

7077.0105 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of chapter 7077, the terms defined in this part and in Minnesota Statutes, chapters 115 and 116, have the meanings given them.

Subp. 2. **Act.** "Act" means the Federal Water Pollution Control Act, United States Code, title 33, sections 1251 et seq.

Subp. 3. **Adequate errors and omissions insurance.** "Adequate errors and omissions insurance" means an insurance policy that provides the minimum amount of coverage for the corresponding estimated project construction cost, as determined from the following table, and that is maintained for a minimum of two years after initiation of operation of the project.

Estimated project construction cost	Minimum amount of coverage
less than \$1,000,000	\$250,000
\$1,000,000 to \$2,999,999	\$500,000
\$3,000,000 to \$9,999,999	\$1,000,000
\$10,000,000 or over	\$2,000,000

Subp. 4. [Repealed, 17 SR 3097]

Subp. 5. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 6. **Authority.** "Authority" means the Minnesota Public Facilities Authority.

Subp. 7. **Average dry weather flow.** "Average dry weather flow" means the daily average flow when the groundwater is at or near normal and a runoff condition is not occurring.

Subp. 8. **Average wet weather flow.** "Average wet weather flow" means the daily average flow for the wettest 30 consecutive days for mechanical facilities or for the wettest 180 consecutive days for controlled discharge pond systems. The 180 consecutive days for pond systems must be based on either the storage period from approximately November 15 through May 15 or the storage period from approximately May 15 through November 15.

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

Subp. 9. **Budget period.** "Budget period" means the period of time approved by the commissioner during which a municipality may incur reimbursable costs.

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.

Subp. 10. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 11. **Debt charge.** "Debt charge" means the charge levied on users of a wastewater treatment facility for the user's share of the local capital costs of construction of the facility.

Subp. 11a. **Discharge monitoring report.** "Discharge monitoring report" means the monthly report that contains information about the wastewater entering, treated, and discharged from a wastewater treatment system and that is submitted by a municipality to the commissioner as required by an NPDES or SDS permit.

Subp. 11b. **Evaluator/designer.** "Evaluator/designer" means a person approved by the commissioner, in accordance with part 7077.0720, who investigates soils and site characteristics to determine suitability, limitations, soil type, and sizing requirements for individual sewage treatment systems and design treatment systems that conform to chapter 7080.

Subp. 12. **Excessive infiltration.** "Excessive infiltration" means the quantity of flow which is more than 120 gallons per capita per day (domestic base flow and infiltration).

Subp. 13. **Excessive inflow.** "Excessive inflow" means the quantity of flow during storm events that results in chronic operational problems related to hydraulic overloading of the treatment system or that results in a total flow of more than 275 gallons per capita per day (domestic and industrial base flow plus infiltration plus inflow). Chronic operational problems may include surcharging, backups, bypasses, and overflows.

Subp. 13a. **Expanded discharge.** "Expanded discharge" to an outstanding resource value water means a discharge that changes in volume, quality, location, or any other manner after the effective date the outstanding resource value water was designated as described in parts 7050.0460 and 7050.0470, such that an increased loading of one or more pollutants results. In determining whether an increased loading of one or more pollutants would result from the proposed change in the discharge, the agency shall compare the loading that would result from the proposed discharge with the loading allowed by the agency as of the effective date of outstanding resource value water designation.

For all other waters of the state, expanded discharge means a discharge that changes in volume, quality, location, or any other manner after January 1, 1988, such that an increased loading of one or more pollutants would result from the proposed change in discharge. The agency shall compare the loadings that would result from the proposed discharge with the loading allowed by the agency on January 1, 1988.

Subp. 14. **Facilities plan.** "Facilities plan" means the plans, studies, and reports necessary to determine wastewater treatment needs of a project service area, to systematically evaluate wastewater treatment alternatives that shall result in compliance

with enforceable water quality permit conditions, and to identify the cost-effective implementable alternative. All structures with wastewater flows within the project service area must be evaluated for needs.

Subp. 14a. [Repealed, 30 SR 923]

Subp. 15. **Fiscal year.** "Fiscal year" means the state fiscal year which begins July 1 and ends the following June 30.

Subp. 16. [Repealed, 17 SR 3097]

Subp. 16a. **Individual sewage treatment system.** "Individual sewage treatment system" has the meaning given in part 7080.0020, subpart 21.

Subp. 17. **Infiltration.** "Infiltration" means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

Subp. 18. **Inflow.** "Inflow" means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

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 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. 20. [Repealed, 17 SR 3097]

Subp. 21. [Repealed, 17 SR 3097]

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.

Subp. 22. [Repealed, 17 SR 3097]

Subp. 22a. **Minimum secondary treatment standards.** "Minimum secondary treatment standards" means the standards listed under part 7050.0211, subpart 1.

Subp. 23. [Repealed, 17 SR 3097]

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 7041, 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.

Subp. 25a. **New discharge.** "New discharge" to an outstanding resource value water means a discharge that was not in existence on the effective date the outstanding resource value water was designated as described in parts 7050.0460 and 7050.0470. For all other waters of the state, new discharge means a discharge that was not in existence prior to January 1, 1988.

Subp. 26. **NPDES permit.** "NPDES permit" means a national pollutant discharge elimination system permit issued by the agency that authorizes under certain conditions the discharge of pollutants to surface waters of the state. Combined NPDES/SDS permits issued by the agency will be considered NPDES permits under this chapter.

Subp. 27. **Operation and maintenance manual.** "Operation and maintenance manual" means a document developed to give treatment system personnel the proper

understanding, techniques, and references necessary to properly operate and maintain the treatment system.

Subp. 28. **Outstanding resource value water.** "Outstanding resource value water" means those waters defined in part 7050.0180, subpart 2, item A.

Subp. 29. **Peak hourly wet weather flow.** "Peak hourly wet weather flow" is the peak flow during the peak hour of the day at a time when the groundwater is high and a five-year one hour storm event is occurring.

Subp. 30. **Peak instantaneous wet weather flow.** "Peak instantaneous wet weather flow" means the peak instantaneous flow during the day at a time when the groundwater is high and a 25-year one hour storm event is occurring.

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.

Subp. 32. **Plans and specifications.** "Plans and specifications" means documents, including completed drawings and specifications, that describe the project in full and detail the complete requirements for materials, dimensions, and construction technique. The documents that comprise the plans and specifications must conform with generally accepted engineering practices and applicable state statutes, rules, and requirements.

Subp. 32a. **Pollutant.** "Pollutant" has the meaning given in Minnesota Statutes, section 115.01, subdivision 12.

Subp. 33. [Repealed, 17 SR 3097]

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

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.

Subp. 34. [Repealed, 17 SR 3097]

Subp. 35. [Repealed, 17 SR 3097]

Subp. 35a. **Residential growth.** "Residential growth" means a population increase attributed to persons who reside within a municipality.

Subp. 35b. **SDS permit.** "SDS permit" means a state disposal system permit issued by the agency that authorizes under certain conditions the subsurface disposal or on-land disposal of pollutants and the operation of a disposal system.

Subp. 36. [Repealed, 17 SR 3097]

Subp. 36a. **Seepage.** "Seepage" means the unintended and unanticipated discharge of partially treated sewage to the soil surface.

Subp. 37. **Sewer rate ordinance or SRO.** "Sewer rate ordinance" or "SRO" means a municipal ordinance that determines the method by which a municipality will charge its users for wastewater treatment services, including the local capital cost of the treatment works.

Subp. 38. **Sewer service charge.** "Sewer service charge" means the aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the city's wastewater treatment system.

Subp. 39. **Sewer service charge system or SSCS.** "Sewer service charge system" or "SSCS" means a document developed by the municipality that determines the user charge and debt charge that each user will pay for wastewater treatment services.

Subp. 40. [Repealed, 17 SR 3097]

Subp. 41. **Sewer use ordinance or SUO.** "Sewer use ordinance" or "SUO" means a municipal ordinance enacted to control the type and quantities of discharges to the wastewater treatment system, and the type and method of connections to the system.

Subp. 41a. **Significant industrial user.** "Significant industrial user" means any industrial user of a wastewater treatment system that discharges five percent or more of the wastewater treatment system's design loading for a pollutant to the wastewater treatment system, or discharges 25,000 gallons per day or more of process wastewater to the wastewater treatment system, or is determined by the commissioner to have the potential to adversely impact the wastewater treatment system or the quality of discharged effluent from the wastewater treatment system.

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.

Subp. 42. [Repealed, 17 SR 3097]

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.

Subp. 43. **Treatment agreement.** "Treatment agreement" means an enforceable agreement between a municipality and a significant industrial user that meets the individual control mechanism requirements of Code of Federal Regulations, title 40, section 403.8(f).

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

Subp. 44. **Unanticipated site condition.** "Unanticipated site condition" means any subsurface, latent or unknown physical condition at the construction site, which differs materially from those ordinarily encountered and generally recognized as inherent in work of the type provided for in the construction contract that could not have been reasonably identified during the planning or design of the project.

Subp. 45. **User charge.** "User charge" means a charge levied on users of a wastewater treatment system for the user's share of the cost of equipment replacement and operation and maintenance of the wastewater treatment system.

Subp. 46. [Repealed, 17 SR 3097]

Subp. 47. **Wastewater.** "Wastewater" means sewage, industrial waste, and other waste collected for treatment in a wastewater treatment system.

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.

Subp. 49. **Water use classification.** "Water use classification" means the classifications listed under part 7050.0200.

Subp. 50. **Water with significant water quality violations.** "Water with significant water quality violations" means a water designated as a "Water with Significant Water Quality Violations" in the appendices of the most recent biennial Minnesota Water Quality report to Congress required by Section 305(b) of the act.

Statutory Authority: *MS s 116.07; 116.182; 446A.07*

History: *15 SR 288; 17 SR 3097; 21 SR 482; 21 SR 1642; 30 SR 923*

Published Electronically: *October 2, 2007*