

Notice of availability and request for comments on draft Duluth Urban Area Streams

Watershed Restoration and Protection Strategies (WRAPS)
and Total Maximum Daily Load (TMDL) Reports

General information

Public comment period begins: March 19, 2018

Public comment period ends: 4:30 p.m. on April 18, 2018

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Draft reports for the Duluth Urban Area Streams are available for review on the Minnesota Pollution Control Agency (MPCA) draft/public noticed TMDL and WRAPS webpage at <https://www.pca.state.mn.us/water/total-maximum-daily-load-tmdl-projects>, or at the MPCA office address listed under the MPCA contact person above. Following the comment period, the MPCA will revise the report(s) and submit the final TMDL to the U.S. Environmental Protection Agency (EPA) for approval. 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.

Watershed: 0401 Lake Superior Basin, in portions of the St. Louis River Watershed and the Lake Superior South Watershed

Description of the Duluth Urban Area Streams

Required by the federal Clean Water Act, a TMDL is a scientific study, conducted on waters assessed to be impaired, that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. The TMDL study is a process that identifies all the sources of the pollutant causing an impairment and quantifies necessary reductions among the sources.

The WRAPS report is required by the state Clean Water Legacy Act and uses TMDL and other information to develop strategies for addressing point and nonpoint pollution sources. The objective of the WRAPS process is to develop strategies that not only restore impaired waters, but also protect the unimpaired waters from degradation. This report is a collaborative effort between the MPCA, other state agencies, local government partners, and other stakeholders. The "Duluth Urban Area Streams Subwatershed" consists of portions of the St. Louis River Major Watershed (Hydrologic Unit Code [HUC] 04010201) and the Lake Superior South Watershed (HUC 04010102), including all of the developed areas in the Duluth area and surrounding communities from Mission Creek to the Lester River. The remaining portions of the St. Louis River Watershed and Lake Superior South Watershed are being concurrently addressed as part of separate TMDL and WRAPS efforts. The Duluth Urban Area Streams Subwatershed is in northeastern Minnesota in the Lake Superior Basin, and in the Northern Lakes and Forests ecoregion. The watershed is 141 square miles and covers portions of Carlton and St. Louis counties. The entire watershed is in the [St. Louis River Area of Concern](#), designated under Annex Two of the United States and Canada Great Lakes Water Quality Agreement of 1987. The EPA and other federal and state agencies are working to restore the impaired beneficial uses within the Area of Concern.

The dominant land use in the Duluth Urban Area Streams Subwatershed is residential and the dominant land cover is forest. Various types of development constitute the majority of the remaining land cover, with grassland/shrub, outcrops and wetlands each making up less than 5% of the watershed as a whole. The watershed contains several beaches and 11 trout streams that do not meet water quality standards for aquatic life and/or recreational uses. Water quality problems include contamination from *E.coli* bacteria, excessive turbidity and chloride (primarily in the form of road salt). Despite not meeting water quality standards in several areas, the Duluth Metropolitan Area watersheds contain 16 designated trout streams, and is well known for its abundance of scenic and high quality streams.

Protection of these high quality trout streams involves trying to mimic functions of natural systems, including the protection of floodplains and cold water seeps, springs or discharge areas, maintenance of urban forests and shoreline vegetation, and by reducing or desynchronizing stormwater runoff. The sheer concentration of activities in an urban areas requires that visitors, residents, property owners and businesses recognize their collective role as caretakers of these streams.

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 reports.
- (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 draft TMDL or WRAPS reports.
- (2) The action you wish the MPCA to take, including specific references to the section of the draft report(s) you believe should be changed. It is important to clearly specify which of the two reports the comments pertain to since the reports will proceed along separate tracks for final approval.
- (3) The reason(s) 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 project. The 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.