

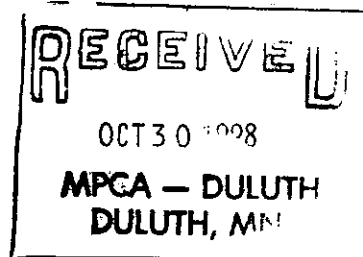
Steve Leppala NO
Duluth



Minnesota Pollution Control Agency *Leak 3534*

October 29, 1998

L-3534



Mr. Ben Wopat
Regulatory Branch, St. Paul District
U.S. Army Corps of Engineers
190 Fifth Street East
St. Paul, Minnesota 55101-1638

RE: CENCS-CO-R 99-0072
Nationwide Permit (12)
Western Lake Superior Sanitary District - Sanitary Sewer North Side Highway 53
St. Louis County
401 Certification

Dear Mr. Wopat:

This letter is submitted by the Minnesota Pollution Control Agency (MPCA) under authority of Section 401 of the Clean Water Act (33 USC 1251 et seq.) and Minn. Stat. chs. 115 and 116.

The applicant proposes a project to be eligible for a nationwide permit as referenced above. The project involves a proposal to install a sanitary sewer line on the north side of Highway 53 located in Section 32, T 51 N, R 15 W, and Sections 4 and 5, T 50 N, R 15 W, St. Louis County, Minnesota.

The MPCA certifies the referenced project since the project's individual and cumulative impacts do not appear to be significant as defined by present water quality standards provided the following conditions are complied with:

1. The impacts to wetlands should be avoided to the maximum extent possible. Those impacts that are unavoidable should be minimized to the extent possible. All impacts should be mitigated.
2. Any clearing of vegetation should be kept to a minimum and all cleared areas should be immediately revegetated with an appropriate monitoring plan to assure a successful growth.
3. Insure that trenching is closed immediately and compacted properly after pipe installation to avoid drainage of the wetland from occurring through the trench system. Seepage dams must be installed around the piping to restrict ground water flow through the trenches.
4. The backfill in the trench must be compacted to prohibit the trench from acting as a wetland drainage outlet at any point the trench area crosses the boundary of the wetland. Borrow material shall be taken from upland sources whenever feasible.

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5. All restoration of disturbed wetlands by excavation or temporary filling will be to their preconstruction contours and functioning condition.
6. Stage and store all equipment on upland sites.
7. Low track pressure equipment or mats should be used when constructing in the wetland.
8. Construction access shall be by means which avoid and minimize impacts to aquatic sites.
9. A State Disposal System (SDS) permit is required for the proposed sanitary sewer extension and must be obtained from the MPCA. The applicant shall comply with the provisions of the permit.
10. Best Management Practices (BMPs) to control erosion during construction must be incorporated into all projects. Projects that will disturb five (5) or more acres of land are required to apply to the MPCA for coverage under a General National Pollutant Discharge Elimination System Permit (NPDES) specifically requiring BMPs to control erosion during construction, and a storm water management plan to manage pollutants in storm water runoff from the site that will occur after construction is complete. The permit requires that these BMPs be prepared for the project and incorporated into the plans and specifications prior to the start of construction.
11. Adjacent to the sewer line installation on Highway 53 near the junction of Highway 194 there is a leak site referred to as the Curtis Food and Fuel. It appears that the monitoring well, MW-3, that is shown on the plans (on the southwest portion of the property), will adversely impacted due to it's immediate proximity to the sewer construction. The applicant must contact Mike Bares (651/297-8599) at the MPCA for an approval of the final plan in regards to the disposition of that monitoring well.

This action does not exempt the applicant from the responsibility of complying with all applicable local, state and federal requirements, nor does it grant any right to violate personal or property rights.

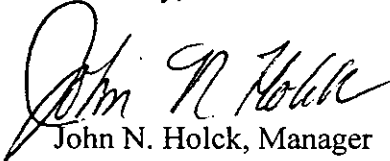
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If you have any questions on this, please call Lawrence S. Zdon at 651/297-8219.

Sincerely,



John N. Holck, Manager

Operations/Planning/Major Facilities

South District

JNH:km

cc: Glenn L. Evavold, PREM, Duluth

Kevin M. Pierard, U.S. Environmental Protection Agency, Chicago

Lynn Lewis, Field Supervisor, U.S. Fish and Wildlife Service

Kent Lokkesmoe, Division of Waters, Minnesota Department of Natural Resources

Steve Colvin, Environmental Review, Minnesota Department of Natural Resources