

This fact sheet was developed to fulfill the requirements of Minn. Stat. 115.03, subd. 5d and 116.072, subd. 14 (2).

How you can participate in the NPDES permitting and APO enforcement process

The Minnesota Pollution Control Agency (MPCA) is committed to cultivating open lines of communication with permittees throughout the permitting and enforcement process. We want to clearly and transparently communicate with you about your draft and final permit and any enforcement actions. Transparent communication means MPCA staff are available to engage in conversation with you on these topics. This fact sheet summarizes available ways you can participate in the National Pollutant Discharge Elimination System (NPDES) permitting or administrative penalty order (APO) enforcement process.

Participating in the NPDES permitting process

The MPCA assigns a permit writer to each NPDES permit. The permit writer assigned to your permit will communicate with you during the permitting process. If you have questions or concerns during the NPDES permitting process, your permit writer is your first point of contact. If there is something that your permit writer cannot answer, they will put you in touch with the expert at the MPCA who will work directly with you to get your questions or concerns resolved. MPCA staff are available and willing to come to your community or facility to meet with you face-to-face at any point in the permitting process. We find these meetings lead to a better understanding of your concerns, identify solutions, and often lead to quicker resolution of issues. The MPCA encourages you to actively engage in the permitting process. Following is a summary of additional methods for you to participate in the permitting process:

1. **Effluent limit notification process.** If a new effluent limit is assigned to your facility, the MPCA will call or send you a letter with an explanation of why the new limit was assigned and offer to set up a meeting to answer your questions. The MPCA may need to work with you to develop a strategy (e.g., schedule of compliance, variance, water quality trading) to assist you in meeting your new limit.
2. **Pre-public notice review period.** The MPCA will send your draft permit to you for review prior to placing the permit on public notice for comment. If you are a publicly owned wastewater treatment facility (a.k.a. POTW), you will have 30 days to review the permit and send comments to the MPCA (Minn. Stat. § 115.542 subd. 3). This pre-public notice review period is an opportunity for you and the MPCA to work together to address any comments and issues you have with the draft permit before the formal public notice comment period.
3. **Public notice comment period.** Your draft permit will be placed on public notice for any person to review and submit comments to MPCA (this occurs after the pre-public notice review period). The public notice comment period for POTWs is 60 days (Minn. Sta. § 115.542 subd. 4). The public notice comment period for industrial wastewater facilities or other non-POTWs is 30 days (Minn. R. 7001.0100, subp. 4(G)). During this time you or any interested party can:
 - a. Submit comments on the draft permit (Minn. R. 7001.0110, subps. 1 and 2);
 - b. Request a public informational meeting (Minn. R. 7001.0110, subp. 3, and 7001.0120); or
 - c. Request a contested case hearing on the draft permit (Minn. R. 7001.0110, subp. 1, and 7001.0130).

Additional details on how to submit written comments or request a public informational meeting or contested case hearing will be included in the public notice document that is published with the draft permit (Minn. R. 7001.0100, subp. 4). MPCA will respond in writing to all comments received during the public notice comment period and may make changes to the draft permit based on comments.

4. **Post permit issuance appeals.** After the MPCA issues the final permit, there is 30 days to appeal the MPCA's final decision to the Minnesota Court of Appeals (Minn. Stat. § 115.05, subd. 11).

Please do not hesitate to contact your permit writer with any questions or concerns during the development of your permit. A listing of all municipal and industrial permit writers assigned by county or industry can be found at: <https://www.pca.state.mn.us/water/wastewater-permit-writers>.

General permits: Please note that some of the steps above may or may not apply to the general permit process. For example, if you are applying for new general permit coverage, the permit may not be open to public comment at the time the MPCA issues you coverage under the permit. Please review the general permits webpage, located at <https://www.pca.state.mn.us/water/general-permits-wastewater> to learn more or contact your assigned permit writer.

Participating in the NPDES APO enforcement process

Environmental laws are essential tools used to protect Minnesota's environment. These laws set standards for environmental quality and limits on pollutants that can be discharged from facilities. The MPCA helps protect our environment by enforcing these laws. To help permittees stay in compliance with environmental laws, the MPCA conducts onsite inspections, communicates with permittees, provides training, and distributes fact sheets and other guidance materials. When violations occur at permitted facilities, the MPCA has a variety of enforcement options including APOs (Minn. Stat. § 116.072). APOs are issued to resolve compliance problems involving state and/or federal environmental laws. Read the [MPCA administrative penalty order fact sheet](#) for more information on APOs.

The MPCA assigns a case lead to every enforcement case. As with the permitting process, the MPCA communicates with you throughout the enforcement process. If you have questions or concerns about an enforcement case in which you are involved, the MPCA case lead is your first point of contact. Because enforcement matters are civil investigations, the MPCA is sometimes limited in the information it can share during active investigations.

If an APO is issued to resolve an enforcement case, you have the right to seek review of the APO as provided for in Minn. Stat. § 116.072, subds. 6 and 7. There are two methods for appealing the APO, an expedited hearing in front of an administrative law judge, or review by a district court. The APO document summarizes the requirements for how you can request each of these types of appeals.