

January 14, 2013

Minnesota Pollution Control Agency

Watershed Division

Notice of Availability of the Draft Ann River Watershed Total Maximum Daily Load (TMDL) Report and Request for Comment

Public comment period begins: January 14, 2013

Public comment period ends: February 13, 2013

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Report for the Draft Ann River Water Total Maximum Daily Load (TMDL). The draft TMDL Report for the Ann River Watershed is available for review at <http://www.pca.state.mn.us/aj0r9f3>. Following the comments, the MPCA will revise the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval. Comments must be received by the MPCA contact person by the public comment period end date shown above.

Required by the federal Clean Water Act, a TMDL is a scientific study that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. It is a process that identifies all the sources of the pollutant causing an impairment and allocates necessary reductions among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

The Ann River Watershed is located in east-central Minnesota, east of the St. Croix River. Portions of two counties (Kanabec and Mille Lacs) are included in the project area of approximately 55,430 acres. This report addresses five (5) impairments on one reach and two lakes in the Ann River Watershed. Impairments included in this report are 2 nutrient impaired lakes (Ann Lake and Fish Lake), one E. Coli reach, one fish and one macro-invertebrate impairment due to excess sediment.

Preliminary Determination on the Draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this draft TMDL report to the U.S. Environmental Protection Agency (EPA) for final approval. A draft TMDL report and fact sheet are available for review at the MPCA office at the address listed below and at the MPCA website: <http://www.pca.state.mn.us/pyri9fd>

Written Comments: You may submit written comments on the draft TMDL report or on the MPCA Commissioner's preliminary determination. Written comments must include the following:

1. A statement of your interest in the draft TMDL report;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft TMDL report that you believe should be changed; and

3. The reasons supporting your position, stated with sufficient specificity as to allow the MPCA Commissioner to investigate the merits of your position.

Written comments on the draft TMDL report must be sent to the MPCA contact person listed below and received by 4:30 p.m. on February 13, 2013. The MPCA will prepare responses to comments received, make any necessary revisions of the draft TMDL report and submit it to the EPA for approval.

Agency Contact Person: Written comments and requests for more information should be directed to:

Christopher Klucas
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155
Phone: 651-757-2498 (direct)
Minnesota Toll Free: 800-657-3864
Fax: 651-297-8676

E-mail: christopher.klucas@state.mn.us

TTY users may call the MPCA teletypewriter at 651-282-5332 or 800-657-3864.

Petition for Public Informational Meeting: You may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting the MPCA may hold to solicit public comment and statements on matters pertaining to the TMDL study and process, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons the MPCA should hold a public informational meeting; and
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing: You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with Minnesota Rules 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: 1) there is a material issue of fact in dispute concerning the draft TMDL report; 2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and 3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting an MPCA decision to hold a contested case hearing according to the criteria in Minnesota Rules 7000.1900, as discussed above; and
2. A statement of the issues to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: You may also submit a petition to the Commissioner requesting that the MPCA Citizen's Board consider the TMDL report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. According to Minnesota Statutes § 116.02 subd 6(4), the decision whether to submit the TMDL report and, if so, under what terms, will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL report; or (3) a timely request for a contested case hearing is pending.

You may participate in the activities of the MPCA Board as provided in Minnesota Rules 7000.0650.

The written comment, requests, and petitions submitted on or before the last day of the comment period will be considered in the final decision on this TMDL report. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff, as authorized by the Board, will make the final decision on the draft TMDL report.