

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 project pursuant to chapter 7076;
- 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 103F.745; 116.182; 446A.07*

History: *30 SR 923; 37 SR 1334*

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