

Memorandum

To: RPBCWD Board of Managers
From: Heather Lau
Subject: Upper Bluff Creek Reach 5 Restoration Design – Request for Phase II Environmental Site Assessment (ESA)
Date: December 6, 2024
Project: 23/27-0053.14 036B
c: Administrator Jeffery

Requested Board Action

Barr Engineering Co. (Barr) requests that RPBCWD Board of Managers consider authorizing an additional budget of \$28,800 for Barr to complete a Phase II Investigation, coordination with local landfill, development of a Response Action Plan, and coordination with the Minnesota Pollution Control Agency (MPCA) Brownfield Program for the Upper Bluff Creek Ecological Enhancement Project.

1 Background

In December 2023, the RPBCWD (District) authorized Barr to work with District staff to complete the engineering design, ecological planning, and permitting, as well as provide private property owner support services to restore wetland and an approximately 1,000-foot reach of upper Bluff Creek, referred to as Reach 5, in Chanhassen, Minnesota. The project is located between Highway 5 and Highway 41 on property owned by multiple landowners, including both private owners and the City of Chanhassen (City). A proposed wetland outlet structure designed to enhance the hydrological function of the wetland and attenuate discharges to downstream Bluff Creek has the potential to increase the 100-year floodplain in the wetland. To offset the impacts of the project on the 100-year floodplain, compensatory storage upstream of the culvert crossing Galpin Boulevard will be required.

2 Changes in Scope of Services

At the November 2024 board meeting, Barr provided a presentation of the results from the Phase I Environmental Site Assessment (ESA) conducted in the spring of 2024. The Phase I ESA indicated that dumped debris exists within the ravine adjacent to the proposed compensatory storage excavation area. Because the materials in the ravine dumps have the potential to be contaminated, the recommendation would be to either avoid contacting the ravine dump or conduct further analysis to determine the nature of contamination in dumps in preparation for management of this material during the construction. During the board meeting, the RPBCWD Board of Managers requested that Barr develop a Change Order for a Phase II Investigation to assess the presence and extent of contamination within the Project Area. The Change Order requested includes the following tasks.

1. Access and Investigation Agreement Assistance -- \$5,200

- This task involves assisting RPBCWD Administrator and legal counsel with the following:

- discussions with private property owners where the two ravine dump sites were identified during the spring 2024 Phase I ESA regarding potential liability protections available from the state.
- development of access and investigation agreements with the private property owners. The agreements, to be drafted by RPBCWD legal counsel, generally consist of :
 - commitment of owner to enter the property into the MPCA's Brownfields Program and obtain direction from the agency,
 - authorization for the District to complete the investigation work,
 - indemnification of the District for contamination found.

2. Focused Phase II Investigation -- \$9,400

- This task involves the completion of a focused Phase II Investigation to characterize the dump materials and soils around the two ravine dump sites defined during the Phase I ESA with one sample collected at each location. The areas and extent of investigation for the Phase II assessment would be limited to the identified debris areas to further assess presence and types of potential contamination associated with the dump. Extent of vegetation and soil disturbance would be minimized by using hand digging and hand boring methods. Because of the timeline needed to enter into an agreement with the property owner, RPBCWDs desire to minimize disturbance during the investigation, and the likelihood of frozen ground, the Phase II ESA might be delayed until the spring of 2025 upon spring thaw. Alternatively, a small excavator could be implied to facilitate sampling through frozen material but would result in more disturbance and additional expenses beyond those being requested.
- Included in this task are costs associated with lab analysis for sampled soils (up to 2 samples). Samples to be analyzed for diesel range organics, gasoline range organics, Resource Conservation and Recovery Act metals list, volatile organic compounds, and semi volatile organic compounds.

3. Landfill Coordination -- \$1,200

- This task involves coordination with the local landfill to determine estimated pricing and options for disposal of excavated materials.

4. Response Action Plan and Regulatory Coordination -- \$13,000

- This task involves the development of Response Action Plan (RAP) for encountering contaminated materials during construction.
- The task also includes application to the MPCA's Brownfields Program limited to technical review and approval. If additional requested action from the MPCA is pursued, such as certification of compliance or no further action needed determination, the MPCA would likely request additional investigations or response actions beyond the identified dump areas. If additional investigations are requested by the MPCA, Barr will work with RPBCWD Administrator to develop scope and budget adjustments for Board consideration.

3 Budget Adjustment Request

The anticipated cost to complete the additional work described above is \$28,800. The following table summarizes the original approved budget, the amount spent and anticipated additional budget to

To: RPBCWD Board of Managers
From: Heather Lau
Subject: Upper Bluff Creek Reach 5 Restoration Design – Request for Phase II Environmental Site Assessment (ESA)
Date: December 6, 2024
Page: 3

complete the engineering work associated with the Upper Bluff Creek Reach 5 Restoration Design Project (Task Order 36B).

Task Order 36B	Budget
Originally Approved Budget	\$243,700
Budget Remaining (as of 12/2/2024)	\$136,300 (56%)
Change Order Budget Request	\$28,800
Updated Total Budget	\$269,900