TRANSCRIPT OF PUBLIC HEARING

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Held on January 20, 2009
at Grand Forks City Hall
Grand Forks, North Dakota

Reconstruction of Cherry Street Between 17th and 25th Avenues South Grand Forks, North Dakota

Project No. SU-6-986(084)088

Prepared for

City of Grand Forks, North Dakota Department of Transportation & Federal Highway Administration

CPS, Ltd.

February 2009

23 USC § 409
NDDOT Reserves All Objections

TRANSCRIPT OF PUBLIC HEARING

Project No. SU-6-986(084)088
Reconstruction of Cherry Street
Between 17th and 25th Avenues South

Public Hearing
January 20, 2009
Grand Forks City Hall
Grand Forks, ND

Open House
7:00 PM – 9:00 PM

CONTENTS

EXPLANATION OF PUBLIC HEARING

PURPOSE

Public Hearings are held to inform the public of the proposed roadway improvements and to provide opportunity for interested parties to comment prior to completion of final plans.

Public Hearings are open discussions of the project purpose and need and alternatives which are to be considered. A summary of social, economic and environmental impacts are presented relative to the proposed improvements.

PROPOSED IMPROVEMENTS

The proposed improvements presented have resulted from thoughtful consideration of engineering and economic factors, traffic projections and safety of all alternates considered. The final project concept report contains information relative to all alternatives considered and those proposed for the project.

HEARING PROCEDURE

The Public Hearing was held on January 20, 2009 from 7:00 PM to 9:00 PM in Room A101 at Grand Forks City Hall. The Public Hearing was conducted in an open house format to allow attendees to review the project display boards and discuss individual concerns or questions on a one-on-one basis with project representatives. Project representatives included staff members from the city of Grand Forks, CPS, Ltd. and SRF Consulting Group, Inc.

PUBLIC RECORD

A registered professional reporter was available for attendees wanting to provide individual verbal comments as part of the public hearing transcript. These comments may be found in the attached Appendix A. Comment forms were available for written comments that would be included in the public hearing transcript. Written comments that were received have been included in Appendix C.

Affidavit of Publication

Grand Forks Herald
January 3, 2009

6755

AFFIDAVIT OF PUBLICATION

STATE OF NORTH DAKOTA } SS.
COUNTY OF GRAND FORKS }

Vicky Straub of said State and County being first duly sworn, on oath says:

That { she / he } is { a representative of the GRAND FORKS HERALD, INC.,

publisher of the Grand Forks Herald, Morning Edition, a daily newspaper of general circulation, printed and published in the City of Grand Forks, in said County and State, and has been during the time hereinafter mentioned, and that the advertisement of

Public Hearing

a printed copy of which is hereto annexed, was printed and published in every copy of the following issues of said newspaper, for a period of 1 time (s) to wit:

1/03 Yr. 09 Yr. ____

Yr. ____ Yr. ____

Yr. ____ Yr. ____

Yr. ____ Yr. ____

and that the full amount of the fee for the publication of the annexed notice inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever and the amount of said fee is $175.10;

That said newspaper was, at the time of the aforesaid publication, the duly elected and qualified Official Newspaper within said County, and qualified in accordance with the law of the State of North Dakota to do legal printing in said County and State.

Publication Fee $ 175.10

ELAINE FAWCETT
NOTARY PUBLIC
STATE OF NORTH DAKOTA
My Commission Expires: Feb. 7, 2013

Subscribed and sworn to before me this 25 day of Jan A.D. 09

Elaine Fawcett
Notary Public, Grand Forks, ND

PUBLIC HEARING

WHY?
To discuss proposed improvements to Cherry Street from 17th Avenue South to 25th Avenue South in Grand Forks, ND.

The project consists of street reconstruction including curb and gutter, curb ramps, driveway replacement, selective sidewalk replacement, street lighting, pavement marking, utility improvements, berm re-grading, turf establishment, signing and other related items.

WHEN?
January 20, 2009
Open House: 7:00 p.m. to 9:00 p.m.

WHERE?
Grand Forks City Hall
Room A101
255 North Fourth Street
Grand Forks, ND

OPEN HOUSE CONDUCTED BY
City of Grand Forks, ND Department of Transportation (NDDOT) and CPS, Ltd.

This hearing is designed to allow for public input which is required for compliance with the National Environmental Policy Act of 1970 and National Historic Preservation Act of 1966.

Representatives from the City of Grand Forks, NDDOT and CPS, Ltd. Will be on hand to answer your questions and discuss your concerns.

WRITTEN STATEMENTS or comments about this project must be mailed by February 3, 2009, to Mike Korman, Project Manager, CPS, Ltd., 308 2nd Avenue North, Grand Forks, ND 58203.
E-mail: mkorman@cpsnd.com
Note "Public Hearing" in e-mail subject heading.

DISABILITIES: People with disabilities who plan to attend the meeting and need special arrangements should contact Serg Marohl, Project Manager, NDDOT before the meeting.
Phone: 701-328-4449 TTY: 701-328-4156

PUBLIC INSPECTION: The project maps, sketches, and other pertinent information are available for public inspection at the City of Grand Forks Engineering Department and at CPS, Ltd., 308 2nd Avenue North, Grand Forks.

(January 3, 2009)

PUBLIC HEARING

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NDDOT News Release
North Dakota Department of Transportation

January 7, 2009

For more information: Mike Korman, Project Manager, CPS, Ltd, 701-746-7459

Public Hearing to be held on Jan. 20 to discuss proposed improvements to Cherry Street from 17th Avenue South to 25th Avenue South

A Public Hearing will be held from 7 p.m. to 9 p.m. January 20, 2009, at Grand Forks City Hall, Room A101, 255 North Fourth Street. The Public Hearing will utilize an open house format.

The purpose of the Public Hearing is to discuss proposed improvements to Cherry Street from 17th Ave. South to 25th Ave. South in Grand Forks. The Public Hearing will provide opportunity for public input. Representatives from the city of Grand Forks, NDDOT and CPS, Ltd. will be on hand to answer your questions and discuss your concerns.

If unable to attend the Public Hearing, written statements or comments must be mailed by February 3, 2009, to Mike Korman, Project Manager, CPS, Ltd., 308 2nd Ave. North, Grand Forks, ND 58203, or email: mkorman@cpsnd.com with "Public Hearing" in the e-mail subject heading.

People with disabilities who plan to attend the Public Hearing and need special arrangements should contact Seng Marohl, Project Manager, NDDOT, 701-328-4449, and TTY: 701-328-4156.

North Dakota Department of Transportation 608 East Boulevard, Bismarck, ND 58505

Reconstruction of Cherry Street

from 17th Avenue South to 25th Avenue South

Grand Forks City Project No. 6272

North Dakota Department of Transportation Project SU-6-986(084)088

PROJECT SCHEDULE

Public Hearing on Tuesday, January 20, 2009 from 7:00 PM to 9:00 PM in Room A101 at City Hall, 255 North 4th Street, Grand Forks, ND

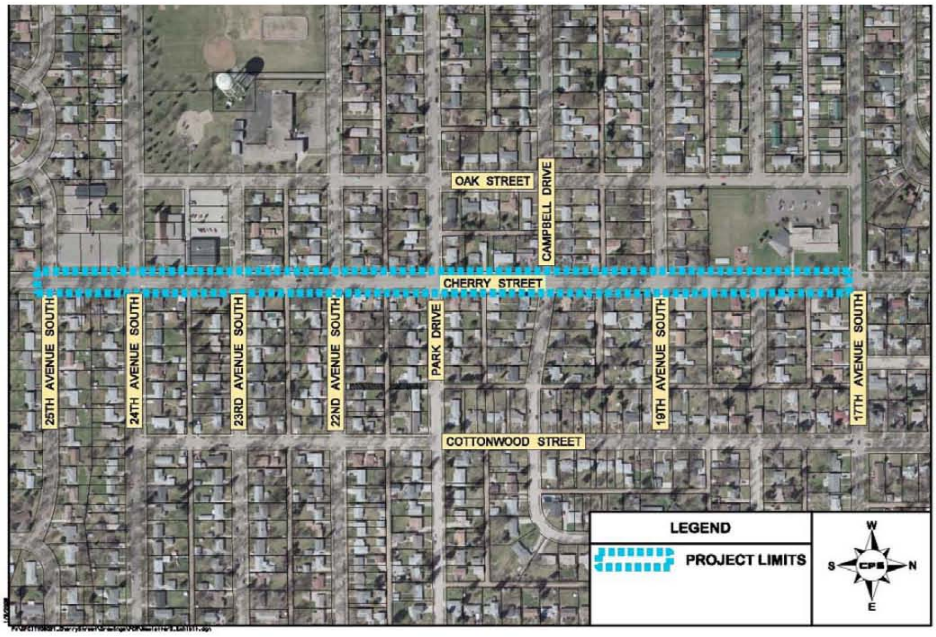
Project Construction Currently Scheduled for 2010

PROJECT CONTACTS

Grand Forks City Project Manager
Mike Yavarow, PE
(701) 746-2640

CPS Project Manager
Mike Korman, PE
(701) 746-7459

CPS Project Engineer
Deon Wawrzyniak, PE
(701) 746-7459



INTRODUCTION

The City of Grand Forks is planning the reconstruction of Cherry Street from 17th Avenue South to 25th Avenue South. The photo above shows the limits of the proposed improvements and the photo to the left was taken looking south on Cherry Street.

This segment of Cherry Street was originally constructed in the mid 1950's and is currently experiencing alligator and transverse cracking, sections of pavement failure and has a very poor ride. The existing pavement has outlived its useful life and needs to be reconstructed.

PROPOSED IMPROVEMENTS

The proposed improvements to Cherry Street include:

- Reconstruction of the existing street including curb and gutter. The street would be reconstructed to current standards using portland cement concrete pavement.
- Replacement of private driveway pavement.
- Selective replacement of sidewalk and replacement of ADA accessible ramps at each intersecting street or alley.
- New street lighting.
- Berm grading and turf establishment.
- Replacement of street signs.

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NDDOT North Dakota Department of Transportation

RECONSTRUCTION OF CHERRY STREET FROM 17TH AVENUE SOUTH TO 25TH AVENUE SOUTH

CONSTRUCTION COST & FUNDING

The construction cost is currently estimated at $1,555,000. Funding for the project will be provided by the federal government, City of Grand Forks and local special assessments. Special assessment values have not been determined at this time because the special assessment district has not been finalized. The special assessment district is scheduled to be determined in mid to late Summer 2009 after which property owners within the special assessment district will receive notification of their estimated special assessment cost by direct mailing.

PROJECT SCHEDULE

The final Project Concept Report has been completed and will be forwarded for final approval in February 2009.

Construction on this project is scheduled to occur in 2010.

PUBLIC HEARING

A public hearing will be held on Tuesday, January 20, 2008, from 7:00 PM to 9:00 PM in Room A101 at City Hall, 255 North Fourth Street, Grand Forks, North Dakota.

The purpose of the hearing is to receive input from the public and to discuss the proposed project improvements.

The format of the meeting will be "Open House" with representatives of the City of Grand Forks, North Dakota Department of Transportation, and CPS available to discuss concerns and receive input from the public.

QUESTIONS/COMMENTS

Questions or comments regarding this project may be directed to any of the project contacts listed on the front and back of this newsletter. Written statements or comments about this project must be mailed by February 3, 2009.

Written comments may be mailed to CPS, Attn: Mike Korman, 308 2nd Avenue North, Grand Forks, ND 58203 or email mkorman@cpsnd.com and list "Public Hearing" in the subject heading.

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308 2nd Avenue North
Grand Forks, ND 58203

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CITY OF GRAND FORKS

Sengaroun T. Marohl
NDDOT - Local Government
609 East Blvd Ave
Bismarck, ND 58506

APPENDIX A
Transcript of Public Hearing

ORIGINAL

Public Hearing In Re: Reconstruction of Cherry Street from 17th Avenue South to 25th Avenue South Grand Forks City Project No. 6272 North Dakota Department of Transportation Project SU-6-986(084)088

TRANSCRIPT OF PROCEEDINGS

January 20, 2009

Taken By: Ruth Ann Johnson, RPR

INDEX

. . . The following is the Transcript of Proceedings of the Public Hearing In Re: Reconstruction of Cherry Street from 17th Avenue South to 25th Avenue South, Grand Forks City Project No. 6272, North Dakota Department of Transportation Project SU-6-986(084)088, taken at the request of CPS in the above-entitled cause, before Ruth Ann Johnson, RPR, at the City Hall, Room A101, 255 North 4th Street, Grand Forks, North Dakota, on Tuesday, January 20, 2009, at 7:00 o'clock p.m.

(Whereupon, the following proceedings were had to-wit:)

MR. SWANKE: One of the posters here says that the signage is going to be updated to meet the Manual, MUTCD, The Manual of Uniform Traffic Control Devices standards. I find this laughable, since speed limits in this town do not currently meet The Manual of Uniform Traffic Control Devices standards as it is.

Secondly, I have concerns about the way the project is going to be financed. Collector streets, I think, should be financed at least in part by the city at large, since the city at large gains use and utility from each collector street.

Third, I have concerns about the city's requirement for drainage, which requires that the street have elevation or grade changes. I keep hearing a four percent figure tossed around and I don't know, really, what that means, but if it's built the way South Washington has been screwed up and the way 32nd has been screwed up, a passenger or a rider in a vehicle feels like he's on a pogo stick going up and down and up and down, because the roads

were not properly crowned, instead the drainage is taken care of by -- I don't know how to say it, the road jumps up and down as you drive down it.

Those are my three comments. Thanks much.

I would hate for Cherry Street to have more dips than city council, the way South Washington and 32nd do.

* * *

MS. STREIFEL-RELLER: My concerns about the project would be the start and the end date relative to impact of traffic as it would be rerouted, that would affect the elementary schools in the area, specifically Viking Elementary, and that if traffic is rerouted closer, if that part of the project is closer to when school starts in August, that we already have safety concerns at, at the intersection of Oak and 22nd, 23rd Avenue, in there, that if traffic is rerouted, that that would just congest that area more and just be prime for a child to be hit.

My other concern is the runoff of a road that is higher in grade, that the water

will pool in the lower lying parts of the neighborhood, of which one is my home on Oak Street.

And my other concern is the estimated cost of the project in that we're in interesting times, not knowing what will happen economically with our country, our state, our community, and that if the project is not estimated properly and comes in higher, that that would cause people in that area, that are already on fixed incomes, to further be impacted by a larger assessment than they had been informed that they would have to pay.

So we talked safety and when the project is done, we talked the cost of the project and we talked about the water runoff, I think that's it.

Thank you.

(Whereupon, the Public Hearing was concluded at 9:00 o'clock p.m.)

REPORTER'S CERTIFICATE

I, Ruth Ann Johnson, a general shorthand (Stenograph) reporter, 600 DeMers Avenue, Suite 300, Grand Forks, North Dakota, do hereby certify that the foregoing six (6) pages of typewritten material constitutes a full, true and correct transcript of my original Stenograph notes, as they purport to contain, of the transcript of the proceedings reported by me at the time and place hereinbefore mentioned.

Ruth Ann Johnson, Registered Professional Reporter

Dated this 2nd day of January, 2009.

Meeting Participant
Summary of Discussions

Discussion between Mike Korman (CPS) and Paul Krueger (619 19th Avenue South)

Mr. Krueger asked several questions in regard to the road improvement projects that were done in the area as part of the flood control projects. Mr. Krueger stated that during the construction of the flood control project there was a lot of construction equipment that utilized Cherry Street which accelerated the deterioration of the roadway. He felt that some of the flood control project funds should be used to offset the local costs of the reconstruction of the street.

Mr. Korman responded that federal dollars will pay for approximately 80% of the construction of the project. The City has also paid for the preliminary engineering phase of the project to date. The combination of the two will significantly reduce the amount of the project that will be special assessed to properties within the special assessment district. There are no flood protection project funds available for the reconstruction of the street.

Mr. Krueger asked when and how the special assessment district will be created. Mr. Korman responded that the special assessment district for classified streets typically extends half the distance to the next classified street. The special assessment district for this project has not been approved by the City Council yet. It is anticipated that the special assessment district will be approved by the City Council in mid to late summer of 2009. After the special assessment district is created all property owners within the special assessment district will be notified by mail as to what their estimated special assessment cost would be.

Mr. Krueger said that he was in favor of the project and realizes that the road needs to be reconstructed but wanted his special assessment to be as small as possible. He did appreciate that the City was paying for some of the engineering costs and utilizing federal funding for a large portion of the project.

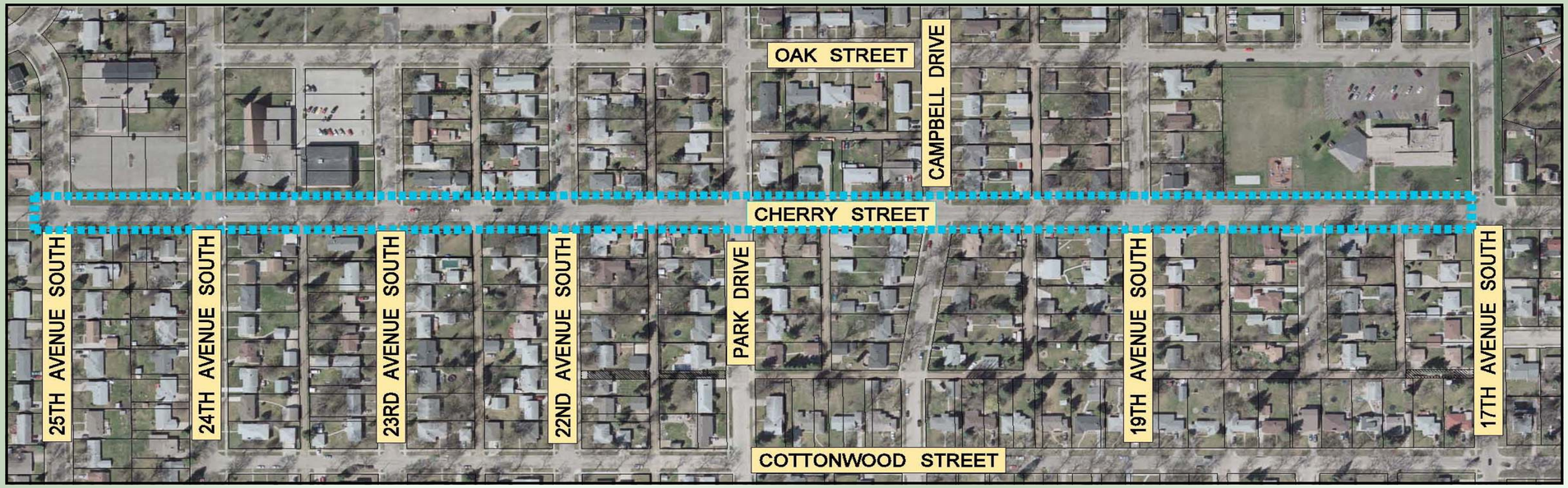
Discussion between Mike Korman (CPS) and Doris and Derril Bring (715 Park Drive)

Mr. and Mrs. Bring asked what their special assessment costs would be. Mr. Korman stated that the special assessment district had not been created yet and that we were in the preliminary engineering phase of the project at the current time and could not provide them with their special assessment cost at this time. The special assessment district is expected to be approved by the City Council in mid to late summer of 2009. At that time the City would send them a letter stating what their estimated special assessment cost would be. Mr. Korman went on to explain that there are federal dollars that will pay for approximately 80% of the construction of the project and that the City is paying for the preliminary engineering of the project which help in reducing the amount of the project that will be special assessed.

Mr. and Mrs. Bring agree that the project needs to be done however they were not in favor of being special assessed for the improvements.

APPENDIX B
Meeting Display Boards

Project Location



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CHERRY STREET

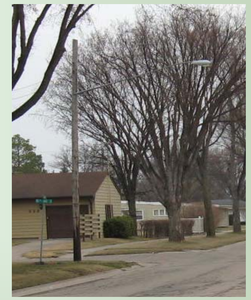
17TH AVENUE SOUTH

TO

25TH AVENUE SOUTH

Purpose & Need

- Original Pavement Constructed in Mid 1950's
- Existing Pavement Deficiencies:
  - Alligator and Block Cracking
  - Subgrade Failure
  - Poor Ride Quality
  - Non Compliant Pedestrian Facilities



- Improvements Would:
  - Correct Pavement Deficiencies
  - Prolong Roadway Life
  - Improve Ride Quality
  - Update Pedestrian Facilities to Meet ADA Requirements
  - Update Street Lighting System to Meet Standards
  - Update Street Signs to Meet MUTCD Standards

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North Dakota
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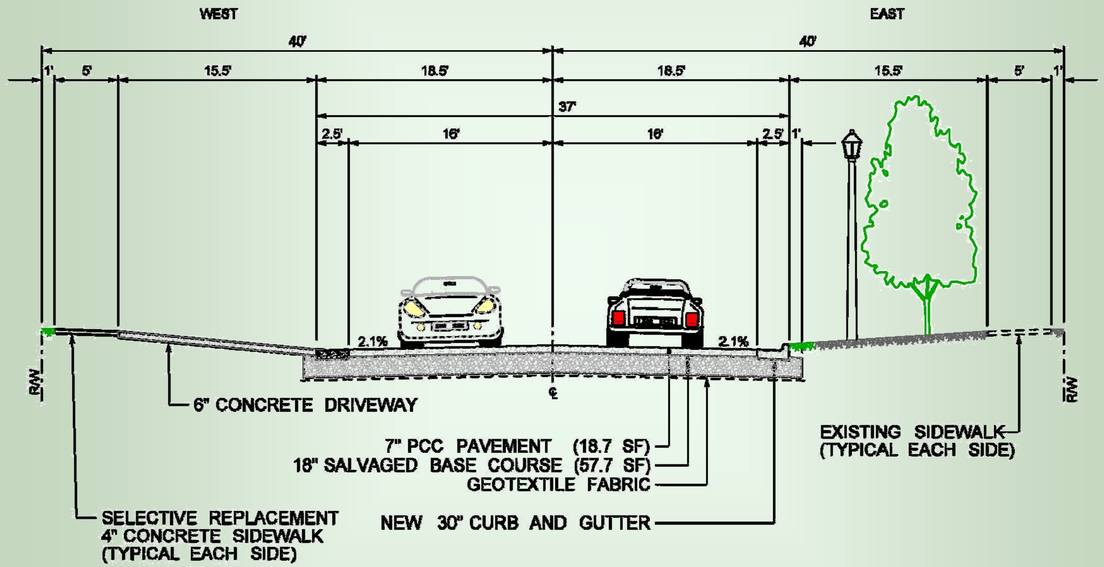
308 Second Avenue N., Grand Forks, ND 58203

Construction Alternatives

Alternate A: No Build

Alternate A would provide no improvements to Cherry Street

Alternate B: 37' Urban Section (Reconstruction)



Alternate B: *(Not Shown on Typical Section)*

- Alley Approach Pavement Reconstruction
- ADA Sidewalk Through Alley Crossing
- ADA Sidewalk Ramps at Street Intersections

Construction Cost & Project Funding

CONSTRUCTION COST

- $1,555,000 (Estimated)

FEDERAL PARTICIPATION

- 80% of Eligible Project Costs Funded Under Urban Roads Program
- $1,440,000 Federal Funding Cap

LOCAL PARTICIPATION

- 20% of Project Construction Costs
  - Additionally All Costs in Excess of the Federal Funding Cap, Including Non-Participating Items Would be Locally Funded
  - City of Grand Forks
  - Special Assessments
    - Special Assessment District Scheduled to be Finalized Mid to Late Summer 2009
    - Property Owners Would Receive Notification of Their Estimated Special Assessment Cost

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Social Impacts

Appropriate measures implemented to minimize temporary impacts from construction activities

- Normal travel routes disrupted.
- Alternate transportation routes provided by project detour routes.
- Residents adjacent to the project would experience interruption in accessing their properties.

- Pedestrians and bicyclists unable to utilize sidewalks and Cherry Street.
- Financial impacts to properties located within the special assessment district.

- Short-term increases in dust emissions and exhaust during construction phase.

- Construction vehicles would cause temporary increases in noise levels near the projects site.

- No anticipated changes to drainage patterns.
- Implement erosion and sediment control devices and replant disturbed vegetated areas to protect surface water quality.

Project Schedule

The following milestone dates represent tentative project schedule for upcoming tasks:

- Final Project Concept Report: January 2009
- Final Plans: September 2009
- Bid Opening: November 2009
- Project Construction: 2010 Construction Season

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Stormwater and the Construction Industry

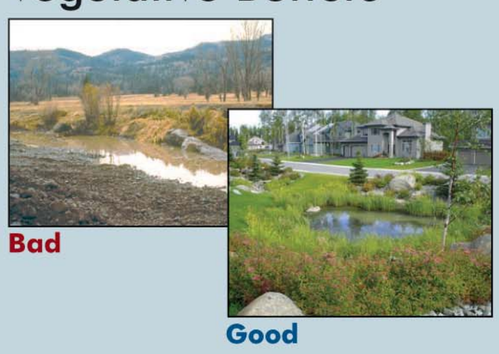
Protect Natural Features

- Minimize clearing.
- Minimize the amount of exposed soil.
- Identify and protect areas where existing vegetation, such as trees, will not be disturbed by construction activity.
- Protect streams, stream buffers, wild woodlands, wetlands, or other sensitive areas from any disturbance or construction activity by fencing or otherwise clearly marking these areas.

Construction Phasing

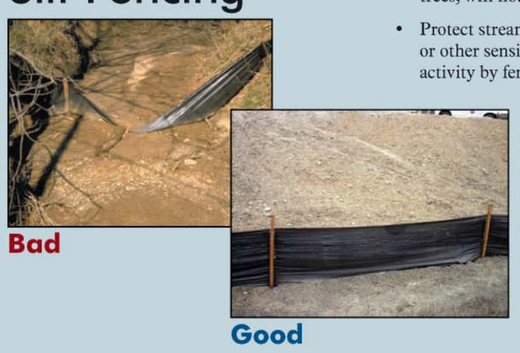
- Sequence construction activities so that the soil is not exposed for long periods of time.
- Schedule or limit grading to small areas.
- Install key sediment control practices before site grading begins.
- Schedule site stabilization activities, such as landscaping, to be completed immediately after the land has been graded to its final contour.

Vegetative Buffers



- Protect and install vegetative buffers along waterbodies to slow and filter stormwater runoff.
- Maintain buffers by mowing or replanting periodically to ensure their effectiveness.

Silt Fencing



- Inspect and maintain silt fences after each rainstorm.
- Make sure the bottom of the silt fence is buried in the ground.
- Securely attach the material to the stakes.
- Don't place silt fences in the middle of a waterway or use them as a check dam.
- Make sure stormwater is not flowing around the silt fence.

Site Stabilization

- Vegetate, mulch, or otherwise stabilize all exposed areas as soon as land alterations have been completed.

Maintain your BMPs!

www.epa.gov/npdes/menuofbmps
www.state.nd.us/dot/doing.html

Construction Entrances

- Remove mud and dirt from the tires of construction vehicles before they enter a paved roadway.
- Properly size entrance BMPs for all anticipated vehicles.
- Make sure that the construction entrance does not become buried in soil.

Slopes

- Rough grade or terrace slopes.
- Break up long slopes with sediment barriers, or under drain, or divert stormwater away from slopes.

Dirt Stockpiles

- Cover or seed all dirt stockpiles.

Storm Drain Inlet Protection

- Use rock or other appropriate material to cover the storm drain inlet to filter out trash and debris.
- Make sure the rock size is appropriate (usually 1 to 2 inches in diameter).
- If you use inlet filters, maintain them regularly.

Visit www.epa.gov/npdes/stormwater for more information.

Stormwater and the Construction Industry

Planning and Implementing Erosion and Sediment Control Practices

The construction industry is a critical participant in the nation's efforts to protect streams, rivers, lakes, wetlands, and oceans. Through the use of best management practices (BMPs), construction site operators are the key defense against erosion and sedimentation.

As stormwater flows over a construction site, it picks up pollutants like sediment, debris, and chemicals. High volumes of stormwater can also cause stream bank erosion, and destroy downstream aquatic habitat. Preventing soil erosion and sedimentation is an important responsibility at all construction sites.

In addition to the environmental impact, uncontrolled erosion can have a significant financial impact on a construction project. It costs money and time to repair gullies, replace vegetation, clean sediment-clogged storm drains, replace poorly installed BMPs, and mitigate damage to other people's property or to natural resources.

Best Management Practice (BMP)
A BMP is a method used to prevent or control stormwater runoff and the discharge of pollutants, including sediment, into local waterbodies. Silt fences, inlet protection, and site-stabilization techniques are typical BMPs on a construction site.

Operator
An operator is someone who has control over and the ability to modify construction plans and specifications (e.g. owner, general contractor)

or

Someone who has control over the day-to-day operations at a site (e.g., owner, general contractor) that are necessary to ensure compliance with the permit requirements. It is the responsibility of a construction site owner or operator to contain stormwater runoff and prevent erosion during **all** stages of a project.

There may be more than one person at a site who meets these definitions and must apply for permit coverage. (States may have different definitions of the term "operator.")

So what's being done about polluted runoff?

The Clean Water Act includes the National Pollutant Discharge Elimination System (NPDES) permitting program. As of January 2003, 44 states and territories are authorized to issue NPDES stormwater permits. If your state isn't authorized to operate the NPDES stormwater permit program, EPA issues the permits. Permits vary from state to state, so contact your state or EPA for specific information. Your permitting authority has specific information on your state's NPDES stormwater permit program. In general, construction permits require construction operators to do all of the following:

- Develop and implement a stormwater pollution prevention plan
- Submit a permit application or notice of intent (NOI)
- Comply with the permit, including maintaining BMPs and inspecting the site

Under the NPDES program, construction activities that disturb 1 or more acres are required to obtain stormwater permit coverage. States have different names for the plans that construction operators must develop, such as

- Stormwater pollution prevention plan
- Erosion and sediment control plan
- Erosion control and stormwater management plan
- Stormwater management plan
- Water pollution control plan
- Pollution prevention plan

This document uses the term "*Plan*."

I think I need a permit... Where do I start?

All land-disturbing activities, including clearing, grading, and excavation, that disturb **1 or more acres** are required to be covered under a state or EPA-issued NPDES construction stormwater permit **prior to land disturbance**. Permit requirements vary by state. Begin by researching the specific requirements in your state. You might already be subject to local erosion and sediment control requirements, but that doesn't release you from the requirements of the NPDES program at the state or EPA level. Although you must comply with both sets of requirements, in most cases they have been designed to be complementary. Contact your permitting authority to find out exactly what you need to do. A good place to start your search is the Construction Industry Compliance Assistance web site at http://www.envcap.org/cica.

The NPDES permit requirements include small construction activities that are part of a larger common plan of development or sale, such as a single lot within a larger subdivision. For developments with multiple operators, all operators must have permit coverage for their individual parts of the larger development, no matter how large or small each operation happens to be. When there are multiple operators at one site, they're encouraged to develop and share one comprehensive Plan and obtain permit coverage as co-permitees.

The **owner or operator** of the construction site is responsible for complying with the requirements of the permit. Responsibilities include developing a Plan, obtaining permit coverage, implementing BMPs, and stabilizing the site at the end of the construction activity.

Construction sites that discharge unpermitted stormwater are in violation of the Clean Water Act and may be subject to fines of up to $27,500 a day per violation.

Determine your eligibility

All construction activity that disturbs 1 or more acres of land, as well as activity that disturbs less than 1 acre but is part of a larger common plan of development, must obtain permit coverage.

Read and understand your stormwater permit requirements

Get a copy of the permit for construction activities and a permit application (or notice of intent form) from your state or EPA permitting authority.

Develop a Plan

Most states do not require you to submit your Plan. However, you do need to keep the Plan on site. If that's impractical, you may post a notice that tells where the Plan is kept so it can be accessed by the permitting authority and other interested parties.

You'll need to post a copy of your completed application on site. Put it in a place where the public can see it so they'll know your site is covered by an NPDES permit!

Apply for permit coverage

Once you understand your permit requirements and have developed a Plan, you can submit a stormwater permit application (or notice of intent) to your permitting authority. This must be done before beginning any land disturbance on the site. Some states require a few days of lead time, so check with your permitting authority. Once you've submitted the application, you must satisfy the conditions of the permit.

Implement the Plan

Be prepared to implement the BMPs in your Plan before construction begins. Ensure that BMPs are properly maintained, and upgrade and repair them as necessary.

Developing and Implementing a Plan

You must have a Plan that includes erosion and sediment control and pollution prevention BMPs. These Plans require

- Advance planning and training to ensure proper implementation of the BMPs
- Erosion and sediment control BMPs in place until the area is permanently stabilized
- Pollution prevention BMPs to keep the construction site "clean"
- Regular inspection of the construction site to ensure proper installation and maintenance of BMPs

Fortunately, the practices and measures that must be included in your Plan are already part of the standard operating procedures at many construction sites.

Six steps are associated with developing and implementing a stormwater Plan. There's a wealth of information available on developing pollution prevention plans. Please contact your permitting authority for help in finding additional guidance materials, or visit www.epa.gov/npdes/stormwater. A sample construction plan is available at www.epa.gov/npdes/pubs/sample_swppp.pdf.

1. Site Evaluation and Design Development

- **Collect site information**
- **Develop site plan design**
- **Prepare pollution prevention site map**

The first step in preparing a Plan is to define the characteristics of the site and the type of construction that will occur. This involves collecting site information, identifying natural features that should be protected, developing a site plan design, describing the nature of the construction activity, and preparing a pollution prevention site map.

2. Assessment

- **Measure the site area**
- **Determine the drainage areas**
- **Calculate the runoff coefficient**

The next step is assessing the impact the project will have on stormwater runoff. Determine the drainage areas and estimate the runoff amounts and velocities. For more information on calculating the runoff coefficient, go to www.epa.gov/npdes/pubs/chap02_conguide.pdf, page 11.

3. Control Selection and Plan Design

- **Review and incorporate state or local requirements**
- **Select erosion and sediment controls**
- **Select other controls**
- **Select stormwater management controls**
- **Indicate the location of controls on the site map**
- **Prepare an inspection and maintenance plan**
- **Coordinate controls with construction activity**
- **Prepare sequence of major activities**

In the third step you'll actually document your procedures to prevent and control polluted stormwater runoff. You must delineate areas that will not be disturbed, including critical natural areas like streamside areas, floodplains, and trees. You must also identify the measures (or BMPs) you'll use to protect these areas.

Phasing your project to minimize the amount of exposed soil at any given time is a highly effective way to prevent erosion. Erosion control measures designed to prevent soil from being mobilized include diversions to route stormwater away from exposed soils and stabilization with vegetation, mulch, and geotextiles. Sedimentation control measures designed to remove sediment from stormwater or prevent it from leaving the site include silt fences, sediment traps, and diversions.

You'll need to select erosion and sediment controls—including stabilization measures for protecting disturbed areas and structural controls for diverting run-off and removing sediment—that are appropriate for your particular site. The appropriateness of the control measures will depend on several factors, but will be influenced most directly by the site characteristics. Some stabilization measures you might consider are temporary seeding, permanent seeding, and mulching. Structural control measures include earth dikes, silt fences, and sediment traps. No single BMP will meet all of the erosion and sedimentation control needs of a construction site. A combination of BMPs is necessary. For more information on the types of BMPs appropriate for your construction site, see the BMP fact sheet series available at www.epa.gov/npdes/menuofbmps.

Soil erosion control tips...

- Design the site to infiltrate stormwater into the ground and to keep it out of storm drains. Eliminate or minimize the use of stormwater collection and conveyance systems while maximizing the use of stormwater infiltration and bioretention techniques.
- Minimize the amount of exposed soil on site.
  - To the extent possible, plan the project in stages to minimize the amount of area that is bare and subject to erosion. The less soil exposed, the easier and cheaper it will be to control erosion.
  - Vegetate disturbed areas with permanent or temporary seeding immediately upon reaching final grade.
  - Vegetate or cover stockpiles that will not be used immediately.
- Reduce the velocity of stormwater both onto and away from the project area.
  - Interceptors, diversions, vegetated buffers, and check dams are a few of the BMPs that can be used to slow down stormwater as it travels across and away from the project site.
  - Diversion measures can also be used to direct flow away from exposed areas toward stable portions of the site.
  - Silt fences and other types of perimeter filters should never be used to reduce the velocity of runoff.
- Protect defined channels immediately with measures adequate to handle the storm flows expected.
  - Sod, geotextile, natural fiber, riprap, or other stabilization measures should be used to allow the channels to carry water without causing erosion. Use softer measures like geotextile or vegetation where possible to prevent downstream impacts.
- Keep sediment on site.
  - Place aggregate or stone at construction site vehicle exits to accommodate at least two tire revolutions of large construction vehicles. Much of the dirt on the tires will fall off before the vehicle gets to the street.
  - Regular street sweeping at the construction entrance will prevent dirt from entering storm drains. Do not hose paved areas.
  - Sediment traps and basins are temporary structures and should be used in conjunction with other measures to reduce the amount of erosion.
- Maintaining all BMPs is critical to ensure their effectiveness during the life of the project.
  - Regularly remove collected sediment from silt fences, berms, traps, and other BMPs.
  - Ensure that geotextiles and mulch remain in place until vegetation is well established.
  - Maintain fences that protect sensitive areas, silt fences, diversion structures, and other BMPs.

Other BMPs and Activities to Control Polluted Runoff

You'll need to select other controls to address potential pollutant sources on your site. Construction materials, debris, trash, fuel, paint, and stockpiles become pollution sources when it rains. Basic pollution prevention practices can significantly reduce the amount of pollution leaving construction sites. The following are some simple practices that should be included in the Plan and implemented on site:

- Keep potential sources of pollution out of the rain as practicable (e.g., inside a building, covered with plastic or tarps, or sealed tightly in a leak-proof container).
- Clearly identify a protected, lined area for concrete truck washouts. This area should be located away from streams, storm drain inlets, or ditches and should be cleaned out periodically.
- Park, refuel, and maintain vehicles and equipment in one area of the site to minimize the area exposed to possible spills and fuel storage. This area should be well away from streams, storm drain inlets, or ditches. Keep spill kits close by and clean up any spills or leaks immediately, including spills on pavement or earthen surfaces.
- Practice good housekeeping. Keep the construction site free of litter, construction debris, and leaking containers. Keep all waste in one area to minimize cleaning.
- Never hose down paved surfaces to clean dust, debris, or trash. This water could wash directly into storm drains or streams. Sweep up materials and dispose of them in the trash. Never bury trash or debris!
- Dispose of hazardous materials properly.

4. Certification and Notification

- **Certify the Plan**
- **Submit permit application or notice of intent**

Once the Plan has been developed, an authorized representative must sign it. Now is the time to submit the permit application or notice of intent. Your permit might require that the Plan be kept on site, so be sure to keep it available for the staff implementing the Plan.

Erosion and sedimentation control practices are only as good as their installation and maintenance.

5. Implementing and Maintaining a Plan

- **Implement controls**
- **Inspect and maintain controls**
- **Update/change the Plan**
- **Report releases of hazardous materials**

A Plan describes the practices and activities you'll use to prevent stormwater contamination and meet the NPDES permit requirements. Make sure that the Plan is implemented and that the Plan is updated as necessary to reflect changes on the site.

Erosion and sedimentation control practices are only as good as their installation and maintenance. Train the contractors that will install the BMPs and inspect immediately to ensure that the BMPs have been installed correctly.

Regularly inspect the BMPs (especially before and after rain events) and perform any necessary repairs or maintenance immediately. Many BMPs are designed to handle a limited amount of sediment. If not maintained, they'll become ineffective and a source of sediment pollution.

It's also important to keep records of BMP installation, implementation, and maintenance. Keep track of major grading activities that occur on the site, when construction activities cease (temporarily or permanently), and when a site is temporarily or permanently stabilized.

If construction plans change at any time, or if more appropriate BMPs are chosen for the site, update the Plan accordingly.

6. Completing the Project: Final Stabilization and Termination of the Permit

- **Final stabilization**
- **Notice of Termination**
- **Record retention**

Many states and EPA require a Notice of Termination (NOT) or other notification signifying that the construction activity is completed. An NOT is required when

- Final stabilization has been achieved on all portions of the site for which the permittee is responsible.
- Another operator has assumed control over all areas of the site that have not been finally stabilized. That operator would need to submit a new permit application to the permitting authority.
- For residential construction only, temporary stabilization of a lot has been completed prior to transference of ownership to the homeowner, with the homeowner being made aware of the need to perform final stabilization.

Permittees must keep a copy of their permit application and their Plan for at least 3 years following final stabilization. This period may be longer depending on state and local requirements.

Preconstruction Checklist

- A site description, including
  - Nature of the activity
  - Intended sequence of major construction activities
  - Total area of the site
  - Existing soil type and rainfall runoff data
  - A site map with:
    - Drainage patterns
    - Approximate slopes after major grading
    - Area of soil disturbance
    - Outline of areas which will not be disturbed
    - Location of major structural and nonstructural soil erosion controls
    - Areas where stabilization practices are expected to occur
    - Surface waters
    - Stormwater discharge locations
  - Name of the receiving water(s)
- A description of controls:
  - Erosion and sediment controls, including
    - Stabilization practices for all areas disturbed by construction
    - Structural practices for all drainage/discharge locations
  - Stormwater management controls, including
    - Measures used to control pollutants occurring in stormwater discharges after construction activities are complete
    - Velocity dissipation devices to provide nonerosive flow conditions from the discharge point along the length of any outfall channel
  - Other controls, including
    - Waste disposal practices that prevent discharge of solid materials
    - Measures to minimize offset tracking of sediments by construction vehicles
    - Measures to ensure compliance with state or local waste disposal, sanitary sewer, or septic system regulations
  - Description of the timing during the construction when measures will be implemented
- State or local requirements incorporated into the Plan
- Inspection and maintenance procedures for control measures identified in the Plan
- Contractor certification and Plan certification

Implementation Checklist

- Maintain records of construction activities, including
  - Dates when major grading activities occur
  - Dates when construction activities temporarily cease on the site or a portion of the site
  - Dates when construction activities permanently cease on the site or a portion of the site
  - Dates when stabilization measures are completed on the site
- Prepare inspection reports summarizing
  - Name of person conducting BMP inspections
  - Qualifications of person conducting BMP inspections
  - BMPs/areas inspected
  - Observed conditions
  - Necessary changes to the Plan
- Report releases of reportable quantities of oil or hazardous materials
  - Notify the National Response Center at 800-424-8802 immediately
  - Report releases to your permitting authority immediately, or as specified in your permit. You must also provide a written report within 14 days.
  - Modify the Plan to include
    - The date of release
    - Circumstances leading to the release
    - Steps taken to prevent reoccurrence of the release
- Modify Plan as necessary
  - Incorporate requests of the permitting authority to bring the Plan into compliance
  - Address changes in design, construction operation, or maintenance that affect the potential for discharge of pollutants

An ounce of prevention is worth a pound of cure! It's far more efficient and cost-effective to prevent pollution than it is to try to correct problems later. Installing and maintaining simple BMPs and pollution prevention techniques on site can greatly reduce the potential for stormwater pollution and can also save you money!

NDDOT North Dakota Department of Transportation
www.state.nd.us/dot/doing.html

EPA United States Environmental Protection Agency
EPA 833-H-03-001
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THE YEAR OF CLEAN WATER "Celebration & Recommitment"

APPENDIX C
Attendance Sheet and Comments

SIGN IN SHEET

CPS
ENGINEERING | LAND SURVEYING

Public Hearing for:
City Project No. 6272 – NDDOT Project No. SU-6-986(084)088
Reconstruction of Cherry Street from 17th Avenue So. to 25th Avenue So.
Tuesday, January 20, 2009; 7:00 PM to 9:00 PM
City Hall – Room A101, 255 North 4th Street, Grand Forks, ND

Name: Dcon Wawrzyniak	Organization: CPS, Ltd.
Address: 308 2nd Ave N Grand Forks, ND 58203	Phone Number: (701) 746-7459 Email: dwawrzyniak@cpsnd.com
Name: Peggy Harter	Organization: SRF
Address: One N 2nd Street Fargo, ND 58102	Phone Number: 701-237-0010 Email: pharter@srfconsulting.com
Name: Melissa Knutson	Organization: CPS, Ltd.
Address: 308 2nd Ave N Grand Forks, ND 58203	Phone Number: (701) 746-7459 Email: mknutson@cpsnd.com
Name: Mike Korman	Organization: CPS, Ltd.
Address: 308 2nd Ave N Grand Forks, ND 58203	Phone Number: (701) 746-7459 Email: mkorman@cpsnd.com
Name: Mike Yavarow	Organization: City of Grand Forks
Address: PO Box 5200 Grand Forks, ND 58206-5200	Phone Number: (701) 746-2640 Email:
Name: DOUG HERZOG	Organization: CPS LTD
Address: 308 2ND AVE. N. GF ND 58203	Phone Number: 701-746-7459 Email:
Name: Kurt Colletta	Organization: N/A
Address: 519 Cherry St	Phone Number: 7878485 Email: kurtdia@gmail.com
Name: Ann Henderson	Organization:
Address: 1860 27th Ave Grand Forks	Phone Number: 775-6471 Email:

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Name: Kaleb Rike	Organization:
Address: 3570 prairie Dr	Phone Number: 775-8409
	Email:
Name: Bryan Henderson	Organization:
Address:	Phone Number:
	Email:
Name: Luke Moen	Organization:
Address: 2632 South 19th street	Phone Number: 701-741-3248
	Email:
Name: Colby Arends	Organization:
Address: 3089 Queens Ct	Phone Number: 701-330-3484
Grand Forks, ND 58201	Email: arendsc@hotmail.com
Name: Pete Hagen	Organization:
Address: 515 24th Ave S	Phone Number:
GF ND 58201	Email:
Name: Doris Brenig	Organization:
Address: 715 Park Dr	Phone Number: 701-772 4425
GFND.	Email:
Name: Dennis Brenig	Organization:
Address: 715 Park Dr	Phone Number:
GF N. Dak	Email:
Name: Schuyler Swenke	Organization: SEA
Address: 1506 S. 15th St	Phone Number: 701 775 5443
	Email:

CPS
ENGINEERING | LAND SURVEYING

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Name: Paul Krueger	Organization: Self
Address: 619 19th Ave So Grand Forks ND	Phone Number: 772 0896 Email: N/A
Name: Jerry L Omsrud	Organization:
Address: 605 24th ave S G.F.	Phone Number: Email:
Name: Judy Strafet-Keller	Organization: Self
Address: 2011 Oak Street GF.	Phone Number: Email:
Name: Jerry Midstokke	Organization:
Address: 819 Park Dr GF	Phone Number: 772-6133 Email:
Name:	Organization:
Address:	Phone Number: Email:
Name:	Organization:
Address:	Phone Number: Email:
Name:	Organization:
Address:	Phone Number: Email:
Name:	Organization:
Address:	Phone Number: Email:

List of Commenting Parties
Public Hearing
Cherry Street

Mr. Jerry Moran

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CPS
ENGINEERING | LAND SURVEYING
308 Second Avenue N., Grand Forks, ND 58203

January 20, 2009
Public Hearing Comments
Reconstruction of Cherry Street
from 17th Avenue South to 25th Avenue South
Grand Forks City Project No. 6272
North Dakota Department of Transportation
Project No. SU-6-986(084)088

The project is well needed, will be a great improvement to the area. I believe there will be a concern over side walk replacement. Thats my only concern. Thanks.

J. L Duncan

Printed Name

J. L Duncan

Signature

Contact Information:

Please return comments to input meeting officials, or mail/email to:

Mike Korman, PE
CPS, Ltd.
308 2nd Avenue North
Grand Forks, ND 58203
email: mkorman@cpsnd.com

All comments must be postmarked on or before February 3, 2009.