



**City Council – Meeting Agenda
September 15, 2026– 5:30 P.M. – Foley City Hall**

1. Call the meeting to order.
2. Pledge of Allegiance.
3. Approve the agenda.
4. Consent Agenda:
 - Approve minutes of September 1, 2026.
5. Mayor's Comments and Open Forum
6. South Fairway Estates – Consider/Approve Change Order #3
7. Consider/Approve update to City of Foley Section 305 Wastewater Treatment System Use Code.
 - See provided redline for St. Cloud Section 360 (we are required to incorporate these changes in our Section 305).
8. Department Reports:
 - Police Department –Katie McMillin
 - City Engineer – Jarod Griffith
 - Update on 5th/Main resurfacing w/ county government center project.
 - Public Works/Fire – Mark Pappenfus
 - Administration – Sarah Brunn
 - Consider/Approve RFP for Engineering Services
9. Old Business
10. New Business
11. Adjourn
12. Council Workshop – Council Priorities

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING– September 1, 2026

The Foley City Council held its regular meeting at 5:30 p.m. on Sept. 1, 2026, at Foley City Hall.

Members Present: Mayor Brandon Voit, Councilmembers Jeff Gondeck, Deb Mathiowetz, Gary Swanson, and Stephanie Lloyd

Members Absent: None

Mayor Voit called the meeting to order.

Pledge of allegiance.

Motion by Swanson, seconded by Lloyd, to approve the consent agenda.

Mathiowetz mentioned that her name had been spelled wrong in the minutes in the last couple months. Staff will correct.

Motion carried, unanimous.

Community Time Capsule and Local Highlights

- A collection of photos and items was prepared to reflect Foley’s business district evolution, downtown facade improvements (grant amounts of five grand), Lions Park activities, local clinics (two clinics, plus veterinary, dental, and chiropractors), North Side project, veterans memorial, a local “big sausage,” and the winery.
 - The facade grant program was praised as “little money for a big benefit,” with visible improvements like painting and awnings.
 - The items aim to portray community life in a fun but respectful way, with a resource guide included and an invitation for letters.
- Participants acknowledged the long-term nature of the time capsule, noting excitement for discovery approximately seventy-five years from now and that most current attendees will not witness its opening.
- The time capsule is expected to go on display at the library; contributors were thanked for their efforts.

Public Comments and Community Issues

- Data Center Moratoriums vs. Proactive Planning
 - A resident urged the council to take a proactive approach rather than adopting moratoriums, recommending a “wish list” of

community benefits and clear guidelines for potential data centers.

- Property Recording Errors in Lang Estates Area
 - A resident described significant property line discrepancies affecting refinancing and ownership records, including a one-foot strip intended for highline wires that appears to have expanded to thirty-five feet, impacting multiple properties near Highway 25 and County Road 51.
 - City staff acknowledged awareness since 2021, having requested correction from the county; the matter is characterized as a county recording and Beacon legal description issue under county authority.
 - The city committed to continuing inquiries and keeping the issue a priority, while clarifying they cannot directly change county maps or legal descriptions.

Zoning, Subdivision, and Development

- Public Hearing and Approval (120 Glen Street)
 - Applicant requested to extend an existing lot from 120 to 145 feet by adding 25 feet to the south, facilitating a driveway turnout to avoid backing onto Glen Street and removal of a tree; plans include tearing down the existing house when building proceeds.
 - A small strip (approximately five by twenty feet noted; an acre of area in total currently zoned light industrial nearby) would be rezoned to R1 along with the lot to align with surrounding residential uses.
 - City staff supported rezoning to R1 to prevent incompatible future uses and maintain flexibility for potential later rezoning (e.g., multifamily or commercial on the highway side).
 - The council reconvened at six o'clock p.m. and adopted Resolution 2026-24 approving the subdivision and rezoning; Planning Commission reported no concerns.

Fire Relief Association Annual Update

- The treasurer reported a surplus in the pension fund and noted a few firefighter benefit payments in the projected expenses.

- Based on mid-year figures, there is potential for approximately a \$200 per-year benefit raise effective January 1, pending third-quarter reports and updated state aid numbers.
- State aid typically increases; the current report used last year's figure due to timing, which may be adjusted higher later. Final decisions will be made after third-quarter data to ensure accuracy.

Event Parking and Wellhead Property Risk

- Request to Use City Property for Rodeo Parking
 - A rodeo company is requesting temporary use of city property for parking for a private, one-day rodeo event scheduled for September 26 in Gilmanton Township.
 - The event itself, which includes activities like bull riding and barrel racing, will take place entirely on private property.
 - The primary goal for using the city land is to ensure public safety by providing organized parking and preventing attendees from parking along the county road or across the four-lane Highway 23.
 - The company clarified that it does not intend to charge attendees for parking.
- Terms and Conditions of Use
 - Requester stated its willingness to pay rent for the one-day use of the property.
 - The company is prepared to provide a written agreement, proof of insurance, and any other required documentation.
 - They committed to leaving the property in its original condition and following any conditions set by the city.
- Council Concerns and Discussion
 - Wellhead Protection: The company acknowledged the importance of the wellhead protection area on the property and offered to rope off or barricade any sensitive areas identified by the city to ensure compliance. They argued that temporary auto parking poses no more risk than current haymaking activity.
 - Future City Projects: The use is described as temporary and non-intrusive; with the belief it will not interfere with any future city projects that may have federal or state funding.
 - Financial and Tax Implications: The council discussed whether to charge rent for the property.

- It was suggested that collecting any money for the use of the lot could change its taxable status.
 - One council member stated that the focus should not be on making money from the event.
- Decision and Risks
 - The council formally denied the use of the parcel due to the severe risks of damaging the underlying aquifer and wellhead. City administration and legal counsel strongly advised against the parking plan, emphasizing that any alternative use of the property could jeopardize ongoing federal and state funding for a new wellhead and water treatment project.
 - It remains unclear how event attendees will safely cross the highway, as the shuttle was deemed too expensive and parking on the city parcel was denied.

Public Safety and Police Department Updates

- Police Department Monthly Report
 - August statistics showed “twelve” child incidences compared to “three” the prior month, alongside increases in medicals, domestics, assaults, and disturbing the peace. City ordinance violations decreased, and police are working with public works regarding unmowed properties.
 - With school starting next week, the Police Chief and the School Resource Officer will be stationed on campus to ensure safe student drop-offs and traffic control during the first week.
- Police Radio Equipment Purchase
 - Encryption Mandate: The FBI and state mandate a transition to encrypted radios, which the local sheriff’s office intends to complete by 2029. The city must upgrade equipment to maintain communication capabilities with the county.
 - Purchase Approval: The council approved a motion to purchase six portable radios and three mobile radios for \$40,810.74. Buying now allows the city to take advantage of state bid and promotional pricing.
 - Budget and Grants: The remaining three radios will be purchased after the city receives the results of a grant application that could provide up to \$10,000. This phased purchasing strategy reduces the originally budgeted amount.

Infrastructure Projects and Change Orders

- South Fairway Estates Change Order

- Project Expansion and Realignment: Change order number two for the South Fairway Estates project totals \$85,895.46.
 - Cost Breakdown: Approximately half uses contingency funds to realign the trunk sanitary sewer and water main further away from the St. Cloud force main due to stability concerns. The other half extends the planned endpoint of the trunk 144 feet further east, completing a portion of Phase Two ahead of schedule.
 - A motion was made and approved for Change Order #2 for the South Fairway Estates project.
 - The costs are associated with shifting and realigning the project to the north due to conditions around the sewer forcemain. This particular issue is not expected to recur in Phase Two.
- South Fairway Estates – Pay Application #2
 - Pay Application #2 for the South Fairway Estates Phase One project was approved.
 - The payment request is for \$249,051.97, representing approximately 33% of the total project. A 5% retainage is still held.
 - The project is considered on schedule. All trunk and 8-inch sanitary sewers, as well as the water main, have been installed.
 - The tentative schedule for paving is the last two days of September and the first two days of October.
- 2026 Lead Service Replacement Project – Pay Application #1
 - Pay Application #1 was approved in the amount of \$102,117.40 (about 27% of the project). As of 2026-08-14, 12 of 43 services were replaced; currently, about 27 of 43 are complete.
 - The project is behind the substantial completion schedule but on track for final completion, with an estimated three weeks of work remaining.
 - The contractor is averaging less than two service replacements per day due to difficulties with soil conditions.
 - Some communication issues with residents were noted, but the overall work quality is considered satisfactory. A homeowner expressed dissatisfaction with how the project was initially “sold,” with plans to discuss this later.
- 2025 Lead Service Project – Additional Engineering Services
 - Additional construction engineering services for SEH were approved for an amount up to \$9,700.
 - The original estimate of 34 hours for construction observation was exceeded, with current hours at 78, due to the contractor not completing the estimated two services per day.

- The additional engineering costs are grant-eligible and will be paid from the water fund, with reimbursement requested from the state.
- Concerns were raised about underestimating project hours and the need for accurate estimates on future projects. The council stressed the importance of having a strong engineering partner for upcoming development.

Road, Parking Lot, and Highway Maintenance

- Road and Parking Lot Project Update
 - The council discussed moving forward with their portion of a road repair project in conjunction with the county.
 - Funds are available in the street maintenance fund to cover the city's share.
 - To avoid delays due to the fall timeline, the council was asked to pre-approve moving forward based on a rough cost estimate, with a formal quote and change order to follow.
 - Engineering is being handled by the county; city engineers will review quantities to avoid redundant work. The city will be billed for its portion of engineering costs.
 - The project includes an upgrade to an adjacent parking area to increase on-site parking, aligning with city planning goals.
- Highway 23 Blacktop Issue
 - A settling blacktop section on Highway 23 near the north side project was clarified as a MnDOT subgrade issue, not caused by the city's project.
 - MnDOT responsibility: their maintenance team measured the area and plans to perform microsurfacing in fall.
 - The city will monitor settlement and communicate with the contractor.
- Fifth Avenue and Main Street Resurfacing Project Update
 - Preliminary county cost estimate: \$53,844; awaiting detailed specifics on coverage area and cost-sharing breakdown.
 - Estimate does not include base material; the city intends to recrown the road to the correct grade, which may add cost.
 - Small additions may include addressing a bad seam on the east end of the project area.

Public Works Purchases and Approvals

- Gateway Installation for Water Meters

- Approval sought for a quote from Ferguson Waterworks for \$24,999 to install a third gateway for the new Neptune water meter system.
- The city already possesses the gateway; the quote is for installation only.
- The new gateway is needed to ensure reliable daily meter readings on the south side of town, especially with new developments. The price is under the bid threshold.
- Utility Tractor Replacement and Public Works Vehicle Purchase
 - Proposal to purchase a new Kubota compact medium-duty utility tractor for \$61,179.07 via Sourcewell bid, including trade-in of the 2005 New Holland TN60 and its proprietary broom; the new tractor includes a front broom for trail maintenance.
 - The council discussed and approved the purchase of a Kubota public works vehicle for \$61,179.07, under the budgeted \$63,000 in the CIP.
 - Use cases include sweeping one-inch snows in winter and various mowing tasks in summer.

Administrative, Finance, and Contracts

- Township Contract Rate Amendment
 - Concerns from townships about rising contract costs tied to increasing property valuations were discussed.
 - A motion was approved to amend the three-year property protection contract, locking the 2027 contract rate at the 2026 level for all contracted townships and the city.
 - To qualify for the locked rate, townships must submit payment in full by June 30. A letter will be sent to explain the situation.
 - The council acknowledged this is a one-year hold and rates will likely increase when the contract is renewed at the end of 2027.
- Loan Servicing Agreement with CEE
 - The council approved a loan servicing agreement with the Center for Energy and Environment (CEE) for the Tier 2 rehab program.
 - CEE will handle loan processing, payment collection, and account management; they are recommended and vetted by staff.
- Discussion on Deduct Meters for Sprinklers

- A request from a public entity to allow deduct meters for sprinklers (reducing sewer charges for water not entering the sewer system) was discussed.
 - Concerns about broader pressure from commercial entities and residents were noted.
 - The discussion was tabled due to unknowns, including future water treatment facility costs and the impact of the residential winter lock rate. Staff will not proceed with developing an ordinance at this time.
- 2027 Fee Schedule Review
 - The “transient merchant” fee for food trucks remains \$100 for a yearly permit allowing multiple operations throughout the year.
 - While other cities may charge more, the consensus was to keep the fee reasonable to encourage legal operation and licensing.

Budget, Levy, and Land Purchases

- Council Meeting Calendar and October Leadership Coverage
 - Non-election year calendar noted as straightforward.
 - A member will be absent for the October meeting; Jeff requested to serve as acting mayor for the October 6 meeting to ensure leadership coverage.
- Second Half Contract-for-Deed Approval
 - The council reviewed and approved the second half of a contract-for-deed for a land purchase, with terms nearly identical to the first half.
 - The second half covers smaller acreage with the same payment amount, resulting in a shorter payoff timeline.
 - The family selling the land agreed to the terms; motion carried.
 - Payoff Timeline
 - The first half was larger; the second half is smaller, allowing faster payoff.
 - Overall payoff is confirmed to be in 2030.
- 2027 Budget Update and Proposed Tax Levy (Resolution 2026-23)
 - Proposed levy increase: 7.69 percent as previously discussed.

- Does not yet reflect taxable income from approximately \$4 million in new commercial construction; impact realized once valuations are finalized.
- Tax Capacity and Valuations
 - County assessor is processing valuations; new construction will increase capacity to spread the levy.
 - Nearly \$4 million in new construction is positive, with a significant portion to be commercial.
- Expected Impact and Flexibility
 - Members guesstimated an overall impact “about five and a half,” indicating the new construction will absorb some of the increase.
 - The council can reduce the levy later but cannot increase it after adopting the resolution.
 - Resolution 2026-23 adopted, setting the proposed 2027 tax levy at 7.69 percent; motion carried.
 - Comparative context: other cities (e.g., St. Cloud) at 12.6 percent; many double-digit increases in the area.
- Capital Considerations and Growth
 - Prior cuts to capital items acknowledged; need to be careful about investments.
 - Anticipated residential growth (e.g., houses on the south side and Fairway Estate) may further expand the tax base.

Data Centers: Information Session Insights

- Attendees reported data centers are willing to work with cities and that cities, planning commissions, and zoning commissions hold control through ordinances.
 - Proactive ordinance development was emphasized to define what the city wants.
- Site and Resources
 - A member suggested 52 acres in an industrial park could be suitable for such development.
 - Water usage was raised as a concern, with options discussed that helped clarify the issue.
- Follow-Up Information

- A summary was sent to those who did not attend, and more information will be distributed.

Council Workshop Timing and Year-End Scheduling

- The council discussed scheduling a workshop given ongoing topics and a “living document” of ideas to review.
- They proposed pairing a workshop with any additional year-end meeting added for approvals, to make efficient use of time.
- The idea will be kept on the radar and explored if a second meeting is added near year-end.

Motion by Lloyd, seconded by Voit, to adjourn.

Motion carried, unanimous.

Meeting adjourned at 7:30 p.m.

Sarah A. Brunn, Administrator
(Minutes By: Sara Judson Brown, using AI recording device)

CHANGE ORDER NO. 3

OWNER	City of Foley	DATE	September 15, 2026
CONTRACTOR	Northern Lines Contracting, Inc.	SEH No.	FOLEY 187473
ENGINEER	SEH		
Project	2026 South Fairway Estates – Phase 1, Foley		

You are directed to make the following changes in the Contract Documents:

Description:

Include mass grading for the proposed lots.

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT COST	AMOUNT
13A	EXCAVATION- COMMON (CV)	CU YD	6,962.00	\$5.20	\$36,202.40
15A	COMMON EMBANKMENT (CV)(ONSITE MATERIAL INCLUDES TOPSOIL)	CU YD	7,391.00	\$1.65	\$12,195.15
34A	SEEDING	ACRE	(1.35)	\$575.00	(\$776.25)
35A	FERTILIZER TYPE 2	POUND	(540.00)	\$1.00	(\$540.00)
36A	SEEDING NORTHERN BOULEVARD	POUND	(335.00)	\$6.00	(\$2,010.00)
37A	HYDRAULIC BONDED FIBER MATRIX	POUND	(3,375.00)	\$2.00	(\$6,750.00)
46A	SILT FENCE, TYPE MS	LIN FT	1,150.00	\$2.25	\$2,587.50
92	MOBILIZATION (MASS GRADING)	LUMP SUM	1.00	\$6,600.00	\$6,600.00
93	TEMPORARY SEEDING (SEED AND MULCH)	ACRE	6.30	\$750.00	\$4,725.00
TOTAL					\$52,233.80

Reason for Change Order:

Addition of mass grading of site to prep the house pads for future builders. This change order has been reviewed by both SEH and City Staff.

Attachments:

Revised Drawing Nos.1, 14, and 28 dated 09/15/2026. Remove Drawing No. 13.

Adjustments to Contract Time:

Due to addition of mass grading, the Substantial Completion shall be revised from October 16, 2026 to October 30, 2026. There will be no adjustments to the Final Completion date.

ITEM	CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES	
		Substantial Completion	Ready for Final Payment
Original Contract Price:	\$1,096,603.07	10/16/2026	06/25/2027
Net increase (decrease) from previous Change Order No. 1 to 2:	\$81,081.90	No Change	No Change
Contract price prior to the Change Order:	\$1,177,684.97	10/16/2026	06/25/2027
Net increase (decrease) of this Change Order:	\$52,233.80	10/30/2026	No Change
Contract price with all approved Change Orders:	\$1,229,918.77	10/30/2026	06/25/2027

In accordance with the Minnesota Uniform Transaction Act, an electronic signature on this document is binding and afforded the same effect as if the document was signed by hand.

RECOMMENDED:

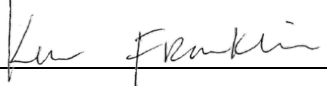
SEH
2351 Connecticut Avenue, Suite 300
Sartell, MN 56377

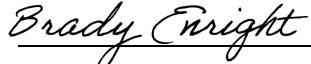
ACCEPTED:

Northern Lines Contracting
11039 Lamont Avenue NE
Hanover, MN 55341

APPROVED:

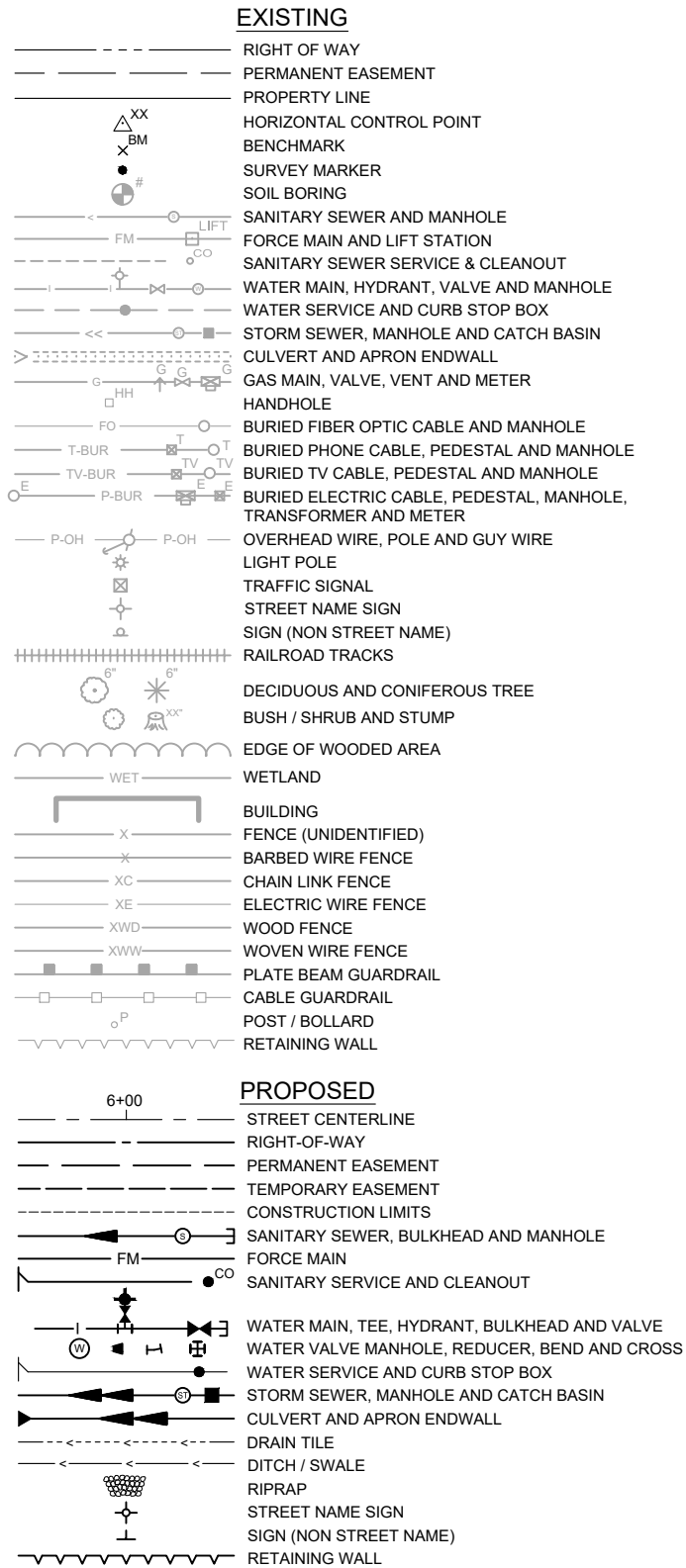
City of Foley
251 4th Avenue North
Foley, MN 56329

By: 
Title: Project Engineer
Date: 09/10/2026

By: 
Title: Project Manager
Date: 9-10-26

By: _____
Title: _____
Date: _____

Save: 9/10/2026 9:26 AM krola Plot: 9/10/2026 10:02 AM X:\F\J\F\FOLEY\187473\5-final-dsgn\51-drawings\10-Civil\cad\dwg\sheet\F0187473TL.dwg



5	KJT	9/15/2026	SHEETS 1, 13, 14, AND 28
4	KJT	9/1/2026	SHEETS 1, 16, AND 18
3	KJT	6-2-2026	SHEETS 1, 2, 9-14, 16, 18-21, 24, 25, AND 28
2	KJT	3-17-2026	SHEETS 1 AND 2
1	KJT	3-12-2026	SHEETS 1, 2, 21, AND 28
NO.	BY	DATE	REVISIONS

CITY OF FOLEY, MINNESOTA

CONSTRUCTION PLANS FOR

SITE GRADING, SANITARY SEWER, WATER MAIN,
STORM SEWER, STREET PAVING, TURF RESTORATION, AND WALK

SOUTH FAIRWAY ESTATES, PHASE 1



GOVERNING SPECIFICATIONS

THE 2025 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN EXCEPT AS MODIFIED BY THE SPECIFICATIONS FOR THIS PROJECT.

ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	STATEMENT OF ESTIMATED QUANTITIES AND STORM SEWER TABULATION
3	CONSTRUCTION NOTES & STRUCTURE SCHEDULES
4-8	DETAILS
9	TYPICAL SECTIONS
10	ALIGNMENT PLAN
11	REMOVAL PLAN
12	UTILITY PLAN
13	PHASE 1 GRADING PLAN
14	PHASE 1 GRADING PLAN
15	GRADING PLAN DETAILS
16-18	SANITARY SEWER & WATER MAIN PLAN & PROFILE
19-22	STREET & STORM SEWER PLAN & PROFILE
23	INTERSECTION DETAILS
24	POND DETAILS
25-27	SWPPP
28	EROSION CONTROL & TURF ESTABLISHMENT PLAN

THIS PLAN CONTAINS 28 SHEETS.

PROJECT LOCATION

CITY OF FOLEY, BENTON COUNTY

CONSTRUCTION DOCUMENTS

FOLEY, MINNESOTA

PHONE: 320.229.4300
2351 CONNECTICUT AVE S
SUITE 300
SARTELL, MN 56377
www.sehinc.com

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

JAROD GRIFFITH, PE
Signature

Date: 02-10-2026 Lic. No. 56772

PROJECT NO.
FOLEY 187473

1
of 28

NOTE:

THE SUBSURFACE UTILITY QUALITY INFORMATION IN THIS PLAN IS LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF C/ASCE 38-22, ENTITLED "STANDARD GUIDELINES FOR INVESTIGATING AND DOCUMENT EXISTING UTILITIES".

THE CONTRACTOR SHALL CALL THE ONE CALL SYSTEM AT 811 BEFORE COMMENCING EXCAVATION.



Know what's below.
Call before you dig.

PHASE 1 OVERALL EARTHWORK SUMMARY

EXCAVATION (CY)	
TOPSOIL EXCAVATION (UA) (ASSUMES AVERAGE TOPSOIL THICKNESS OF 4")	5,698 CY
GRADING MATERIAL EXCAVATION (UA)	12,397 CY
1' HOLD DOWN PAD MATERIAL INCLUDED (2,016 CY)	
TOTAL = 18,095 CY	
TOPSOIL AVAILABLE FOR EMBANKMENT	4,843 CY
(15% SHRINKAGE) (CV)	
GRADING MATERIAL AVAILABLE FOR EMBANKMENT	10,537 CY
(15% SHRINKAGE) (CV)	
TOTAL = 15,380 CY	
EMBANKMENT (CY)	
TOPSOIL REQUIRED (CV) (LOTS RESPREAD DEPTH AREAS OF APPROXIMATELY 4")	4,172 CY
SELECT GRADING MATERIAL REQUIRED (CV)	10,967 CY
TOTAL = 15,139 CY	

GRADING MATERIAL DIFFERENCE (CV) = 242 CY LONG

NOTES:
LOTS SHOWN AS SLAB ON GRADE MAY BY BUILT AS EITHER SLAB ON GRADE, SPLIT ENTRY OR FULL BASEMENT.

DRAINTILE AND SUMP PUMPS MAY BE NECESSARY FOR ANY HOME STYLE OTHER THAN SLAB ON GRADE DUE TO EVIDENCE OF WATER VERTICALLY POOLING AROUND 1103.00 ELEVATION. REFER TO THE GEOTECHNICAL REPORT FOR SOIL BORING INFORMATION.

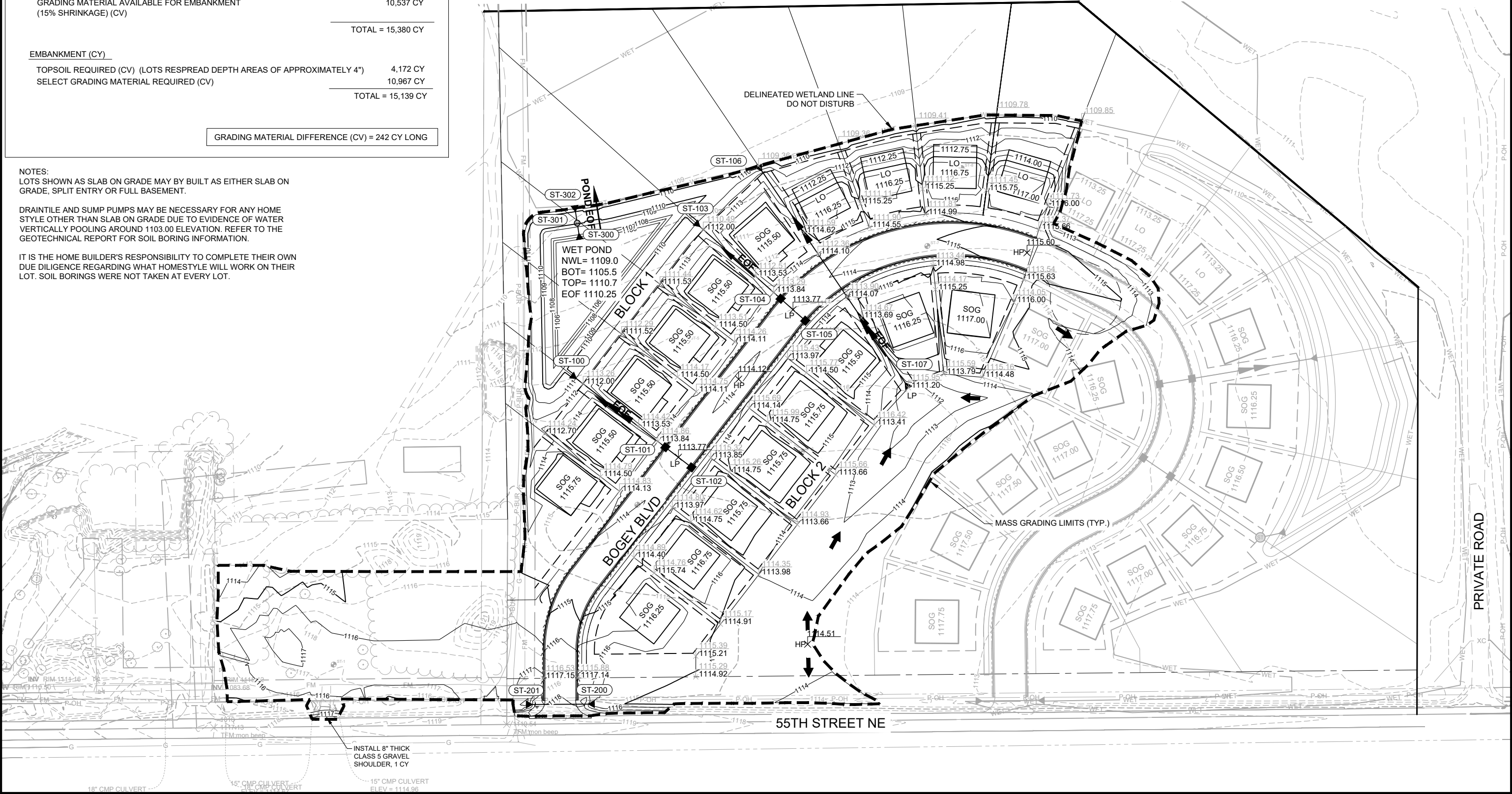
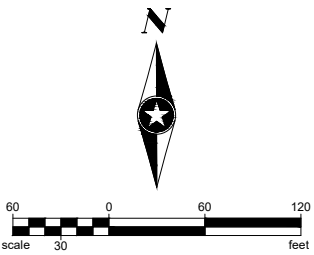
IT IS THE HOME BUILDER'S RESPONSIBILITY TO COMPLETE THEIR OWN DUE DILIGENCE REGARDING WHAT HOMESTYLE WILL WORK ON THEIR LOT. SOIL BORINGS WERE NOT TAKEN AT EVERY LOT.

LEGEND

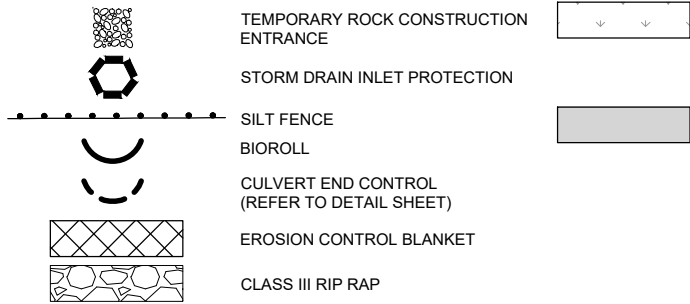
- 1176 --- EXISTING CONTOUR
- 1176 — PROPOSED CONTOUR
- - - - - PHASE 1 GRADING LIMITS
- ← DRAINAGE ARROW
- XXXX.XX
XXXX.XX EXISTING ELEVATION AND PROPOSED ELEVATION

- Garage Floor / Finished Grade
- House Type
- LO - LOOKOUT
- SOG - SLAB ON GRADE
- Finished Ground Elevation @ Building (Back)

- XXXX.XX
X
XXXX.XX PHASE 1 HOUSE PAD
- XXXX.XX
X
XXXX.XX PHASE 2 HOUSE PAD



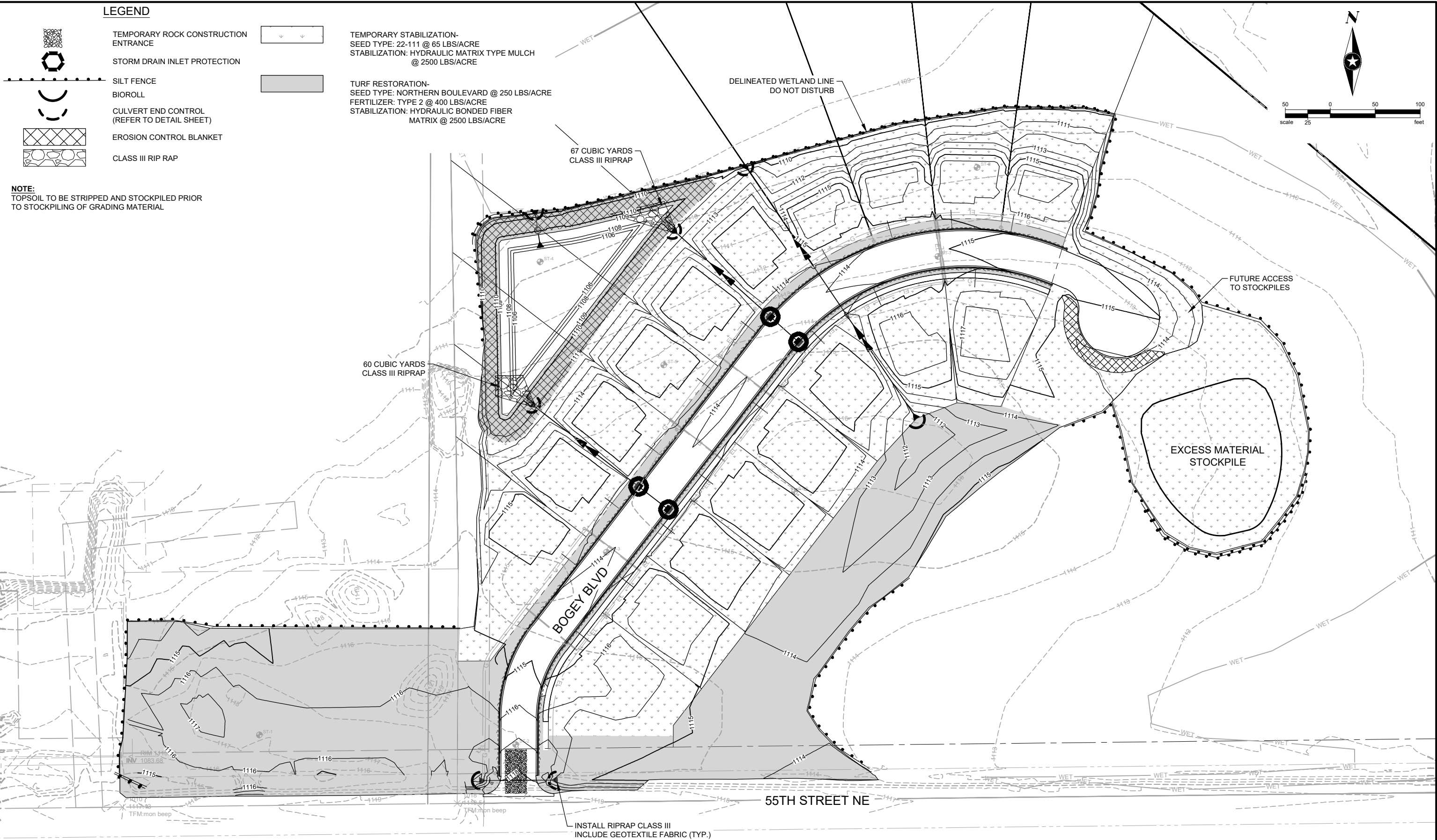
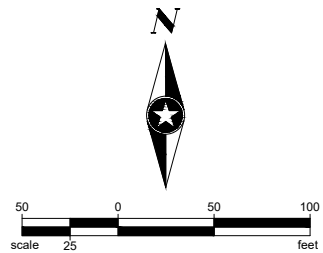
LEGEND



TEMPORARY STABILIZATION-
SEED TYPE: 22-111 @ 65 LBS/ACRE
STABILIZATION: HYDRAULIC MATRIX TYPE MULCH
@ 2500 LBS/ACRE

TURF RESTORATION-
SEED TYPE: NORTHERN BOULEVARD @ 250 LBS/ACRE
FERTILIZER: TYPE 2 @ 400 LBS/ACRE
STABILIZATION: HYDRAULIC BONDED FIBER
MATRIX @ 2500 LBS/ACRE

NOTE:
TOPSOIL TO BE STRIPPED AND STOCKPILED PRIOR
TO STOCKPIILING OF GRADING MATERIAL



SEH Project	FOLEY 187473	Rev. #	Plan Revision Issue Description	Date	Rev. #	Sheet Revision Issue Description	Date
Drawn By	KJT	.			.		
Designed By	KLF	.			5	REVISED SEEDING, ADDED SILT FENCE	9-15-2026
Checked By	JRG	.			3	REVISED SILT FENCE AND SEEDING	6-23-2026



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

JAROD GRIFFITH, PE
DATE: 02-10-2026 LICENSE NO. 56772

SOUTH FAIRWAY ESTATES
FOLEY, MINNESOTA

EROSION CONTROL &
TURF ESTABLISHMENT PLAN



2026 SOUTHSIDE DEVELOPMENT
FOLEY, MN
SEH NO. FOLEY 187473

9/1/2026

LOT GRADING

ITEM NO.	ITEM DESCRIPTION	UNIT OF MEASUREMENT	QUANTITY	UNIT PRICE	TOTAL COST
STREET					
1	MOBILIZATION	LUMP SUM	1.00	\$6,600.00	\$6,600.00
13	EXCAVATION - COMMON (CV)	CU YD	5,449.00	\$5.20	\$28,334.80
15	COMMON EMBANKMENT (CV)(ONSITE MATERIAL INCLUDES TOPSOIL)	CU YD	11,975.00	\$1.65	\$19,758.75
46	SILT FENCE	LIN FT	1,000.00	\$2.25	\$2,250.00
92	TEMPORARY SEEDING (SEED AND MULCH)	ACRE	4.45	\$750.00	\$3,337.50
				SUBTOTAL	\$60,281.05
				PAD TESTING	\$1,500.00
CONSTRUCTION CONTRACT		\$1,096,603.07			
CONTINGENCY		\$109,660.31			
CHANGE ORDER 1		(\$4,813.56)			
CHANGE ORDER 2 (Does not include extension of trunk sewer to Phase 2)		\$40,957.97			
LEFTOVER CONTINGENCY		\$63,888.78			
LOT GRADING- CHANGE ORDER 3		\$61,781.05			
		\$2,107.73			
Trunk Sewer Change Order cost		\$44,937.49			
		(\$42,829.76)			

SECTION 360. WASTEWATER TREATMENT SYSTEM USE CODE¹

Sec. 360:00. Purpose and policy.

This ordinance sets forth ~~uniform~~ requirements for discharges into the St. Cloud Wastewater Treatment System (SCWWTS), a publicly owned system of sanitary sewer mains~~interceptors~~, structures, and a wastewater treatment facility (WWTF), for the conveyance, treatment and disposal of wastewater from residential, commercial, institutional and industrial users in the SCWWTS service area.

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants to the SCWWTS that will interfere with the treatment process, ~~or~~ the beneficial reuse or disposal of biosolids, or the quality of nutrient recovery processes;
- (b) To prevent the introduction of pollutants into the SCWWTS that will pass through the system inadequately treated, into receiving waters, the atmosphere or otherwise be incompatible with the system;
- (c) To comply with federal, state and local rules and regulations to maintain eligibility for federal and state grants and loans for improvements or upgrades; and
- (d) To improve the ability to recycle and reclaim wastewater and biosolids from the system.

The ordinance provides for the regulation of discharges to the SCWWTS through; the issuance of permits to specific users and through enforcement of the general requirements for all users, authorizes monitoring and enforcement activities, provides for penalty relief, requires user reporting, and provides for the method of setting fees necessary to carry out the program established herein.

The ordinance shall apply to the City of St. Cloud and to persons outside the city who are, by contract or agreement with the city, users of the SCWWTS. Except as otherwise provided herein, the director shall administer, implement, and enforce the provisions of this ordinance.

Sec. 360:05. Definitions.

Unless the context specifically indicates otherwise, the following terms, as used in this ordinance, shall have the meanings designated:

- Subd. 1. *Act* means the Federal Water Pollution Control Act, as amended, commonly referred as the Clean Water Act, United States Code, Title 33, Sections 1251 et seq.
- Subd. 2. *Biosolids* means the nutrient rich organic, treated and tested residuals from the wastewater treatment process that meet federal and state standards for beneficial reuse as a fertilizers and as a soil conditioner.
- Subd. 3. *Best management practices (BMP's)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5. BMP's also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

¹Note(s)—Ord. 2333, 1-8-07; Ord. 2385, 1-7-08; Ord. 2403, 8-18-08; Ord. 2482, 12-06-10; Ord. 2576, 1-6-14.

Subd. 4. *Building sanitary drain* means the ~~eat~~ part of the lowest horizontal piping of a drainage system which receives the discharge from ~~soil~~, waste, and other drainage pipes inside the walls of the building and conveys it to the building sanitary sewer lateral, beginning five feet (1.5 meters) outside the inner face of the building wall.

~~Subd. 5. *Building sewer* means the extension from the building drain to the public sewer or other place of disposal. The building sewer is owned and maintained by the property owner.~~

Subd. 56. *Carbonaceous biochemical oxygen demand ($cBOD_5$)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter, in the presence of a nitrification inhibitor, under standard laboratory procedures in five days at 20 degrees Centigrade expressed in terms of weight and concentration (milligrams per liter-mg/L).

Subd. 67. *Capital costs* means all reasonable and necessary costs and expenses incurred by the city in planning, designing, financing, rehabilitating, expanding and improving the St. Cloud Wastewater Treatment System, including, but not limited to, costs and expenses for obtaining necessary permits, licenses, approvals and grants for design and construction; costs; fees for legal and consulting services; acquisition.

Subd. 78. *CFR* means the Code of Federal Regulations, which is the codification of general and permanent rules of departments and agencies of the federal government.

Subd. 89. *Chemical oxygen demand* means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedure as set out in the latest edition of Standard Methods of the Examination of Water and Wastewater.

Subd. 910. *City* means the City of St. Cloud or the City Council of St. Cloud or the public utility.

Subd. 101. *Cooling water* means the water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added to the water is heat.

Subd. 112. *Control authority* means the City of St. Cloud.

Subd. 123. *Contract user* means all users who have a written contract with the city to use the St. Cloud Wastewater Treatment System.

Subd. 134. *Debt service* means the principal and interest necessary to pay bonded indebtedness.

Subd. 154. *Director* means the City of St. Cloud's Public Services~~Utilities~~ Director or ~~authorized agent~~designee.

Subd. 156. *Domestic user* means those establishments of which its related occupations, if any, are usually considered as domestic and whose discharge consists solely of sanitary wastes.

Subd. 167. *Domestic waste* means wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions and industrial facilities. Domestic concentrations of $cBOD_5$ shall be 218 milligrams per liter, and domestic concentration of TSS shall be 240 milligrams per liter.

Subd. 178. *EPA* means the United States Environmental Protection Agency.

Subd. 189. *Flow* means the quantity of wastewater expressed in gallons or cubic feet per 24 hours.

Subd. 1920. *General municipal flow* means wastes from residential users and from the sanitary conveniences of multiple dwellings, commercial buildings, institutions and industrial facilities. General municipal flow based on the design of the wastewater treatment facility is further defined as flows containing five-day $cBOD_5$ concentrations no greater than 218 milligrams per liter (mg/L) and total suspended solids concentrations no greater than 240 milligrams per liter (mg/L).

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- Subd. ~~201~~. *General municipal user* means any user discharging wastewater other than industrial users, municipalities and other contract users. This category of user includes as sub-categories: domestic users, commercial users, institutional users, and governmental users, which are not contract users.
- Subd. ~~212~~. *General pretreatment regulations* means the general pretreatment regulations for existing and new sources of pollution promulgated by the EPA under Sections 307(b) and (c) of the Act and found at 40 CFR Part 403.
- Subd. ~~223~~. *Indirect discharge* means the introduction of pollutants or wastes into the SCWWTS from any nondomestic source regulated under Sections 301(b), (c), or (d) of the Act.
- Subd. ~~234~~. *Individual wastewatersewage treatment system permits* means the permit required of a person to construct a private wastewater disposal system.
- Subd. ~~245~~. *Industrial discharge permit or permit* means a permit issued by the City of St. Cloud to an industrial user authorizing them to use the SCWWTS as established herein.
- Subd. ~~256~~. *Industrial waste* means solid, liquid, or gaseous wastes, excluding domestic waste, resulting from any industrial, manufacturing, commercial, institutional or business activity, or from the development, recovery, or processing of a natural resource.
- Subd. ~~267~~. *Industrial user* means any person who discharges industrial waste into the SCWWTS.
- Subd. ~~278~~. *Institutional user* means those establishments engaged in activities of a non- economic nature, frequently being the performance of services for the general public (health, educational, social) and not classified as a governmental or commercial user in this ordinance.
- Subd. ~~289~~. *Interference* means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the SCWWTS, its treatment processes, operations or solids processes, use or disposal and, therefore, is a cause of a violation of any requirement of the St. Cloud WWTF's NPDES permit or of the prevention of biosolids use or disposal with statutory provisions and regulations or permits.
- Subd. ~~2930~~. *Leachate* means wastewater resulting from the percolation of ~~rain-water~~rainwater and/or internal liquids through the deposited material in a solid waste disposal facility.
- Subd. ~~301~~. *Liquid waste* means wastewater that is collected from residential units, commercial/industrial buildings and institutions within the community.
- Subd. ~~312~~. *Liquid waste hauler* means a user that transports waste for the purpose of discharge to the SCWWTS.
- Subd. ~~332~~. *Load* means quantities of wastewater characteristics such as _c BOD₅, TSS, or other constituents as expressed in milligrams per liter (mg/L) or pounds per 24 hours (lbs/24 hrs.).
- Subd. ~~334~~. *Local limits* means discharge limitations established by the city to protect the wastewater treatment process, infrastructure and the beneficial reuse of biosolids.
- Subd. ~~345~~. *MPCA* means the Minnesota Pollution Control Agency.
- Subd. ~~356~~. *Mercury reduction plan (MRP)* means a strategy to ensure the maximum allowable mercury loading to the WWTF is not exceeded.
- Subd. ~~367~~. *National Pollutant Discharge Elimination System (NPDES) permit* means any permit or requirements issued by the Minnesota Pollution Control Agency (MPCA) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq); for the purpose of regulating the discharge of wastewater, industrial wastes, or other wastes under the authority of Section 402 of the Act.

~~Subd. 38. — *Non-dispersible wipes* are any cleaning or personal use product that does not breakdown quickly in the sanitary sewer system and can cause interference or accumulate in the system.~~

Subd. 379. *Non-domestic nutrient contributor (NDNC)* means any non-domestic (as defined by subd. 17, Domestic waste) wastewater source which is determined to contribute nutrients (as defined by subd. 40, Nutrients).

~~Subd. 38. *Non-flushable wipes* are any cleaning or personal use product that does not breakdown quickly in the sanitary sewer system and can cause interference or accumulate in the system.~~

Subd. 3949. *Nutrients* means elements and substances which are required to support living plants and organisms, including carbon, hydrogen, nitrogen, oxygen and phosphorus.

Subd. 401. *Operation and maintenance* means the associated costs of treatment personnel, maintenance, energy, materials and chemicals to produce wastewater that will meet effluent requirements and to keep equipment functioning at satisfactory efficiencies.

Subd. 412. *Ordinance* means the set of rules contained herein governing the discharge of wastewater to the SCWWTS.

Subd. 423. *Permit holder* means an industrial user authorized to discharge industrial waste into the SCWWTS pursuant to an industrial discharge permit.

Subd. 434. *pH* means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of a solution. It is a measure of the acidity or basicity of a waste.

Subd. 445. *Pharmaceutical* means any prescription or over the counter medication.

Subd. 456. *Phosphorus management plan* means the strategy used by the city including pretreatment and operational procedures to reduce the amount of phosphorus discharged to the environment.

Subd. 467. *Phosphorus reduction strategy (PRS)* means the process of reporting, evaluating and reducing the amount of phosphorus discharged to the SCWWTS.

Subd. 478. *Pretreatment* means the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the SCWWTS. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as prohibited by this ordinance.

Subd. 489. *Pretreatment standards* means standards for industrial groups (categories) promulgated by the EPA pursuant to the Act which regulates the quality of effluent discharge to the SCWWTS and must be met by all users subject to such standards.

Subd. 4950. *Public utility* means the unit of municipal government and its people responsible for the SCWWTS and this ordinance.

Subd. 501. *Replacement* means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Subd. 512. *Residuals solids* means solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment facility.

Subd. 523. *Sanitary sewer* means a sewer which carries wastewater, and to which storm, surface and groundwater are not intentionally admitted.

~~Subd. 54. — *St. Cloud Area Wastewater Advisory Committee*~~

~~(SCAWAC) is an advisory group whose objectives are to share information, improve understanding of regional wastewater issues and to improve the level of cooperation in the resolution of regional wastewater issues.~~

~~Subd. 55. *St. Cloud Wastewater Treatment System (SCWWTS)* means POTW (publicly owned treatment works) which is the treatment system as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal solids residuals or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the WWTF. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment system.~~

Subd. 53. *Sanitary sewer lateral* means the extension from the building sanitary drain to the public sanitary sewer or other place of disposal. The sanitary sewer lateral is owned and maintained by the property owner.

~~Subd. 564. *Sanitary sewer main* means a pipe or conduit of the SCWWTS designed for carrying wastewater, ~~industrial waste or other waste liquids.~~~~

~~Subd. 575. *Sanitary sewer system* means pipelines or conduits, pumping stations, force mains, and all other devices and appurtenances, used for collecting or conducting wastewater.~~

Subd. 56. *Sewer Access Charge (SAC)* is a fee imposed upon the connection of a building or structure to the municipal sanitary sewer system to recover the cost of providing system capacity for wastewater collection and treatment.

~~Subd. 587. *Significant industrial user (SIU)* means all industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N and any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the WWTF (excluding sanitary, noncontact cooling and boiler blow down wastewater), contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the WWTF, or is designated as such by the control authority as defined in 40 C.F.R. § 403.3(f)~~40 CFR 403.12(a)~~ on the basis that the industrial user has a reasonable potential for adversely affecting the WWTF operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6). If, upon finding that a ~~non-categorical~~ industrial user meeting the criteria of this subdivision has no reasonable potential for adversely affecting the WWTF's operation or for violating any pretreatment standard or requirement, the control authority, as defined in 40 CFR 403.12(a), may, at any time, on its own initiative or in response to a petition received from an industrial user or WWTF and in accordance with 40 CFR 403.8(f)(6) determine that such industrial user is not a significant industrial user. The city may determine that an industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1, subchapter N is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling water and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the conditions are met stated in 40 CFR 403.3(v)(2)(i, ii, iii).~~

~~Subd. 589. *Slug* means any waste discharge which, in concentration of any given constituent or in quantity of flow, exceeds four times the average 24-hour concentration or flow during normal operation which may by itself or in combination with other wastes cause an interference within the WWTF.~~

Subd. 59. *St. Cloud Area Wastewater Advisory Committee (SCAWAC)* is an advisory group whose objectives are to share information, improve understanding of regional wastewater issues and to improve the level of cooperation in the resolution of regional wastewater issues.

Subd. 60. *St. Cloud Wastewater Treatment System (SCWWTS)* means POTW (publicly owned treatment works) which is the treatment system as defined by Section 212 of the Act, which is owned by the municipality (as defined by Section 502(4) of the Act). This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal solids residuals or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the WWTF. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment system.

Subd. 610. *Stormwater* means any flow occurring during, following or resulting from any form of natural precipitation.

Subd. 624. *Storm sewer (sometimes termed storm drain)* means a sewer which carries storm and surface water and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling or process water.

Subd. 632. *Strength charge* means a surcharge for any discharge above the domestic concentrations of TSS and $cBOD_5$.

Subd. 643. *Sump pump* means a pump which removes storm or groundwater from a sump well.

Subd. 654. *Total suspended solids (TSS)* means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by a standard glass fiber filter.

Subd. 665. *Total toxic organics* means the summation of all values greater than 0.01 mg/L of toxic organics listed in Section 307(A) of the Act.

Subd. 676. *Unpolluted water* means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

Subd. 689. *User* means any person who discharges, causes, or permits the discharge of wastewater into the SCWWTS.

Subd. 698. *User charge system* means the system established by this ordinance to recover from the users of the SCWWTS the cost of operation, maintenance and replacement of the SCWWTS.

Subd. 7069. *Wastewater* means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the SCWWTS.

Subd. 710. *Wastewater treatment facility (WWTF)* means any facility, appurtenant structures, or arrangement of devices used for the treatment of wastewater.

Sec. 360:06. Sewer availability charge (SAC).

~~The SAC Refer to Ordinance Section 575. fees for all structures/properties will to be collected on the building or plumbing permit.~~

Sec. 360:07. SAC exemptions.

Buildings/property uses that meet any of the following criteria will be exempt from the SAC fees:

Subd. 1. *City facilities*. All buildings and building additions that are owned by the City of St. Cloud are exempt from the sewer availability charge.

Subd. 2. *Sprinkling or irrigation meters.* Water meters installed solely for the purpose of irrigation are exempt from the sewer availability charge.

Subd. 3. *Fire suppression meters.* Water meters installed solely for the purpose of measuring water for fire suppression are exempt from the sewer availability charge.

Sec. 360:08. Redevelopment credit.

In cases of redevelopment, the property owner may request a credit from the ~~public utilities~~ Director for the existing sewer availability at the property prior to the redevelopment activity and apply the credit to applicable sewer availability charge. The credit given shall not be greater than the effective sewer availability charge.

Sec. 360:10. Individual ~~sewage-wastewater~~ treatment system.

Where a public sanitary sewer is not available under the provision of section 360:30, the ~~building sanitary~~ sewer lateral shall be connected to an individual ~~sewage-wastewater~~ treatment system complying with the provisions of ~~this~~ section 365:00, ~~Sewage-Wastewater~~ treatment systems, and Minnesota Pollution Control Agency Rules, Chapter 7080. The provisions of this subsection shall be in addition to any requirements established by applicable federal, state or local laws and regulations and shall not be construed to relieve any liability or obligation imposed by such laws and regulations.

Sec. 360:15. ~~Building~~Sanitary sewer laterals and connections.

Subd. 1. No person, unless authorized, shall uncover, make any connections with, or disturb any public sanitary sewer or appurtenance thereof.

Subd. 2. All costs incurred in the installation and connection of the ~~building sanitary~~ sewer laterals shall be ~~borne by the responsibility of~~ the owner. The owner shall indemnify and hold harmless the city from any loss or damage to the public sanitary sewer that may directly or indirectly be occasioned by the installation of the ~~building sanitary~~ sewer lateral.

Subd. 3. A separate and independent ~~building sanitary~~ sewer lateral shall be provided ~~for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided that the city shall require a written agreement between the property owners as to the share of the costs of construction and maintenance which each will contribute. in accordance with St. Cloud City Ordinance Section 245, as amended.~~

Subd. 4. ~~Old building~~Existing sanitary sewer connections ~~s~~ may be used ~~for in connections with new~~ly-constructed buildings only when they are found, ~~on~~ upon examination and test by the city, to meet all requirements of this ordinance.

Subd. 5. The size, slope, alignment, materials of construction of a ~~building sanitary~~ sewer lateral, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in Practice No. 9 and applicable American Society of Testing and Materials (ASTM) standards shall apply.

Subd. 6. Whenever possible, the ~~building sanitary~~ sewer lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any building sanitary drain is too low to permit gravity flow to the public sanitary sewer, such building sanitary drain shall be provided with a lifting device approved by the City plumbing inspector and discharged to the ~~building sanitary~~ sewer lateral.

Subd. 7. No persons shall make connection of roof downspouts, sump pump, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sanitary sewer or building sanitary drain which in turn is connected directly or indirectly to the public sanitary sewer.

Subd. 8. The construction of the ~~buildings~~building's sanitary sewer and its connection into the public sanitary sewer shall conform to the requirements of the building and plumbing code, the sanitary sewer specifications included herein, or other applicable rules and regulations and the procedures set forth in appropriate specifications of the ASTM. All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the plumbing inspector prior to installation.

Subd. 9. Employees of the city shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the connection shall notify the City ~~P~~lumbing ~~I~~nspector and ~~e~~City Engineer when the work is ready for final inspection and no underground portions shall be covered prior to the final inspection. The connection shall be made under the supervision of the building safety department.

Subd. 10. Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, CBOD, nutrients, and suspended solids, as determined by the director.

Sec. 360:20. Main and lateral sanitary sewers.

Subd. 1. No person, ~~unless authorized~~, shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary sewer main or appurtenance thereof without first obtaining a written permit from the Director.

Subd. 2. No sanitary ~~or storm~~ sewers shall be constructed in the city ~~(except house or building service sewer laterals)~~ except by the city or others authorized by the City, and subject to inspection during construction by ~~engineers and employees of~~ the city. No such sewers shall be considered to be a part of the public sanitary sewer system unless accepted by the city.

Subd. 3. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, backfilling and other work connected with the construction of sewers shall conform to the requirements of the city.

Subd. 4. Joints and pipes shall be watertight and sound. The sanitary sewer lateral shall be free of any structural defects including fractures, cracks, breaks, openings or missing portions.

Subd. 5. The sanitary sewer lateral shall be free of roots, grease deposits and other solids which may impede or obstruct flow.

Subd. 6. Sanitary sewer cleanouts shall be securely sealed with a proper cap or approved overflow device.

Sec. 360:25. Protection from damage.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the SCWWTS.

Sec. 360:30. Use of public sewers.

Subd. 1. It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewater or other polluted water, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Subd. 2. As set forth in section 360:10, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Subd. 3. The owner of any building or property which is located within the city, or in any area under the jurisdiction of the city, and from which wastewater is discharged, shall be required to connect to a public sanitary sewer main at the owner's expense within one year after service of official notice to do so, provided that said public sewer is available for connection. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the Minnesota Building Code and other ordinances of the city.

Subd. 4. In the event an owner fails to connect to a public sanitary sewer main in compliance with a notice given under section 360:30, subd. 3 of this ordinance, the city may undertake to have the connection made and shall assess the cost against the benefited property, the assessment shall be a lien against the property. Such assessment, when levied, shall bear interest at the rate of eight percent per annum and shall be certified to the county auditor in which the land is situated and shall be collected and remitted to the city in the same manner as assessments for local improvements. The rights of the city under this subdivision shall be in addition to any other remedial or enforcement provisions of this ordinance.

Subd. 5. No person shall discharge or cause to be discharged directly or indirectly any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, unpolluted cooling or process water to any sanitary sewer main unless there is no prudent and feasible alternative and unless as approved by the director.

Subd. 6. Stormwater and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the director, and the user may be required to obtain a NPDES permit by the MPCA.

Subd.7. The sanitary sewer system shall not be the disposal method for unused pharmaceuticals.

Sec. 360:31. Funds from user charges.

The funds received from the collection of the user charges will be deposited as collected in the St. Cloud wastewater utility fund and will be used for the operation, maintenance, debt service, replacement and improvements of the SCWWTS, except that the portion of any such funds which is limited to a particular use by applicable state or federal rules or regulations, will be used in compliance with such restrictions.

Sec. 360:32. Charges for general municipal users—Domestic, commercial, institutional and governmental users.

Subd. 1. The charge for general municipal, commercial, institutional, industrial and government users will be the product of the unit charge and the quantity of the water used as measured by the city water meter. The formula for this calculation follows:

$$\text{Unit Cost Per Volume of Water} \times \text{Users Metered Water Flow} = \\ \text{Residential, Commercial, Institutional, Industrial Governmental Users Charge}$$

Subd. 2. If a substantial portion of the water utilized by any user is not discharged into the sanitary sewer system, the volume of such water will be deducted in computing the wastewater use charge provided a separate City approved meter is installed to measure such volume. The user desiring to install such separate meter will make application and payment for the meter to the ~~St. Cloud Public Utilities Director~~ City and engage, at their own expense, a plumber to install the necessary piping changes and to install and maintain or replace the meter when required at user expense.

Sec. 360:35. Phosphorus management.

- Subd. 1. Any non-domestic, i.e., commercial or industrial, source may be included as part of the phosphorus management plan (PMP) and required to evaluate their phosphorus discharge to the SCWWTS.
- Subd. 2. Any significant non-domestic nutrient contributor (NDNC) of phosphorus, as determined by the director, will be required to develop a phosphorus reduction strategy (PRS). The NDNC will evaluate and/or update the PRS to include methods and/or steps taken to eliminate or reduce phosphorus loading to the SCWWTS.

Sec. 360:36. Mercury management.

- Subd. 1. Mercury concentrations in non-domestic wastewater discharged to the WWTF shall not exceed 0.2 micrograms per liter (ug/L), as set forth in the local limitations: section 360.50 subd. 6. Mercury sampling procedures, preservation, handling and analytical protocol for compliance monitoring shall be in accordance with EPA method 245.7 or another method approved or required by the director. The level of detection developed in accordance with the procedure specified in 40 CFR 136, shall not exceed 0.2 micrograms per liter for mercury, unless higher levels are appropriate due to matrix interference.
- Subd. 2. To ensure that the maximum allowable mercury loading to the WWTF is not exceeded, the city may require a non-domestic user to develop, submit for approval and implement a mercury reduction plan (MRP). Details of the requirements of the MRP are included in the City of St. Cloud Mercury Minimization Plan. The MRP is required by the MPCA and is updated once every five years in accordance with the NPDES permit. A copy of this plan is available upon request.
- Subd. 3. Failure to submit an approvable MRP within 30 days of the required due date shall constitute significant non-compliance in accordance with this section, and will result in publication as a significant violator.
- Subd. 4. A non-domestic user may request a variance from MRP requirements if all samples of the discharge for a period of one year are below the specified level of detection, the non-domestic user has complied with the minimum monitoring frequency of quarterly sampling events, and the director deems that the MRP commitments have been fulfilled sufficiently to ensure continued compliance with the mercury limitation. Notice of approval or disapproval of the variance from MRP requirements will be made in writing from the director. If an MRP variance is issued, the non-domestic user remains subject to the local limitation for mercury.

Sec. 360:40. Industrial discharge permit.

- Subd. 1. *Permit requirement.* Industrial users discharging wastewater to the SCWWTS shall apply for an industrial discharge permit in accordance with these rules unless the director determines the wastewater has an insignificant impact to the SCWWTS. No industrial user requiring a permit shall discharge to the SCWWTS until the industrial user has been issued a permit. Issuance of an industrial discharge permit shall not relieve the industrial user from any obligation to obtain any hazardous waste license required by other authorities or to comply with any other local, state, or federal requirements regarding waste disposal.

The criteria utilized by the director to determine if an industrial discharge permit will be required include:

- (a) An average flow loading greater than 25,000 gallons per operating day; or
- (b) A pollutant concentration of greater than 50 percent for one or more regulated pollutants (see 360:50, subd. 6) at the point of discharge; or
- (c) Has prohibitive discharge properties (see section 360:40.); or
- (d) Has been pretreated or passed through an equalization tank before discharge; or

-
- (e) A hydraulic or organic loading greater than five percent of the average dry weather capacity of the WWTF; or
 - (f) An industrial process regulated by EPA categorical standards; or
 - (g) Others as designated by the city as defined in 40 CFR 403.12(a).

Subd. 2. *Permit application.*

- (a) An existing significant industrial user or other person who is required to obtain an industrial discharge permit shall complete and file a permit application with the WWTF within 90 days of notification. The appropriate permit fee shall accompany the permit application form. A user shall have one year from the date of notification by the city to obtain an industrial discharge permit.
- (b) New significant industrial users proposing to connect or to commence a new discharge to the SCWWTS shall apply for an industrial discharge permit prior to connection to or discharging into the SCWWTS. No discharge into the SCWWTS can commence until an industrial discharge permit is received unless the director has ruled that:
 - (i) An industrial discharge permit is not required or
 - (ii) A discharge waiver is granted to commence discharge pending final action by the director.

Subd. 3. *Incomplete or deficient application.* An industrial discharge permit shall not be issued until an application is complete.

Subd. 4. *Issuance of industrial discharge permit.* Within 60 days of receiving a completed application form the director shall, upon a determination that the applicant is capable of compliance with the industrial discharge permit conditions and these rules, issue an industrial discharge permit subject to the terms and conditions provided herein.

Types of industrial discharge permits:

- (a) A standard permit, with requirements for a specific facility, will be issued to an industrial user with a direct discharge connection to the SCWWTS. A standard permit will be issued to each significant industrial user, and other industrial users determined by the director;
- (b) A liquid waste hauler permit will be issued to an industrial user who transports and discharges industrial waste to the collection system and the WWTF; and
- (c) Special discharge permit will be issued to an industrial user who discharges leachate, groundwater or other waste to the collection system or the WWTF for which other permit forms are not applicable.

Subd. 5. *Permit conditions.* Industrial discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges, and fees established by the city council. Permits shall contain the following:

- (a) A summary of the penalties and charges applicable for violations of the terms of permit as provided in section 360:85 of this ordinance;
- (b) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the WWTF;
- (c) Limits on the average and maximum wastewater constituents and characteristics, either in terms of concentrations, mass limitations, or other appropriate limits;
- (d) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (e) Requirements for installation and maintenance on inspection and sampling facilities;

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- (f) Requirements for access to the permit holder's premises and records;
 - (g) Requirements for installation, operation, and maintenance of pretreatment facilities; (see section 360:65 on pretreatment);
 - (h) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and self reporting schedule;
 - (i) Compliance schedules;
 - (j) Requirements for maintaining and retaining records relating to wastewater discharge as specified by the director;
 - (k) Requirements for notification to the director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the SCWWTS;
 - (l) Requirements for notification of slug discharges as provided in section 360:55 of this ordinance;
 - (m) Requirements for the specific location, time, and volume of discharge to the WWTF for liquid waste haulers;
 - (n) The requirement for industrial discharge permit transfer as stated herein; and
 - (o) Other conditions as deemed appropriate by the city to ensure compliance with this ordinance.

Subd. 6. *Permit modification, suspension, and revocation.* An industrial discharge permit may be modified, suspended or revoked, in whole or in part, by the director or city during its term for cause, including:

- (a) Violation of these rules;
- (b) Violation of any terms or conditions of the industrial discharge permit;
- (c) Obtaining an industrial discharge permit by misrepresentation or failure to fully disclose all relevant facts;
- (d) Amendment of these rules;
- (e) A change in the wastewater treatment process which results in the permit holder's discharge having a significantly different and negative impact on the process;
- (f) A change in the permit holder's industrial waste volume or characteristics which the permit holder knows or has reason to know will or is likely to have, either by itself or by interaction with other wastes, a negative impact on the treatment process;
- (g) A change in the WWTF's NPDES or SDS permit requirements, any other changes made by local, state and/or federal rules; and/or
- (h) A determination by the director that the permit holder's discharge reasonably appears to present an imminent endangerment to the health or welfare of persons, present an endangerment to the environment, or threaten interference with the operation of the SCWWTF.

Subd. 7. *Time schedule for compliance.* Any modifications in the industrial discharge permit shall specify a reasonable time schedule for compliance.

Subd. 8. *Refund of permit fee on surrender or revocation.* A permit holder may surrender an industrial discharge permit to the city prior to the permit's scheduled termination. In the event that a permit is surrendered or revoked, the permit holder shall be refunded a pro rata portion of the permit fee paid.

Subd. 9. *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 180 days prior to the permit's expiration date by filing with

the city a permit reissuance application. If an industrial user fails to submit a permit re-issuance application, the city may administratively extend the industrial user permit. The terms and conditions of the permit may be subject to modification by the director during the term of the permit as limitations or requirements as identified in section 360:45 are modified or other just cause exists. The user shall be informed prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Subd. 10. *Permit transfer.* Industrial discharge permits are issued to a specific user at a specific location, for a specific operation, except in the case of liquid waste haulers. An industrial discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the ~~the~~ Director. Upon approval by the Director, Any succeeding owner or user shall ~~also~~ comply with the terms and conditions of the existing permit. In the event of a change in the entity owning the industrial discharge facilities for which there is an industrial discharge permit, the prior owner, shall notify the city ~~and the succeeding owner~~ of said change in ownership and of the provisions of the industrial discharge permit and these rules. The new owner shall submit a new permit application or shall submit to the city an executed statement agreeing to be bound by the terms and conditions of the existing industrial discharge permit for the facility, in which case, upon consent of the city, the permit shall continue in effect until its expiration date.

Sec. 360:41. Liquid waste hauler requirements.

Subd. 1. Any person seeking to transport and subsequently discharge residential, commercial, institutional or industrial waste into the SCWWTS shall comply with applicable requirements specified in this section:

- (a) *Permit.* Liquid waste haulers shall obtain a liquid waste hauler permit and shall comply with applicable requirements of these rules.
- (b) An annual permit fee is due at time of issuance or reissuance of industrial discharge agreement.
- (c) *Load charge.* Liquid waste haulers shall pay load charges to the City of St. Cloud within 30 calendar days after the billing date. Load charges are specified in the liquid waste hauler's permit.
- (d) *Approved disposal sites.* Liquid waste haulers shall discharge only at approved disposal sites as designated by the director.
- (e) *Conditions of discharge.* Any person who has obtained written approval or a permit shall discharge in accordance with the terms of that approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the Act, and any other requirements set forth by the director.

Subd. 2. *Leachate and contaminated groundwater discharge requirements.* Any person seeking to discharge leachate, ~~or~~ contaminated groundwater or other non-domestic wastewater into the SCWWTS via truck/trailer shall submit a written application for approval to the director according to the following:

- (a) An application for approval to discharge shall be submitted at least 15 days prior to initiation of the proposed discharge;
- (b) An application for approval to discharge for a duration greater than six months shall be submitted at least 60 days prior to initiation of the proposed discharge;
- (c) *Approval or denial.* Upon receipt of a complete application for discharge approval, the director shall:
 - (i) Within 30 days, issue a written approval for discharges that will not exceed six months in duration; or
 - (ii) Within 90 days, issue an industrial discharge permit for discharges that will exceed six months of duration; or

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- (iii) Deny the request for discharging into the WWTF and state the reasons for denial.
- (d) *Conditions of discharge.* Any person who has obtained a written approval or a permit shall discharge in accordance with the terms of the approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the Act, and any other requirements set forth by the director.

Sec. 360:45. Prohibitive discharge.

No person shall discharge or cause to be discharged, directly or indirectly, into the SCWWTS any of the following:

- Subd. 1. Any combustible, flammable or explosive solids, liquids, or gases which by their nature or quantity will or are likely to cause either alone or by interaction with other substances a fire or explosion or be injurious to the treatment facility operation. At no time shall two successive readings on an explosimeter, at the point of discharge into the sewer system, be more than five percent nor shall there be any single reading over ten percent of the lower explosive limit (LEL). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, fuel oil, lubricating oil, benzene, toluene, xylene, ethers, alcohols, and ketones.
- Subd. 2. Any solids or viscous substances which will or are likely to cause obstruction to the flow in a sewer, interference with the operation of the wastewater treatment or pass through to the receiving waters. These include garbage with particles greater than one-half inch in any dimension, grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, feathers, ashes, sand, spent lime, stone or marble dust, metal, glass, grass clippings, rags, spent grains, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding, polishing wastes, non-~~flushable~~~~dispersible~~ wipes, pharmaceuticals.
- Subd. 3. Any wastewater having a pH less than 5.0 or greater than 12.0 or having any corrosive property that will or is likely to cause damage or hazard to structures, equipment, or employee of the public utility.
- Subd. 4. Any alkaline wastewater which alone or with others will or is likely to cause an elevated pH in the SCWWTS so as to result in an inhibiting effect on the biological process or encrustation to the sewer.
- Subd. 5. Any wastewater containing toxic or poisonous pollutants in sufficient quantity, either by itself or by interaction with other pollutants, that will or is likely to cause interference or constitute a hazard to humans. (A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.)
- Subd. 6. Any noxious or malodorous solids, liquids, or gases, which either singly or by interaction with other wastes, will or are likely to create a public nuisance or hazard to life or prevent the entry of utility employees into a sewer for monitoring, maintenance, and repair.
- Subd. 7. Any wastewater which will or is likely to cause excessive discoloration in treatment facility effluent.
- Subd. 8. Wastes, other than domestic wastes, that are infectious prior to discharging.
- Subd. 9. Any solids residual from an industrial pretreatment facility or process except as provided in section 360:65.
- Subd. 10. Heat in amounts which will or is likely to inhibit biological activity in the treatment facility resulting in interference or causing damage to the treatment facility, but in no case heat in such quantities that the industrial user's waste temperature is greater than 65 degrees C (150 degrees F) at its point of discharge to the sewer system, or heat causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 40 degrees C (104 degrees F).

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- Subd. 11. Any wastewater containing fat, wax, grease or oil in excess of 100 mg/L that will or is likely to solidify or become viscous at temperatures between zero and 65 Centigrade and which will or is likely to cause interference at the WWTF including petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.
- Subd. 12. Any slug discharged in such volume or strength which a person knows or has reason to know will or is likely to cause interference to the SCWWTS.
- Subd. 13. Any substance including nutrients which will cause the WWTF to violate the NPDES and/or state disposal system permit or the receiving water quality standards or goals.
- Subd. 14. Any substance which may cause the WWTF's effluent or any other product of the wastewater treatment process such as residues, biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the SCWWTS cause the system to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state standards applicable to the biosolids management method being used.
- Subd. 15. Any wastewater containing inert suspended solids (including lime slurries and lime residues) or dissolved solids (including sodium chloride) in such quantities that will or is likely to cause interference or pass through at the WWTF.
- Subd. 16. Radioactive wastes or isotopes of such a half-life or concentration that they are in noncompliance with standards issued by the appropriate authority having control over their use and which will or are likely to cause damage or hazards to the SCWWTF or utility employees.
- Subd. 17. Any hazardous waste, unless prior approval has been issued from the director.
- Subd. 18. Any waste generated outside the area served by the SCWWTS without prior approval of the director.
- Subd. 19. Any unpolluted water, including cooling water, ~~rain water~~rainwater, stormwater or groundwater, unless there is no other prudent or feasible alternative, ~~and is approved by the director.~~
- Subd. 20. Any trucked or hauled wastes or pollutants, except those approved by the director at discharge points designated by the city.
- ~~Subd. 21. Phosphorus or other nutrients that exceed acceptable limits as set by the WWTF.~~

Sec. 360:50. Limitations on wastewater strength.

- Subd. 1. *Federal pretreatment standards.* Federal pretreatment standards, 40 CFR 403, and general regulations promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this ordinance unless the director has applied for, and obtained from the MPCA, approval to modify the specific limits in the federal pretreatment standards. In all other respects, industrial users subject to pretreatment standards shall comply with all provisions of these rules and any permit issued thereunder, notwithstanding less stringent provisions of the general pretreatment regulations or any applicable pretreatment standard.
- Subd. 2. *State requirements.* State requirements and limitations (MN Rules Ch. 7049) on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this ordinance.
- Subd. 3. *City's right of revision.* The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the WWTF if deemed necessary to comply with the objectives presented in section 360:00.

Subd. 4. *Dilution*. No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in any local or state requirements or federal pretreatment standards.

Subd. 5. *Removal credits and variances*.

- (a) If the WWTF achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to MPCA for modification of specific limits of the EPA pretreatment standards. The city shall modify pollutant discharge limits applicable to an industrial user in the pretreatment standards if the requirements contained in 40 CFR 403.7 of the general pretreatment regulations relating to credits for the removal of pollutants are fulfilled and approval from MPCA is obtained. However, nothing herein shall be construed to require the city to apply to MPCA for removal credits nor shall it be construed to in any way limit the applicability of the limitations provided in section 360:50, subd. 6 in the event that such a removal credit is granted, except as provided in section 360:50.
- (b) The city shall recognize and enforce the conditions allowed for by variances from pretreatment standards for fundamentally different factors as granted by EPA to individual industrial users in accordance with 40 CFR 403.13 of the general pretreatment regulations.
- (c) The director shall notify all affected industrial users of the applicable pretreatment standards, their amendments, and reporting requirements in accordance with 40 CFR 403.12 of the general pretreatment regulations. A compliance schedule as part of the industrial discharge permit shall be developed between the director and the industrial user to ensure that the industrial user complies with local, state, and federal limitations in a timely manner as provided by the same section of the general pretreatment regulations.

Subd. 6. *Supplementary limitations*. No person, except as authorized pursuant to a compliance schedule in a permit, shall discharge or cause or allow to be discharged, directly or indirectly, into the SCWWTS any of the following waste pollutants containing concentrations in excess of the following maximum limitations for any operating day:

Pollutant	Maximum Allowable Concentration (mg/L)
Arsenic	0.16
Cadmium	0.20
Chromium, Total	3.94
Copper	2.76
Cyanide, Total	3.11
Lead	1.36
Mercury	0.0002
Molybdenum	0.11
Nickel	0.75
Selenium	0.27
Silver	0.56
Zinc	5.00
Ammonia Nitrogen	Best Management Practices
BOD₅	Best Management Practices
Phosphorus	Best Management Practices or 6.00

<u>Total Suspended Solids</u>	<u>Best Management Practices</u>
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Subd. 7. Prior to discharge of any of the following pollutants into the SCWWTS, approval of Best Management Practices (BMP) is required by the director.

<u>Ammonia Nitrogen</u>	<u>Best Management Practices</u>
<u>c BOD₅</u>	<u>Best Management Practices</u>
<u>Phosphorus</u>	<u>Best Management Practices</u>
<u>Total Suspended Solids</u>	<u>Best Management Practices</u>

Subd. ~~87~~. *Special agreements*. No statement contained in this subsection, except as promulgated by the EPA, shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the city.

Subd. ~~98~~. *Pretreatment standards notification*. The director shall notify all affected industrial users of the applicable pretreatment standards, their amendments, and reporting requirements in accordance with Code of Federal Regulations, Title 40, Section 403.12 of the general pretreatment regulations. A compliance schedule shall be developed between the city and the industrial user to ensure that the industrial user complies with local, state, and federal limitations in a timely manner as provided by the same section of the general pretreatment regulations.

Subd. ~~109~~. Reports specified in Code of Federal Regulations, Title 40, Section 403.12 of the general pretreatment regulations shall be submitted to the WWTF by affected users.

~~Subd. 10. ——— BMP's shall be considered local limits and pretreatment standards.~~

Sec. 360:51. Strength charge system.

Subd. 1. Any permit holder as designated by the ~~De~~director, discharging into the SCWWTS industrial waste at carbonaceous biochemical oxygen demand and/or total suspended solids concentrations in excess of ~~base domestic~~ levels shall be subject to a strength charge. Further, any person discharging waste into the SCWWTS may be subject to a strength charge under the same provisions. ~~Base-Domestic~~ levels, strength charge rates and the procedures for determining strength charges shall be set forth by the ~~De~~director. These rates and methods may be adjusted annually. Additional parameters, other than carbonaceous biochemical oxygen demand and total suspended solids may be subject to a strength charge. For current base level concentrations see definition of "industrial waste" in section 360:05.

Subd. 2. Industrial user charges may also include specific credits for industrial pretreatment which would encourage reduction in overall SCWWTS plant loading.

Sec. 360:55. Accidental and slug discharges.

Subd. 1. *Prevention of accidental and slug discharges*. All industrial users shall provide adequate protective procedures to prevent the accidental discharge of any prohibited waste, any waste in excess of the local limitations or any waste in violation of an applicable pretreatment standard.

Subd. 2. *Accidental discharge*. Accidental discharges of prohibited waste into the SCWWTS, directly or through another disposal system, or to any place from which such waste may enter the SCWWTS, shall be reported to

the director by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately, but not later than 24 hours upon obtaining knowledge of the fact of such discharge. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the city on account thereof under any state or federal law. The responsible person shall take immediate action as is reasonably possible to minimize or abate the prohibited discharge.

The responsible person shall send a letter describing the prohibited discharge to the director within seven days of obtaining knowledge of the discharge. The letter shall include the following information:

- (a) The time and location of the spill;
- (b) Description of the accidentally discharged waste, including estimate of pollutant concentrations;
- (c) Time period and volume of wastewater discharged;
- (d) Actions taken to correct or control the spill;
- (e) A schedule of corrective measures to prevent further spill occurrences.

Subd. 3. *Slug discharge.* In the event that an industrial user discharges a slug in such volume or strength that the industrial user knows or has reason to know it will cause interference in the SCWWTS, the industrial user shall immediately (within 24 hours) report the same to the director. Within seven days thereafter, the industrial user shall send a letter to the director describing the slug as specified under accidental discharge.

Subd. 4. *Spill containment program requirement.* Any industrial user with a significant potential to discharge materials listed in the prohibited discharge section of this ordinance is required to install and maintain an adequate spill containment system. General spill containment requirements are listed below:

- (a) Process, storage, holding or treatment tanks containing materials listed in the prohibitive discharge section of this ordinance as well as the associated piping, pumps and other appurtenances must be contained if a spill or leak could enter the sewer. This includes tanks used for short-duration mixing, processing or storage.
- (b) The city prohibits floor drains with direct connections to the public sewer in facilities that store toxic or flammable materials.
- (c) The spill containment system must be capable of containing 100 percent of the volume of the largest tank of restricted material.
- (d) Acceptable containment systems include:
 - (i) Diking may be used to spill contain single shell tanks. Diking usually consists of concrete blocks, concrete berming or other materials that form a permanent structural barrier. Portable spill containment trays/pallets are also acceptable.
 - (ii) Self-containment. Tanks of double shell construction are considered to be self-contained and do not require additional spill containment features unless there is a significant likelihood of overflowing. These tanks consist of two independent structural shells with the outer shell capable of containing any leakage from the inner one. An air gap of at least one-inch must be provided between the inner and outer shell.
 - (iii) Pits constructed under or around tanks are acceptable as spill containment. No openings, manual or electric gates or valves are allowed.

Subd. 5. *Slug discharge control plan.* Any significant industrial user (SIU) that may batch discharge any wastewater (including from spill containment areas), treated or otherwise, and that discharge may potentially cause adverse impacts to the ~~collection system~~WWTS or ~~treatment plant~~WWTF must complete and implement a slug discharge control plan. Slug discharge control plan must contain the following elements:

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- (a) Description of discharge practices, including non routine batch discharges;
 - (b) Description of stored chemicals;
 - (c) Procedure for promptly notifying the WWTF of slug discharges as defined under Section 403.5(b) of the Code of Federal Regulations Title 40 and section 360:40 of this ordinance, with procedures for follow-up written notification within five days;
 - (d) Procedures necessary to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of site runoff, and employee training. Include drawings that show spill containment dimensions and the locations of all floor drains, wastewater piping and pretreatment equipment;
 - (e) The slug discharge control plan must be maintained at the discharge location and be available on request to staff from the city, MPCA or EPA.

Sec. 360:60. Monitoring requirements.

Subd. 1. *Monitoring facilities.* When required by the city's permit, the permit holder of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling, flow measurement, and measurement of wastes. Such structure and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the city and shall be safely maintained by the owner and accessible at all times.

Subd. 2. *Monitoring point.* Each permit holder shall have an approved monitoring point provided at the permit holder's expense. Liquid waste haulers and special industrial users may be exempted by permit from portions of this section. All permit holders shall have an approved monitoring point. All new installations shall be in accordance with provisions of the Minnesota Plumbing Code, Minnesota Rules, chapter 4715. Each permit holder is responsible for all maintenance on the approved monitoring point, including routine cleaning. The director may allow multiple monitoring points provided that each point meets criteria 1—5 of this section. An approved monitoring point shall meet the following criteria:

- (a) The wastewater flow is visible and accessible for inspection and monitoring purposes;
- (b) The wastewater flow has appropriate velocity and is well mixed to yield representative samples;
- (c) The wastewater flow at the monitoring point conveys all of the permit holder's industrial waste;
- (d) The monitoring point is large enough or space is provided nearby to allow for monitoring equipment and replacement; and
- (e) The total wastewater flow of the permitted facility, if exceeding 25,000 gallons per day, can be measured using an open channel or other acceptable measuring device.

Subd. 3. *Inspection maintenance hatch.* The director may require the installation of an inspection maintenance hatch (manhole), in the event of construction, replacement or modification of a permit holder's sewer connection(s). Permit holders shall provide notice to the director prior to any such replacement or modification. The inspection maintenance hatch shall be of standard size and shape and be located on the private sewer line between the facility and the public sewer. If feasible, the inspection maintenance hole shall convey the total facility wastewater discharge.

Subd. 4. *Flow measurement.* A permit holder, when required by permit, shall install and maintain a flow measurement device for instantaneous rate and/or cumulative flow volume ~~determinations~~. Metered water supply may be used in lieu of flow measurement devices if it can be documented that the water usage and

waste discharge are the same, or where a measurable adjustment to the metered supply can be made to determine the waste volume.

Meters and flow records shall be maintained at the permit holder's expense in good operating condition at all times. The permit holder shall notify the director in writing within five days in the event that the permit holder becomes aware that the meter or flow recorder has failed to accurately register the flow. The permit holder shall also notify the director of the permit holder's intention to alter the installation of a meter or flow recorder so as to affect the accurate recording of industrial waste entering the SCWWTS.

The following requirements apply to the selection and installation of wastewater flow measuring devices:

- (a) Flow measuring devices including, but not limited to, weirs, flumes, area-velocity sensors and closed-pipe flow meters, shall be installed such that proper hydraulic conditions exist. Factors used to determine the type, size and location of a flow measuring device include:
 - 1. Flow rate and velocity;
 - 2. Pipe configuration and slope;
 - 3. Turbulence;
 - 4. Presence of nearby tributary flows; and
 - 5. Solids concentration.
- (b) All flow measuring devices shall be properly installed and, where applicable, properly level and sealed.
- (c) When a weir or a flume is utilized, the flow level-sensing device shall be installed at a proper distance upstream of the primary flow device and in a location where excessive turbulence is not created.

Subd. 5. *Self-monitoring analyses.* All measurements, tests, and analyses of the characteristics of water and wastes as outlined in the permit shall be determined in accordance with guidelines established in 40 CFR Part 136 and 40 CFR 403.12(g) of the general pretreatment regulations.

Subd. 6. *Representative sampling.* Representative samples of a permit holder's industrial waste shall be collected on a normal operating day and in accordance with guidelines listed in the industrial discharge permit. Industrial users subject to pretreatment standards shall sample in accordance with the pretreatment standards. Self-monitoring point(s) for industrial users who are not subject to pretreatment standards shall be at a location and at a frequency as specified in the permit. The samples shall accurately characterize the discharge, taking into account batch discharges, daily production variations, downtime, cleanup and other operating conditions.

Subd. 7. *Monitoring techniques.* The following monitoring methods will be used by industrial users and contracted monitoring services and/or commercial analytical laboratories that collect and/or analyze wastewater samples to fulfill requirements of these rules or any permit issued under these rules:

- (a) A series of at least four grab samples is required when analyzing wastewater for pH, grease and oil, total phenols and sulfides, unless otherwise approved by the director. Samples for cyanide and volatile organics may be collected by the grab sampling technique described above or by an automatic sampler, using acceptable techniques. For other parameters, grab samples may be required when the wastewater flow is not continuous or when necessary to determine the instantaneous wastewater characteristics. Grab samples can be taken manually or automatically. Appropriate containers shall be used when collected grab samples.
- (b) Composite samples are formed by combining discrete samples collected either manually or by an automatic sampler. Each discrete sample shall have a minimum volume of at least ~~50~~¹⁰⁰ milliliters. Discrete samples can be composited using any of the following methods:
 - 1. Equal time intervals and equal volume samples;

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2. Equal time intervals and unequal volume samples; or
 3. Unequal time intervals and equal volume samples.
- (c) When an equal time interval is used, the maximum sampling interval shall be 30 minutes. The composite sample volume shall be well mixed before sub sampling.

Subd. 8. *Sample handling procedures.* All samples shall be contained, preserved and held in accordance with 40 CFR Part 136. The sample temperature shall be maintained at ~~six (6) four~~ degrees Celsius, if necessary, from the time of collection until sample analysis is performed. When applicable, additional preservation shall be performed upon sample collection.

Subd. 9. *Industrial discharge monitoring reports (IDMR's).* A condition of the industrial discharge permit shall include the completion and submittal of accurate routine self-monitoring reports to the director in a form subscribed to by the director. The nature and frequency of routine reporting shall be based upon the requirements specified in the industrial discharge permit.

The director may modify the above reporting and/or sampling schedule for a particular permit holder based on the permit holder's industrial waste characteristics. Permit holders subject to pretreatment standards shall submit reports to the WWTF in accordance with the applicable pretreatment standards.

Permit holders shall submit complete IDMR's on or before the 21st calendar day of the month following the end of each applicable reporting period, unless otherwise stated in the industrial discharge permit. Any permit holder not submitting a self-monitoring report by this date shall pay a late reporting fee.

Subd. 10. *Inspection and sampling.* The city may modify the sampling requirements, parameters sampled and/or analyzed, and frequency of sampling to ensure compliance with federal, state and permit requirements. This may involve additional sampling requirements other than stated in the significant industrial users permit.

The city may conduct tests as are necessary to enforce this ordinance. Employees of the city may enter any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to enforcement. Entry shall be made during operating hours unless circumstances require otherwise.

In all cases where tests are conducted by the city for the purpose of determining user compliance, the cost of such tests shall be added to the user's sewer charge. In those cases where the city determines that the nature or volume of a particular user's wastewater requires more frequent testing, the city may charge such user for the tests, after giving the user ten days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge.

Duly authorized employees of the city, MPCA, and EPA bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. Those employees shall have no authority to inquire into any processes except as is necessary to determine the kind and source of the discharge to the SCWWTS.

Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the SCWWTS lying within said easement. All entry and subsequent work, if any, on said easement shall be done in all accordance with the terms of the easement pertaining to the private property involved. While performing the necessary work on private properties the authorized employees of the city shall observe all safety rules applicable to the premises established by the company.

The director and/or their designee shall conduct inspections at least once a year as required by the federal general pretreatment regulations and to determine compliance status with the pretreatment program. The city will conduct the annual inspection at no cost to the SIU; any additional inspections due to

noncompliance may be billed to the affected property owner at 2.5 times the base hourly salary of the inspector.

Subd. 11. *Testing procedures.* Testing procedures for analysis of pollutants for permit applications and routine self monitoring shall conform to the guidelines established in Code of Regulations, Title 40, Part 136 and Code of Federal Regulations, Title 40, Section 403.12(g) of the federal pretreatment regulations.

Subd. 12. *Report and monitoring discrepancies.* A permit holder shall be notified in writing by the director of a significant discrepancy between the permit holder's routine, self-monitoring records and the city's monitoring results within 30 days of receiving monitoring results. The permit holder shall then have ten working days to reply in writing to such notification. If mutual resolution of such discrepancy is not achieved, additional sampling shall be performed by the city at the owner's expense. Samples may be split between the permit holder's laboratory or agent and the city's laboratory for analysis.

Subd. 13. *Wastewater discharge records.* Wastewater discharge records of a permit holder shall be kept by the permit holder for not less than three years. The permit holder shall provide the director, MPCA, and/or EPA staff reasonable access to these records during normal business hours. A permit holder, subject to an applicable pretreatment standard, shall maintain all records required by Code of Federal Regulations, Title 40, Section 403.12(n) of the general pretreatment regulations.

Sec. 360:65. Pretreatment compliance with standards.

Subd. 1. Where pretreatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained in satisfactory and effective condition by the owner, at the owner's expense, and available for inspection by city employees at all reasonable times.

Subd. 2. Industrial users shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Industrial users as required by their industrial discharge permit shall submit to the director for review, detailed plans showing the pretreatment facilities at least 60 days prior to initiation of construction. The director shall approve the industrial user's pretreatment plans if it appears that the proposed pretreatment facility is capable of meeting all applicable limitations.

Subd. 3. The director's review and approval shall in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these rules. Any subsequent modifications in the pretreatment facilities which will result in a substantial change in discharge shall be reported for approval by the director upon a determination that the modified facility is capable of meeting all applicable limitations, prior to the modification of the existing facility.

Subd. 4. Residual solids from a pretreatment facility shall not be disposed, directly or indirectly, into the SCWWTS without prior written approval from the director. The disposal method shall be in accordance with local, state and federal requirements. The director shall be notified in writing within ten days of any substantial changes in such residual solids disposal procedures and/or characteristics.

Subd. 5. *Separator and trap installations.* Grease, oil, and sand separators and traps shall be provided at the owner's expense for the proper collection of waste containing excessive amounts of grease, oil or sand. All trap installations shall be regularly cleaned and maintained for adequate performance. All records of separators and traps must be available for review by city personnel. The distance between the inlet and outlet of the separator or trap must be sufficient to allow gravity separation of solids. To prevent overloading, flow control baffles and any necessary inlet flow, control fitting shall be provided.

Sec. 360:70. Confidential information.

Subd. 1. User information obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets.

Subd. 2. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this ordinance, the NPDES permit, state disposal system permit, and/or the pretreatment programs, provided that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Subd. 3. Information accepted by the director as confidential shall not be transmitted to any governmental agency or to the general public by the director until and unless a ten-day notification is given to the user.

Sec. 360:75. Severability and conflicts.

Subd. 1. *Severability.* If the provisions of any section, paragraph, or sentence of these rules shall for any reason be held to be unconstitutional or invalid by any court of competent jurisdiction, the provisions of the remaining sections, paragraphs, and sentences shall nevertheless continue in full force and effect.

Subd. 2. *Conflicts.* If conflicts arise between these rules or regulations previously adopted by the city, these rules, and the interpretations thereof, shall take precedence.

Sec. 360:80. Enforcement.

Subd. 1. *Remedies available.* The director may suspend the sewer system service and/or an industrial discharge permit when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment, or the SCWWTS, or would cause the city to violate any condition of its NPDES or state disposal system permit. Any user notified of a suspension of the sewer system service and/or the industrial discharge permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the SCWWTS or endangerment to any individuals. The director shall reinstate the industrial discharge permit and/or the sewer system service upon proof of the elimination of the noncomplying discharge.

Subd. 2. *Revocation of permit.* The director may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of its discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or for violation of conditions of its permit, this ordinance, or applicable state and federal regulations.

Subd. 3. *Notification of violation.* Whenever the director finds that any person has violated or is violating this ordinance, industrial discharge permit, phosphorus management plan or any prohibition, limitation or requirement contained herein, the director may serve upon such person a written notice stating the nature of the violation. Within ten days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

Subd. 4. *Show cause hearing.*

- (a) *Notice of hearing.* If the violation is not corrected by timely compliance, the director may order any user which causes or allows an unauthorized discharge to show cause before the city council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 14 days before the hearing. Service may be made on any agent or officer of a corporation.
- (b) *Hearing officials.* The city council may itself conduct the hearing and take the evidence, or may designate any of its members, administrative law judge, or any officer or employee of the (assigned department) to:
 - (i) Issue in the name of the city notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (ii) Take the evidence; and
 - (iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city council for action thereon.
- (c) *Transcripts.* At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.
- (d) *Issuance of orders.* After the city council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Subd. 5. *Legal action.* If any person discharges wastewater, industrial wastes, or other wastes into the city's wastewater disposal system contrary to the provisions of this ordinance, federal or state pretreatment requirements or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief.

Subd. 6. *Enforcement response plan (ERP).* The ERP describes violations and indicates a range of appropriate enforcement options. An enforcement action can be issued in no particular order for each violation to ensure compliance with city, state and federal regulations and the pretreatment program.

Sec. 360:85. Penalties.

Subd. 1. *Administrative fines.* Notwithstanding any other section of this ordinance, any user who is found to have violated any provision of this ordinance, or permits and orders issued hereunder, shall be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the city finance director to reconsider the fine within ten days of being notified of the fine. Where the city finance director believes a request has merit, the finance director shall convene a hearing on the matter within 30 days of receiving the request from the industrial user.

Subd. 2. *Criminal penalties.* Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be furnished by a fine of not more than ~~\$1,000.00~~^{\$800.00}, or by imprisonment for not ~~more than to exceed~~ 90 days, or both.

Subd. 3. *Costs.* In addition to the penalties provided herein, the city may recover court costs, court reporter's fees and other expenses of litigation by an appropriate action against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

Subd. 4. *Costs of damage.* Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss, or damage. The director may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this ordinance.

Subd. 5. *Falsifying information.* Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or industrial discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall upon conviction, be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than 90 days, or both.

Sec. 360:90. Publication of significant violations.

Public notification will occur at least annually in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTF of industrial users which, at any time during the previous 12 months, were in significant violation of applicable pretreatment standards or pretreatment requirements. For the purpose of this provision, an industrial user is in significant violation if its violations meet one or more of the following:

Subd. 1. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits;

Subd. 2. Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of a numeric pretreatment standard or requirement, including instantaneous limits times the applicable TRC (TRC = 1.4 for CBOD, SS, fats, oil and grease and TRC = 1.2 for all other pollutants except pH);

Subd. 3. Any other violation of a pretreatment (daily maximum or longer term average, instantaneous limit or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city employees or the general public);

Subd. 4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment and has resulted in the necessity for the city's to exercise its emergency authority under 40 CFR 403.8(F)(1)(vii)(b) to halt or prevent such a discharge;

Subd. 5. Violation, by 90 days or more after the schedule date, of a compliance schedule milestone contained in a local control mechanism or enforcement order, for starting construction, completing construction, or attaining final compliance;

Subd. 6. Failure to provide required reports such as baseline monitoring reports, self-monitoring reports, and reports on compliance with compliance schedules, within 45 days of the due date;

Subd. 7. Failure to accurately report noncompliance; or

Subd. 8. Any other violation or group of violations, which may include a violation of best management practices which the director determines will adversely affect the operation or implementation of the local pretreatment program.



City of Foley

Request for Proposals (RFP)

for

Professional Engineering Services

September 15, 2026

City of Foley
251 4th Avenue N
P.O. Box 709
Foley, MN 56329

The City of Foley is requesting proposals from experienced engineering firms for general municipal engineering services rendered to the City. The firm requesting consideration should be aware that experience in the area of municipal engineering is a requirement. The applicant shall have sufficient resources to ensure that all the demands of the City's engineering needs are met on a timely basis.

The City Council and City staff will review all applicants and the finalists will be notified. The term of appointment is subject to ongoing review and evaluation by the City.

Questions regarding this RFP should be directed to the City Administrator, Sarah A. Brunn, 251 4th Avenue N, P.O. Box 709, Foley, MN 56329, 320-968-7260, sbrunn@ci.foley.mn.us.

INSTRUCTIONS TO PROPOSERS

- A. Seven hard copies of the proposal as well as one digital copy should be submitted to the City. Proposals must be received **no later than 4:00 pm on Wednesday, October 28, 2026**. Proposals shall be labeled: "Foley City Engineer Proposal." The envelope shall be delivered to:

Sarah A. Brunn, City Administrator
City of Foley
251 4th Avenue N
P.O. Box 709
Foley, MN 55329
sbrunn@ci.foley.mn.us

- B. Proposals submitted must provide complete information as indicated in this request.
- C. The relationship with the firm will not be exclusive, the City may retain other firms for some or all the services described in the RFP, and the City may terminate the relationship at any time for any reason upon provision of written notice as specified in the final agreement.
- D. The firm shall not subcontract or assign any interest in the contract and shall not transfer any interest in the same without prior written consent of the City.

MUNICIPAL ENGINEERING SERVICES DESCRIPTION

The City of Foley is searching for a firm that will provide comprehensive professional services. The general work elements are outlined below.

A. General Engineering Services.

1. Assist in planning, coordinating, supervising and evaluating programs, plans, services, equipment, infrastructure, and assist with funding solutions.
2. Assist in development and implementation of CIPs (capital improvement plans).
3. Assist with infrastructure issues for the City of Foley through proactive planning, monitoring, and operations and maintenance management.
4. Develop and recommend policies and procedures for effective operation of the city consistent with city policies and relevant regulations.
5. Formulate short- and long-range plans for design and constructing public works improvements including streets, water, sanitary, storm sewer, parks, and buildings.
6. Review land use applications and construction plans for private developments for consistency with city adopted engineering specifications, city policies and relevant laws, rules and regulations and ensure council actions are implemented.
7. Update City maps, utility records.
8. Obtain proper approval and documentation from local, state, and federal authorities prior to implementing projects.
9. Provide engineering services on projects and oversee project management for constructing municipal public works projects.
10. Assist in planning, layout, and design of City parks, trails and other recreational amenities.
11. Advise of existing and assist in preparation of various grant applications of benefit to the City.

B. Prepare Engineering Reports. Determine the need for preliminary studies, review all preliminary studies for compliance with ordinances, comprehensive plans, engineering standards and financial guidelines including:

1. Feasibility reports.
2. Assessment rolls.
3. Plat reviews.
4. Utility studies.
5. Surface water system analysis and design.
6. City Capital Improvement Program studies.
7. Prepare comments regarding reports, plans and studies of other agencies.
8. As requested, attends all City Council meetings and public hearings to present feasibility studies and/or discuss engineering issues.
9. Attend other city-related meetings as requested.

C. Design and Bidding Services.

1. Prepare plans and specifications for all public works projects with the input of city staff. Present plans and specifications to the City Council for approval.
2. Consult with state and federal agencies having jurisdictional authority over the project(s) as warranted.
3. Prepare and send Advertisements for Bids to the legal newspaper and the Construction Bulletin for solicitation of bids.
4. Reproduce Contract Documents for bidding purposes.
5. Review bids and prepare bid tabulations.
6. Evaluate bids, assist staff in preparing a recommendation to the City Council, assemble and award contracts.

D. Project Management/Construction Services.

1. Convene pre-construction conference(s) with staff, contractor, utility company representatives, etc.
2. Perform construction staking and surveying.
3. Provide construction observation during construction as necessary.
4. Prepare and maintain necessary documentation, including photographs and/or video if warranted, and a log of the contractor's progress.
5. Convene regular construction progress meetings as required.
6. Prepare, review and recommend action for proposed change orders.
7. Prepare, review and recommend action for pay estimates.
8. Review and recommend final acceptance to the City. Assist the City in ensuring that contractors have been paid and lien waivers have been acquired.
9. Provide as-built drawings within 90 days of conclusion of City projects.
10. Review as-built drawings upon conclusion of privately installed projects that will be turned over to the City.

E. Participate in city meetings, including:

1. Internal and external meetings with City and/or developer engineering firms involving engineering questions and issues.
2. Meets with developers and members of the public on proposed development projects in order to relate the processes and procedures involved with engineering and infrastructure development. Review development proposals for conformance with City standards.
3. City Council meetings and work sessions, Planning Commission meetings, and other City meetings as needed.

F. Record Keeping. The engineering firm shall provide the following records to the City:

1. Permits and applications.
2. Contract documents.
3. Addenda.
4. Copies of referenced standard specifications.
5. Project schedules.
6. Shop drawings and submittals.
7. Applicable correspondence.
8. Records of pertinent telephone conversations.
9. File memoranda and directives; change orders.
10. Requests and recommendations for payment.
11. Project budget and cost information.
12. Diaries and logs.
13. Records of noncompliance.
14. Field test results.
15. Materials testing reports.
16. Record drawings.
17. Project photographs.
18. Project studies and reports.
19. Project progress meeting minutes.
20. Other information as necessary or required.

The City is subject to the MN Data Practices Act and records maintained by the engineer on behalf of the City may also be subject to the Act.

REQUIRED CONTENTS FOR PROPOSAL

- A. Company Background.
1. Brief history of company.
 2. Number of engineers, including number of partners and associates and areas of specialty.
 3. Support personnel: number and expertise.
 - a. Office organization and support capabilities.
 - b. Office location(s).
 - c. Describe your research capabilities with specific emphasis on municipal engineering publications and use of technology.

- d. Statement of 2025 billings for municipal work as a percentage of total 2025 billings.
- e. Describe insurance coverage: carrier, limits, and exemptions.
See Engineer Qualifications (6).
- f. Statement of any insurance claims and/or ethics complaints taken against your firm or firm's engineer(s) over the last five years and the status or outcomes of such action. Indicate whether the action is pending or is currently under review by the State Ethics Board.

B. Engineer Qualifications.

1. Identify each engineer and support personnel who will be supplying services for which the City will be billed.
 - a. The name, academic training and degree.
 - b. Description of background and experience.
 - c. Description of prior municipal experience including cities served in a similar capacity.
 - d. List of projects in communities where designated engineer served.
2. List of cities you currently serve and for what type of service.
3. List of cities you began serving in the last ten years and cities you stopped serving in the last ten years.
4. Name, telephone number and contact person of at least five client references, at least three of which shall be cities.
5. Description of the company's view of their responsibilities to the City in the provision of engineering services.
6. Provide the following proof of insurance:
 - Commercial General Liability, minimum of \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
 - Automobile Liability – minimum \$1,000,000.
 - Worker's comp covering statutory limits.
 - Professional errors & omissions liability – minimum \$2,000,000 policy.

C. Fees.

1. Provide a detailed description and explanation of all fees and/or charges that may arise for engineering services.
2. Identify the minimum increment of time billed for each service, e.g. phone calls/virtual meetings, correspondence, personal conference. Also state separately the rate for any firm cost items to be billed such as printing, photocopying, researching, mileage, etc.
3. The City requests monthly billing statements which:

- a. Itemize the date of services.
- b. Identify the engineer and/or support personnel providing the services.
- c. List time spent.
- d. Provide a detailed description of the services performed.
- e. State the fee for those services.
- f. Billing must list separately any fees which the City shall recoup from other sources. It is expected that the City Engineer will build in reimbursements whenever possible so the City may recoup Engineering fees, especially for projects such as TIF or development projects.

PROPOSAL EVALUATION AND APPOINTMENT

- A. The City intends to retain the engineering services of the proposer evaluated to be the best qualified to perform the work for the City; experience, cost and other factors will be considered.
- B. Based upon evaluation, the City Council and City staff will review and pick the finalists who are judged to be the most responsive and responsible proposer for services requested. Oral interviews will be conducted. The top firm will be chosen by the City Council for final approval.
- C. The City will not reimburse the proposer for any expenses incurred by the proposer including, but not limited to, expenses associated with the preparation and submission of the proposal, and attendance at interviews.
- D. The City reserves the right to reject any and all proposals or to request additional information from any and all proposers.

CONFLICT OF INTEREST

1. Indicate whether the company represents, or have represented, any client whose representation may conflict with your ability to provide engineering services to the City.
2. Indicate whether designated engineer, or the company; currently represent any real estate developers. If so, please identify those companies or persons in detail and provide a percentage breakdown of how much this work represents of your firm's total billings.
3. Indicate whether designated engineer, or the company, currently represents any other local units of government having jurisdiction within, or contiguous to, the City of Foley.
4. Identify what procedures your company utilizes to identify and resolve conflicts of interest.

Conflicts of interest are an on-going obligation throughout the entirety of the relationship between the City and selected Engineer.

RIGHT TO REJECT PROPOSALS

Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposal unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City of Foley and the firm selected. The City of Foley reserves the right to reject any and all proposals for any reason.

Council Priorities/Discussion Topics/Goals - 2026

Housing Development (Southside, Other, what are we willing to contribute? What are the next steps?)	Top Priority – <i>In progress – phase II timing TBD</i>
Municipal Cannabis	Top 5 Priority ?Should we research this further? Could we do it out in the industrial park and be the first tenant? 2-5 year project?
Municipal Liquor	Should we research this further? Where can we put it, no on-sale just off-sale 2-5 year project?
Park & Rec Improvements (dog park, walking/bike paths, signage on trails, scout house rental options, ADA/inclusive playground, other additions)	What are the lists for amenities and priorities? Questionable equipment – coming up with consistent funding source. What is the plan – future discussion?
125 Year City Celebration (2025) (party, fireworks, Fun Days council panel, other ideas to celebrate)	Invite our sister city mayor – Colstrip Would consider a council panel/event Work with Civic Group on activities Fireworks – check with Sartell
Dog/Cat – stray animals’ agreement, shelter vs. rescue, what to do?	Was told about an impound in Milaca, CA reached out with no response, might not be other options other than Tri-County Humane Society, check in other options – Still waiting on updated billing – but suspect usage has decreased making it more in line with budget.
Business and Industrial Park Development (what are we willing to give to attract?)	TIF is a great tool. State DEED Grant – need the state to refund this pot of \$\$ in bonding bill. How much are we willing to give? Can you do the design work ahead of time?
What are we going to do with old buildings downtown that are for sale? Downtown Building/Façade Standards and Standards	TIF Redevelopment, work on parking requirements – see if we have other options available? Expand upon downtown façade. Façade program re-funded – south lot opened to 48 hour parking.
City Facilities Planning: - Public Works - Police - City Administration - Library - Fire	We should look into this - Estimated around 20k for study, would look at all departments Fire – will need ladder truck at some point PW Shop – do we have a good number and funding plan?
Development Zoning Ordinance and Code of Ordinance Changes (Parking Downtown with Housing Above)	Concerns of downtown parking options, where do these people park and what are options? South lot updated to 48 hour parking

Broadcast Live Meetings and Engage Live via GoTo Meeting	Open to it – need to install new mics/equipment and then work with staff on how to manage it (takes staff person to run). <i>Discuss how much staff involvement/costs we want with council meetings?</i>
Vision/Long Term Goals of: • Administration • Public Works • Police • Fire • Library	Continue to grow/add amenities (also have to invest to grow), attractions for families Staffing, equipment, space, technology Adding 1 FTE PW and 1FTE Police in 2027
What is our most pressing issue/priority? We need to rank these projects/ideas.	Housing Budgeting for Facilities Plan Industrial/Downtown Water Treatment – Well #6 – Federal \$2 million rec'd Lion's Park Pond Decommissioning – what do we want to see? In progress Park & Rec – Improvements/Priorities (need feedback from community – poll or survey) Community Engagement – asking for input from residents – virtual option?
Water Treatment/Well #6	In progress – work with state on getting funding, <i>rate study completed- \$2 million federal received – \$3 million state – still significant gap in funding this project – looking to split it up.</i>
Benton County New Government Center	We should support this – great opportunity for economic impact for our downtown
Benton County Redevelopment	Engaged with county committee on this.
Four Way Stop @ Dewey & Broadway	We need see if additional options working with County on making this happen
Vacant Houses	Less than a dozen that are unoccupied – but current on taxes, and comply with codes – can we do a vacant house ordinance? <i>A draft is in progress at the staff level.</i>
Budgeting Priorities	
Daycare Discussion	

TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 09-15-26 –COUNCIL MEETING
DATE: SEPTEMBER 11, 2026

South Fairway Change Order

A change order is being presented to the council to address an issue we have with lots not being graded as intended. City staff had inquired with the engineers as to why there was a need to bring in such large amounts of dirt in order to build a basic (bi-level) home when we requested lots to be as ready as possible for bi-level homes. The engineer's who made the final designs did not account for this much grading– and therefore, we need a change order to add in this work. If we do not wish to proceed with this work, we anticipate it to be reflected on final lot prices and the builders will need to haul in a significant amount of excess dirt on our new road and over our new curbing/sidewalks. That is not in the best interest of city as it exposes the new improvements to damage. Staff can answer questions at the meeting.

St. Cloud Code Update

We are required to update our code to match the City of St. Cloud's for wastewater treatment. Those redline changes are included in your packet – and will be implemented in our own Section 305.

5th Avenue Project

We will provide a verbal update at the meeting on this project.

City Engineer RFP

I am presenting a draft RFP for determining engineering services to the city council. This process will occur this fall, so that a final decision (selection) can be made January 1 with the rest of the annual appointments. I'd recommend the council discuss establishing a committee on this.

Council Workshop

I have provided the updated priorities list for discussion.

Upcoming Reminders

September 1, 2026 – Council Meeting
September 14, 2026 – Cancelled
October 3, 2026 – Fire Open House 11am-1pm
October 6, 2026 – Council Meeting
October 12, 2026 – Holiday – City Offices Closed
November 3, 2026 – General Election
November 10, 2026 – Council Meeting (note change of date due to elections)
November 11, 2026 – Holiday – City Offices Closed