



BROWN'S CREEK WATERSHED DISTRICT

455 Hayward Ave North, Oakdale, MN 55128
651-330-8220 x 26 karen.kill@mnwcd.org

NOTICE OF PROBABLE VIOLATION

Subject Property Address: 2545 Boutwell Farm Rd N, Stillwater, MN 55082
Property Owner: Paul Przybylowski, GreenHalo Builds LLC
Address: 107 Chestnut St E, Suite 100, Stillwater, MN 55082
BCWD Permit No.: 23-03 (**not issued**) Permit Applicant: Paul Przybylowski,
GreenHalo Builds LLC

Contractor:

Date and Time: 4/5/2023 2:39 PM; updated 8:25 am, May 2, 2023

Activity: Construction without proper BCWD permit; stockpiling of soil within established infiltration basin

The following apparent violations have been observed by BCWD staff:

Rule/Permit/Other	Description
1. BCWD Rule 1.1, 3.2	Observed construction of a single family residence without a BCWD permit, required under BCWD Rule 1.1 & 3.2. Construction appears to have involved movement of more than fifty (50) cubic yards of earth during excavation of the house foundation. Note that BCWD staff have reviewed a permit application for this project but have not issued the permit as the applicant has not addressed the conditions of approval. <u>Conditions have still not been met as of May 2, 2023.</u>
2. BCWD Rule 3.2.2	Observed stockpiling of soil within an established infiltration basin, which must be maintained to its design functionality under the maintenance declaration recorded on the property as Doc. No. 4168013. Fine sediment from this stockpile will clog the soil pores in the infiltration basin and prevent vegetation growth, reducing the infiltration rate from the basin such that it no longer meets the approved design. The non-functional infiltration basin will increase the likelihood of overflow from the basin, potentially onto neighboring properties and resulting in increased frequency of stormwater flows to the south central tributary to Brown's Creek and a groundwater-dependent manage 1 wetland along the banks of the tributary. <u>Stockpiled soil was removed on April 26,</u>

2023, but no other actions have been taken to restore the infiltration basin to its approved design.

You hereby are directed to take the following actions to address the conditions described above:

Action	Requested Date/Time of Compliance
1. Address conditions on approval of BCWD permit application 23-03. Provide a draft plan to BCWD outlining process for addressing actions 2-4 below.	4/20/2023, 5:00 PM <u>NOT MET</u>
2. Remove sediment stockpile from infiltration basin footprint.	5/1/2023, 5:00 PM <u>MET 4/26/2023</u>
3. Restore infiltration basin to match permit 18-04 design and comply with maintenance declaration. This includes backfilling with approved planting media to match design grades, soil ripping to loosen media, and planting with design native seed mix.	5/1/2023, 5:00 PM <u>NOT MET</u>
4. Immediately after removal of sediment in the infiltration basin, reestablish and maintain vegetation within basin until 70% of expected vegetated condition is reached, including de-watering as necessary.	Continuing <u>NOT MET</u>

This is not a legally binding order of the Brown's Creek Watershed District. However, if since you ~~do did~~ not complete ~~the all~~ actions requested above by the indicated deadline(s) and the site remains out of compliance, BCWD staff will schedulehas scheduled an enforcement hearing before the BCWD Board of Managers at its regular meeting of 6:30 p.m., May 10, 2023, at Family Means, 1875 Northwestern Avenue South, Stillwater. You will be provided with notice of the time of the scheduled hearing and, at the hearing, will have an opportunity to appear before and be heard by the managers, and you may be represented by counsel if you wish. The timeliness and completeness of your actions will be considered by the board in deciding whether to take further enforcement steps. The board may issue an order requiring remedial, corrective, preventative or other actions to achieve compliance with applicable BCWD requirements.

The listing of apparent violations above does not prevent the board from finding additional or other violations on the basis of evidence presented. Under Minnesota

Statutes section 103D.545, failure to comply with BCWD rules, the conditions of your permit or an order of the board of managers subjects you to possible civil and criminal penalties. Pursuant to BCWD Rule 8.0, you will be liable for all costs incurred by BCWD in obtaining and monitoring your compliance with applicable BCWD rules, permit terms and conditions, and orders of the Board of Managers, including consultants' costs and attorneys' fees.

This notice does not affect the ability of any other federal, state or local body of government to take enforcement action against you pursuant to its own laws and regulations.

ISSUED BY:

Paul Nation / BCWD Inspector Date: May 2, 2023

Name/Title (Print)

Paul Nation

Signature

ISSUED VIA:

EMAIL (email: paul@greenhalobuilds.com, john@greenhalobuilds.com)

IN PERSON

OTHER (specify: _____)

ISSUED TO/RECEIVED BY:

Paul Przybylowski / Project Specialist

Date: _____

Name/Title (Print)

GreenHalo Builds LLC

107 Chestnut St E, Suite 100

Title/Organization (Print)

Stillwater, MN 55082

612-364-3004

Address & Telephone

Signature

John Sharkey / CEO

Date: _____

Name/Title (Print)

GreenHalo Builds LLC

107 Chestnut St E, Suite 100

Title/Organization (Print)

Stillwater, MN 55082

612-327-4457

Address & Telephone

Signature

Your signature here indicates only that you received this notice. Your signature does not constitute an admission of any kind with respect to the apparent violations listed above.

cc (via email):

Karen Kill, BCWD administrator; John Sarafolean, BCWD inspector; BCWD legal counsel; Dillon McClung, Reabar Abdullah, City of Stillwater; Kevin von Riedel, Developer

cc (via mail):

William & Aubrey Lewis, neighbors at 2555 Boutwell Farm Rd, Stillwater