

**CHAPTER 7077**  
**MINNESOTA POLLUTION CONTROL AGENCY**  
**WATER QUALITY DIVISION**  
**WASTEWATER TREATMENT ASSISTANCE**

<p><b>WASTEWATER AND STORM WATER TREATMENT ASSISTANCE</b></p> <p>7077 0100 PURPOSE  7077 0105 DEFINITIONS  7077 0115 PROJECT PRIORITY LIST  7077 0277 STORM WATER PROJECT PLAN  7077 0278 INTENDED USE PLAN  7077 0280 CERTIFICATION SUBMITTAL  REQUIREMENTS</p>	<p>7077 0287 COMPLETION OF CONSTRUCTION AND INITIATION OF OPERATION, STORM WATER TREATMENT SYSTEMS  7077 0288 PROJECT PERFORMANCE  7077 0290 COMMISSIONER'S NOTIFICATION OF PERFORMANCE</p>
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**WASTEWATER AND STORM WATER TREATMENT ASSISTANCE**

**7077.0100 PURPOSE.**

This chapter provides for the Minnesota Pollution Control Agency's administration of financial assistance programs for the construction of municipal wastewater treatment systems. The programs in this chapter are:

*[For text of item A, see M.R.]*

B. the combined sewer overflow program for grants awarded on or after July 1, 1990, under Minnesota Statutes, section 116.162; and

C. the individual sewage treatment systems grants program for grants awarded on or after July 1, 1990, under Minnesota Statutes, section 116.18, subdivision 3c.

Parts 7077.0111 to 7077.0292 apply to the financial assistance program.

Parts 7077.0300 to 7077.0330 apply to the combined sewer overflow program.

Parts 7077.0700 to 7077.0765 apply to the individual sewage treatment systems grants program.

**Statutory Authority:** *MS s 446A.07*

**History:** *21 SR 482*

**7077.0105 DEFINITIONS.**

*[For text of subps 1 to 8, see M.R.]*

Subp. 8a. **Best management practices.** "Best management practices" has the meaning given it in Minnesota Statutes, section 103F 711, subdivision 3.

*[For text of subps 9 to 18, see M.R.]*

Subp. 18a. **Initiation of operation.** "Initiation of operation" means the date on which all components of the storm water treatment system or the wastewater treatment system and all individual sewage treatment systems within a project service area are complete and functioning and the project begins operating for the purposes for which it was planned, designed, and built.

Subp. 19. **Intended use plan.** "Intended use plan" means the document prepared annually by the agency according to the requirements in Title VI of the act and submitted to the United States Environmental Protection Agency. The plan shall identify the intended uses of the amounts available to the water pollution control revolving fund, including a list of wastewater treatment projects, storm water treatment projects, and other eligible activities proposed to be funded during the fiscal year. Projects will be listed on the intended use plan in the order of their priority ranking on the project priority list.

*[For text of subps 19a to 22a, see M.R.]*

Subp. 24. **Municipality.** "Municipality" means any county, city, town, the Metropolitan Council Environmental Services, the Metropolitan Council when acting under chapter 473, an Indian tribe or an authorized Indian tribal organization, or any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state.

Subp. 25. **Need.** "Need" means a new or upgraded wastewater treatment system is necessary for a municipality to comply with chapter 7040, 7050, 7060, or 7080. "Need" also means that treatment and disposal systems are necessary to improve water quality and reduce pollution caused by storm water runoff as determined by a local water plan, an area-wide assessment, NPDES permit requirements, or other water quality based reason defined by a need assessment produced by the applicant.

*[For text of subps 25a to 30, see M.R.]*

Subp. 31. **Performance certification.** "Performance certification" means a certification made by a municipality one year after initiation of operation that states its newly constructed wastewater or storm water treatment system is meeting performance standards, as specified under parts 7077.0288 and 7077.0325.

*[For text of subps 32 and 32a, see M.R.]*

Subp. 33a. **Project priority list.** "Project priority list" means the priority list prepared by the commissioner under parts 7077.0115 to 7077.0197.

Subp. 33b. **Project service area.** "Project service area" means that area of the state served by the proposed project and identified by clearly defined boundaries in the facilities plan or storm water project plan.

*[For text of subps 35a to 41a, see M.R.]*

Subp. 41b. **Storm water.** "Storm water" means precipitation runoff, storm water runoff, snow melt off, and any other surface runoff and drainage.

Subp. 41c. **Storm water project plan.** "Storm water project plan" means the plans, studies, and reports necessary to determine storm water treatment needs of a project service area, to systematically evaluate storm water treatment alternatives that shall result in water quality improvement, and to identify the best management practices to be implemented.

Subp. 41d. **Storm water treatment system.** "Storm water treatment system" means a device, method, system or systems designed to reduce, store, treat, separate, stabilize, or dispose of storm water for purposes of preventing or abating pollution or maintaining or improving water quality.

*[For text of subps 43 to 50, see M.R.]*

**Statutory Authority:** *MS s 446A.07*

**History:** *21 SR 482*

#### 7077.0115 PROJECT PRIORITY LIST.

Subpart 1. **Requirement.** The commissioner shall develop and maintain a project priority list of projects for municipalities that have a need for a new or upgraded wastewater treatment system or a storm water treatment system.

*[For text of subp 2, see M.R.]*

Subp. 3. **Request for placement on list.** A municipality may submit a written request to the commissioner for placement of a project on the project priority list. The request must include a description of the need for the new or upgraded wastewater or storm water treatment system. If known, the request shall also include a description of the proposed project and its costs. The municipality must submit any information that is necessary for the project to receive accurate review under subpart 4. Unless a municipality requests that its wastewater treatment project be placed on the list with total points equal to one, information must be submitted according to items A to C.

*[For text of items A to C, see M.R.]*

Subp. 4. **Review.** The commissioner shall review each request and take the action specified in items A to D.

*[For text of items A and B, see M.R.]*

C. Storm water treatment system projects shall be assigned total points equal to one on the project priority list if:

- (1) the project addresses water quality needs; ponds for water quality may have associated flood control benefits;
- (2) the project consists of permanent storm water treatment structures; and

(3) the project is based on acceptable engineering practices. Determination as to acceptability will be based on reasonable assurance of providing water quality benefits.

D Projects that do not meet the criteria in item A, B, or C as applicable, shall not be added to the list and the commissioner shall notify the municipality of the reasons for the determination.

*[For text of subs 5 and 6, see M.R.]*

**Statutory Authority:** *MS s 446A.07*

**History:** *21 SR 482*

#### **7077.0277 STORM WATER PROJECT PLAN.**

Subpart 1. **In general.** The storm water project plan must be prepared and signed by a professional engineer registered in the state of Minnesota.

Subp. 2. **Contents.** A storm water project plan must address items A to E in the amount of detail that is appropriate to describe the project accurately.

A. A complete description of the storm water collection system, storm water treatment system if existent, and the identified need in the project service area.

B. A complete description of the project service area including the number of acres served, the estimated flow, and a description of the watershed.

C. A complete description of the project including location, best management practices to be implemented for the use of storm water treatment, estimated construction, annual operation and maintenance, and equipment replacement costs.

D. A description of the long-term maintenance plan.

E. An estimate of the reduction in pollutants.

Subp. 3. **Storm water project plan supplement.** The following items must be submitted to the commissioner with the storm water project plan under subpart 2:

A. a complete list of addresses used for public notice purposes and listed on a form provided by the agency;

B. a summary of the information presented and public comments received at a public hearing, required under subpart 4, and the action taken to address those comments;

C. a formal resolution of the municipality's governing body adopting the storm water project plan;

D. a list of ordinances and intermunicipal agreements necessary for the successful implementation and administration of the project;

E. a completed environmental worksheet; and

F. a certification from the appropriate county or watershed management organization assuring that the storm water project plan is consistent with the comprehensive local water plan.

Subp. 4. **Public hearing.** Before adopting the storm water project plan, the municipality must hold at least one public hearing to discuss the proposed project. The storm water project plan must be made available for review by interested persons before the date of the hearing. At the public hearing, information must be presented on the various treatment alternatives considered, the reasons for choosing the selected alternative, and the location of the proposed project site.

**Statutory Authority:** *MS s 446A.07*

**History:** *21 SR 482*

#### **7077.0278 INTENDED USE PLAN.**

*[For text of subs 1 and 2, see M.R.]*

Subp. 3. **Requirements.** To be eligible for placement on the intended use plan, the conditions in items A to C must be met.

*[For text of items A and B, see M.R.]*

C. For a construction loan, a municipality must first receive the commissioner's approval of its facilities plan, as required under part 7077.0272, or its storm water project plan, as required under part 7077.0277, before it will be placed on the intended use plan. If the

municipality is proposing to change the selected treatment method or any other major element of a previously approved facilities plan or storm water project plan, the municipality must receive the commissioner's approval of a facilities plan addendum.

*[For text of subp 4, see M.R.]*

**Statutory Authority:** *MS s 446A.07*

**History:** *21 SR 482*

#### 7077.0280 CERTIFICATION SUBMITTAL REQUIREMENTS.

*[For text of subpart 1, see M.R.]*

**Subp. 2. Planning projects.** Municipalities seeking certification for planning projects shall submit:

A. a description of the scope of work and estimated costs that will lead to an approved facilities plan or storm water project plan;

B. a schedule for completion of the facilities plan or the storm water project plan on a form provided by the agency; and

*[For text of item C, see M.R.]*

**Subp. 3. Design projects.** Municipalities seeking certification for design projects shall submit.

A. for wastewater and storm water treatment projects, a schedule for completion of plans and specifications; and

*[For text of item B, see M.R.]*

**Subp. 4. Construction projects.** Municipalities seeking certification for construction projects shall submit:

A. for wastewater treatment systems, plans and specifications as required under part 7077.0274 for the commissioner's review and approval;

*[For text of item B, see M.R.]*

C. for wastewater treatment systems, a copy of the municipality's resolution adopting the sewer service charge system;

D. for wastewater treatment systems, a certification that the municipality has enacted a sewer use ordinance, sewer rate ordinance, or combined sewer use and sewer rate ordinance that, at a minimum:

*[For text of subitems (1) to (8), see M.R.]*

E. for wastewater treatment systems, an affidavit of publication for the sewer use ordinance and the sewer rate ordinance;

F. for individual sewage treatment system projects, a certification that the municipality has enacted an ordinance that:

(1) adopts the requirements of chapter 7080;

(2) prohibits nonsewage discharges from nonresidential structures with wastewater flows or nonsewage discharges from residential structures with a water-using business to individual sewage treatment systems; and

(3) establishes a maintenance plan;

G. for wastewater treatment systems, a certification that the municipality is enforcing the ordinance under item F; and

H. for storm water treatment systems, the municipality must submit the following:

(1) a project schedule on a form provided by the agency; and

(2) if applicable, finalized and executed intermunicipal agreements necessary for the successful implementation and administration of the project.

*[For text of subp 5, see M.R.]*

**Statutory Authority:** *MS s 446A.07*

**History:** *21 SR 482*

#### 7077.0287 COMPLETION OF CONSTRUCTION AND INITIATION OF OPERATION; STORM WATER TREATMENT SYSTEMS.

A. Within ten days following completion of construction, the municipality must notify the commissioner in writing of the initiation of operation date

B. The date of initiation of operation is the first day of the one-year performance period.

**Statutory Authority:** *MS s 446A 07*

**History:** *21 SR 482*

#### **7077.0288 PROJECT PERFORMANCE.**

*[For text of subp 2, see M.R.]*

Subp. 2a. **Performance certification for storm water treatment systems.** One year after the initiation of operation of the storm water treatment project, the municipality shall submit to the commissioner the following items, as appropriate for the project.

A. a certification stating whether the project meets the following performance standards:

(1) the project has been completed according to the approved storm water project plan;

(2) state revolving fund loan money has only been used for work directly associated with storm water treatment activities as described in the storm water project plan,

(3) all pipe outlets have been provided with permanent energy dissipation where the pipe's outlet velocity exceeds the permanent cover's erosive velocity; and

(4) an operation and maintenance manual appropriate for the best management practices implemented during the project has been provided to the municipality by the project engineer; and

B. an evaluation report describing the performance of the project as it pertains to the problems in need of correction identified in the storm water project plan.

Subp. 3. **Corrective action report.** If the commissioner or the municipality determines that the wastewater treatment project does not meet the project performance standards under subpart 2, item A, the municipality shall:

*[For text of items A and B, see M.R.]*

**Statutory Authority:** *MS s 446A 07*

**History:** *21 SR 482*

#### **7077.0290 COMMISSIONER'S NOTIFICATION OF PERFORMANCE.**

The commissioner shall provide written notification about the satisfactory performance of a wastewater treatment project to the authority upon receipt and approval by the commissioner of the items listed in part 7077.0288, subpart 2, item A.

**Statutory Authority:** *MS s 446A.07*

**History:** *21 SR 482*

**7077.0500** [Repealed, 21 SR 482]

**7077.0505** [Repealed, 21 SR 482]

**7077.0510** [Repealed, 21 SR 482]

**7077.0515** [Repealed, 21 SR 482]

**7077.0520** [Repealed, 21 SR 482]

**7077.0525** [Repealed, 21 SR 482]

**7077.0530** [Repealed, 21 SR 482]

**7077.0535** [Repealed, 21 SR 482]

**7077.0540** [Repealed, 21 SR 482]

**7077.0545** [Repealed, 21 SR 482]

**7077.0550** [Repealed, 21 SR 482]

**7077.0555** [Repealed, 21 SR 482]

**7077.0560** [Repealed, 21 SR 482]

**7077.0600** [Repealed, 21 SR 482]

**7077.0610** [Repealed, 21 SR 482]

**7077.0615** [Repealed, 21 SR 482]

**7077.0620** [Repealed, 21 SR 482]

**7077.0625** [Repealed, 21 SR 482]

**7077.0640** [Repealed, 21 SR 482]

**7077.0650** [Repealed, 21 SR 482]