

October 2012

Minnesota Pollution Control Agency

Watershed Division

Notice of Availability of the Draft Chisago Lakes Chain of Lakes Total Maximum Daily Load (TMDL) Report and Request for Comment

Public comment period begins: October 22, 2012

Public comment period ends: November 21, 2012

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft report for the Chisago Lakes Chain of Lakes Total Maximum Daily Load (TMDL). The aquatic life use and aquatic recreation use of 9 lakes within Chisago Lakes Chain of Lakes in Chisago County are impaired because they do not meet state water quality standards for excess nutrients (phosphorus).

North Center Lake (DNR-ID 13-0032) South Center Lake (DNR-ID 13-0027), Wallmark Lake (DNR-ID 13-0029), Little Lake (DNR-ID 13-0033), Ogren Lake (DNR-ID 13-0011), Linn Lake (DNR-ID 13-0014), Pioneer Lake (DNR-ID 13-0034), School Lake (DNR-ID 13-0044), and Lake Emily (DNR-ID 13-0046) are all listed on the 303(d) list of impaired water bodies for aquatic life use and aquatic recreation use based on the North Central Hardwood Forest Eco-region standards for either deep or shallow lakes.

Based on the information collected, South Center Lake, Little Lake, and Ogren Lake are the only three deep lakes in this study. All of the rest of the lakes in this study are therefore shallow lakes and are held to different standards due to their unique characteristics.

The data collected on these lakes indicated a declining trend in water quality due to excessive watershed loading and lake sediment-phosphorus sources. The TMDL linkage analysis indicates that phosphorus reductions ranging from 18 percent to 96 percent between all 9 lakes is necessary to achieve their water quality standards. For all of these lakes phosphorus reduction activities will need to target runoff from watershed sources such as, agricultural areas, internal loading, septic systems, residential storm water, and minor sources such as wildlife and pets.

This project has local support from the Chisago Soil and Water Conservation District, Chisago County, Chisago Lakes Lake Improvement District, and several other local, state, and federal agencies. These local efforts will proceed with determining further implementation strategies and obtaining public input. The draft TMDL report outlines possible strategies for implementation.

The strategy to bring about the necessary reductions is outlined in the implementation section of the report. The next step will be the development of an implementation plan to identify specific measures to reduce the current sources of phosphorus reaching both of the lakes.

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 is 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. November 21, 2012. 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.