

General information

Public comment period begins: March 21, 2024

Public comment period ends: April 4, 2024

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.

Name and address of Applicant:	Project name and location (county):	MPCA contact person:
Federal Permitting Agency: Jeremy Kinney Lead Project Manager U.S. Army Corps of Engineers 332 Minnesota St., Suite E1500 St. Paul, MN 55101	2022-01477-SRK County State Aid Highway (CSAH) 5 reconstruction project, Aitkin County	Tim Schwarz Resource Management and Assistance Division Minnesota Pollution Control Agency 520 Lafayette Road North St. Paul, Minnesota 55155 Phone: 651-757-2426 Email: timothy.schwarz@state.mn.us

John Welle
County Engineer
Aitkin County Highway Department
1211 Air Park Drive
Aitkin, MN 56431

A draft Section 401 Water Quality Certification with antidegradation determination is available for review on the MPCA Public Notices webpage at <http://www.pca.state.mn.us/publicnotices> 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: Mississippi River - Brainerd

Description of Issuance for 401 Water Quality Certification for Aitkin County State Aid Highway (CSAH) 5 Reconstruction Project

The Aitkin County Highway Department proposes to reconstruct approximately five miles of CSAH 5 in Aitkin County. Construction will include partial re-alignment, grading, replacing a bridge over the Rice River, replacing culverts, and upgrading the driving surface to a paved roadway to meet state aid standards. The proposed project will permanently fill 9.60 acres of wetlands and result in 0.26 acres of cut impacts to wetlands and 0.23 acres of impacts to wet ditches. The Aitkin County Highway Department will mitigate the impacts from construction by purchasing wetland credits from the Local Government Road Wetland Replacement Program.

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 online 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.