

General information

Public comment period begins: June 28, 2024

Public comment period ends: July 9, 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:
Mark Loidolt, Assistant County Engineer Benton County Department of Public Works P.O. Box 247 Foley, MN 56329	2022-01856-MMG County State Aid Highway (CSAH) 7 Reconstruction Project, Benton 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
Federal Permitting Agency: Matthew Groshek, Project Manager U.S. Army Corps of Engineers 250 N. Sunnyslope Road Suite 296 Brookfield, WI 53005		

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 - St. Cloud

Description of Issuance for 401 Water Quality Certification for 2022-01856-MMG Benton County State Aid Highway (CSAH) 7 Reconstruction Project

The Benton County Department of Public Works proposes to reconstruct 5.1 miles of County State Aid Highway (CSAH) 7 near Foley to increase safety and bring the corridor into compliance with Minnesota's state-aid standards. The project will increase the width of the shoulders, right-of-way, and clear zones; adjust grading on either side of the road; and replace culverts at seven tributaries, all of which are ditches in the county's public drainage system and drain into the St. Francis River. The proposed project will permanently fill 10.60 acres of wetlands and impact 676 linear feet of eight tributaries, temporarily impact 3.21 acres of wetlands, and convert the type of 0.53 acres of wetlands due to clearing and grubbing of trees. The Benton County Department of Public Works will mitigate the wetland impacts with the purchase of wetland credits through the Minnesota Board of Water and Soil Resources' 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.