

Notice of availability and request for comments on draft **Lake Pepin and Mississippi River Eutrophication**

Total Maximum Daily Load (TMDL) Report

General information

Public comment period begins: April 20, 2020

Public comment period ends: 4:30 p.m. on June 19, 2020

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A draft report for the Lake Pepin and Mississippi River Eutrophication TMDL is available for review on the Minnesota Pollution Control Agency (MPCA) Lake Pepin webpage at <https://www.pca.state.mn.us/water/tmdl/lake-pepin-excess-nutrients-tmdl-project> or at the MPCA office address listed under the MPCA contact person above. Following the comment period, the MPCA will revise the report if needed, 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: Statewide Watershed Work

Description of the TMDL Study

Lake Pepin has characteristics of both a lake and river. Lake Pepin is the widest part of the Mississippi River, bordered by Minnesota on the west and Wisconsin on the east. It is located about 60 miles downstream of St. Paul, Minnesota, just south of the confluence of the St. Croix and Minnesota rivers into the Mississippi River. The lake is 21 miles long, averages 1.7 miles wide and covers 29,295 acres. It has a maximum depth of 60 feet and an average depth of 21 feet.

The lake formed naturally with water held back by the sediment that makes up the delta of the Chippewa River on the Wisconsin side. It is part of Pool 4 that extends from Lock and Dam 3 near Red Wing, Minnesota, to Lock and Dam 4 downstream at Alma, Wisconsin.

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 sources of the pollutant causing an impairment and quantifies necessary reductions among the sources. The draft TMDL report for Lake Pepin and two reaches of the Mississippi River addresses impairments caused by excess phosphorus, which results in algae blooms.

Pre-Public Notice

The draft TMDL report was shared on the Lake Pepin project website during an informal comment period ("pre-public notice") from August 20th through September 20th, 2019. Stakeholders were made aware of this review opportunity via the Waterfront Bulletin and email notifications to project stakeholder lists. The MPCA received four comment letters during the pre-public notice period and

held two stakeholder meetings in follow-up to the comment letters. The Lake Pepin Legacy Alliance hosted a TMDLs open house and presentation on August 29th, 2019.

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 must state:

- (1) Your interest in the draft TMDLs report.
- (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. MPCA will conduct a public meeting via webex to share project information on May 6, 2020.

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.