

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 stormwater treatment system.

Subp. 2. **Points and listing order.** A project on the project priority list must be assigned points under the criteria established in this chapter. The projects must be listed on the project priority list in descending order according to the number of total points assigned to each.

Subp. 3. **Request for placement on list.** To be placed on the project priority list, a municipality must submit a written request to the commissioner on forms prescribed by the commissioner for eligibility review under subpart 4 and for assignment of priority points. 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. To be placed on the project priority list, stormwater treatment system projects must meet the following conditions:

(1) the project addresses water quality needs. Ponds for water quality may also include associated flood control benefits;

(2) the project consists of permanent stormwater treatment system structures; and

(3) the project is based on accepted engineering practices that result in water quality benefits. Determination as to acceptability will be based on reasonable assurance of providing water quality benefits.

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.

Subp. 6. **Removal from project priority list.** If a project has been on the project priority list for five years without being certified to the authority according to part 7077.0281, the project shall be removed from the list. The commissioner shall inform the municipality in writing that its project has been removed. The municipality may submit a request, according to subpart 3, to be placed back on the list.

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

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

Published Electronically: *January 30, 2024*