



US Army Corps
of Engineers
St Paul District

APPLICANT: City of Zimmerman, MN

Public Notice

ISSUED: April 4, 2024
EXPIRES: May 4, 2024

REFER TO: MVP-2023-01559-TMS

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge fill material into 1.91 acres of wetlands adjacent to a tributary to Tibbits Brook.

2. SPECIFIC INFORMATION

AGENT
Widseth
c/o Joey Goeden
610 Fillmore Street
Alexandria, Minnesota 56308

PROJECT LOCATION: The project site is located in Section 21 of Township 34 North, Range 26 West, Sherburne County, Minnesota. The approximate UTM coordinates are N 454513.724222, E 5030859.456439. Latitude: 45.429777, Longitude -93.581488.

DESCRIPTION OF PROJECT: The applicant proposes to make improvements to their existing wastewater treatment facility. The improved facility was designed to accommodate a growing population and to meet state and federal effluent quality requirements. Proposed work includes excavation to construct nine (9) sludge drying basins, construction of a new building that would house aeration basins, a membrane bioreactor and UV room, a pump and blower area, and electrical and chemical treatment rooms, a 10-foot extension of an existing building that houses sludge storage and overflow basins, and construction of a new access road and sidewalks.

QUANTITY, TYPE, AND AREA OF FILL: The proposed project would result in the permanent discharge of fill material into 1.91 acres of wetlands to make the improvements to the wastewater treatment facility. Additionally, fill material would be temporarily discharged into 0.15 acre of wetlands to facilitate construction and would be restored upon completion of the project.

VEGETATION IN AFFECTED AREA: Wetlands on the site consist of Type 2 – Fresh Wet Meadow and Type 3 – Shallow Marsh wetlands. Dominant species in the wetlands include reed canary grass (*Phalaris arundinacea*), sandbar willow (*Salix interior*), yellow sweet clover (*Melilotus officinalis*), and purple loosestrife (*Lythrum salicaria*).

Wetlands on-site are located in an area that was previously utilized as a wastewater treatment pond. The treatment pond was decommissioned in 1999 and a wetland subsequently formed in the area. Soil borings indicate that the clay liner that was in place for the treatment pond remains and restricts water infiltrating into the groundwater. It was determined that the historical use of the wetland area as a wastewater treatment pond, the clay liner preventing water infiltrating into the groundwater, and dominance of invasive species has reduced the habitat and hydrological function of the wetland.

SOURCE OF FILL MATERIAL: Fill material would be sourced by the contractor selected to construct the project.

SURROUNDING LAND USE: The project area is located in the city limits of Zimmerman and is surrounded by a mixture of residential, agricultural, and commercial properties, as well as undeveloped wetland areas.

DESCRIPTION OF STRUCTURE: The proposed asphalt two-lane access road would be twenty (20) feet wide.

The new building that would house aeration basins, a membrane bioreactor and UV room, pump and blower area, and electrical and chemical treatment rooms would be approximately 120 feet long and 60 feet wide.

The sludge drying basins that would be constructed would be lined with PVC liner and layers of sand and aggregate fill to prevent leachate from infiltrating into the groundwater.

DESCRIPTION OF DREDGING OR EXCAVATION: Nine (9) sludge drying basins would be excavated. Excavated material would be stockpiled on-site. Each basin would be 120 feet long by 40 feet wide and would be excavated to a maximum depth of 12 feet down to install exterior walls for the basins. Approximately 2,500 cubic yards of material would be excavated to construct the nine (9) basins.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: The applicant has not indicated the presence of any toxic materials within the project area. Toxic materials like petroleum or hydraulic fluid could come from construction equipment.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The applicant would be required to apply for and receive an Individual Section 401 Water Quality Certification, National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit from the Minnesota Pollution Control Agency (MPCA) as well as create a Stormwater Pollution Prevention Plan (SWPPP) that would be used to comply with MPCA's erosion control and storm water BMPs. The appropriate BMPs would be utilized during construction and periodically inspected after qualifying rainfall events.

MITIGATION: The project would result in the direct loss of 1.91 acre of wetlands in Bank Service Area (BSA) 7. The applicant proposes to compensate for the loss of wetland function by purchasing wetland bank credits at a 0.25:1 ratio from a federally approved mitigation bank within the same BSA.

3. FEDERALLY LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT

None were identified by the applicant or are known to exist in the permit area. However, Sherburne County is within the known or historic range of the following Federally listed species:

Northern Long-Eared Bat	Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.
Tricolored Bat	Hibernates in caves and mines – swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.

Whooping Crane

Shallow Marshes and Open Grasslands

Monarch Butterfly

Prairies and Meadows

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

4. JURISDICTION

This application is being reviewed in accordance with the practices for documenting Corps jurisdiction under Section 404 of the Clean Water Act.

5. SECTION 401 WATER QUALITY CERTIFICATION

Valid Section 404 permits cannot be issued for any activity unless water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The Section 401 authority for this project is the Minnesota Pollution Control Agency (MPCA). A Department of the Army permit will not be granted until the MPCA has issued or waived Section 401 WQC certification and the U.S. Environmental Protection Agency (USEPA) neighboring jurisdiction process is completed. Corps Section 404 Clean Water Act decisions may not be finalized until after the USEPA completes this process.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001 Section 401 of the Clean Water Act (33 U.S. Code 1341 (a)(1)). The MPCA has indicated that if, at a later date, it makes a preliminary anti-degradation determination regarding Section 401 Water Quality Certification, it will at that time plan to issue an additional public notice under Minnesota Rules Part 7001.

Any comments relative to MPCA's Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency
Resource Management and Assistance Division
Attention: 401 Certification
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
401Certification.PCA@state.mn.us

6. HISTORICAL/ARCHAEOLOGICAL

The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

7. PUBLIC HEARING REQUESTS

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

8. PUBLIC INTEREST REVIEW

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

REPLIES/COMMENTS

Interested parties are invited to submit to this office written facts, arguments, or objections by the expiration date indicated above. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be sent to Tom Sowinski at Tom.M.Sowinski@usace.army.mil.

IF YOU HAVE QUESTIONS ABOUT THE PROJECT, contact Tom Sowinski at the St. Paul District Office at 651-290-5004.

To receive Public Notice notifications, go to: <https://www.mvp.usace.army.mil/Contact/RSS/> and subscribe to the RSS Feed for which you would like to receive Public Notices.

Enclosures: Figure and Drawings

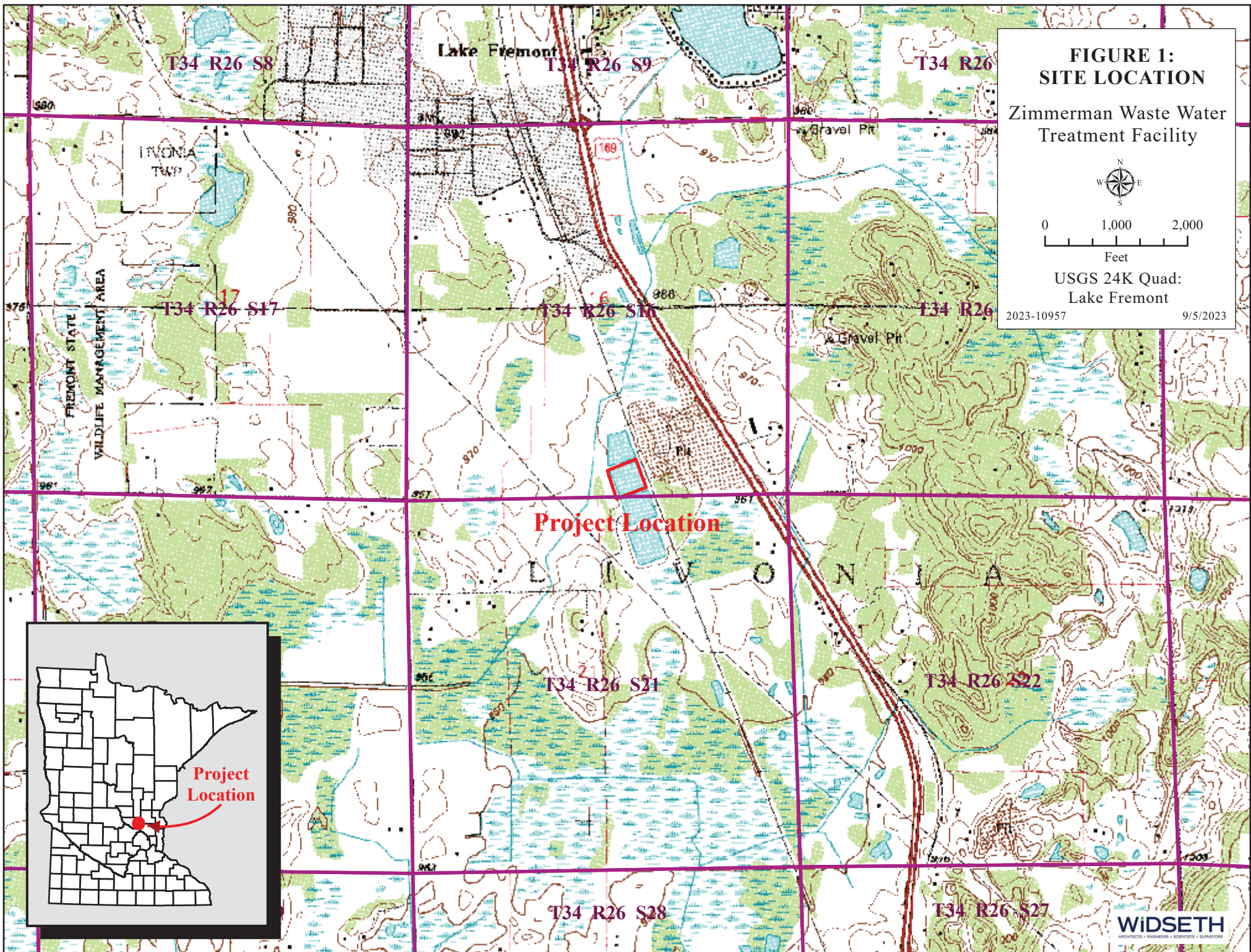
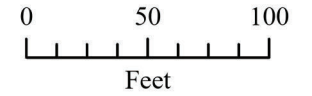


FIGURE 2: EXISTING CONDITIONS

Zimmerman Waste Water Treatment Facility

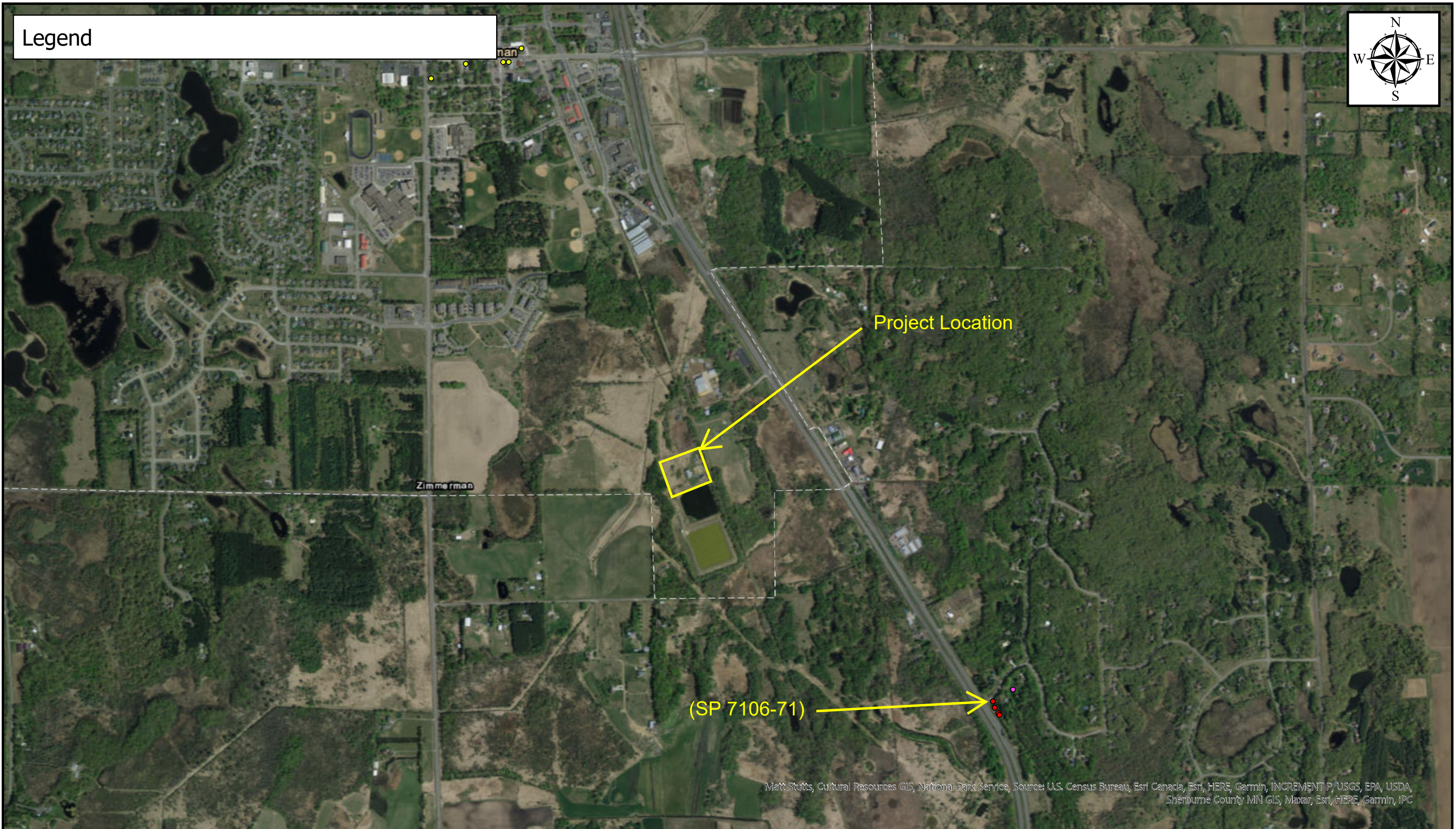


- Sample Point
- - - Wetland Type Separation
- ▭ Project Area
- ▭ Delineated Wetland

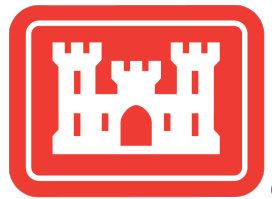
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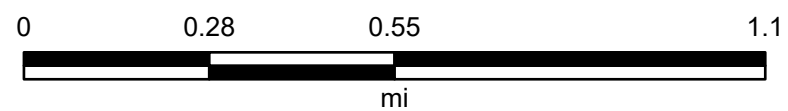
Legend



Map: Stufts, Cultural Resources GIS, National Park Service, Sources: U.S. Census Bureau, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Sherburne County, MN GIS, Maxar, Esri, HERE, Garmin, IPC



Cultural Resources Map



Map Center: 93.579413°W 45.431511°N

Map Created by: Sowinski

Date: 2/21/2024

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere
Projection: Mercator Auxiliary Sphere

