project impacts a domestic water supply well, the City is required to cease dewatering at the Project until it establishes a new water supply. The City does not anticipate impacts on existing wells from the Project.

44. Depth to groundwater in the Project area is approximately 80 feet below ground surface, according to a review of existing well data information. Bedrock underlying the Project area decreases from 300 feet below grade at the west end to approximately 50 feet below grade at the east end.

45. The thickness to bedrock within the Project area varies, but carbonate rock is mapped within 50 feet of the land surface. Karst is most likely to occur in areas that experience shallow carbonate bedrock depths and an intersecting water table. These conditions do exist within the Project area.

46. The City hired American Engineering Testing, Inc. (AET) to complete a geotechnical study that included advancing 16 soil borings spanning the length of the entire Project area. The survey did not locate or identify any karst features within the boreholes or on the landscape. No documented sinkholes exist in the Project area, and the City has not observed related karst features within the Project area.

47. The closest recorded karst feature is a spring adjacent to the Mississippi River at the bottom of a ravine, approximately 1.5 miles north of the Project area. However, this does not guarantee karst features are not present along the alignment. If the excavation does encounter karst features, the City will work with AET to help implement a mitigation strategy.

48. The City will conduct a site evaluation, including a geologic review and soil exploration, prior to Project design and construction. The City does not expect geologic conditions to pose limitations to constructing the Project.

49. The City may need to conduct limited dewatering in localized areas at levels that will not require a DNR water appropriation permit. If the City determines the volume of water removed from the construction area is over the DNR Water Appropriation permit threshold of 10,000 gallons of water or more per day, or 1,000,000 gallons per year, the City will obtain a DNR Water Appropriation permit prior to construction. According to soil boring results, the City anticipates only dewatering within the wetland and stream complex to the extent needed.

50. The MPCA's "What's in my Neighborhood?" database identifies sites with soil and/or groundwater contamination and sites regulated by the MPCA through permitting. The database identified five entries within approximately 500 feet south-southwest of the Project along Ideal Avenue South. These include: two inactive hazardous waste generator storage sites, one active hazardous waste generator storage site, one solid waste yard composting facility (status unknown), one active

feedlot, an inactive above ground storage tank, and an inactive diesel-fuel leak site (closed in 2004). The Project will not encroach on any of these property site locations.

51. The City does not anticipate encountering contamination or other environmental hazards during construction. If contaminated soil or groundwater are detected, the City will notify the Minnesota Duty Officer. They will also complete field screening, analytical assessments, and consult with the MPCA for proper handling of the material. The City will have a Construction Contingency Plan that outlines actions to take if contamination is encountered in soil during excavation or in groundwater during dewatering.

52. Although the MPCA does not expect significant adverse impacts to groundwater quality, if these were to occur, the City must modify construction and mitigation procedures according to existing regulations. Therefore, the MPCA finds any groundwater quality impacts that may occur from the Project to be reversible.

53. The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to address the concerns related to groundwater quality. During the review process, the MPCA considered impacts related to groundwater that are reasonably expected to occur from the proposed Project. The City developed methods to prevent significant adverse impacts.

54. The MPCA finds that the Project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts related to groundwater quality that are reasonably expected to occur from the Project.

Cumulative Potential Effects

55. The second criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is the “cumulative potential effects.” In making this determination, the MPCA must consider “whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effects; and the efforts of the proposer to minimize the contributions from the project.” Minn. R. 4410.1700 subp. 7 (B). The MPCA findings with respect to this criterion are set forth below.

56. The EAW did not identify any related or anticipated future projects that may interact with this Project in such a way as to result in significant cumulative potential environmental effects.

57. The City knows of no known current or future projects within 2 miles of the Project site.

58. The EAW addressed cumulative potential effects on surface and groundwater quality.

Cumulative potential effects on water quality

59. The Project, which will expand sanitary sewer service, will likely encourage growth and development. This growth may include increased transportation, and residential and commercial development. City planning will manage ongoing transportation planning, comprehensive water and land use planning, and the application of relevant requirements of rules and ordinances in permits or approvals. This planning will mitigate the secondary effects from growth and development from the Project.

60. The EAW, public comments, and MPCA's follow-up evaluation did not disclose any related or anticipated future projects that may interact with this Project in such a way as to result in significant negative cumulative potential effects.

61. The MPCA finds that the Project does not have the potential for significant environmental effects related to cumulative potential effects that are reasonably expected to occur.

The Extent to Which the Environmental Effects Are Subject to Mitigation by Ongoing Public Regulatory Authority

62. The third criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is "the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project," Minn. R. 4410.1700, subp. 7 (C). The MPCA findings with respect to this criterion are set forth below.

63. The City will obtain the following permits or approvals for the Project, as applicable:

Government Agency	Type of Application/Permit
Federal Agencies	
United States Army Corps of Engineers (USACE)	• General Section 404 Clean Water Act Permit (includes 401 Cert) • Section 106 National Historic Preservation Act (NHPA) Permit
State Agencies	
MPCA	• National Pollutant Discharge Elimination System/State Disposal System General Construction Stormwater Permit (CSW Permit) • Sanitary Sewer Extension Permit
DNR	• Utility Crossing License • Public Waters Work Permit • Temporary Water Appropriation Permit
BWSR	• Minnesota Wetland Conservation Act (WCA) Notification/Approval
Local/Other	
Xcel Energy	Encroachment Application (Electrical Transmission Line)
MCES	Direct Connection Permit

64. USACE General Section 404 Clean Water Act Permit
The Section 404 Clean Waters Act is a program that regulates the discharge of dredged or fill material into waters of the United States, including wetlands. When the City applies for a permit, it must first show steps it has taken to avoid impacts to wetlands, streams and other aquatic resources; that the City has minimized potential impacts; and, that the City will provide compensation for all remaining unavoidable impacts.

64. USACE Section 106 NHPA Permit
The USACE has a responsibility to comply with the NHPA (per 36 CFR 800). Section 106 requires a Federal agency having direct or indirect jurisdiction over a proposed Federal undertaking to take into account the effect of the undertaking will have on any historic property in, or eligible for inclusion in, the National Register. The USACE must determine this prior to the Project construction.

65. MPCA CSW Permit
A CSW Permit is required when a project disturbs 1 acre or more of soil. The CSW Permit requires the use of BMPs to prevent erosion and to keep eroded sediment from leaving the construction site. The City must have a SWPPP that provides details of the specific measures to implement. The City's contractor will obtain a CSW Permit prior to Project construction.

66. MPCA Sanitary Sewer Extension Permit
The MPCA requires the City to obtain a Sanitary Sewer Extension Permit for the Project. MPCA's review of sewer extension permits is required to verify that hydraulic capacity will exist in the receiving wastewater interceptor systems and wastewater treatment plant. The City will obtain a Sanitary Sewer Extension Permit from the MPCA.

68. DNR Utility Crossing License
The DNR grants permission in the form of a utility crossing license to entities that propose to cross state land or public waters with utility infrastructure projects. The DNR grants the utility licenses for a term of 25 or 50 years, and may renew it upon expiration. The City will apply for the Utility Crossing License from the DNR.

69. DNR Public Waters Work Permit
Proposed projects affecting the course, current, or cross-section of lakes, wetlands and streams identified on DNR Public Water Inventory maps may require a DNR Public Waters Work Permit. Since the Project is crossing a DNR public water, the City will apply for this permit.

70. DNR Water Appropriation Permit (Temporary)
A DNR Water Appropriation Permit is required for users withdrawing more than 10,000 gallons of water per day or 1 million gallons per year. Although the City does not anticipate the need to obtain a temporary water appropriation permit for dewatering in the Project area, the City will continue to evaluate the Project as construction proceeds, and will contact the DNR if there is a need for obtaining the permit if this threshold is met.

71. BWSR WCA Notification/Approval
Local Governmental Units (LGUs) (in this case, the City) must notify the Technical Evaluation Panel (TEP) members and others required to receive notice of applications for WCA decision items. WCA

decision items are wetland boundary/type, replacement plan, bank plan, exemption and no-loss. WCA rules require the LGU to issue a notice of application within 15 business days of receipt of a complete application for wetland boundary/type, replacement plan and bank plan decision types. Wetland exemption and no-loss decisions do not require a notice of application, but LGUs are encouraged to provide notice of application either formally or informally to solicit input from the TEP. The City will provide an application to the BWSR.

72. Xcel Energy Encroachment Application
The Project will encroach on an Xcel Energy electrical transmissions line easements or rights of way. Therefore, the City must complete an Encroachment Application. The City completed this application on April 15, 2021.

73. MCES Direct Connection Permit
Developers and communities who will make a direct connection to a MCES interceptor facility must complete a Connection Permit Application in addition to any required Sanitary Sewer Extension Permits. Developers must work with the municipality where the Project is located to submit the Connection Permit Application. The City submitted an application on January 26, 2021, with two additional revisions since then.

74. The above-listed permits include general and specific requirements for mitigation of environmental effects of the Project. The MPCA finds that the environmental effects of the Project are subject to mitigation by ongoing public regulatory authority.

The Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Available Environmental Studies Undertaken by Public Agencies or the Project Proposer, Including Other EISs

75. The fourth criterion that the MPCA must consider is "the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs," Minn. R. 4410.1700, subp. 7 (D). The MPCA findings with respect to this criterion are set forth below.

76. Although not exhaustive, the MPCA reviewed the following documents as part of the environmental impact analysis for the Project:
- Data presented in the EAW
- Sanitary Sewer Extension Permit application
- Other reports and analysis as appropriate
- Permits and environmental review of similar projects

77. The MPCA also relies on information provided by the City, persons commenting on the EAW, staff experience, and other available information obtained by staff.

78. The environmental effects of the Project have been addressed by the design and permit development processes, and by ensuring conformance with local plans. There are no elements of the Project that pose the potential for significant environmental effects.

79. Based on the environmental review, previous environmental studies by public agencies or the City, and staff expertise and experience on similar projects, the MPCA finds that the environmental effects of the Project that are reasonably expected to occur can be anticipated and controlled.

80. The MPCA adopts the rationale stated in the attached Response to Comments (Appendix A) as the basis for response to any issues not specifically addressed in these Findings.

CONCLUSIONS OF LAW

81. The MPCA has jurisdiction in determining the need for an EIS for this Project. The EAW, the permit development process, and the evidence in the record are adequate to support a reasoned decision regarding the potential significant environmental effects that are reasonably expected to occur from this Project.

82. The MPCA identified areas for potential significant environmental effects. The Project design and permits ensure the City will take appropriate mitigation measures to address significant effects. The MPCA expects the Project to comply with all environmental rules, regulations, and standards.

83. Based on a comparison of the impacts that are reasonably expected to occur from the Project with the criteria established in Minn. R. 4410.1700 subp. 7, the Project does not have the potential for significant environmental effects.

84. An EIS is not required for the proposed South District Trunk Sanitary Sewer.

85. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

ORDER

86. The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the South District Trunk Sanitary Sewer and that there is no need for an Environmental Impact Statement.

IT IS SO ORDERED

Laura Bishop, Commissioner
Minnesota Pollution Control Agency

June 17, 2021
Date

Minnesota Pollution Control Agency
South District Trunk Sanitary Sewer
Environmental Assessment Worksheet (EAW)

LIST OF COMMENT LETTERS RECEIVED

1. Cameron Muhic, Minnesota Department of Transportation. Email received May 12, 2021.
2. Melissa Collins, Minnesota Department of Natural Resources. Letter dated May 26, 2021.

RESPONSES TO COMMENTS ON THE EAW

1. Cameron Muhic, Minnesota Department of Transportation (MnDOT). Email received May 12, 2021**.**

Comment 1-1: The commenter states that MnDOT has no comments, as the proposed project should have little or no impact on MnDOT's highway system.

Response: The comment is noted.

2. Melissa Collins, Minnesota Department of Natural Resources (DNR). Letter dated May 26, 2021**.**

Comment 2-1: The commenter states that the presence of karst-susceptible bedrock within the Project area is a concern, and the DNR is pleased that the City completed a geotechnical study to further assess this risk.

Response: The survey did not locate or identify any karst features within the boreholes or on the landscape. No documented sinkholes exist in the Project area and the City of Cottage Grove (City) has not observed related karst features within the Project area. The closest recorded karst feature is a spring adjacent to the Mississippi River at the bottom of a ravine, approximately 1.5 miles north of the Project area. However, this does not guarantee karst features are not present along the alignment. If the excavation does encounter karst features, the City will work with its consultant to help implement a mitigation strategy.

Comment 2-2: The commenter states that if there is a need to divert or appropriate surface water in order to cross the DNR Public Watercourse, then a DNR Water Appropriation Permit may be needed for the crossing.

Response: If the City determines the water in the wetland complex needs diverting or the volume of water removed from the construction area is over the DNR Water Appropriation permit threshold of 10,000 gallons or more of water per day, or 1,000,000 gallons per year, the City will obtain a DNR Water Appropriation permit prior to construction.

Comment 2-3: The commenter states the Project area is in the vicinity of a 3M plant located on the Mississippi River, which is also the site of a pollution plume. The City should consult the MPCA regarding any potential pollution issues from discharged water appropriated during Project construction.

Response: The 3M Cottage Grove plant is approximately 1 mile southwest of the Project site. The City does not anticipate encountering contamination or other environmental hazards during Project construction. If the contractor detects contaminated soil or groundwater, the City will notify the Minnesota Duty Officer. The City will also complete field screening, analytical assessments, and consult with the MPCA for proper handling of the material. The City will have a Construction Contingency Plan that outlines measures it will take if the contractor encounters contamination in the soil during excavation or in groundwater during dewatering.

Comment 2-4: The commenter states that due to the shallow depth to karst-susceptible bedrock in the Project area, the City should take great care to protect the bedrock from pollution. The bedrock in this area is used as a water source for nearby homes, and pollution of the bedrock could deprive these homes of their water supply.

Response: If the excavation does encounter karst features, the City will work with its consultant to implement a mitigation strategy.

Comment 2-5: The commenter requested that the City avoid using products that contain chloride for dust control in areas that drain to Public Waters.

Response: The MPCA will pass this request on to the City.

From: Muhic, P Cameron (DOT) <cameron.muhic@state.mn.us>
Sent: Wednesday, May 12, 2021 7:00 AM
To: Tegdesch, Elizabeth (MPCA) <elizabeth.tegdesch@state.mn.us>
Cc: Sherman, Tod (DOT) <tod.sherman@state.mn.us>; Kratz, David (DOT) <David.Kratz@state.mn.us>; Goff, William (DOT) <william.goff@state.mn.us>
Subject: MnDOT Development Review of South District Trunk Sanitary Sewer EAW

Dear Ms. Tegdesch,
Thank you for the opportunity to review the plans for the **South District Trunk Sanitary Sewer EAW**.
The Minnesota Department of Transportation (MnDOT) has reviewed the plans and has no comments, as the proposed project should have little or no impact on MnDOT's highway system.
Cordially,
Cameron Muhic
Senior Planner
MnDOT Metro District
651-234-7797
Cameron.Muhic@state.mn.us

DEPARTMENT OF NATURAL RESOURCES

Division of Ecological and Water Resources
Region 3 Headquarters
1200 Warner Road
Saint Paul, MN 55106

Transmitted by Email

May 26, 2021

Patrice Jensen
Planner Principal
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Dear Patrice Jensen,

Thank you so much for the opportunity to comment on the South District Trunk Sanitary Sewer EAW. The DNR appreciates you reaching out to engage in early coordination during the EAW development phase of the project. The final EAW has addresses many of our previous comments and concerns. After further review, we respectfully submit the following comments for your consideration:

1. Page 8, Geology. The presence of karst-susceptible bedrock within the project area is a concern, and the DNR is pleased that a geotechnical study has been completed to further assess this risk.
2. Page 12, Water Appropriation. If there is a need to divert or appropriate surface water in order to cross the DNR Public Watercourse, then a DNR Water Appropriation Permit may be needed for the crossing.
3. Page 14. Contamination/Hazardous Materials/Wastes. The project area is in the vicinity of a 3M plant located on the Mississippi River, which is also the site of a pollution plume. The Minnesota Pollution Control Agency (MPCA) should be consulted regarding any potential pollution issues from discharged water appropriated during the construction of this Sanitary Sewer.
4. Page 15, Section 12.c. Due to the shallow depth to karst-susceptible bedrock in the project area, great care should be taken to protect the bedrock from pollution. The bedrock in this area is used as a water source for nearby homes, and pollution of the bedrock could deprive these homes of their water supply.
5. Page 21, Dust and Odors. Please avoid using products that contain chloride for dust control in areas that drain to Public Waters.

Thank you again for the opportunity to comment. Please let me know if you have any questions.

Sincerely,

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APPENDIX B

Minnesota Pollution Control Agency

South District Trunk Sanitary Sewer (Project)
Environmental Assessment Worksheet (EAW)

ERRATA SHEET

1. In Item 5, the longitude coordinate is incorrect. Instead of -96.93744237 it should be -92.93744237.