

**7077.0118 PRIORITY POINTS FOR PROJECTS IN UNSEWERED AREAS.**

Subpart 1. **Discharges posing threat to public health or safety.** Points shall be assigned to a project by multiplying 45 times the ratio of the number of existing structures with individual sewage treatment systems or other systems that collect and discharge wastewater in the proposed project service area that have the potential to immediately and adversely affect or threaten public health or safety, including any ground surface or surface water discharge or sewage backup into a dwelling or other establishment resulting from the system, to the total number of existing structures with wastewater flows to individual sewage treatment systems or other systems in the proposed project service area as described in part 7080.1500, subpart 4, item A.

Subp. 2. **Discharges that fail to protect groundwater.** Points shall be assigned to a project by multiplying 15 times the ratio of the number of existing structures in the proposed project service area not counted in subpart 1 with individual sewage treatment systems or similar systems that have one or more sewage tanks which obviously leak below the designated operating depth or have less than the required vertical separation as described in part 7080.1500, subpart 4, items D and E, to the total number of existing structures with individual sewage treatment systems in the proposed project service area.

Subp. 3. **Noncompliance with setback requirements.** Points shall be assigned to a project by multiplying five times the ratio of the number of existing structures with individual sewage treatment systems in the proposed project service area that do not conform to a setback requirement set forth or cited by reference in part 7080.2150, subpart 2, item F, and that were not counted under subpart 1 or 2, to the total number of existing structures with individual sewage treatment systems in the proposed project service area.

Subp. 4. **Proximity of individual sewage treatment systems to impaired or outstanding resource value water.** Five points shall be assigned to a project if one or more existing individual sewage treatment systems in the proposed project service area are located within 500 feet of an outstanding resource value water, an impaired water, or both.

Subp. 5. **Proximity of failing individual sewage treatment systems to outstanding resource value or impaired water.** Five points shall be assigned to a project where one or more of the following systems are located within 500 feet of an outstanding resource value water or an impaired water:

A. individual sewage treatment systems or similar systems that have one or more tanks which obviously leak below the designated operating depth or have less than the required vertical separation as described in part 7080.1500, subpart 4, items D and E; or

B. individual sewage treatment systems or other systems that collect and discharge wastewater that have the potential to immediately and adversely affect or

threaten public health or safety, including any ground surface or surface water discharge or sewage backup into a dwelling or other establishment resulting from the system.

**Subp. 6. Density of individual sewage treatment system discharges.**

A. Up to 30 points shall be assigned to a project based on the density of structures with wastewater flows in the proposed project service area.

B. For the purpose of this subpart, density shall be determined by dividing the number of structures with wastewater flows treated by individual sewage treatment systems or similar systems, or other systems that collect and discharge wastewater, in the proposed project service area by the number of acres in the maximum impact zone for the project.

C. The following priority points shall be assigned for a project depending upon the density of structures with wastewater flows as determined under item B:

Density	Points
less than 0.25	0
0.25 to 0.50	10
greater than 0.50 to 1.0	20
greater than 1.0	30

**Subp. 7. Land discharge.** Twenty points shall be assigned if the project proposes a new land discharge of treated wastewater effluent and the project includes consumptive use (nitrogen or volume) spray irrigation or on-land disposal systems that are required by permit to denitrify the effluent.

**Subp. 8. 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; or

C. a United States Environmental Protection Agency-approved watershed restoration action strategy pursuant to section 319 of the federal Clean Water Act.

**Subp. 9. 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. 10. **New or expanded discharge; 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 facility which will produce a new or expanded discharge to one or more of the following types of water:

- (1) outstanding resource value water;
- (2) an impaired water; or
- (3) a lake; or

B. a facility that will produce a new or expanded discharge exceeding 200,000 gallons per day to one or more of the following water:

- (1) waters defined as Class 2A waters under part 7050.0222, subpart 2; or
- (2) wetlands as defined in part 7050.0186, subpart 1a.

Subp. 11. **Beneficial use of wastewater.** Thirty points shall be assigned if a project will result in an agency-approved beneficial use of wastewater that results in reducing or replacing the use of groundwater, surface water, or potable water, provided that the project component resulting in the beneficial use of wastewater accounts for at least 20 percent of the total eligible cost of the project. Projects receiving points under subpart 7 for land discharge shall not receive points under this subpart for additional land discharge.

**Statutory Authority:** *MS s 103F.745; 115.03; 116.182; 446A.07*

**History:** *30 SR 923; 37 SR 1334; 38 SR 444*

**Published Electronically:** *July 9, 2014*