Notice of Availability and Request for Comments on Draft Miller Creek Water Temperature Total Maximum Daily Load (TMDL)

General information
Public comment period begins: June 5, 2017
Public comment period ends: 4:30 p.m. on July 5, 2017

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The Draft report for the Miller Creek Water Temperature TMDL is available for review on the Minnesota Pollution Control Agency (MPCA) draft/public noticed TMDL webpage at http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html, or at the MPCA office address listed under the MPCA contact person. Following the comments, the MPCA will revise the report(s) and submit the 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: 04010201 Saint Louis River Major Watershed

Description of the Miller Creek Water Temperature TMDL

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. It is a process that identifies all the sources of the pollutant causing an impairment and quantifies necessary reductions among them.

Miller Creek is a small, urban trout stream flowing through the cities of Duluth and Hermantown in northeastern Minnesota. Miller Creek discharges to the St. Louis River, and is located within the Lake Superior Basin. The entire stream length of Miller Creek is considered impaired for use by aquatic life due to elevated stream temperatures. Elevated stream temperatures occur in summer months, mostly due to high air temperatures during periods of lower stream flows, or less frequently from runoff from summer rains that occur after high air temperatures. The elevated stream temperatures are negatively affecting the fish and aquatic insect communities. Shading the creek, restoring more natural flow paths, and preventing warm stormwater from entering it are possible strategies to address the impairment.

Procedure for public participation

As stated in Minn. R. chs. 7000 and 7001, there are four formal procedures for public participation in the MPCA's consideration of this matter. Interested persons may:

(1) Submit written comments on the draft report.
(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 TMDL report.
(2) The action you wish the MPCA to take, including specific references to the section of the draft report 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 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.