

7077.0288 PROJECT PERFORMANCE.

Subpart 1. [Repealed, 15 SR 288]

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 the 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:

(1) the project has been completed according to approved construction plans and specifications and change orders;

(2) the municipality has a sufficient number of trained and capable personnel, including a wastewater treatment facility operator having a valid state certificate, to provide adequate operation and maintenance of the project, and the project requires only the operation and maintenance as is outlined as normal and routine in the approved operation and maintenance manual or maintenance plan;

(3) the project accepts hydraulic and organic loading to the extent described in the approved design specifications and NPDES or SDS permit conditions;

(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 or with 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 in a format designated by the commissioner.

B. A revised operation and maintenance manual or revised maintenance plan based on actual operating experience obtained during the one-year performance 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.

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 and the project is operating as intended;

(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;

(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

(5) one copy of "as-built" plans and specifications has been submitted to the commissioner in a format designated by the commissioner; 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, or that the storm water treatment project does not meet the project performance standards under subpart 2a, item A, the municipality shall:

A. within 30 days of the performance certification date or within 30 days of the commissioner's determination that the project does not meet the project performance standards, submit a corrective action report that includes:

(1) an analysis of the project's failure to meet the performance standards;

(2) an estimate of the nature, scope, and cost of the corrective action necessary to bring the project into compliance with its performance standard; and

(3) a schedule for initiating, in a timely manner, the necessary corrective action work and for meeting the performance certification requirements following a start-up period that is reasonable for the type of corrective action work to be performed; and

B. following the completion of corrective action work, submit a performance certification as specified under subpart 2 or 2a, as applicable, according to the schedule in item A, subitem (3).

Statutory Authority: *MS s 115.03; 116.07; 116.182; 446A.07*

History: *13 SR 1690; 15 SR 288; 17 SR 3097; 21 SR 482; 30 SR 923; 38 SR 444*

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