

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Individual On-Site  
4 Wastewater Treatment Grants.

5

6 Rules as Adopted

7 INDIVIDUAL ON-SITE WASTEWATER TREATMENT SYSTEMS  
8 GRANTS PROGRAM

9 7075.1400 PURPOSE.

10 Parts 7075.1400 to 7075.1530 provide for the administration  
11 of the individual on-site wastewater treatment systems grants  
12 program that makes grants available to municipalities to assist  
13 owners of individual on-site wastewater treatment systems to  
14 upgrade or replace their failed individual on-site wastewater  
15 treatment systems.

16 7075.1410 DEFINITIONS.

17 Subpart 1. **Scope.** For the purpose of parts 7075.1400 to  
18 7075.1530 the following terms have the meanings given them.

19 Subp. 2. **Abatement notice.** "Abatement notice" means an  
20 official document issued by the municipality to the owner of an  
21 individual on-site wastewater treatment system stating that the  
22 owner is in violation of the municipality's ordinance that  
23 adopts the requirements of chapter 7080. The abatement notice  
24 must include a citation to the ordinance alleged to have been  
25 violated.

26 Subp. 3. **Agency.** "Agency" means the Minnesota Pollution  
27 Control Agency.

28 Subp. 4. **Authority.** "Authority" means the Minnesota  
29 Public Facilities Authority.

30 Subp. 5. **Commissioner.** "Commissioner" means the  
31 commissioner of the Minnesota Pollution Control Agency.

32 Subp. 6. **Construction cost.** "Construction cost" means the  
33 cost of the materials, labor, overhead, and profit necessary for  
34 installation, construction, and repair of an individual on-site  
35 wastewater treatment system established by a contract between a

1 system owner and a system installer.

2 Subp. 7. **Designer.** "Designer" means a person who designs  
3 individual on-site wastewater treatment systems, and has  
4 received agency approval under part 7075.1440.

5 Subp. 8. **Dwelling.** "Dwelling" means any building or place  
6 used or intended to be used by human occupants as a single  
7 family or two family unit.

8 Subp. 9. **Failed system.** "Failed system" means a  
9 wastewater treatment system that has been issued an abatement  
10 notice by the municipality's inspector.

11 Subp. 10. **Individual on-site wastewater treatment system**  
12 **or individual system.** "Individual on-site wastewater treatment  
13 system" or "individual system" means a wastewater treatment  
14 system, or part of a system, serving one or two dwellings or  
15 other establishments, that uses subsurface soil treatment and  
16 disposal.

17 Subp. 11. **Inspector.** "Inspector" means a person employed  
18 by or under contract to the municipality who inspects individual  
19 on-site wastewater treatment systems for conformance with the  
20 ordinance that adopts the requirements of chapter 7080, and has  
21 received agency approval under part 7075.1440.

22 Subp. 12. **Installer.** "Installer" means a person who  
23 constructs or repairs individual on-site wastewater treatment  
24 systems, and has received agency approval under part 7075.1440.

25 Subp. 13. **Median household income.** "Median household  
26 income" means the income data named "median household income"  
27 from the most recent decennial census of the United States.

28 Subp. 14. **Mound system.** "Mound system" means a system for  
29 which the soil treatment area is built above the naturally  
30 occurring soil surface to overcome limits imposed by proximity  
31 to water table or bedrock, or by rapidly or slowly permeable  
32 soils.

33 Subp. 15. **Municipality.** "Municipality" means any county,  
34 city, town, the Metropolitan Waste Control Commission  
35 established in Minnesota Statutes, chapter 473, the Metropolitan  
36 Council when acting under that chapter, an Indian tribe or an

1 authorized Indian tribal organization, or any other governmental  
2 subdivision of the state responsible by law for the prevention,  
3 control, and abatement of water pollution in any area of the  
4 state.

5 Subp. 16. Other establishment. "Other establishment"  
6 means a public or private structure other than a dwelling that  
7 generates wastewater.

8 Subp. 17. Seasonal residence. "Seasonal residence" means  
9 a dwelling used for less than 182 days of a calendar year by a  
10 single family or household. Second homes, vacation residences,  
11 and recreation residences are included in this definition.

12 Subp. 18. Site evaluator. "Site evaluator" means a person  
13 who investigates soils and site characteristics, does soil  
14 borings or percolation tests for use in designing individual  
15 on-site wastewater treatment systems, and has received agency  
16 approval under part 7075.1440.

17 Subp. 19. Trench or bed system. "Trench or bed system"  
18 means an individual wastewater treatment system employing a  
19 building sewer, sewage tank, and the soil treatment system  
20 consisting of trenches or a seepage bed constructed below the  
21 original soil surface.

22 7075.1420 ELIGIBILITY.

23 Subpart 1. Municipality eligibility. A municipality  
24 applying for the individual system owners must meet the  
25 following conditions to be eligible for a grant:

26 A. be authorized by its governing body to assume  
27 responsibility for the grant application and related documents  
28 for owners of individual on-site wastewater treatment systems  
29 who are in its jurisdiction and included in the planning area  
30 under part 7075.1430, subpart 2;

31 B. have developed and adopted a wastewater treatment  
32 plan under part 7075.1430;

33 C. have enacted and be enforcing an ordinance that  
34 adopts the requirements of chapter 7080, Individual Sewage  
35 Treatment Systems Standards;

1           D. have enacted an ordinance that establishes a  
2 maintenance plan for the individual on-site wastewater treatment  
3 systems in its jurisdiction; and

4           E. have a median household income that is less than  
5 the state median household income. Municipalities not included  
6 in the decennial census shall submit an alternate median  
7 household income figure for their municipality, supported by  
8 complete income data and a computation methodology. If the data  
9 is complete and the computation methodology is equivalent to the  
10 decennial census, the alternate median household income will be  
11 approved by the commissioner.

12       Subp. 2. **Individual system eligibility.** The individual  
13 systems to be replaced or upgraded included in the  
14 municipality's grant application must meet the following  
15 conditions:

- 16           A. be a failed system; "
- 17           B. have been constructed before January 1, 1977;
- 18           C. not be serving a seasonal residence; and
- 19           D. not have been constructed with state or federal  
20 water pollution control funds.

21       Subp. 3. **Previous funding.** Individual systems located in  
22 geographic areas that were included in planning areas of  
23 projects previously funded with state or federal water pollution  
24 control funds are not eligible for funding under this part.

25 7075.1430 WASTEWATER TREATMENT PLAN.

26       Subpart 1. **General requirements.** The municipality must  
27 develop a wastewater treatment plan that identifies wastewater  
28 treatment needs and proposes long-term solutions for a planning  
29 area under subpart 2. The plan must be adopted by the  
30 municipality's governing body.

31       Subp. 2. **Planning area.** The planning area is the entire  
32 geographic area in the municipality's jurisdiction unless the  
33 municipality submits an alternative proposal at the time of  
34 application. Alternative proposals must be approved by the  
35 commissioner and will be evaluated based on housing density,

1 water quality impact, and public health impact.

2 Subp. 3. Plan contents. The plan must include the  
3 following:

4 A. a planning area survey prepared by an inspector  
5 that identifies failed systems;

6 B. site evaluations, including soil investigations,  
7 for the failed systems prepared by a site evaluator or site  
8 evaluators to determine if it is feasible to replace or upgrade  
9 systems on site;

10 C. an analysis of the overall wastewater treatment  
11 needs in the municipality prepared by a designer using data from  
12 a site evaluator or site evaluators;

13 D. a list of the specific failed individual on-site  
14 wastewater treatment systems, including addresses and names of  
15 property owners requesting grant funds and copies of the  
16 abatement notices;

17 E. a proposal for addressing the remaining wastewater  
18 treatment needs in the planning area not covered in item D,  
19 including specific actions to be taken and a proposed timetable  
20 for addressing the wastewater treatment needs; and

21 F. documentation of approval of the inspector, site  
22 evaluator or site evaluators, and designer under part 7075.1440.

23 Subp. 4. Approval of plan. The commissioner will review  
24 the parts of the plan submitted under subpart 3, items B and C,  
25 and approve them if they are in conformance with chapter 7080.

26 7075.1440 APPROVAL OF INDIVIDUAL ON-SITE WASTEWATER TREATMENT  
27 PERSONNEL.

28 Subpart 1. General requirement. For the purposes of parts  
29 7075.1400 to 7075.1530, inspectors, site evaluators, designers,  
30 and installers who inspect, evaluate sites for, design, and  
31 install individual on-site wastewater treatment systems under  
32 those parts must be approved by the commissioner under subpart 2  
33 or 3.

34 Subp. 2. First alternate approval criteria. A person  
35 referred to in subpart 1 will be approved by the commissioner if

1 the person is fully certified by the agency through the  
2 individual sewage treatment systems certification program  
3 administered by the agency in cooperation with the Individual  
4 Sewage Treatment Systems Advisory Committee established under  
5 part 7080.0100. Approval is automatic upon submittal of  
6 certification number.

7 Subp. 3. Second alternate approval criteria. A person  
8 referred to in subpart 1 may apply for approval under this  
9 subpart by submitting an application provided by the  
10 commissioner upon request. An applicant will be approved by the  
11 commissioner if the applicant meets the requirements of items A  
12 and B.

13 A. An applicant must demonstrate knowledge by scoring  
14 a minimum of 70 percent correct on an examination based on  
15 chapter 7080 and administered by the commissioner.

16 B. An applicant must document experience by  
17 completing the following requirements:

18 (1) An inspector must submit a list of individual  
19 on-site wastewater treatment systems inspected by the applicant  
20 in the past three years. The inspector must certify that a  
21 minimum of 30 systems, or parts of systems, listed conform with  
22 the criteria in chapter 7080.

23 (2) A site evaluator must submit a list of  
24 individual on-site wastewater treatment systems for which the  
25 evaluator has conducted site evaluations in the past three  
26 years. The site evaluator must certify that a minimum of 20  
27 sites for the systems listed were evaluated according to the  
28 criteria in chapter 7080.

29 (3) A designer must submit a list of individual  
30 on-site wastewater treatment systems designed by the applicant  
31 in the past three years. The designer must certify that a  
32 minimum of 20 systems listed were designed according to the  
33 criteria in chapter 7080.

34 (4) An installer must submit a list of individual  
35 on-site wastewater treatment systems constructed or repaired by  
36 the applicant in the past three years. The installer must

1 certify that a minimum of ten systems listed were constructed or  
2 repaired according to the criteria in chapter 7080.

3 Subp. 4. Notification of approval. The commissioner will  
4 approve or deny an application within 30 days of the receipt of  
5 information required under subpart 3. Applicants may reapply at  
6 any time.

7 Subp. 5. Purpose of agency approval. Agency approval of  
8 inspectors, site evaluators, designers, and installers is for  
9 grant funding purposes only. This approval does not make the  
10 agency responsible for the technical adequacy of the work of  
11 inspectors, site evaluators, designers, and installers nor does  
12 it alter legal liability of this personnel otherwise provided by  
13 law.

14 7075.1450 APPLICATION.

15 Subpart 1. Notice of taking applications. The  
16 commissioner will request the authority to publish in the State  
17 Register a notice that applications for individual on-site  
18 wastewater treatment grants will be accepted by the authority.  
19 The application closing date will be established by the  
20 commissioner, and will be no less than 90 days after the  
21 publication date.

22 Subp. 2. Application requirements. The municipality must  
23 apply for a grant on a form provided by the commissioner. The  
24 municipality must submit to the authority the following  
25 information with the application:

26 A. a resolution of the governing body of the  
27 municipality that designates the municipality as the responsible  
28 party for the grant application and related documents,  
29 authorizes the filing of the application, and designates the  
30 municipal official authorized to sign the application and  
31 related documents;

32 B. the wastewater treatment plan prepared under part  
33 7075.1430;

34 C. a copy of the ordinance that adopts the  
35 requirements of chapter 7080 and certification that the

1 ordinance is being enforced;

2 D. a copy of the ordinance establishing a maintenance  
3 plan under part 7075.1420, item D;

4 E. alternative median household income data under  
5 part 7075.1420, item E, for municipalities not included in the  
6 decennial census;

7 F. signed statements from the individual system  
8 owners stating that their system meets the following conditions:

9 (1) the system to be replaced or upgraded was  
10 constructed before January 1, 1977;

11 (2) the system to be replaced or upgraded was not  
12 constructed with funds from state or federal water pollution  
13 control funds; and

14 (3) the system to be replaced or upgraded does  
15 not serve a seasonal residence;

16 G. the municipality's estimated date for the  
17 completion of all construction and final request for payment for  
18 the grant eligible systems; and

19 H. a statement from the municipality that it has an  
20 inspector on staff or under contract for services, including  
21 documentation of approval under part 7075.1440.

22 Subp. 3. Other information. After the application is  
23 received, the municipality must submit any other information  
24 requested by the commissioner necessary to clarify the  
25 application.

26 Subp. 4. Application closing date. The application must  
27 be postmarked by the noticed application closing date.

28 Subp. 5. Incomplete applications. Municipalities that  
29 submit applications that do not include the information required  
30 in subparts 2 and 3 or that are not submitted by the application  
31 closing date are ineligible for funding. The municipalities may  
32 reapply in a later application period.

33 7075.1460 ELIGIBLE COSTS.

34 Subpart 1. Eligible costs. Only the actual construction  
35 costs of upgrading or replacing failed individual on-site



1 wastewater treatment systems that have been identified under  
2 part 7075.1430, subpart 3, item D, are eligible.

3 Subp. 2. Ineligible costs. All nonconstruction costs  
4 including planning, engineering and design, site evaluation and  
5 soil investigation, inspection, and administrative costs are  
6 ineligible.

7 Subp. 3. Number of systems limitation. The eligibility of  
8 costs for a treatment site is limited to either a trench or bed  
9 system or a mound system under part 7075.1470, subpart 1.

10 Subp. 4. Costs incurred before grant award. An owner may  
11 incur costs before the award of the grant and retain eligibility  
12 for reimbursement of eligible costs if the following conditions  
13 are met:

14 A. the municipality has developed and adopted a  
15 wastewater treatment plan as described in part 7075.1430 before  
16 construction costs are incurred by the owner of the individual  
17 system;

18 B. the owner's system is specifically identified on  
19 the municipality's wastewater treatment plan; and

20 C. the municipality submits a complete and timely  
21 application, during the first noticed application period under  
22 part 7075.1450, subpart 1, following the adoption of the  
23 wastewater treatment plan.

24 7075.1470 AMOUNT OF THE GRANT AWARD.

25 Subpart 1. Grant amount. The amount of the grant will be  
26 50 percent of the actual eligible costs under part 7075.1460 up  
27 to a maximum grant of \$2,500 per trench or bed system and \$3,750  
28 per mound system.

29 Subp. 2. Partial awards. A municipality that receives  
30 only a part of the grant to which it is entitled, due to the  
31 limitation of funding, will be entitled to receive a grant  
32 amendment in the next year or years, if individual on-site  
33 wastewater treatment systems grant funding is available, until  
34 the full amount of the grant is awarded.

35 7075.1480 PRIORITY RANKING.

1 Municipalities that meet the requirements of parts  
2 7075.1420 to 7075.1450 will be ranked for funding priority from  
3 lowest median household income to highest median household  
4 income, with the lowest median household income receiving the  
5 highest priority.

6 7075.1490 CERTIFICATION OF AWARD.

7 Subpart 1. Funding list. The commissioner will prepare a  
8 list of municipalities eligible to receive grant funding under  
9 this program.

10 Subp. 2. Public participation. The following provisions  
11 govern public participation:

12 A. The commissioner will prepare an individual  
13 on-site wastewater treatment systems grants funding list and  
14 make it available to the public at least 45 days before  
15 adoption. The commissioner shall mail a free copy of the  
16 proposal to any interested person upon request.

17 B. The commissioner will give affected municipalities  
18 at least 45 days notice of the agency board meeting at which the  
19 funding proposal will be acted upon.

20 C. Interested persons may present oral statements at  
21 the agency board meeting. The chair may place reasonable  
22 restrictions upon the time and manner in which oral comments are  
23 submitted. Written statements must be received by the agency  
24 board at least five days before the meeting.

25 Subp. 3. Certification to authority. The commissioner  
26 will certify to the authority the individual on-site wastewater  
27 treatment systems grants program funding list approved by the  
28 agency.

29 7075.1500 PAYMENT CONDITIONS.

30 Payment of the grant is contingent on complying with the  
31 following conditions:

32 A. The upgrade or replacement to the existing system  
33 must be designed by a designer using data from a site evaluator.

34 B. The upgrade or replacement to the existing system  
35 must be constructed by an installer.

1 C. The upgrade or replacement to the existing system  
2 must be inspected and approved by the inspector.

3 7075.1510 PAYMENTS.

4 Subpart 1. Request for payments. A municipality must  
5 submit payment requests to the commissioner on a form provided  
6 by the commissioner.

7 Subp. 2. Schedule of payments. Payments may be requested  
8 monthly as construction on individual systems is completed and  
9 approved by the inspector.

10 Subp. 3. Documentation. Before payment of any part of the  
11 grant is made, the municipality must submit copies of the  
12 following documents for each individual system:

13 A. invoices documenting incurred construction costs;

14 B. documentation that the system was designed by a  
15 designer using data from a site evaluator;

16 C. documentation that the system was upgraded or  
17 replaced by an installer; and

18 D. documentation that the system was inspected and  
19 approved by the municipality's inspector.

20 Subp. 4. Certification of payment. Within 30 days of  
21 agency receipt of payment request, the commissioner will  
22 determine whether payment will be made. If the commissioner  
23 determines that payment will not be made, the commissioner will  
24 advise the municipality of the deficiencies in the request. If  
25 the commissioner determines that payment conditions have been  
26 met, the commissioner will certify to the authority that payment  
27 should be made.

28 7075.1520 TERMINATION OF GRANT.

29 Failure of the municipality to comply with the construction  
30 schedule contained in the grant agreement constitutes grounds  
31 for the commissioner to recommend that the authority terminate  
32 the grant.

33 7075.1530 SUBSEQUENT GRANTS.

34 A municipality awarded a grant from the individual on-site

08/15/88

[REVISOR ] DSN/MM AR1337

1 wastewater treatment systems grants program is not eligible for  
2 additional funding under the program established by the 1972  
3 Federal Water Pollution Control Act amendments or the state  
4 independent grants program, including the individual on-site  
5 wastewater treatment systems grants program, unless the  
6 municipality is applying for a project that serves a planning  
7 area that was not included, under part 7075.1430, subpart 2, in  
8 the awarded grant.