

CHAPTER 7077
MINNESOTA POLLUTION CONTROL AGENCY
WASTEWATER AMD STORM WATER
TREATMENT ASSISTANCE

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7077.0100 PURPOSE.

This chapter provides for the Minnesota Pollution Control Agency's administration of financial assistance programs for the construction of municipal wastewater and storm water treatment systems. The programs in this chapter, which are jointly administered by the agency and the authority, are:

A the financial assistance program, consisting of:

- (1) the wastewater infrastructure fund, Minnesota Statutes, section 446A 072;
- (2) the state revolving fund, Minnesota Statutes, section 446A 07,
- (3) the state independent grants program under Minnesota Statutes, section 116 18, subdivision 3a; and

B the individual sewage treatment systems grants program under Minnesota Statutes, section 116 18, subdivision 3c.

Parts 7077.0105 to 7077 0292 apply to the agency's responsibilities under the financial assistance program.

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

Statutory Authority: *MS s 116 182; 446A 07*

History: *30 SR 923*

7077.0105 DEFINITIONS.

[For text of subps 1 to 8, see MR]

Subp 8a. **Best management practices.** "Best management practices" has the meaning given it in Code of Federal Regulations, part 40, section 122.2

[For text of subp 9, see MR]

Subp. 9a. **Collection facilities.** "Collection facilities" means that part of a wastewater treatment system that collects and transports wastewater, including sewers, lift stations, conveyance systems, interceptors, temporary storage basins, and related facilities.

[For text of subps 10 to 14, see MR]

Subp. 14a [Repealed, 30 SR 923]

[For text of subp 15, see MR]

Subp. 16a. **Individual sewage treatment system.** "Individual sewage treatment system" has the meaning given in part 7080 0020, subpart 21

[For text of subps 17 to 18a, see MR]

Subp 19 **Intended use plan.** "Intended use plan" means the document prepared annually by the authority under Minnesota Statutes, section 446A 07, subdivision 4.

Subp 19a **Lake.** "Lake" means an enclosed basin filled or partially filled with standing fresh water with a maximum depth greater than 15 feet. A lake may have no inlet or outlet, an inlet or outlet, or both. If a different definition of lake is adopted in chapter 7050, that definition applies to this chapter.

Subp 19b **Maintenance plan.** "Maintenance plan" means a plan developed and administered by a municipality that demonstrates how the maintenance requirements of chapter 7080 shall be implemented and enforced.

Subp 19c. **Maximum design flow.** "Maximum design flow" means the design flow used to size septic tanks. For structures with wastewater flows used as a residence, it is determined by the number of bedrooms as defined in chapter 7080. For other structures with wastewater flows, it is determined by the best available data provided by the agency.

Subp 21a **Maximum impact zone.** "Maximum impact zone" means a standardized area with the highest density of unsewered structures that allows the impact of wastewater discharged by individual sewage treatment systems to be compared between project service areas. The maximum impact zone is the smallest circle which can be drawn which contains 90 percent of the structures with wastewater flows in a project service area.

[For text of subps 22a to 30, see MR]

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 part 7077.0288.

[For text of subps 32 and 32a, see MR]

Subp 33a. **Project priority list.** "Project priority list" means the priority list prepared by the commissioner under parts 7077.0115 to 7077.0121.

[For text of subps 33b to 41d, see MR]

Subp. 42a. **Total maximum daily load or TMDL.** "Total maximum daily load" or "TMDL" means a total maximum daily load established by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act.

[For text of subp 43, see MR]

Subp. 43a **Treatment facilities.** "Treatment facilities" means that part of a wastewater treatment system which is designed to treat, stabilize, or dispose of wastewater.

[For text of subps 44 to 47, see MR.]

Subp. 48 **Wastewater treatment system.** "Wastewater treatment system" means a system which includes both collection and treatment facilities. An individual sewage treatment system which includes both collection and treatment facilities is a wastewater treatment system.

[For text of subps 49 and 50, see MR]

Statutory Authority: *MS s 116 182, 446A 07*

History: *30 SR 923*

7077.0111 [Repealed, 30 SR 923]

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 wastewater treatment system, improvement, rehabilitation, expansion, or replacement of an existing wastewater treatment system; or a storm water treatment system.

[For text of subp 2, see MR]

Subp 3 **Request for placement on list.** A municipality may submit a written request to the commissioner on forms prescribed by the commissioner for eligibility review under subpart 4, assignment of priority points, and placement of a project on the project priority list. A municipality that does not submit information necessary for eligibility review under subpart 4 shall be placed on the list with total points equal to one until the information is provided or until removed under subpart 6.

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

A. Projects involving improvement, rehabilitation, expansion, or replacement of existing wastewater collection or treatment facilities in areas served by a wastewater treatment system that has an NPDES or SDS permit shall be added to the project priority list if the commissioner finds that a need currently exists or shall exist within the next five years.

B. Projects involving new wastewater collection or treatment facilities, in areas not served by a permitted wastewater treatment system that has an NPDES or SDS permit, shall be added to the project priority list only if the commissioner finds that a need currently exists.

C. Storm water treatment system projects shall be added to the project priority list if the commissioner finds that:

[For text of subitems (1) to (3), see MR]

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

Subp. 5 **Recalculation of total points.** Total points shall be recalculated when new information and a request for recalculation are submitted to the agency by the applicant.

[For text of subp 6, see MR]

Statutory Authority: *MS s 116 182, 446A 07*

History: *30 SR 923*

7077.0116 PRIORITY POINTS FOR TYPES OF PROJECTS.

Subpart 1 **Improved or expanded existing permitted sewer systems.** Projects involving improvement, rehabilitation, expansion, or replacement of wastewater treatment or collection facilities in areas served by existing wastewater treatment systems that have an NPDES or SDS permit shall be assigned priority points under part 7077.0117.

Subp 2. **New wastewater facilities in unsewered areas.** Projects involving new wastewater collection or treatment facilities, in areas not served by a permitted wastewater treatment system that has an NPDES or SDS permit, shall be assigned priority points under part 7077.0118.

Subp 3 **Projects involving both existing permitted sewer systems and new facilities in unsewered areas.** If a project involves elements that fall within both subparts 1 and 2, the elements of the project that involve new collection or treatment facilities in previously unserved areas shall be divided from the other elements of the project, and the two portions of the project shall be separately scored under the appropriate subpart.

Subp 4. **Storm water projects.** Storm water projects shall be assigned priority points under part 7077.0119.

Subp. 5. **Assignment of points by commissioner.** The commissioner shall determine the number of points to be assigned under parts 7077.0116 to 7077.0119 based on the information provided by the municipality proposing the project.

Subp. 6 **Rounding of points.** In calculating the number of points assigned to a project under parts 7077 0116 to 7077 0119, any fraction of a point shall be rounded up to the nearest whole number of points

Statutory Authority: *MS s 116 182, 446A.07*

History: *30 SR 923*

7077.0117 POINTS FOR PROJECTS WITH EXISTING NPDES OR SDS PERMIT.

Subpart 1 **Flow capacity.** Five points shall be assigned to a project if the project involves a treatment facility addressed by the project that is operating at or above 85 percent of its NPDES or SDS permitted hydraulic flow or organic loading capacity, or a collection facility that is operating at or above 85 percent of its hydraulic design capacity, or both, and if the project would expand capacity or reduce loadings so that the facility will operate at less than 85 percent of its capacity.

A. For treatment facilities, actual measured flows and loadings over the last 12 months shall be compared to the permitted average wet weather flow or if not available, to the permitted average annual flow and design loadings. "Average annual flow" means daily average flow measured over 365 consecutive days

B For collection facilities, actual measured peak flows shall be compared to the documented hydraulic design peak instantaneous wet weather flow of the pipe section or other component, or written documentation of other physical conditions, such as bypassing events occurring at less than design peak instantaneous wet weather flow, shall be submitted which show that the facilities are operating at or above 85 percent of their hydraulic design capacity

Subp. 2. **Age of facilities.** Twenty points shall be assigned to a project if construction of all or a substantial portion of the existing facility addressed by the project was completed more than 20 years before the date the agency received the request for priority listing of the project proposal.

Subp 3. **Excessive infiltration or inflow.** Fifteen points shall be assigned if the existing facility has excessive infiltration or inflow and the project proposal includes measures to correct the excessive infiltration or inflow.

Subp. 4 **Land discharge.** Twenty points shall be assigned under this subpart for a project that meets either or both of the requirements in items A and B

A. The project involves an existing facility that land discharges treated wastewater effluent and will continue to land discharge after project implementation, provided that the land discharge has not caused or contributed to, and is not projected to cause or contribute to, any release of nitrate into ground water exceeding ten milligrams per liter

B. The project proposes a new land discharge of treated wastewater effluent and the project includes consumptive use (nitrogen or volume) spray irrigation or on-land disposal systems that are required by permit to denitrify the effluent

Subp. 5 **Effluent limit more stringent than secondary treatment.** Ten points shall be assigned if the existing facility is subject to effluent limits for carbonaceous biochemical oxygen demand or total suspended solids that are more stringent than those which must be attained by a secondary treatment facility under part 7050 0211, or has an ammonia, total nitrogen, or phosphorus permit limit.

Subp 6. **Ponds in karst areas; separation of disposal system from ground water.** Twenty points shall be assigned under this subpart for a project that meets either or both of the requirements in items A and B

A. The project will replace or rehabilitate existing stabilization ponds located above karstic geological characteristics. Karstic geological characteristics are sinkholes; dry valleys in areas with humid climates; springs draining carbonate, sulfate, or halide rocks, caves, sinking streams, dissolutionally enlarged joints or bedding planes; grikes, or karren

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B The project will replace or rehabilitate wastewater treatment facilities involving a disposal facility where the vertical distance from the wastewater discharge point to the seasonally high ground water table or to the bedrock is less than three feet.

Subp 7 Projects with effluent discharge violations. Five points shall be assigned if the existing wastewater treatment facility is currently in violation of permit effluent limits that exceed the criteria for noncompliance reporting in the NPDES program under Code of Federal Regulations, title 40, section 123.45, appendix A, and the project is designed to remedy the violation.

Subp 8 Projects addressing repeated facility failures. Ten points shall be assigned if a wastewater treatment or collection facility addressed by the project has experienced bypasses, overflows, or surcharges during two or more storm events within a 12-month period when operating at less than peak instantaneous wet weather flow, and if the project is designed to eliminate such failures

Subp 9. Discharges to impaired or outstanding resource value waters.

A. Five points shall be assigned if the existing facility discharges into an outstanding resource value water, or into an impaired water as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the Clean Water Act, or into both types of waters

B A project that is assigned points under item A shall be assigned additional points as follows

(1) five additional points shall be assigned if the existing facility is currently in violation of chronic or acute effluent discharge standards; and

(2) five additional points shall be assigned if the existing facility is experiencing repeated failures as described in subpart 8.

Subp 10 Proximity to potable water intake. Five points shall be assigned if the existing facility discharges into surface water and there is an intake for potable water less than 25 miles downstream from the point of discharge.

Subp 11. Endangered or threatened species. Five points shall be assigned if the existing facility discharges into surface water and the water downstream of the discharge supports any endangered or threatened species listed in parts 6134.0200 to 6134.0400 or designated under Code of Federal Regulations, title 50, section 17.11 or 17.12.

Subp. 12. New standards more stringent. Ten points shall be assigned if the project improves the operation of an existing wastewater treatment facility to address one or more of the following circumstances:

A the discharge limits for the facility have been or will be made more stringent in a modified or reissued agency permit,

B. a permit variance for the facility has been discontinued; or

C the facility is required to accommodate increased hydraulic flow or organic loading without increasing either the permitted mass or concentration of discharges to receiving waters

Subp. 13 Receiving water classification. Up to seven points shall be assigned based on the classification of the receiving water as provided in this subpart if the existing facility discharges into surface water. If the receiving water has multiple classifications, only the classification with the highest point value under this subpart shall be used.

Receiving Water Classification	Points
2A	7
1,2Bd	5
2B,2C,2D	3
7	1

Subp. 14 Effluent impact on receiving water.

A Up to 15 points shall be assigned if the existing facility discharges into a surface water other than a lake or reservoir. The project shall be assigned points for the impact of the effluent discharge on the surface water by multiplying 15 points times the dilution ratio for that facility, which shall be determined in items B and C.

B The dilution ratio for a facility is calculated by dividing the average low flow of effluent from the facility by the lowest daily average flow of the receiving water measured for seven consecutive days with a once in ten year recurrence interval (7Q10). The average low flow from the facility shall be calculated by averaging the influent flow reported on the discharge monitoring reports for the three consecutive months with the lowest average influent flow within the most recent three climatic years. A climatic year is the period from April 1 of a year until March 31 of the following year.

C If the dilution ratio calculated for a facility under item B is greater than 1.0, or if the 7Q10 of the receiving water is zero, the dilution ratio for purposes of item A shall be 1.0.

Subp. 15. Project implements corrective measures. Five points shall be assigned to a project if it implements actions that contribute to the correction of a water quality problem identified in one or more of the following studies or an equivalent study:

A. a clean water partnership phase I diagnostic study under part 7076.0240, where the corrective actions are set forth in an implementation plan approved under part 7076.0260,

B. an impaired water assessment pursuant to section 303(d) of the federal Clean Water Act; or

C. a United States Environmental Protection Agency-approved watershed restoration action strategy pursuant to section 319 of the federal Clean Water Act.

Subp. 16 Project helps meet total maximum daily load for receiving water. Twenty points shall be assigned to the project if the project contributes to the achievement of a TMDL. To be considered as contributing to the achievement of a TMDL, the project must:

A. be designed to reduce the discharge of pollutants as specifically required by an agency-approved TMDL implementation plan, or

B. require an NPDES or SDS permit that will require reduced discharge of pollutants based on a TMDL.

Subp. 17 New or expanded discharge; points subtracted. Five points shall be subtracted from the project's priority score if the project involves one or more of the following:

A. a facility that will produce a new or expanded discharge to one or more of the following types of waters:

(1) outstanding resource value waters,

(2) an impaired water as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act; or

(3) a lake as defined in part 7077.0105, subpart 19a, or

B. a facility that will produce a new or expanded discharge exceeding 200,000 gallons per day to one or more of the following waters:

(1) waters defined as Class 2A waters under part 7050.0222, subpart 2; or

(2) a wetland as defined in part 7050.0130, item F.

For purposes of this subpart, if a reissued permit for a facility incorporates limits on pollutant loading which were frozen in a previous permit, a facility operating under

the same limits in the reissued permit shall not be considered to have an expanded discharge

Statutory Authority: *MS s 116 182, 446A 07*

History: *30 SR 923*

7077.0118 PRIORITY POINTS FOR PROJECTS IN UNSEWERED AREAS.

Subpart 1 Discharges posing threat to public health or safety. Points shall be assigned to a project by multiplying 45 times the ratio of the number of existing structures with individual sewage treatment systems or other systems that collect and discharge wastewater in the proposed service area that have the potential to immediately and adversely affect or threaten public health or safety, including any ground surface or surface water discharge or sewage backup into a dwelling or other establishment resulting from the system, to the total number of existing structures with wastewater flows to individual sewage treatment systems or other systems in the proposed project service area.

Subp 2 Discharges that fail to protect groundwater. Points shall be assigned to a project by multiplying 15 times the ratio of the number of existing structures in the proposed service area not counted in subpart 1 with individual sewage treatment systems or similar systems that have one or more sewage tanks which obviously leak below the designated operating depth or have less than the required vertical separation as described in part 7080.0060, subpart 3, item B, to the total number of existing structures with individual sewage treatment systems in the proposed project service area

Subp 3 Noncompliance with setback requirements. Points shall be assigned to a project by multiplying five times the ratio of the number of existing structures with individual sewage treatment systems in the proposed service area that do not conform to a setback requirement set forth or cited by reference in part 7080.0170, subpart 1, item F, and that were not counted under subpart 1 or 2, to the total number of existing structures with individual sewage treatment systems in the proposed project service area

Subp 4 Proximity of individual sewage treatment systems to impaired or outstanding resource value water. Five points shall be assigned to a project if one or more existing individual sewage treatment systems in the proposed project service area are located within 500 feet of an outstanding resource value water, or an impaired water as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act, or both.

Subp 5 Proximity of failing individual sewage treatment systems to outstanding resource value or impaired water. Five points shall be assigned to a project where one or more of the following systems are located within 500 feet of an outstanding resource value water, or an impaired water as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act.

A individual sewage treatment systems or similar systems that have one or more tanks which obviously leak below the designated operating depth or have less than the required vertical separation as described in part 7080.0060, subpart 3, or

B. individual sewage treatment systems or other systems that collect and discharge wastewater that have the potential to immediately and adversely affect or threaten public health or safety, including any ground surface or surface water discharge or sewage backup into a dwelling or other establishment resulting from the system.

Subp 6 Density of individual sewage treatment system discharges.

A Up to 30 points shall be assigned to a project based on the density of structures with wastewater flows in the proposed project service area

B. For the purpose of this subpart, density shall be determined by dividing the number of structures with wastewater flows treated by individual sewage treatment

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systems or similar systems, or other systems that collect and discharge wastewater, in the proposed project service area by the number of acres in the maximum impact zone for the project

C. The following priority points shall be assigned for a project depending upon the density of structures with wastewater flows as determined under item B:

Density	Points
less than 0.25	0
0.25 to 0.50	10
greater than 0.50 to 1.0	20
greater than 1.0	30

Subp. 7. **Land discharge.** Twenty points shall be assigned if the project proposes a new land discharge of treated wastewater effluent and the project includes consumptive use (nitrogen or volume) spray irrigation or on-land disposal systems that are required by permit to denitrify the effluent.

Subp. 8 **Project implements corrective measures.** Five points shall be assigned to a project if it implements actions that contribute to correction of a water quality problem identified in one or more of the following studies or an equivalent study.

A. a clean water partnership phase I diagnostic study under part 7076 0240, where the corrective actions are set forth in an implementation plan approved under part 7076 0260,

B. an impaired water assessment pursuant to section 303(d) of the federal Clean Water Act, or

C. a United States Environmental Protection Agency-approved watershed restoration action strategy pursuant to section 319 of the federal Clean Water Act

Subp. 9 **Project helps meet total maximum daily load for receiving water.** Twenty points shall be assigned to the project if the project contributes to the achievement of a TMDL. To be considered as contributing to the achievement of a TMDL, the project must.

A. be designed to reduce the discharge of pollutants as specifically required by an agency-approved TMDL implementation plan, or

B. require an NPDES or SDS permit that will require reduced discharge of pollutants based on a TMDL.

Subp. 10 **New or expanded discharge; points subtracted.** Five priority points shall be subtracted from the project's priority score if the project involves one or more of the following.

A. a facility which will produce a new or expanded discharge to one or more of the following types of waters

(1) outstanding resource value waters;

(2) an impaired water as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act, or

(3) a lake as defined in part 7077.0105, subpart 19a; or

B. a facility that will produce a new or expanded discharge exceeding 200,000 gallons per day to one or more of the following waters.

(1) waters defined as Class 2A waters under part 7050 0222, subpart 2; or

(2) a wetland as defined in part 7050 0130, item F

Statutory Authority: *MS s 116 182, 446A.07*

History: *30 SR 923*

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7077.0119 POINTS FOR STORM WATER PROJECTS.

Subpart 1 **Discharges to impaired or outstanding resource value waters.** Five points shall be assigned if the storm water project provides treatment that reduces the quantity or improves the quality of storm water discharges and if the storm water project area currently discharges into an impaired water as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act, or an outstanding resource value water, or both. For the purposes of this part, discharge into a subwatershed that flows into an impaired water is considered a discharge into that impaired water

Subp. 2 **Receiving water classification.** Up to seven points shall be assigned based on the classification of the receiving water as provided in this subpart if the storm water project provides treatment that reduces the quantity or improves the quality of storm water discharges. If the receiving water has multiple classifications, only the classification with the highest point value under this subpart shall be used

Receiving Water Classification	Points
2A	7
1,2Bd	5
2B,2C,2D	3
7	1

Subp. 3 **Project implements corrective measures.** Five points shall be assigned to a project if it implements actions that contribute to correction of a water quality problem identified in one or more of the following studies or an equivalent study:

A. a clean water partnership phase I diagnostic study under part 7076 0240, where the corrective actions are set forth in an implementation plan approved under part 7076 0260,

B. an impaired water assessment pursuant to section 303(d) of the federal Clean Water Act, or

C. a United States Environmental Protection Agency-approved watershed restoration action strategy pursuant to section 319 of the federal Clean Water Act

Subp. 4. **Project helps meet total maximum daily load for receiving water.** Twenty points shall be assigned to the project if the project contributes to the achievement of a TMDL. To be considered as contributing to the achievement of a TMDL, the project must:

A. be designed to reduce the discharge of pollutants as specifically required by an agency-approved TMDL implementation plan; or

B. require an NPDES or SDS permit that will require reduced discharge of pollutants based on a TMDL

Subp. 5 **New or expanded diversion of storm water; points subtracted.** Five priority points shall be subtracted from the project's priority score if the project involves one or more of the following

A. A new or expanded diversion of storm water to one or more of the following types of waters or to a subwatershed that flows into that water:

(1) outstanding resource value waters;

(2) impaired waters as identified by the agency, and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act,

(3) waters defined as Class 2A waters under part 7050 0222, subpart 2, or

(4) a wetland as defined in part 7050.0130, item F; or

B. a lake as defined in part 7077.0105, subpart 19a

Statutory Authority: *MS s 116 182, 446A 07*

History: *30 SR 923*

7077.0121 RANKING OF PROJECTS WITH EQUAL TOTAL NUMBER OF POINTS.

Subpart 1. **Tie breaker based on environmental and human health threat.** When two or more projects on the project priority list have been assigned the same total number of priority points under parts 7077.0116 to 7077.0118, the project that has the highest number of points assigned based upon environmental and human health threats shall be ranked higher. For purposes of this part, points assigned under parts 7077.0117, subparts 6 to 11; 7077.0118, subparts 1 to 5; and 7077.0119, subpart 1, are based upon environmental and human health threats.

Subp. 2. **Tie breaker based on population.** If two or more projects remain tied in total priority points after application of subpart 1, the projects shall be ranked in order of the population of the municipalities served by the project as recorded in the last federal census, with the highest population ranked first.

Statutory Authority: *MS s 116 182, 446A 07*

History: *30 SR 923*

7077.0165 [Repealed, 30 SR 923]

7077.0167 [Repealed, 30 SR 923]

7077.0169 [Repealed, 30 SR 923]

7077.0171 [Repealed, 30 SR 923]

7077.0173 [Repealed, 30 SR 923]

7077.0175 [Repealed, 30 SR 923]

7077.0176 [Repealed, 30 SR 923]

7077.0177 [Repealed, 30 SR 923]

7077.0179 [Repealed, 30 SR 923]

7077.0181 [Repealed, 30 SR 923]

7077.0185 [Repealed, 30 SR 923]

7077.0186 [Repealed, 30 SR 923]

7077.0187 [Repealed, 30 SR 923]

7077.0189 [Repealed, 30 SR 923]

7077.0191 [Repealed, 30 SR 923]

7077.0195 [Repealed, 30 SR 923]

7077.0196 [Repealed, 30 SR 923]

7077.0197 [Repealed, 30 SR 923]

7077.0272 FACILITIES PLAN FOR WASTEWATER TREATMENT SYSTEMS.

Subpart 1. **In general.** Facilities plans for wastewater treatment systems must be prepared and signed by a professional engineer registered in Minnesota, provided that facilities plans for individual sewage treatment systems designed to treat 5,000 gallons or less of wastewater per day must be prepared and signed by either a professional

engineer registered in Minnesota or an individual sewage treatment system designer authorized under agency rules to prepare such plans

Subp. 1a. **Approval by commissioner.** Facilities plans must be submitted to the commissioner for review and approval. Approval shall be based on the commissioner's determination of the adequacy of the facility plan to address the requirements of this part. 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.

Subp. 2 **Facilities plan contents.** A facilities plan must address items A to E in the amount of detail that is appropriate to describe a project accurately.

[For text of items A to C, see MR]

D. An analysis of all feasible treatment alternatives that are capable of meeting the applicable effluent, water quality, and public health requirements for 20 years. Where the project area is currently served by individual sewage treatment systems, the analysis of feasible treatment alternatives must be submitted on a form prescribed by the commissioner. The discussion of the considered alternatives must include:

(1) a comparison of the cost-effectiveness of the alternatives considered. The comparison must include a detailed breakdown of the present worth of all capital costs, annual operation and maintenance costs, equipment replacement costs, and salvage values. If excessive levels of infiltration or inflow exist, the comparison of treatment alternatives must include a comparison of the cost of eliminating excessive infiltration or inflow with the cost of transportation and treatment of the infiltration or inflow,

(2) a site assessment of the existing soil and groundwater conditions conducted and signed by a professional engineer. For individual sewage treatment systems designed to treat less than 5,000 gallons per day of wastewater, a site assessment must be done by either a professional engineer or an individual sewage treatment system designer authorized under agency rules to make the assessment;

[For text of subitems (3) and (4), see MR]

E. If the project service area is currently served by individual sewage treatment systems, the facilities plan must include:

(1) a determination of the operating condition of each individual sewage treatment system made by an individual authorized by agency rules to determine the compliance status of individual sewage treatment systems;

(2) a determination of whether each lot in the project service area can support a replacement individual sewage treatment system made by an individual authorized by agency rules to make such a determination, and

(3) an assessment of the suitability of an individual sewage treatment system that would serve multiple dwellings.

The assessment in subitem (3) must be conducted by an individual authorized by agency rules to make such an assessment unless the flow volumes or other circumstances of the system would warrant issuance of an SDS permit, in which case the assessment must be conducted by a registered professional soil scientist or professional engineer.

F. A description of the selected treatment alternative and the complete wastewater treatment system of which it is a part, including:

(1) the specific design parameters of all individual treatment units and the complete treatment system,

(2) estimated construction, annual operation and maintenance, and equipment replacement costs,

(3) estimated annual sewer service charges,

(4) a determination of whether pretreatment of any industrial wastes is needed in order to avoid disruption of the proper operation of the proposed system,

(5) an evaluation of how and where sludge or septage resulting from the treatment process will be disposed,

(6) an analysis of the 25- and 100-year flood elevations in relation to the proposed project site or sites, showing that the project will be operable during a 25-year flood and protected during a 100-year flood; and

(7) an analysis of how interim treatment will be accomplished during construction to meet permit requirements

Subp. 2a. **Facilities plans supplement.** The following items must be submitted to the commissioner with the facilities plans

A a complete list of addresses used for public notice purposes and listed on a form prescribed by the commissioner,

B a summary of the information presented and public comments received at a public hearing, required under subpart 3, and the action taken to address those comments;

C a formal resolution of the municipality's governing body adopting the facilities plan;

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

E. a signed treatment agreement with each significant industrial user,

F. a completed environmental information sheet, and

G. documentation of notification to other governmental units, summaries of comments received, and county certification as required under Minnesota Statutes, section 116 182, subdivision 3a, clause (5).

[For text of subs 3 and 5, see M.R.]

Statutory Authority: *MS s 116 182, 446A 07*

History: *30 SR 923*

7077.0276 [Repealed, 30 SR 923]

7077.0277 STORM WATER PROJECT PLAN

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

Subp. 1a. **Approval by commissioner.** Storm water project plans must be submitted to the commissioner for review and approval. Approval shall be based on the commissioner's determination of the adequacy of the project plan to address the requirements of this part. If the municipality is proposing to change the selected treatment method or any other major element of a previously approved storm water project plan, the municipality must receive the commissioner's approval of a project plan addendum.

[For text of subs 2 to 4, see M.R.]

Statutory Authority: *MS s 116 182, 446A 07*

History: *30 SR 923*

7077.0278 [Repealed, 30 SR 923]

7077.0279 PLANS AND SPECIFICATIONS FOR STORM WATER TREATMENT SYSTEMS.

Subpart 1. **In general.** A municipality must submit plans and specifications to the commissioner for review and approval according to part 7077.0280, subpart 4, item D. The plans and specifications must be consistent with the scope of the approved storm water project plan under part 7077.0277. The project must be constructed according to the approved plans and specifications and change orders.

Subp 2 **Contents.** A complete set of plans and specifications must address the following items in the amount of detail that is appropriate to describe a project accurately:

A. plans and specifications signed by a professional engineer registered in Minnesota;

B a summary of design parameters for the storm water treatment units;

C. a summary of the storm water treatment system flow conditions for average design flow and maximum design flow on a form prescribed by the commissioner;

D. a hydraulic profile of the flow through the storm water treatment system,

E a plan for interim treatment to meet permit construction storm water permit requirements during construction of the storm water treatment systems,

F the latest detailed cost estimate based on the plans and specifications submitted; and

G administrative, bidding, and contract documents according to the applicable requirements under Minnesota Statutes, including a 100 percent performance bond from the contractors

Subp. 3 **Additional submittals.** The following items must be submitted to the commissioner with the plans and specifications.

A. a project schedule on a form prescribed by the commissioner;

B. a certification from the municipality that states that full-time resident inspection shall be provided during construction and that written inspection reports, describing the construction inspected, construction problems, and the amount of inspection time required, shall be submitted to the commissioner on a monthly basis, and

C finalized and executed intermunicipal agreements necessary for the successful implementation and administration of the project

Statutory Authority: *MS s 116 182, 446A.07*

History: *30 SR 923*

7077.0280 CERTIFICATION SUBMITTAL REQUIREMENTS.

Subpart 1 **Requirements.** To receive project certification under part 7077 0281, a municipality must submit to the commissioner for review and approval the items under subparts 2 and 4 that are applicable to the project. These items must be submitted within six months from the date that the authority approves an intended use plan which includes the project for which the municipality seeks certification.

Subp 2 **Planning and design projects.** Municipalities seeking certification for planning and design 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 prescribed by the commissioner;

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

D for individual sewage treatment system projects, a copy of a draft ordinance that adopts the requirements of chapter 7080, individual sewage treatment standards.

Subp. 3. [Repealed, 30 SR 923]

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;

B for wastewater treatment systems, a certification that the municipality has enacted an ordinance that, at a minimum.

(1) prohibits new inflow connections to be added to the wastewater treatment system,

(2) requires new sewers and connections to be properly designed and constructed; and

(3) prohibits toxics and other pollutants to be placed in the municipal wastewater treatment system in amounts or concentrations that endanger public safety or the physical integrity of the treatment system or cause exceedance of permit limitations,

C. for individual sewage treatment system projects, a certification that the municipality has enacted and is enforcing 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, and

D. for storm water treatment systems

(1) plans and specifications as required under part 7077 0279 for the commissioner's review and approval;

(2) a project schedule on a form prescribed by the commissioner, and

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

Subp. 5. [Repealed, 30 SR 923]

Statutory Authority: *MS s 116 182, 446A 07*

History: *30 SR 923*

7077.0281 COMMISSIONER CERTIFICATION TO AUTHORITY.

Subpart 1 **Certification of planning and design projects.** Upon review and approval of the documents required by part 7077 0280, subpart 2, and a determination that the project meets the applicable requirements of the act, federal regulations, state statutes, and this chapter, the commissioner shall certify the project to the authority

Subp. 2 [Repealed, 30 SR 923]

[For text of subp 3, see MR]

Subp 3a. **Essential project components.** In certifying a wastewater treatment project under this part, the commissioner shall include a statement of essential project components and associated costs, which shall be based upon the essential project component percentage calculated under this subpart "Essential project components" are those components of a project that are necessary to convey or treat a municipality's existing wastewater flows and loadings Based on information contained in the approved facilities plan submitted under part 7077 0272, the essential project component percentage shall be calculated by multiplying 100 times the number obtained by dividing the total existing daily carbonaceous biochemical oxygen demand (CBOD) mass loading by the proposed total 20-year growth daily CBOD mass loading

[For text of subp 4, see MR]

Statutory Authority: *MS s 116 182, 446A 07*

History: *30 SR 923*

7077.0286 COMPLETION OF CONSTRUCTION AND INITIATION OF OPERATION; WASTEWATER TREATMENT SYSTEMS.

Subpart 1. **Construction reporting requirements.** At least 60 days before the scheduled initiation of operation, the municipality shall submit to the commissioner, as appropriate

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[For text of item A, see MR]

B. an operation and maintenance manual or a maintenance plan for the commissioner's approval, or a certificate of completion of an operation and maintenance manual on a form prescribed by the commissioner.

[For text of subps 2 to 4, see MR]

Statutory Authority: *MS s 116 182, 446A 07*

History: *30 SR 923*

7077.0288 PROJECT PERFORMANCE.

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

A A certification on a form prescribed by the commissioner and signed by a professional engineer registered in the state of Minnesota stating that the project meets the following performance standards

[For text of subitems (1) to (3), see M.R]

(4) the project facility meets the effluent limitations as assigned in the NPDES or SDS permit;

(5) nonresidential wastewater discharges to the treatment system do not interfere with the operation of the project, disposal, or use of septage or municipal sludges, and do not degrade groundwater or surface water;

(6) septage treatment and disposal is accomplished in accordance with applicable state, federal, and local standards; and

(7) the project meets the requirements in the approved plans and specifications for the prevention of contamination of underground drinking water sources beyond the property boundary

The certification shall include one copy of "as-built" plans and specifications on microfiche.

B. A revised operation and maintenance manual or revised maintenance plan based on actual operating experience obtained during the one-year start-up period, or a certificate of completion of a revised operation and maintenance manual on a form prescribed by the commissioner

C Documentation that the municipality is collecting sufficient funds to provide for operation and maintenance and equipment replacement costs in conformance with the approved operation and maintenance manual on a form prescribed by the commissioner

[For text of subps 2a and 3, see MR]

Statutory Authority: *MS s 116 182, 446A 07*

History: *30 SR 923*

7077.0300 [Repealed, 30 SR 923]

7077.0310 [Repealed, 30 SR 923]

7077.0315 [Repealed, 30 SR 923]

7077.0320 [Repealed, 30 SR 923]

7077.0325 [Repealed, 30 SR 923]

7077.0330 [Repealed, 30 SR 923]