

### General information

**Public comment period begins:** March 8, 2018

**Public comment period ends:** 4:30 p.m. on April 2, 2018

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to certify the referenced project, with conditions, and has preliminarily determined that the project will satisfy the antidegradation standards in Minn. R. 7050.0265.

<b>Name and address of applicant:</b>	<b>Project name and location:</b>	<b>MPCA contact person:</b>
Bryce Fossand Minnesota Department of Transportation (MnDOT) 1500 West County Road B2 Roseville, MN 55113	I-35W Bridge over the Minnesota River Bloomington and Burnsville, MN	Jim Brist – 6 <sup>th</sup> floor Resource Management & Assistance Division Minnesota Pollution Control Agency 520 Lafayette Road North St. Paul, Minnesota 55155 Phone: (651) 757-2245 Email: <a href="mailto:401Certification.pca@state.mn.us">401Certification.pca@state.mn.us</a>
<b>Federal Permitting Agency:</b> Mr. Chad Konickson U.S. Army Corps of Engineers Regulatory Branch Chief Director 180 Fifth Street East, Suite 700 St. Paul, MN 55101		

A draft 401 Certification with antidegradation determination is available for review on the MPCA Public Notices webpage at <https://www.pca.state.mn.us/public-notices> or at the MPCA office address listed under the MPCA contact person. The MPCA will mail or email a copy of the draft certification upon request. Comments, petitions, and other requests must be received at the MPCA in writing on or before the public comment period end date and time identified above.

**Major Watershed:** Minnesota River

### Description of Issuance for 401 Water Quality Certification for I-35W Bridge over the Minnesota River

This is a U.S. Army Corps of Engineers (USACE) general permit project. Located in the cities of Burnsville and Bloomington. It is a reconstruction of a 2-mile stretch of I-35W from Cliff Road to West 106th street, including replacing the I-35W Minnesota River Bridge (bridge 5983) and the I-35 W bridges over West 106th street (bridges 9043 and 9044). The permanent impacts to surface water of the Minnesota River are 1.66 acres. MnDOT plans to use explosive devices on the lower portion of the bridge piers (from approximately 5 feet above the water's surface to 2 feet below the mudline). Because of the use of explosive devices for the existing bridge demolition work, the project requires an individual 401 Certification from the MPCA.

The preliminary determination to issue this 401 Water Quality Certification is tentative.

## Procedure for public participation

As stated in Minn. R. chs. 7000 and 7001, there are three formal procedures for public participation in the MPCA's consideration of this matter. Interested persons may:

- (1) Submit written comments on the draft certification and antidegradation determination.
- (2) Petition the MPCA to hold a public informational meeting.
- (3) Petition the MPCA to hold a contested case hearing.

## Submitting written comments

To submit comments or petitions to the MPCA through the mail or email, you must state:

- (1) Your interest in the request for 401 water quality certification or the draft 401 water quality certification.
- (2) The action you wish the MPCA to take, including specific references to the section of the draft 401 water quality certification you believe should be changed.
- (3) The reasons supporting your position, stated with sufficient specificity as to allow the MPCA to investigate the merits of the position.

## Public informational meeting

A public informational meeting is an informal meeting during which interested persons can ask questions concerning the proposed facility. MPCA staff will be present to provide information. If an interested person would like the MPCA to hold a public informational meeting, the person should include all information identified above and in addition include a statement of the reasons the person desires the MPCA to hold a public informational meeting and the issues that the person would like the agency to address at the public informational meeting.

## Contested case hearing

A contested case hearing is a formal proceeding before an administrative law judge empowered to advise the MPCA regarding issues of fact. As described in Minn. R. 7000.1800, persons who submit petitions for a contested case hearing must also state the issues they propose to address in a contested case hearing, the specific relief requested or resolution of the matter, and the reasons (which may be in the form of proposed findings) supporting an MPCA decision to hold a contested case hearing. Failure to comply with these rules exactly may result in a denial of the request. To the extent known, the petitioner may also submit a list of prospective witnesses to be called at a hearing, a proposed list of publications, references, or studies to be introduced at a hearing and the approximate time required for the petitioner to present the matter at a hearing. The decision whether to hold a contested case hearing will be made under Minn. R. 7000.1900.