

Delegated County Notice of Violation (NOV) Template

[Date]

CERTIFIED MAIL NO. #
RETURN RECEIPT REQUESTED

[Regulated Party Contact Person - Official/Executive Officer/President/Individual, Title]
[Regulated Party Name]
[Regulated Party Address]
[City, State, Zip Code]

RE: Notice of Violation - [Identifying title such as facility name/location, permit #, or registration #]

Dear [Regulated Party Contact Person]:

Enclosed is a Notice of Violation (NOV) issued by [County Department Name] (County) to [Regulated Party Name] (Regulated Party) for alleged violations of [Brief Description of Violations] at the Regulated Party's [Facility or Site Description] located in [City or Township], Minnesota. By sending this NOV, the County is notifying the Regulated Party of alleged violations that County staff discovered during [an inspection, file review, etc.] on [Date]. This NOV also provides the Regulated Party an opportunity to respond to the alleged violations.

The first section of the NOV cites the [statutes, rules, regulations, and/or permit conditions] which the County alleges that the Regulated Party violated, and describes the actions or omissions constituting the violation(s). The second section, titled "Corrective Action," contains corrective action(s) that the Regulated Party is to complete in order to resolve the NOV.

Please note, the Corrective Action section contains dates by which the actions should be completed. Please also note, if the Regulated Party believes the allegations in this NOV are incorrect, the County requests a written response within ten days.

[You may want to use the next paragraph or two to mention some of the history that has led to the NOV]

[If the County is considering referring the Regulated Party to the MPCA for enforcement follow-up, the following paragraph should be added]

It is important that you give this matter your full attention. Should the Regulated Party fail to respond to the NOV and/or fail to complete the Corrective Actions listed in the NOV, [County

[Name]

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[Date]

Name] staff may consider referring the case to the [County Name] Attorney's Office or the Minnesota Pollution Control Agency for further enforcement.

If you have any questions, please contact me at [Phone Number].

Sincerely,

[Staff Name, Title]

XX:xx

Enclosure

Cc w/enc: [Others]
 [County Attorney]

bcc: [Appropriate File]

[NAME OF COUNTY]
[COUNTY DEPARTMENT NAME]

NOTICE OF VIOLATION

In the Matter of: [Regulated Party Name]
[Site/Facility Location(s)]
[Site Permit # and/or Registration #]

To: [Regulated Party Name]
[Regulated Party Address]
[City, State, Zip Code]

PLEASE BE ADVISED, that the [County Department Name] (County) has sufficient information to allege that [Regulated Party Name] (hereinafter Regulated Party) has violated the following provisions of [federal regulations, state statutes, rules, county ordinances and/or permit conditions] at it's [facility or site] located in [city or township], Minnesota.

[Example]

1. Minn. R. 7020.2003 WATER QUALITY DISCHARGE STANDARDS.

Subp. 1. Animal feedlots and manure storage areas. Animal manure, manure-contaminated runoff, or process wastewater from any animal feedlot, including CAFOs, or manure storage area is prohibited from flowing into a sinkhole, fractured bedrock, well, surface tile intake, mine, or quarry.

On June 1, 2006, County staff observed manure-contaminated runoff discharging from the Regulated Party's facility directly into a surface tile intake.

CORRECTIVE ACTION

To address the alleged violations cited in this Notice of Violation (NOV), the Regulated Party is to complete the following actions:

1. Within [*Number – ten or below – spell out, above ten - numeric*] days after receipt of this NOV, [submit, cease, conduct, prepare, etc. . . . *Add text describing the action requested*]; and
2. Within [*Number – ten or below – spell out, above ten - numeric*] days after receipt of this NOV, [submit, cease, conduct, prepare, etc. . . . *Add text describing the actions requested*].

NOTICE

THEREFORE, you are hereby given notice that the above alleged violations have been recorded and documented by [County Name]. This NOV and your response does not preclude the [County Name] from taking further action with respect to the above alleged violation(s). [County Name] reserves the right to seek any and all remedies available under Minn. Stat. §§ 115.071, 116.072, 116.073, and 609.671 and all applicable rules or permits for any violation cited in the NOV. If the Regulated Party believes the allegations in this NOV are incorrect, please respond in writing within ten days after receiving this NOV and explain any inaccuracies. If the Regulated Party does not respond, [County Name] will conclude that the alleged violations occurred as set forth in the NOV.

DATED: **[COUNTY DEPARTMENT NAME]**

[Manager's or Supervisor's Name and Title]

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Address Submittals Requested Above and Questions To:

[Name, Title]
[Address]
[Telephone Number]