

General information

Public comment period begins: September 20, 2024

Public comment period ends: October 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:

Jesse Story, City Engineer/Public
Works Director
City of Hibbing
401 East 21st Street
Hibbing, MN 55746

Project name and location (county):

2024-00849-EGM - Bridge 92697
replacement project, St. Louis County

MPCA contact person:

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:

Elizabeth G. Marti, Project Manager
U.S. Army Corps of Engineers
4111 Technology Drive NW, Suite
295
Bemidji, MN 56601

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: St. Louis River

Description of Issuance for 401 Water Quality Certification for Bridge 92697 replacement project

The City of Hibbing proposes to replace the structurally deficient steel beam span Bridge 92697 carrying Zim Road over Little Swan Creek with two new 44-foot-long, 14-foot by 10-foot concrete box culverts (Bridge 69L31) embedded two feet into the streambed. Impacts associated with the proposed project include the permanent dredge and discharge of fill material into 0.02 acres of wetlands, 126 linear feet of stream impacts to Little Swan Creek, 0.022 acres of temporary wetland impacts due to vegetation removal, and 6.22 square feet of permanent fill and 86 square feet of temporary impacts to an unnamed ephemeral drainage. The City of Hibbing 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.