

Minnesota Pollution Control Agency

Municipal Division

PUBLIC NOTICE OF APPLICATION FOR APPROVAL OF A DELEGATED PRETREATMENT PROGRAM

Public Comment Period Begins: June 11, 2012

Public Comment Period Ends: July 11, 2012

Name and Address of Applicant: City of Austin
500 Fourth Avenue Northeast
Austin, Minnesota 55912

Approval of Delegated Pretreatment Program

The city of Austin, which operates a Publicly Owned Treatment Works (POTW) serving the wastewater needs of the city of Austin and the city of Mapleview, has applied for approval of its local pretreatment program and has submitted a statement of legal authority, copies of documents relied on for legal authority, and descriptions of their organization, resources and procedures to administer the pretreatment program.

The pretreatment program is a federally mandated program designed to regulate the discharges from industrial users of POTWs. Minnesota State Rules regarding the administration of the Pretreatment program can be found in the Minnesota Wastewater Pretreatment Rules, Minn. R. ch. 7049. The Minnesota Pollution Control Agency (MPCA) was delegated authority to administer the Pretreatment Program as an approval authority by the United States Environmental Protection Agency on July 16, 1979.

The MPCA staff has reviewed the city of Austin's submittal and has determined that the program is approvable in accordance with the Minnesota Wastewater Pretreatment Rules. This approval will delegate to the city of Austin authority to regulate users of their POTW for all applicable pretreatment rules and regulations as a control authority. Currently the city of Austin regulates users of their POTW for most, but not all applicable pretreatment rules and regulations. Prior to making a final determination to approve the program, the MPCA is providing opportunity for public comment on the request.

The city of Austin pretreatment program application for delegated pretreatment program approval is available for review at the address given below. If you have questions regarding the pretreatment program proposed by the city Austin or the preliminary decision to approve this pretreatment delegation, please contact Aaron Luckstein at 507-206-2606 or aaron.luckstein@state.mn.us.

Written Comments

You may submit written comments on the Commissioner's preliminary determination to approve the city of Austin's application for pretreatment program delegation.

Written comments must include the following:

1. A statement of your interest in the pretreatment delegation.
2. A statement of the action you wish the MPCA to take, including amended requirements for

pretreatment delegation that you believe should be required.

3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting

You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern.
2. The information required under items 1 through 3 of “Written Comments,” identified above.
3. A statement of the reasons the MPCA should hold a public informational meeting.
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing

You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with Minn. R. 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the pretreatment delegation; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the pretreatment delegation. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

- A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in Minn. R. 7000.1900, as discussed above.
- A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

- A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing.
- A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing.
- An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision

You may submit a petition to the Commissioner requesting that the MPCA Citizens’ Board (Board) consider the pretreatment delegation. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice.

Under the provisions of Minn. Stat. § 116.02, subd. 6(4), the decision whether to approve the delegated pretreatment program will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the pretreatment delegation; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the Board, as provided in Minn. R. 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this pretreatment delegation. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Board, will make the final decision on the pretreatment delegation.

Comments, petitions, and/or requests must be submitted in writing on or before the end date of the public comment period identified on page 1 of this notice to:

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Rochester, Minnesota 55904
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507-206-2606