



Minnesota Pollution Control Agency

STATE OF MINNESOTA

Minnesota Pollution Control Agency

INDUSTRIAL DIVISION PUBLIC NOTICE OF INTENT TO REISSUE STATE DISPOSAL SYSTEM (SDS) PERMIT MN0050580

Public Comment Period Begins: June 22, 2012
Public Comment Period Ends: July 23, 2012

Current Permit Issued: May 8, 1985
Current Permit Expiration Date: February 26, 1990

Name and Address of Permittee:

St. Paul District, U.S. Army Corps of Engineers
180 Kellogg Boulevard East, Suite 700
St. Paul, MN 55101

Facility Name and Location:

St. Paul District, U.S. Army Corps of Engineers River Dredging from the City of Savage on the Minnesota River; from the City of Stillwater on the St. Croix River; and from the City of Minneapolis on the Mississippi River to the Minnesota-Iowa border just north of New Albin, Iowa, in Scott, Hennepin, Ramsey, Dakota, Washington, Goodhue, Wabasha, Winona, and Houston Counties

Receiving Waters:

The Minnesota and Mississippi Rivers

Description of Permitted Facility:

In the Rivers and Harbors Act of 1930, Congress authorized the 9-foot Navigation Channel project on the upper Mississippi River. In that Act, the 9-foot channel was to be achieved by the construction of a series of locks and dams and supplemented by dredging. As part of the operation and maintenance of the navigation channels, the St. Paul District of the U.S. Army Corps of Engineers' (COE) annually performs maintenance dredging of the navigation channels to remove accumulated sediments that prevent safe vessel passage.

The COE's responsibility for navigation-related activity extends from River Mile 14.7 on the Minnesota River, River Mile 24.5 on the St. Croix River, and the Upper Harbor at Minneapolis, Minnesota (River Mile 857.6) to Lock and Dam 10 at Guttenberg, IA (River Mile 614.0) on the Mississippi River. (The MPCA's involvement with the COE's dredging and placement activities ends at the Minnesota-Iowa border just north of the City of New Albin, Iowa.)

Both government-owned and contractor hydraulic and mechanical dredging equipment is used. The COE's William L. Goetz and the Dubuque are 20-inch and 12-inch hydraulic dredges, respectively. While the COE has two crane barges that are used for some dredging projects or emergencies, most of the mechanical dredging is done by a contractor. A more detailed description of equipment availability and capability is contained in the General Information section of the COE's Channel Maintenance Management Plan (CMMP), which was developed in 1996 and is updated annually. The CMMP can be found at:

<http://www.mvp.usace.army.mil/navigation/default.asp?pageid=167&subpageid=321>.

The material dredged from the Mississippi and St. Croix Rivers is primarily coarse to medium grained sand. Material dredged from the Minnesota River, Pool 2 of the Mississippi River (the river pool upstream of Lock and Dam 2 at Hastings, Minnesota), and the small boat and commercial harbors on the Mississippi River is finer grained sediments.

Dredging generally takes place between the months of May and November. The duration of dredging in the individual dredge cuts varies by the equipment used and the volume of material to be dredged.

Volume of Material Dredged in the COE's Jurisdiction:

Between 1996 and 2010 the annual average volume is ~898,092 cubic yards (cy). This ranged from a low of 577,001 cy in 2004 to a high of 1,258,883 cy in 1998.

Volume of Material Placed in Minnesota:

Between 1996 and 2010 the annual average volume is 431,935 cy. This ranged from a low of 196,627 cy in 2007 to a high of 764,491 cy in 2001.

(The patterns of the volume of material dredged in the COE's jurisdiction and the volume of material placed in Minnesota do not always match as placement sites in Wisconsin or Iowa may be in closer proximity to where the dredging activity is conducted.)

From 1995 through 2011 the beneficial use of dredged material averaged 92 percent with eight of the last nine years having 100 percent beneficial use of the material. Historic and current beneficial uses include: aggregate in construction products; winter road ice control; fill for development; fill for construction projects; environmental enhancement projects such as Wabasha Prairie; island restoration and/or creation; and recreational beach development and maintenance.

Preliminary Determination on the Draft Permit

The MPCA Commissioner has made a preliminary determination to reissue this SDS permit for a term of approximately five years.

A draft permit is available for review at the MPCA office at the St. Paul address listed below and on-line at <http://www.pca.state.mn.us/news/data/index.cfm?PN=1>.

A copy of the draft permit will be mailed to you if the MPCA receives your written or oral request at this office. If you have questions about this draft permit or the Commissioner's preliminary determination, please contact Judy Mader at 651-757-2544.

Written Comments

You may submit written comments on the conditions of the draft permit or on the Commissioner's preliminary determination.

Written comments must include the following:

1. A statement of your interest in the permit application or the draft permit.
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft permit that you believe should be changed.
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting

You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, 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.
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 Minn. R. 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 application or draft permit; (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 permit. 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 the MPCA decision to hold a contested case hearing according to the criteria in Minn. R. 7000.1900, as discussed above.
2. A statement of the issues proposed 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.
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision

You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the permit issuance. 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. Under the provisions of Minn. Stat. § 116.02, subd. 6(4), the decision whether to issue the permit 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 permit; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the Board as provided in Minn. R. 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this permit. 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 permit.

Comments, petitions, and/or requests must be submitted in writing on or before the end date of the public comment period identified on page 1 of this notice to:

Judy Mader SP-4
Municipal Division
Minnesota Pollution Control Agency
520 Lafayette Road N.
St. Paul, Minnesota 55115