

4720.9020 PUBLIC HEALTH PRIORITY POINTS.

Subpart 1. **Existing eligible public drinking water supply.** Only existing eligible public drinking water supply projects can be assigned priority points under subparts 2 to 4b.

Subp. 2. **Acute violations.** A maximum of 100 priority points may be assigned to a project as described in items A to E.

A. Twenty-five priority points must be assigned if there have been one or more violations defined as an acute violation in Code of Federal Regulations, title 40, section 141.32(a)(1)(iii)(A), within the past 36 calendar months.

B. Twenty-five priority points must be assigned if there have been one or more violations of the nitrate or nitrite maximum contaminant level defined in Code of Federal Regulations, title 40, section 141.62, within the past 36 calendar months.

C. Twenty-five priority points must be assigned if there have been one or more occurrences defined as a waterborne disease outbreak in Code of Federal Regulations, title 40, section 141.2, within the past 36 calendar months.

D. Twenty-five priority points must be assigned if there have been one or more violations of the maximum contaminant level for E. coli pursuant to Code of Federal Regulations, title 40, section 141.860(a), when E. coli is determined to be present in the wells of a groundwater system or at the point of entry for a surface water system within the past 36 calendar months.

E. Fifteen priority points must be assigned if there have been one or more violations of the maximum contaminant level for E. coli pursuant to Code of Federal Regulations, title 40, section 141.860(a), when E. coli is determined to be present in a part of the system other than the wells of a groundwater system or at the point of entry for a surface water system within the past 36 calendar months. Points may not be assigned under this item if points have been assigned under item D.

Subp. 3. **Failure to comply with treatment technique requirements.**

A. Fifteen priority points must be assigned if there have been one or more failures to comply with a treatment technique requirement pursuant to Code of Federal Regulations, title 40, sections 141.70 to 141.74.

B. Thirteen priority points must be assigned if there have been one or more failures to comply with a treatment technique requirement, other than those referred to in item A, within the past 36 calendar months. Additional points must not be assigned for multiple failures to comply with the same requirement.

Subp. 4. **Violations of nonacute primary maximum contaminant levels.** Fifteen priority points must be assigned if there has been a violation of any nonacute primary maximum contaminant levels within the past 36 calendar months.

Subp. 4a. **Exceeding a confirmed health advisory level.** Fifteen priority points must be assigned if a confirmed health advisory level has been exceeded within the past 36 calendar months.

Subp. 4b. **Lead service lines.** Fifteen priority points must be assigned if the project results in the replacement of lead service lines. Documentation of the number of lead service lines in the project area must be provided. The proposed project must include replacing all portions of the water service line downstream of any lead components.

Subp. 5. **Contaminated private wells.** Only projects that will result in the creation of an eligible public water supply or connection to an eligible public water supply may be assigned points under this subpart. More than 50 percent of the private wells in the proposed project service area must meet a criterion in item A or B for priority points to be assigned under item A or B. If 50 percent or less of the private wells in the proposed project service area meet a criterion, one-half of the listed points must be assigned. Results of tests, done in accordance with the United States Environmental Protection Agency approved analytical methods, must be submitted.

A. Twenty-five priority points must be assigned if test results indicate that a condition exists that meets the criteria in subpart 2, item A, B, C, or D.

B. Ten priority points must be assigned if a drinking water advisory has been issued or a special well construction area has been established by the Minnesota Department of Health.

Statutory Authority: *MS s 446A.081*

History: *22 SR 397; 48 SR 486*

Published Electronically: *November 30, 2023*