

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Wastewater Treatment

4

5 Rules as Adopted

6 7077.0100 PURPOSE.

7 This chapter provides for the Minnesota Pollution Control
8 Agency's administration of financial assistance programs for the
9 construction of municipal wastewater treatment systems. The
10 programs in this chapter are:

11 A. the financial assistance program, consisting of:

12 (1) the wastewater infrastructure fund, Minnesota
13 Statutes, section 446A.071;

14 (2) the state revolving fund, Minnesota Statutes,
15 section 446A.07;

16 (3) the state independent grants program for
17 grants awarded on or after July 1, 1990, under Minnesota
18 Statutes, section 116.18, subdivision 3a;

19 B. the combined sewer overflow program for grants
20 awarded on or after July 1, 1990, under Minnesota Statutes,
21 section 116.162;

22 C. the corrective action grants program for grants
23 awarded on or after July 1, 1990, according to Minnesota
24 Statutes, section 116.181;

25 D. the capital cost component grants program for
26 grants awarded on or after July 1, 1990, under Minnesota
27 Statutes, section 116.18, subdivision 3b; and

28 E. the individual sewage treatment systems grant
29 grants program for grants awarded on or after July 1, 1990,
30 under Minnesota Statutes, section 116.18, subdivision 3c.

31 Parts 7077.0111 to 7077.0292 apply to the financial
32 assistance program.

33 Parts 7077.0300 to 7077.0330 apply to the combined sewer
34 overflow program.

35 Parts 7077.0500 to 7077.0560 apply to the corrective action



1 grants program.

2 Parts 7077.0600 to 7077.0660 apply to the capital cost
3 component grants program.

4 Parts 7077.0700 to 7077.0765 apply to the individual sewage
5 treatment systems grants program.

6 7077.0105 DEFINITIONS.

7 [For text of subps 1 to 3, see M.R.]

8 Subp. 4. [See repealer.]

9 [For text of subps 5 to 11, see M.R.]

10 Subp. 11a. Discharge monitoring report. "Discharge
11 monitoring report" means the monthly report that contains
12 information about the wastewater entering, treated, and
13 discharged from a wastewater treatment system and that is
14 submitted by a municipality to the commissioner as required by
15 an NPDES or SDS permit.

16 Subp. 11b. ~~Dwelling.---"Dwelling"---means---any---building---or~~
17 ~~place---used---or---intended---to---be---used---by---human---occupants---as---a~~
18 ~~single---family---or---two---family---unit.~~

19 Subp. ~~11c.~~ Evaluator/designer. "Evaluator/designer" means
20 a person approved by the commissioner, in accordance with part
21 7077.0720, who investigates soils and site characteristics to
22 determine suitability, limitations, soil type, and sizing
23 requirements for individual sewage treatment systems and design
24 treatment systems that conform to chapter 7080.

25 Subp. 12. Excessive infiltration. "Excessive infiltration"
26 means the quantity of flow which is more than 120 gallons per
27 capita per day (domestic base flow and infiltration).

28 Subp. 13. Excessive inflow. "Excessive inflow" means the
29 quantity of flow during storm events that results in chronic
30 operational problems related to hydraulic overloading of the
31 treatment system or that results in a total flow of more than
32 275 gallons per capita per day (domestic and industrial base
33 flow plus infiltration plus inflow). Chronic operational
34 problems may include surcharging, backups, bypasses, and
35 overflows.

1 Subp. 13a. Expanded discharge. "Expanded discharge" to an
2 outstanding resource value water means a discharge that changes
3 in volume, quality, location, or any other manner after the
4 effective date the outstanding resource value water was
5 designated as described in parts 7050.0460 and 7050.0470, such
6 that an increased loading of one or more pollutants results. In
7 determining whether an increased loading of one or more
8 pollutants would result from the proposed change in the
9 discharge, the agency shall compare the loading that would
10 result from the proposed discharge with the loading allowed by
11 the agency as of the effective date of outstanding resource
12 value water designation.

13 For all other waters of the state, expanded discharge means
14 a discharge that changes in volume, quality, location, or any
15 other manner after January 1, 1988, such that an increased
16 loading of one or more pollutants would result from the proposed
17 change in discharge. The agency shall compare the loadings
18 that would result from the proposed discharge with the loading
19 allowed by the agency on January 1, 1988.

20 Subp. 14. Facilities plan. "Facilities plan" means the
21 plans, studies, and reports necessary to determine wastewater
22 treatment needs of a project service area, to systematically
23 evaluate wastewater treatment alternatives that shall result in
24 compliance with enforceable water quality permit conditions, and
25 to identify the cost-effective implementable alternative. All
26 structures with wastewater flows within the project service area
27 must be evaluated for needs.

28 Subp. 14a. Failed systems. "Failed systems" means systems
29 using cesspools, dry wells, leaching pits or seepage pits, or
30 systems with less than three feet of unsaturated soil beneath
31 the system bottom.

32 [For text of subp 15, see M.R.]

33 Subp. 16. [See repealer.]

34 Subp. 16a. Individual sewage treatment system.

35 "Individual sewage treatment system" means a wastewater
36 treatment system, or part of the system, serving one or more

1 structures with wastewater flows, which uses soil treatment and
2 disposal.

3 [For text of subps 17 and 18, see M.R.]

4 Subp. 18a. **Initiation of operation.** "Initiation of
5 operation" means the date on which all components of the
6 wastewater treatment system and all individual sewage treatment
7 systems within a project service area are complete and
8 functioning and the project begins operating for the purposes
9 for which it was planned, designed, and built.

10 Subp. 19. **Intended use plan.** "Intended use plan" means
11 the document prepared annually by the agency according to the
12 requirements in Title VI of the act and submitted to the United
13 States Environmental Protection Agency. The plan shall identify
14 the intended uses of the amounts available to the water
15 pollution control revolving fund, including a list of wastewater
16 treatment projects and other eligible activities proposed to be
17 funded during the fiscal year. Projects will be listed on the
18 intended use plan in the order of their priority ranking on the
19 project priority list.

20 Subp. 19a. **Maintenance plan.** "Maintenance plan" means a
21 plan developed and administered by a municipality that
22 demonstrates how the maintenance requirements of chapter 7080
23 shall be implemented and enforced.

24 Subp. 19b. **Maximum design flow.** "Maximum design flow"
25 means the design flow used to size septic tanks. For structures
26 with wastewater flows used as a residence, it is determined by
27 the number of bedrooms as defined in chapter 7080. For other
28 structures with wastewater flows, it is determined by the best
29 available data provided by the agency.

30 Subp. 20. [See repealer.]

31 Subp. 21. [See repealer.]

32 Subp. 21a. **Maximum impact zone.** "Maximum impact zone"
33 means a standardized area with the highest density of unsewered
34 structures that allows the impact of wastewater discharged by
35 individual sewage treatment systems to be compared between
36 project service areas. The maximum impact zone is the smallest

1 circular area in a project service area which contains a certain
2 number of unsewered structures that discharge wastewater.

3 If the project service area contains 50 or more unsewered
4 structures that discharge wastewater, the maximum impact zone
5 shall include at least 25 percent of the total structures. If
6 there are between 13 and 49 of these structures in a project
7 service area, the maximum impact zone shall include at least 13
8 of these structures. If there are 12 or fewer of these
9 structures in a project service area, the maximum impact zone
10 shall include all of these structures.

11 Subp. 22. [See repealer.]

12 Subp. 22a. Minimum secondary treatment standards.

13 "Minimum secondary treatment standards" means the standards
14 listed under part 7050.0211, subpart 1.

15 Subp. 23. [See repealer.]

16 [For text of subp 24, see M.R.]

17 Subp. 25. Need. "Need" means a new or upgraded wastewater
18 treatment system is necessary for a municipality to comply with
19 chapter 7040, 7050, 7060, or 7080.

20 Subp. 25a. New discharge. "New discharge" to an
21 outstanding resource value water means a discharge that was not
22 in existence on the effective date the outstanding resource
23 value water was designated as described in parts 7050.0460 and
24 7050.0470. For all other waters of the state, new discharge
25 means a discharge that was not in existence prior to January 1,
26 1988.

27 Subp. 26. NPDES permit. "NPDES permit" means a National
28 Pollutant Discharge Elimination System permit issued by the
29 agency that authorizes under certain conditions the discharge of
30 pollutants to surface waters of the state. Combined NPDES/SDS
31 permits issued by the agency will be considered NPDES permits
32 under this chapter.

33 Subp. 27. Operation and maintenance manual. "Operation
34 and maintenance manual" means a document developed to give
35 treatment system personnel the proper understanding, techniques,
36 and references necessary to properly operate and maintain the

1 treatment system.

2 Subp. 28. Outstanding resource value water. "Outstanding
3 resource value water" means those waters defined in part
4 7050.0180, subpart 2, item A.

5 [For text of subps 29 and 30, see M.R.]

6 Subp. 31. Performance certification. "Performance
7 certification" means a certification made by a municipality one
8 year after initiation of operation that states its newly
9 constructed wastewater treatment system is meeting performance
10 standards, as specified under parts 7077.0255, 7077.0325, and
11 7077.0440.

12 [For text of subp 32, see M.R.]

13 Subp. 32a. Pollutant. "Pollutant" has the meaning given
14 in Minnesota Statutes, section 115.01, subdivision 12.

15 Subp. 33. [See repealer.]

16 Subp. 33a. Project priority list. "Project priority list"
17 means the priority list prepared by the commissioner under parts
18 7077.0115 to 7077.0145.

19 Subp. 33b. Project service area. "Project service area"
20 means that area of the state served by the proposed project and
21 identified by clearly defined boundaries in the facilities plan.

22 Subp. 34. [See repealer.]

23 Subp. 35. [See repealer.]

24 Subp. 35a. Residential growth. "Residential growth" means
25 a population increase attributed to persons who reside within a
26 municipality.

27 Subp. 35b. SDS permit. "SDS permit" means a State
28 Disposal System permit issued by the agency that authorizes
29 under certain conditions the subsurface disposal or on-land
30 disposal of pollutants and the operation of a disposal system.

31 Subp. 36. [See repealer.]

32 Subp. 36a. Seepage. "Seepage" means the unintended and
33 unanticipated discharge of partially treated sewage to the soil
34 surface.

35 [For text of subp 37, see M.R.]

36 Subp. 38. Sewer service charge. "Sewer service charge"

1 means the aggregate of all charges, including charges for
2 operation, maintenance, replacement, debt service, and other
3 sewer related charges that are billed periodically to users of
4 the city's wastewater treatment system.

5 [For text of subp 39, see M.R.]

6 Subp. 40. [See repealer.]

7 Subp. 41. Sewer use ordinance or SUO. "Sewer use
8 ordinance" or "SUO" means a municipal ordinance enacted to
9 control the type and quantities of discharges to the wastewater
10 treatment system, and the type and method of connections to the
11 system.

12 Subp. 41a. Significant industrial user. "Significant
13 industrial user" means any industrial user of a wastewater
14 treatment system that discharges five percent or more of the
15 wastewater treatment system's design loading for a pollutant to
16 the wastewater treatment system, or discharges 25,000 gallons
17 per day or more of process wastewater to the wastewater
18 treatment system, or is determined by the commissioner to have
19 the potential to adversely impact the wastewater treatment
20 system or the quality of discharged effluent from the wastewater
21 treatment system.

22 Subp. 42. [See repealer.]

23 Subp. 43. Treatment agreement. "Treatment agreement"
24 means an enforceable agreement between a municipality and a
25 significant industrial user that meets the individual control
26 mechanism requirements of Code of Federal Regulations, title 40,
27 part 403.8(f).

28 [For text of subp 44, see M.R.]

29 Subp. 45. User charge. "User charge" means a charge
30 levied on users of a wastewater treatment system for the user's
31 share of the cost of equipment replacement and operation and
32 maintenance of the wastewater treatment system.

33 Subp. 46. [See repealer.]

34 Subp. 47. Wastewater. "Wastewater" means sewage,
35 industrial waste, and other waste collected for treatment in a
36 wastewater treatment system.

1 Subp. 48. Wastewater treatment system. "Wastewater
2 treatment system" means a system or systems designed to treat,
3 stabilize, or dispose of wastewater, including the sewer system
4 and disposal system.

5 Subp. 49. Water use classification. "Water use
6 classification" means the classifications listed under part
7 7050.0200.

8 Subp. 50. Water with significant water quality
9 violations. "Water with significant water quality violations"
10 means a water designated as a "Water with Significant Water
11 Quality Violations" in the appendices of the most recent
12 biennial Minnesota Water Quality report to Congress required by
13 Section 305(b) of the act.

14 7077.0115 PROJECT PRIORITY LIST.

15 Subpart 1. Requirement. The commissioner shall develop
16 and maintain a project priority list of projects for
17 municipalities that have a need for a new or upgraded wastewater
18 treatment system.

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

24 Subp. 3. Request for placement on list. A municipality
25 may submit a written request to the commissioner for placement
26 of a project on the project priority list. The request must
27 include a description of the need for the new or upgraded
28 wastewater treatment system. If known, the request shall also
29 include a description of the proposed project and its costs.
30 The municipality must submit any information that is necessary
31 for the project to receive accurate review under subpart
32 4. Unless a municipality requests that its project be placed on
33 the list with total points equal to one, information must be
34 submitted according to items A to C.

35 A. For municipalities that have wastewater treatment

1 systems with an NPDES permit, the information submittal should
2 include a request for the extra points under part 7077.0175, and
3 the supporting documentation, if applicable to the project. The
4 extra point information shall be accepted no later than the date
5 the facilities plans are submitted to the commissioner.

6 B. For municipalities that have wastewater treatment
7 systems with an SDS permit, the information submittal should
8 include a request for the extra points under part 7077.0185, and
9 the supporting documentation, if applicable to the project. The
10 extra point information shall be accepted no later than the date
11 the facilities plans are submitted to the commissioner.

12 C. For municipalities that have wastewater treatment
13 systems without an NPDES or SDS permit, the information
14 submittal must include:

15 (1) the total number of structures with
16 wastewater flows in the project service area; and

17 (2) a map of the project service area which has
18 an identifiable scale, identifies all the structures with
19 wastewater flows, and has the maximum impact zone clearly
20 encircled.

21 The submittal should also include a request for the extra
22 points under part 7077.0195, and the supporting documentation,
23 if applicable to the project. The extra point information shall
24 be accepted no later than the date the facilities plan is
25 submitted to the commissioner.

26 Subp. 4. Review. The commissioner shall review each
27 request and take the action specified in item A, B, or C.

28 A. Projects in areas currently served by a wastewater
29 collection system shall be added to the project priority list if
30 the commissioner finds that a need currently exists or shall
31 exist within the next five years.

32 B. Projects in areas not currently served by a
33 wastewater collection system shall be added to the project
34 priority list only if the commissioner finds that a need
35 currently exists.

36 C. Projects that do not meet the criteria in item A

1 or B shall not be added to the list and the commissioner shall
2 notify the municipality of the reasons for the determination.

3 Subp. 5. Recalculation of total points. Total points
4 shall be recalculated when new information is available and the
5 authority determines that the project is eligible for funding
6 according to Minnesota Statutes, section 446A.071.

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

14 7077.0272 FACILITIES PLAN.

15 Subpart 1. In general. Facilities plans for wastewater
16 treatment systems must be prepared and signed by a professional
17 engineer registered in Minnesota. Facilities plans for
18 individual sewage treatment systems designed to treat 5,000
19 gallons or less of wastewater per day must be prepared and
20 signed by either a professional engineer registered in Minnesota
21 or an evaluator/designer. Facilities plans must be submitted to
22 the commissioner for review and approval according to part
23 7077.0278, subpart 3, item C.

24 Subp. 2. Facilities plan contents. A facilities plan must
25 address items A to E in the amount of detail that is appropriate
26 to describe a project accurately.

27 A. A complete description and evaluation of the
28 existing wastewater treatment system and problems that need
29 correction. This evaluation must consider the age, condition,
30 design capacity, and treatment capabilities of each treatment
31 unit, the system's ability to meet current or proposed permit
32 requirements, and the location, frequency, and quantity of any
33 bypasses. For existing individual sewage treatment systems, a
34 survey must also be prepared which identifies whether or not
35 each individual sewage treatment system in the project service

1 area conforms to the requirements under chapter 7080.

2 B. Data describing existing residential wastewater
3 flows and loadings, and existing nonresidential wastewater flows
4 and loadings. The existing wastewater flow and loading data
5 must be reported on a form provided by the agency.

6 C. Data describing future residential and
7 nonresidential wastewater flows and loadings within the next
8 20-year period based on projected residential growth, projected
9 nonresidential growth, and signed letters of intent from
10 significant industrial users. The future wastewater flow and
11 loading data must be reported on a form provided by the agency.

12 D. A discussion of all treatment alternatives that
13 were considered during the facility selection process and are
14 capable of meeting the applicable effluent, water quality, and
15 public health requirements for 20 years. The discussion of the
16 considered alternatives must include:

17 (1) a cost-effective comparison of the
18 alternatives considered. The cost comparison must include a
19 detailed breakdown of the present worth of all capital costs,
20 annual operation and maintenance costs, equipment replacement
21 costs, and salvage values. If excessive levels of infiltration
22 or inflow exist, the cost comparison of treatment alternatives
23 must include a comparison of the cost of eliminating excessive
24 infiltration or inflow with the cost of transportation and
25 treatment of the infiltration or inflow;

26 (2) a site assessment of the existing soil and
27 groundwater conditions conducted and signed by a professional
28 engineer. For individual sewage treatment systems designed to
29 treat less than 5,000 gallons per day of wastewater, a site
30 assessment must be done by either a professional engineer or a
31 certified evaluator/designer;

32 (3) an evaluation of the impact of the
33 alternatives on all existing wastewater treatment systems,
34 including sewers and lift stations;

35 (4) a comparison of the potential environmental
36 impacts.

1 E. A description of the selected treatment
2 alternative and the complete wastewater treatment system of
3 which it is a part, including:

4 (1) the specific design parameters of all
5 individual treatment units and the complete treatment system;

6 (2) estimated construction, annual operation and
7 maintenance, and equipment replacement costs;

8 (3) estimated annual sewer service charges;

9 (4) a determination of whether pretreatment of
10 any industrial wastes is needed in order to avoid disruption of
11 the proper operation of the proposed system;

12 (5) an evaluation of how and where sludge or
13 septage resulting from the treatment process will be disposed;

14 (6) an analysis of the 25- and 100-year flood
15 elevations in relation to the proposed project site or sites,
16 showing that the project will be operable during a 25-year flood
17 and protected during a 100-year flood; and

18 (7) an analysis of how interim treatment will be
19 accomplished during construction to meet permit requirements.

20 Subp. 2a. Facilities plans supplement. The following
21 items must be submitted to the commissioner with the facilities
22 plans:

23 A. for individual sewage treatment systems that serve
24 more than one structure with wastewater flows, an assurance from
25 the municipality stating that all property owners who will be
26 served by the proposed system agree to be part of the system, to
27 participate in the construction project, and to finance future
28 operation, maintenance, and replacement of the system;

29 B. a complete list of addresses used for public
30 notice purposes and listed on a form provided by the agency;

31 C. a summary of the information presented and public
32 comments received at a public hearing, required under subpart 3,
33 and the action taken to address those comments;

34 D. a formal resolution of the municipality's
35 governing body adopting the facilities plan;

36 E. a list of ordinances or intermunicipal agreements

1 necessary for the successful implementation and administration
2 of the project;

3 F. a signed treatment agreement with each significant
4 industrial user; and

5 G. a completed environmental information sheet.

6 Subp. 3. Public hearing. Before adopting the facilities
7 plan, the municipality must hold at least one public hearing to
8 discuss the proposed project. The facilities plan must be made
9 available for review by interested persons before the date of
10 the hearing. At the public hearing, information must be
11 presented on the various treatment alternatives considered, the
12 reasons for choosing the selected alternative, the location of
13 the proposed project site, and the estimated sewer service
14 charges.

15 Subp. 4. [See repealer.]

16 Subp. 5. Consistency with planning requirements. The
17 selected treatment alternative must be consistent with plans, if
18 any, developed under sections 205(j), water quality management
19 planning; 208, areawide waste treatment management; 303(e),
20 water quality standards and implementation plan; and 319,
21 nonpoint source management programs of the act.

22 7077.0274 PLANS AND SPECIFICATIONS.

23 Subpart 1. In general. A municipality must submit plans
24 and specifications to the commissioner for review and approval
25 according to part 7077.0280, subpart 4, item A. The plans and
26 specifications must be consistent with the scope of the approved
27 facilities plan under part 7077.0272. The project must be
28 constructed according to the approved plans and specifications
29 and change orders.

30 Subp. 2. Contents. A complete set of plans and
31 specifications must address the following items in the amount of
32 detail that is appropriate to describe a project accurately:

33 A. plans and specifications signed by:

34 (1) a professional engineer registered in
35 Minnesota ~~for~~ in the case of wastewater treatment systems; or

1 (2) a professional engineer or an
2 evaluator/designer ~~for~~ in the case of individual sewage
3 treatment systems designed to treat 5,000 gallons or less of
4 wastewater per day;

5 B. a summary of design parameters for the treatment
6 units;

7 C. a summary of flow conditions for average dry
8 weather, average wet weather, peak hourly wet weather, and peak
9 instantaneous wet weather on a form provided by the agency and,
10 for individual sewage treatment systems, reported as average
11 design flow or maximum design flow;

12 D. a hydraulic profile of the flow through the
13 treatment system;

14 E. a plan for interim treatment to meet permit
15 requirements during construction;

16 F. the latest detailed cost estimate based on the
17 plans and specifications submitted; and

18 G. administrative, bidding, and contract documents
19 according to the applicable requirements under Minnesota
20 Statutes, including a 100 percent performance bond from the
21 contractors.

22 Subp. 3. Additional submittals. The following items must
23 be submitted to the commissioner with the plans and
24 specifications:

25 A. a project schedule on a form provided by the
26 agency;

27 B. a certification from the municipality that states
28 that full-time resident inspection shall be provided during
29 construction and that written inspection reports, describing the
30 construction inspected, construction problems, and the amount of
31 inspection time required, shall be submitted to the commissioner
32 on a monthly basis; and

33 C. finalized and executed intermunicipal agreements
34 necessary for the successful implementation and administration
35 of the project.

1 7077.0165 PRIORITY POINTS FOR TYPE OF PROJECT.

2 The type of wastewater treatment system currently serving
3 the project service area shall determine how priority points are
4 assigned to the project. If any portion of the project service
5 area is covered by an NPDES permit, the project shall be
6 considered an NPDES project and shall receive points under parts
7 7077.0167 to 7077.0176. If no portion of the project service
8 area is covered by an NPDES permit but some portion of it is
9 covered by an SDS permit, the project shall be considered an SDS
10 project and shall receive points under parts 7077.0177 to
11 7077.0186. If no portion of the project service area is covered
12 by an NPDES or SDS permit, the project shall receive points
13 under parts ~~7077.0186~~ 7077.0187 to 7077.0196.

14 7077.0167 TOTAL POINTS FOR WASTEWATER TREATMENT SYSTEMS WITH AN
15 NPDES PERMIT.

16 A project in a municipality that has a wastewater treatment
17 system with an NPDES permit shall be evaluated under four
18 categories: impact factor, under part 7077.0169; use factor,
19 under part 7077.0171; condition factor, under part 7077.0173;
20 and extra points, under part 7077.0175. Points will be assigned
21 separately for each category. The total points shall equal the
22 product of the impact factor, the use factor, and the condition
23 factor, added to the extra points. The total points may be
24 reduced by a penalty factor, calculated under part 7077.0176.
25 The total points, after being adjusted by the penalty factor,
26 shall be used to list the project on the project priority list
27 under part 7077.0115.

28 7077.0169 IMPACT FACTOR FOR WASTEWATER TREATMENT SYSTEMS WITH AN
29 NPDES PERMIT.

30 A project shall be assigned an impact factor which
31 represents the impact the wastewater treatment system is having
32 on the quality of the receiving water. The impact factor will
33 be calculated according to items A to C.

34 A. The impact factor for a receiving water that is a
35 lake or wetland will be one.

1 B. The impact factor for a collection system project
2 will be one.

3 C. For a system that does not meet the conditions
4 under item A or B, the impact factor shall be based on the
5 dilution ratio. The dilution ratio is the number obtained by
6 dividing the seven-day once-in-ten-year low flow of the
7 receiving water, as defined under part 7050.0210, subpart 7, by
8 the average low flow from the municipal wastewater treatment
9 system. The average low flow from the treatment system shall be
10 calculated by averaging the influent flow reported on the
11 discharge monitoring reports for the three consecutive months
12 with the lowest average influent flow within the most recent
13 three climatic years of flow data. A climatic year is the
14 period from April 1 of a year until March 31 of the following
15 year. The impact factor shall be assigned as follows:

16	Dilution Ratio	Impact Factor
17		
18	1 or less	5
19		
20	between 1 and 10	$(49 - (4 \times \text{Dilution Ratio})) / 9$
21		
22	10 or more	1
23		

24 7077.0171 USE FACTOR FOR WASTEWATER TREATMENT SYSTEMS WITH AN
25 NPDES PERMIT.

26 Subpart 1. Determining use factor. A project shall be
27 assigned a use factor which represents the use classification of
28 the receiving water at the point of wastewater discharge. The
29 use factor is the sum of points from subparts 2 to 7 that apply
30 to the receiving water. The use factor is first calculated
31 based on the existing wastewater treatment system and revised,
32 if applicable, based on the approved facilities plan.

33 Subp. 2. Water use classification. Categories of water
34 use under the state water quality standards, chapter 7050,
35 include: class 1, domestic consumption; class 2, fisheries and
36 recreation; and class 7, limited resource value. The use
37 classifications are assigned points based on location of the
38 wastewater discharge as follows:

39	Water Use Classification	Points
40		

1	2A	100
2	1	85
3	2Bd	85
4	2B	75
5	2C	50
6	7	10

8 Use classifications for waters of the state are listed
 9 under parts 7050.0400 to 7050.0470. If the receiving water at
 10 the point of discharge has more than one of the designated water
 11 uses listed in this subpart, the classification with the highest
 12 point value shall be used.

13 Subp. 3. Drinking water. When a water intake supplying a
 14 potable water system is located 25 miles or less downstream of
 15 the discharge point, 40 points shall be assigned.

16 Subp. 4. Outstanding resource value waters. When the
 17 receiving water is designated an outstanding resource value
 18 water at the point of discharge, 40 points shall be assigned.

19 Subp. 5. Canoe and boating route. When the receiving
 20 water is designated as a canoe and boating route under Minnesota
 21 Statutes, section 85.32, and is not designated as an outstanding
 22 resource value water, five points shall be assigned.

23 Subp. 6. Effluent limits. The receiving water receives
 24 treated wastewater that is regulated by pollutant effluent
 25 limits established in an NPDES permit. Permit effluent limits
 26 are assigned points according to items A to C.

27 A. When effluent limits are assigned for one or more
 28 of the toxic pollutants listed under part 7050.0220, excluding
 29 residual chlorine, or based on criteria derived from part
 30 7050.0218, 25 points shall be assigned.

31 B. When effluent limits are assigned for phosphorus,
 32 17 points shall be assigned.

33 C. When effluent limits that are more stringent than
 34 the minimum secondary treatment standards under part 7050.0211,
 35 subpart 1, are needed for five-day carbonaceous biochemical
 36 oxygen demand (CBOD5), 17 points will be assigned. These points
 37 will not be assigned for effluent limits that are established
 38 according to part 7050.0214, subparts 1 and 2, for dischargers
 39 to class 7 waters.

1 Subp. 7. **Habitat.** When the treatment system discharges to
2 a water that supports one or more of the endangered, threatened,
3 or special concern species identified under parts 6134.0200 to
4 6134.0400 or natural communities whose criteria are listed in
5 Minnesota Statutes, section 84.944, 50 points shall be assigned.

6 7077.0173 **CONDITION FACTOR FOR WASTEWATER TREATMENT SYSTEMS WITH**
7 **AN NPDES PERMIT.**

8 A project shall be assigned a condition factor of 1.25 if
9 the existing municipality discharges into a body of water
10 identified as a water with significant water quality
11 violations. Other projects shall be assigned a condition factor
12 of 1.

13 7077.0175 **EXTRA POINTS FOR WASTEWATER TREATMENT SYSTEMS WITH AN**
14 **NPDES PERMIT.**

15 Subpart 1. **Determining extra points.** A project shall be
16 assigned extra points under subparts 2 to 7 if applicable. To
17 qualify for the points under subparts 3 and 5 to 7, the
18 municipality must make a written request for the points and
19 submit supporting documentation to the commissioner according to
20 part 7077.0115, subpart 3, item A.

21 Subp. 2. **Eliminate discharge.** When an existing discharge
22 point to a lake, a wetland, a stream with a water use
23 classification of 2A, or an outstanding resource value water
24 will be eliminated by the project, 200 points shall be assigned.

25 Subp. 3. **Karst.** When an existing pond system is in an
26 area with karstic geological characteristics and will be
27 replaced or rehabilitated by the project, 200 points shall be
28 assigned. Karstic geological characteristics are: sinkholes;
29 dry valleys in areas with humid climates; springs draining
30 carbonate, sulfate, or halide rocks; caves; sinking streams;
31 dissolutionally enlarged joints or bedding planes; grikes; or
32 karren.

33 Subp. 4. **Excessive leakage.** When a project is designed to
34 meet a permit requirement that leakage from a pond is corrected,
35 50 points shall be assigned.

1 Subp. 5. Multimunicipal cooperation. When a sanitary
2 district or other multimunicipal entity will be formed to
3 undertake the project, 50 points shall be assigned.

4 Subp. 6. Diagnostic study. When a water quality problem
5 identified as a priority in a diagnostic study and
6 implementation plan will be addressed by the project, 50 points
7 shall be assigned. The diagnostic study and implementation plan
8 must meet the requirements under parts 7076.0240 to 7076.0250
9 and must be approved by the commissioner.

10 Subp. 7. Local water plan. When a water quality problem
11 identified as a priority in a local water plan will be addressed
12 by the project, 25 points shall be assigned. The local water
13 plan must be developed by a county according to Minnesota
14 Statutes, section 103B.201 or 103B.301, must outline
15 comprehensive steps for implementing solutions that include the
16 project, and must be approved by the Minnesota Board of Water
17 and Soil Resources.

18 7077.0176 PENALTY FACTOR FOR WASTEWATER TREATMENT SYSTEMS WITH
19 AN NPDES PERMIT.

20 The total points for a project, calculated according to
21 part 7077.0167, shall be reduced by 30 percent if the project:

22 A. includes a new or expanded discharge to an
23 outstanding resource value water; or

24 B. includes a new or expanded discharge to a stream
25 with a water use classification of 2A, a lake, or a wetland, and
26 that new or expanded discharge consists of more than 200,000
27 gallons per day based on the design average wet weather flow for
28 the wettest 30-day period.

29 7077.0177 TOTAL POINTS FOR WASTEWATER TREATMENT SYSTEMS WITH AN
30 SDS PERMIT.

31 A project in a municipality that has a wastewater treatment
32 system with an SDS permit shall be evaluated under three
33 categories: impact factor, under part 7077.0179; use factor,
34 under part 7077.0181; and extra points, under part 7077.0185.
35 Points shall be assigned separately for each category. The

1 total points shall equal the product of the impact factor and
2 the use factor, added to the extra points. The total points,
3 after being adjusted by the penalty factor, shall be used to
4 list the project on the project priority list under part
5 7077.0115.

6 7077.0179 IMPACT FACTOR FOR WASTEWATER TREATMENT SYSTEMS WITH AN
7 SDS PERMIT.

8 A project shall be assigned an impact factor corresponding
9 to the impact which the existing wastewater treatment system has
10 on the quality of the groundwater. The impact factor shall be
11 based on the average over the last 12 months of the influent
12 flow into the wastewater treatment system. The influent flow
13 shall be the "average reported values" for influent flow from
14 the wastewater treatment system's discharge monitoring reports.
15 The impact factor shall be assigned as follows:

16	12-month average of flow	
17	measured in million gallons	
18	per day	Impact factor
19		
20	0.01 or less	1
21		
22	Between 0.01 and 0.25	(5 + (100 x 12-month
23		average of flow)) / 6
24		
25	0.25 or more	5
26		

27 7077.0181 USE FACTOR FOR WASTEWATER TREATMENT SYSTEMS WITH AN
28 SDS PERMIT.

29 A project in a municipality that has a wastewater treatment
30 system with an SDS permit shall be assigned a use factor of 85.

31 7077.0185 EXTRA POINTS FOR WASTEWATER TREATMENT SYSTEMS WITH AN
32 SDS PERMIT.

33 Subpart 1. Determining extra points. A project shall be
34 assigned extra points under subparts 2 to 6 and part 7077.0175,
35 subparts 3 to 7. To qualify for the points, the municipality
36 must make a written request for the points and submit supporting
37 documentation to the commissioner in accordance with part
38 7077.0115, subpart 3, item B.

39 Subp. 2. Component failure. When the failure of one or
40 more components of a wastewater treatment system is causing the

1 system to lose performance or capacity, points equal to two
2 times the percentage of the total project cost which is devoted
3 to correcting the failed component shall be assigned.

4 Subp. 3. Seepage problems. When seepage or partially
5 treated wastewater or sewage backups caused by problems with the
6 wastewater treatment system will be corrected by the project, 50
7 points shall be assigned. When continuous seepage will be
8 corrected by the project, an additional 50 points shall be
9 assigned.

10 Subp. 4. Permit exceedances. When discharge monitoring
11 reports show that permit conditions for the wastewater treatment
12 system have been exceeded two or more months in the last two
13 years, and the project is designed to correct the problem,
14 points shall be assigned according to items A and B.

15 A. If the permit condition for nitrate as nitrogen
16 has been exceeded, 25 points shall be assigned.

17 B. If permit conditions have been exceeded for one or
18 more permitted effluent constituents other than nitrate as
19 nitrogen, 25 points shall be assigned.

20 Subp. 5. Nitrate removal. When technology to remove
21 nitrate from the wastewater will be included in the project and
22 the project will still engage in the subsurface or on-land
23 disposal of the wastewater, 150 points shall be assigned.

24 Subp. 6. Geologically sensitive area. When 25 percent of
25 the project service area is identified in the county soil survey
26 as having parent material classified as glacial outwash, glacial
27 lake sand, glacial lake gravel, terrace sand and gravel
28 deposits, limestone, or dolomite, 50 points shall be assigned.
29 If county soil survey information is not available, the points
30 shall be assigned if the Minnesota soil atlas identifies at
31 least 25 percent of the project service area as being poorly
32 drained with sandy soil five feet or more below the ground
33 surface.

34 7077.0186 PENALTY FACTOR FOR WASTEWATER TREATMENT SYSTEMS WITH
35 AN SDS PERMIT.

1 The total points for a project, calculated according to
2 part 7077.0177, shall be reduced by 30 percent if the project:

3 A. includes a new or expanded discharge to an
4 outstanding resource value water; or

5 B. includes a new or expanded discharge to a stream
6 with a water use classification of 2A, a lake, or a wetland, and
7 that new or expanded discharge consists of more than 200,000
8 gallons per day based on the design average wet weather flow for
9 the wettest 30-day period.

10 7077.0187 TOTAL POINTS FOR WASTEWATER TREATMENT SYSTEMS WITHOUT
11 AN NPDES OR SDS PERMIT.

12 A project in a municipality that has a wastewater treatment
13 system without an NPDES or SDS permit shall be evaluated under
14 three categories: impact factor, under part 7077.0189; use
15 factor, under part 7077.0191; and extra points, under part
16 7077.0195. Points shall be assigned separately for each
17 category. The total points shall equal the product of the
18 impact factor and the use factor, added to the extra points.
19 The total points, after being adjusted by the penalty factor,
20 shall be used to list the project on the project priority list
21 under part 7077.0115.

22 7077.0189 IMPACT FACTOR FOR WASTEWATER TREATMENT SYSTEMS WITHOUT
23 AN NPDES OR SDS PERMIT.

24 The impact factor shall be based on the density ratio for
25 the project service area. The density ratio is the number of
26 structures with wastewater flows in the maximum impact zone of
27 the project service area, divided by the total acreage of the
28 maximum impact zone. A project shall be assigned an impact
29 factor as follows:

30	Density ratio	Impact factor
31	0.5 or less	1
32	Between 0.5 and 4	$(3 + (8 \times \text{Density Ratio})) / 7$
33	4 or more	5
34		
35		
36		

37 7077.0191 USE FACTOR FOR WASTEWATER TREATMENT SYSTEMS WITHOUT AN
38 NPDES OR SDS PERMIT.

1 A project in a municipality that has a wastewater treatment
2 system without an NPDES or SDS permit shall be assigned a use
3 factor of 85.

4 7077.0195 EXTRA POINTS FOR WASTEWATER TREATMENT SYSTEMS WITHOUT
5 AN NPDES OR SDS PERMIT.

6 Subpart 1. Determining extra points. A project shall be
7 assigned extra points, as appropriate:

8 A. under subparts 2 to 8;

9 B. under part 7077.0175, subparts 5 to 7; and

10 C. under part 7077.0185, subparts 5 and 6.

11 To qualify for the points, the municipality must make a
12 written request for the points and submit supporting
13 documentation to the commissioner in accordance with part
14 7077.0115, subpart 3.

15 Subp. 2. Eliminate discharge. When the project will
16 eliminate a surface discharge, points shall be assigned equal to
17 three times the percentage of structures with wastewater ~~flow~~
18 flows in the project service area which are identified to have
19 surface discharges. Surface discharges are wastewater
20 discharges to the soil surface or to a surface water.

21 Subp. 3. Well code setback infringements. When
22 infringements of code setbacks to drinking wells will be
23 eliminated by the project, points equal to 1.5 times the
24 percentage of structures with wastewater flows in the project
25 service area which currently are identified to have
26 infringements of well code setbacks shall be assigned.

27 Subp. 4. Failed systems. When failed systems will be
28 corrected by the project, points shall be assigned equal to 1.5
29 times the percentage of structures with wastewater flows in the
30 project service area which are identified as failed systems.

31 Subp. 5. Seepage problems. When seepage of partially
32 treated wastewater or sewage backup problems will be corrected
33 by the project, points equal to 1.5 times the percentage of
34 structures with wastewater flows in the project service area
35 which are identified as having seepage or backup problems in the

1 last two years shall be assigned.

2 Subp. 6. Nondomestic wastewater. When the discharges of
3 nondomestic wastewater will be eliminated by the project, points
4 ~~equal to 150 times the number of the discharges eliminated in~~
5 ~~the project service area~~ shall be assigned equal to 150 times
6 the number of the discharges eliminated in the project service
7 area, divided by the total number of structures with wastewater
8 flows in the project service area. ~~A nondomestic discharge is a~~
9 ~~nonsewage discharge from a nonresidential structure with~~
10 ~~wastewater flows or a nonsewage discharge from a residential~~
11 ~~structure with a water-using business.~~

12 Subp. 7. Surface water code setback infringements. When
13 infringements of code setbacks to surface waters will be
14 corrected by the project, points equal to the percentage of
15 structures with wastewater flows in the project service area
16 which currently are identified to have infringements of code
17 setbacks to surface waters which do not also have infringements
18 of code setbacks to drinking wells shall be assigned.
19 Infringements of code setbacks to drinking wells are assigned
20 points under subpart 3.

21 Subp. 8. Sewer connection. When the project includes the
22 construction of a sewer that will connect the project service
23 area to an existing wastewater treatment system, 150 points
24 shall be assigned.

25 7077.0196 PENALTY FACTOR FOR WASTEWATER TREATMENT SYSTEMS
26 WITHOUT AN NPDES OR SDS PERMIT.

27 The total points for a project, calculated according to
28 part 7077.0187, shall be reduced by 30 percent if the project:

29 A. includes a new or expanded discharge to an
30 outstanding resource value water; or

31 B. includes a new or expanded discharge to a stream
32 with a water use classification of 2A, a lake, or a wetland, and
33 that new or expanded discharge consists of more than 200,000
34 gallons per day based on the design average wet weather flow for
35 the wettest 30-day period.

1 7077.0197 RESOLUTION OF EQUAL POINT RATINGS.

2 When two or more projects have the same point total on the
3 project priority list, the project having the use factor with
4 the higher numerical value shall be ranked higher. If two or
5 more projects are still tied, the project with the larger impact
6 factor shall be ranked higher. If two or more projects are
7 still tied, the municipality with the largest population, as
8 recorded in the most recent United States census, shall receive
9 the highest priority.

10 7077.0276 ESSENTIAL PROJECT COMPONENTS.

11 Subpart 1. Essential project components. "Essential
12 project components," according to Minnesota Statutes, section
13 116.182, subdivision 1, paragraph (e), means those components of
14 a wastewater disposal system that are necessary to convey or
15 treat a municipality's existing wastewater flows and loadings
16 and future wastewater flows and loadings based on the projected
17 residential growth of the municipality for a 20-year period.
18 The essential project components shall be used to calculate the
19 percentage under subpart 2.

20 Subp. 2. Essential project components percentage.

21 "Essential project components percentage" means the percentage
22 of a project that qualifies as essential project components.
23 Based on information contained in the approved facilities plan
24 submitted under part 7077.0272, this percentage shall be
25 calculated by multiplying 100 times the sum of the total
26 existing daily carbonaceous biochemical oxygen demand (CBOD)
27 mass loading and the residential growth daily CBOD mass loading,
28 then dividing this product by the proposed total 20-year growth
29 daily CBOD mass loading.

30 Subp. 3. Certification to authority. The essential
31 project components percentage calculated under subpart 2 shall
32 be included on the commissioner's certification to the authority
33 prepared according to part 7077.0281, subpart 3.

34 7077.0286 COMPLETION OF CONSTRUCTION AND INITIATION OF OPERATION.

1 Subpart 1. Construction reporting requirements. At least
2 60 days before the scheduled initiation of operation, the
3 municipality shall submit to the commissioner, as appropriate:

4 A. evidence that the municipality has a wastewater
5 treatment facility operator, certified for the classification of
6 the treatment system according to chapter 9400, directly
7 responsible for the operation of the system; and

8 B. an operation and maintenance manual or a
9 maintenance plan for the commissioner's approval.

10 Subp. 2. Prefinal inspection. The municipality must
11 notify the commissioner in writing when it is ready to initiate
12 operation and request that a prefinal inspection be scheduled
13 before initiation of operation can occur. The purpose of this
14 inspection is to identify construction deficiencies and to set
15 target dates for completion of construction items.

16 Subp. 3. Initiation of operation.

17 A. Before initiation of operation will be approved, a
18 prefinal inspection must be held and the commissioner must
19 approve the initiation of operation date. Systems with an NPDES
20 or SDS permit must also have the items under subpart 1, item A,
21 completed and subpart 1, item B, approved by the commissioner.

22 B. After initiation of operation, the municipality
23 must notify the commissioner in writing of the initiation of
24 operation date within ten days following initiation of operation.

25 C. The date of initiation of operation is the first
26 day of the one-year performance period.

27 Subp. 4. Final inspection. A final inspection of the
28 wastewater treatment system shall be performed by agency staff
29 when all the construction is complete except for minor
30 weather-related components. The purpose of the inspection is to
31 verify that construction is complete and conforms with the
32 approved plans and specifications and change orders. The
33 municipality shall request that a final inspection be performed
34 when it believes construction is complete.

35 7077.0290 COMMISSIONER'S NOTIFICATION OF PERFORMANCE.

1 The commissioner shall provide written notification about
 2 the satisfactory performance of a project to the authority upon
 3 receipt of the items listed in part 7077.0288, subpart 1, and
 4 after:

5 A. the commissioner concurs with the certification
 6 provided under part 7077.0288, subpart 1, item A; or

7 B. the commissioner approves the report provided
 8 under part 7077.0288, subpart 2, item A.

9 ~~7077.0292-REQUEST-TO-WITHHOLD-FINANCIAL-ASSISTANCE-PAYMENTS-~~

10 ~~Failure-of-a-project-to-conform-substantially-to-approved~~
 11 ~~plans-and-specifications-or-failure-of-a-municipality-to-comply~~
 12 ~~with-the-requirements-of-parts-7077-0286-and-7077-0288~~
 13 ~~constitutes-grounds-for-the-commissioner-to-request-that-the~~
 14 ~~authority-withhold-payments-to-the-municipality.--Once-an~~
 15 ~~agreement-for-correcting-the-condition-which-led-to-the~~
 16 ~~withholding-of-funds-is-reached-between-the-commissioner-and-the~~
 17 ~~municipality,-the-commissioner-shall-recommend-to-the-authority~~
 18 ~~that-the-retained-funds-be-released-according-to-the-provisions~~
 19 ~~in-the-agreement.~~

20 COMBINED SEWER OVERFLOW ABATEMENT PROGRAM

21 7077.0300 PURPOSE.

22 State financial assistance is available for combined sewer
 23 overflow abatement for those municipalities eligible under
 24 Minnesota Statutes, section 116.162, subdivision 3. Parts
 25 7077.0300 to 7077.0330 provide for the administration of the
 26 program for combined sewer overflow abatement financial
 27 assistance awarded on or after July 1, 1990.

28 7077.0310 APPLICATIONS.

29 [For text of subpart 1, see M.R.]

30 Subp. 2. Timing and form of application. The following
 31 provisions govern the timing and form of financial assistance
 32 applications:

33 [For text of item A, see M.R.]

34 B. An eligible municipality shall submit a complete

1 application by December 1 unless a different date is provided in
2 the municipality's NPDES permit, in which case the deadline in
3 the permit shall take precedence.

4 Subp. 3. Additional information. A municipality that
5 applies for state financial assistance for a combined sewer
6 overflow abatement project shall submit the following
7 information for the commissioner's review and approval:

8 A. A description of the scope of work including a
9 list and schedule of the construction projects to be funded, or
10 by following requirements of an NPDES permit, plus additional
11 scope of work as may be necessary to use any additional funds
12 that may become available.

13 [For text of items B to G, see M.R.]

14 7077.0325 PROJECT PERFORMANCE.

15 Subpart 1. Notification of initiation of operation. The
16 municipality shall notify the commissioner, in writing, of the
17 project's initiation of operation date within ten days following
18 initiation of operation.

19 [For text of subps 2 and 3, see M.R.]

20 PROJECT PRIORITY PROCESS

21 FINANCIAL ASSISTANCE PROGRAM

22 7077.0111 PURPOSE.

23 The financial assistance program consists of:

24 A. the wastewater infrastructure fund, according to
25 Minnesota Statutes, section 446A.071;

26 B. the state revolving fund, according to Minnesota
27 Statutes, section 446A.07;

28 C. the state independent grants program for grants
29 awarded on or after July 1, 1990, according to Minnesota
30 Statutes, section 116.18, subdivision 3a.

31 The program is jointly administered by the agency and the
32 authority. Parts 7077.0111 to 7077.0292 provide for the
33 agency's responsibilities for the administration of the program.

34 7077.0278 INTENDED USE PLAN.

1 Subpart 1. Adoption of intended use plan. The agency
2 shall annually adopt an intended use plan based upon the
3 requests received under subpart 2.

4 Subp. 2. Notice. At least once a year, the commissioner
5 shall send written notification to all municipalities that
6 requests for placement on the intended use plan are being
7 accepted. The notice shall include the schedule for submittal
8 of the requirements in subpart 3 in order to be placed on the
9 intended use plan.

10 Subp. 3. Requirements. To be eligible for placement on
11 the intended use plan, the conditions in items A to C must be
12 met.

13 A. A project must be listed on the current project
14 priority list.

15 B. The municipality must submit to the commissioner a
16 written request for placement on the intended use plan that
17 includes:

18 (1) a brief description of the project for which
19 financial assistance is sought;

20 (2) an updated project cost estimate and, if
21 different, the requested loan amount; and

22 (3) a proposed project schedule and a breakdown
23 of estimated quarterly cash flow needs.

24 C. For a construction loan, a municipality must first
25 receive the commissioner's approval of its facilities plan, as
26 required under part 7077.0272, before it will be placed on the
27 intended use plan. If the municipality is proposing to change
28 the selected treatment method or any other major element of a
29 previously approved facilities plan, the municipality must
30 receive the commissioner's approval of a facilities plan
31 addendum.

32 Subp. 4. Intended use plan amendments. The agency shall
33 amend the intended use plan to add additional eligible projects
34 as necessary.

35 7077.0280 CERTIFICATION SUBMITTAL REQUIREMENTS.

1 Subpart 1. Requirements. To receive project certification
2 under part 7077.0281, a municipality must submit to the
3 commissioner for review and approval the items under subparts 2
4 to 4 that are applicable to the project. These items must be
5 submitted within 90 days from the date the municipality was
6 notified that the project was placed on the intended use plan.

7 Subp. 2. Planning projects. Municipalities seeking
8 certification for planning projects shall submit:

9 A. a description of the scope of work and estimated
10 costs that will lead to an approved facilities plan;

11 B. a schedule for completion of the facilities plan
12 on a form provided by the agency; and

13 C. in addition, for individual sewage treatment
14 system projects, a copy of a draft ordinance that adopts the
15 requirements of chapter 7080, individual sewage treatment
16 standards.

17 Subp. 3. Design projects. Municipalities seeking
18 certification for design projects shall submit:

19 A. a schedule for completion of plans and
20 specifications; and

21 B. in addition, for individual sewage treatment
22 system projects, a copy of a draft ordinance that adopts the
23 requirements of chapter 7080, individual sewage treatment
24 standards.

25 Subp. 4. Construction projects. Municipalities seeking
26 certification for construction projects shall submit:

27 A. plans and specifications as required under part
28 7077.0274 for the commissioner's review and approval;

29 B. for wastewater treatment systems that are required
30 to have an NPDES or SDS permit, a certification that the
31 municipality has adopted a sewer service charge system that
32 includes, at a minimum:

33 (1) the engineering and accounting data for the
34 wastewater flows and loadings of the users of the wastewater
35 treatment system;

36 (2) the estimated annual costs of equipment

1 replacement and operating and maintaining the system;

2 (3) the rates that shall be charged to each user
3 for the cost of operation, maintenance, and equipment
4 replacement; and

5 (4) the rates that shall be charged to each user
6 for the cost of debt retirement for the local capital cost of
7 the treatment system;

8 C. a copy of the municipality's resolution adopting
9 the sewer service charge system;

10 D. a certification that the municipality has enacted
11 a sewer use ordinance, sewer rate ordinance, or combined sewer
12 use and sewer rate ordinance that, at a minimum:

13 (1) establishes a rate setting method for user
14 charges;

15 (2) establishes a rate setting method for debt
16 charges;

17 (3) requires separate funding accounts for
18 operation and maintenance, equipment replacement, and debt
19 retirement;

20 (4) establishes financial management procedures
21 for the sewer service charge system;

22 (5) establishes procedures for public noticing
23 sewer service charge system amendments;

24 (6) prohibits new inflow connections to be added
25 to the wastewater treatment system;

26 (7) requires new sewers and connections to be
27 properly designed and constructed; and

28 (8) prohibits toxics and other pollutants to be
29 placed in the municipal wastewater treatment system in amounts
30 or concentrations that endanger public safety or the physical
31 integrity of the treatment system or cause exceedance of permit
32 limitations;

33 E. an affidavit of publication for the sewer use
34 ordinance and the sewer rate ordinance;

35 F. for individual sewage treatment system projects, a
36 certification that the municipality has enacted an ordinance

1 that:

2 (1) adopts the requirements of chapter 7080;

3 (2) prohibits nonsewage discharges from

4 nonresidential structures with wastewater flows or nonsewage

5 discharges from residential structures with a water-using

6 business to individual sewage treatment systems; and

7 (3) establishes a maintenance plan;

8 G. a certification that the municipality is enforcing

9 the ordinance under item F.

10 Subp. 5. **Extension procedure.** If a municipality cannot
11 submit the applicable information required under subpart 2, 3,
12 or 4 within the deadline under subpart 1, it must make a written
13 request to the commissioner for an extension of time. This
14 request must outline the reason for needing the extension and
15 the proposed submittal dates, and must be signed by an
16 authorized municipal representative.

17 7077.0281 COMMISSIONER CERTIFICATION TO AUTHORITY.

18 Subpart 1. **Certification of planning projects.** Upon
19 review and approval of the documents required by part 7077.0280,
20 subpart 2, and a determination that the project meets the
21 applicable requirements of the act, federal regulations, state
22 statutes, and this chapter, the commissioner shall certify the
23 project to the authority.

24 Subp. 2. **Certification of design projects.** Upon review
25 and approval of the documents required by part 7077.0280,
26 subpart 3, and a determination that the project meets the
27 applicable requirements of the act, federal regulations, state
28 statutes, and this chapter, the commissioner shall certify the
29 project to the authority.

30 Subp. 3. **Certification of construction projects.** Upon the
31 completion of items A to D, the commissioner shall certify the
32 project to the authority.

33 A. The environmental review requirements of chapter
34 4410, Minnesota Statutes, chapter 116D, and Code of Federal
35 Regulations, title 40, part 35, subpart K, have been

1 satisfactory met.

2 B. The municipality has obtained a NPDES or SDS
3 permit from the agency for the project, if applicable.

4 C. The documents required under part 7077.0280,
5 subpart 4, have been reviewed and approved.

6 D. The project has been determined to meet the
7 applicable requirements of the act, federal regulations,
8 Minnesota Statutes, and this chapter.

9 Subp. 4. Amended certification. If there is significant
10 alteration to a project after the commissioner certifies the
11 project to the authority, the municipality must request, in
12 writing, an amended certification. Upon review and approval of
13 the request and project alteration, the commissioner shall send
14 an amended certification to the authority.

15 7077.0284 INSPECTIONS.

16 The commissioner may conduct inspections of the project
17 under Minnesota Statutes, section 115.03, subdivision 1,
18 paragraph (f).

19 7077.0288 PROJECT PERFORMANCE.

20 Subp. 2. Performance certification. One year after the
21 initiation of operation of the project, the municipality shall
22 submit to the commissioner the following items, as appropriate
23 for a project:

24 A. a certification stating whether the project meets
25 the following performance standards:

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

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

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

4 (4) nonresidential wastewater discharges to the
5 treatment system do not interfere with the operation of the
6 project, disposal, or use of septage or municipal sludges, and
7 do not degrade groundwater or surface water;

8 (5) septage treatment and disposal is
9 accomplished in accordance with applicable state, federal, and
10 local standards; and

11 (6) the project meets the requirements in the
12 approved plans and specifications for the prevention of
13 contamination of underground drinking water sources beyond the
14 property boundary;

15 B. a start-up evaluation report describing the
16 performance of the project;

17 C. a revised operation and maintenance manual or
18 revised maintenance plan based on actual operating experience
19 obtained during the one-year start-up period;

20 D. documentation that the municipality is collecting
21 sufficient funds to provide for operation and maintenance and
22 equipment replacement costs in conformance with the approved
23 operation and maintenance manual on a form provided by the
24 agency; and

25 E. two copies of "as-built" plans and specifications
26 on microfiche.

27 Subp. 3. Corrective action report. If the commissioner or
28 the municipality determines that the project does not meet the
29 project performance standards under subpart 2, item A, the
30 municipality shall:

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

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

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

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

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

12 7077.0292 REQUEST TO WITHHOLD FINANCIAL ASSISTANCE PAYMENTS.

13 Failure of a project to conform substantially to approved
14 plans and specifications or failure of a municipality to comply
15 with the requirements of parts 7077.0286 and 7077.0288
16 constitutes grounds for the commissioner to request that the
17 authority withhold payments to the municipality. Once an
18 agreement for correcting the condition which led to the
19 withholding of funds is reached between the commissioner and the
20 municipality, the commissioner will recommend to the authority
21 that the retained funds be released according to the provisions
22 in the agreement.

23 7077.0505 DEFINITION.

24 Subp. 5. Performance standards. "Performance standards"
25 means, for the purpose of this program, the criteria established
26 for a wastewater treatment system under the Clean Water Act,
27 United States Code, title 33, sections 1281 to 1299, or the
28 state independent construction grants program for the purpose of
29 determining the project's satisfactory performance.

30 CAPITAL COST COMPONENT PROGRAM

31 7077.0600 PURPOSE.

32 The capital cost component grant program provides grants to
33 municipalities for part of the capital cost component of the
34 service fee under a service contract with a private vendor to

1 construct and operate wastewater treatment systems according to
2 the provisions of Minnesota Statutes, section 116.18,
3 subdivision 3b. The program is jointly administered by the
4 Minnesota Pollution Control Agency and the Minnesota Public
5 Facilities Authority. The program applies to grants made
6 before, on, or after July 1, 1990. Parts 7077.0600 to 7077.0660
7 provide for the agency's responsibilities for the administration
8 of the program.

9 7077.0610 ELIGIBILITY.

10 To be eligible for a capital cost component grant, a
11 municipality must be listed on the project priority list.

12 7077.0615 GRANT APPLICATIONS.

13 [For text of subpart 1, see M.R.]

14 Subp. 2. **Application requirements.** The municipality shall
15 apply for a capital cost component grant on an application form
16 provided by the commissioner. The municipality shall submit the
17 following information with the application:

18 A. a copy of the municipality's request for proposals
19 for construction and operation of the wastewater treatment
20 system;

21 B. an engineering report containing:

22 (1) a description of the geographic planning area
23 and the population to be served by the wastewater treatment
24 system;

25 (2) the effluent limitations for which the
26 wastewater treatment system is being designed;

27 [For text of subitems (3) and (4), see M.R.]

28 [For text of item C, see M.R.]

29 D. a design summary of the wastewater treatment
30 system with all components listed and sized.

31 [For text of subps 3 to 5, see M.R.]

32 7077.0620 SELECTION OF ELIGIBLE GRANTEES.

33 Subpart 1. **Ranking of applicants.** Within 30 days of the
34 close of the application period, the commissioner shall rank

1 those applicants who have submitted a complete and timely
2 application according to their priority ranking on the project
3 priority list.

4 [For text of subp 2, see M.R.]

5 7077.0625 AMOUNT OF GRANT AWARD.

6 Subpart 1. State and federal construction grants program
7 list. Each August the commissioner shall prepare a list of all
8 municipal wastewater treatment systems that have accepted bids
9 under the state and federal construction grants program during
10 the three previous state fiscal years. The municipal wastewater
11 treatment systems shall be listed in order of the population of
12 the service area.

13 [For text of subps 2 and 3, see M.R.]

14 Subp. 4. Grant limitation. No grant shall exceed 100
15 percent of the actual costs of design and construction of the
16 wastewater treatment system. The cost of acquiring an existing
17 system must not be included as an eligible cost for the purpose
18 of determining actual costs.

19 7077.0640 GRANT CONDITIONS.

20 [For text of subpart 1, see M.R.]

21 Subp. 2. General conditions. The grantee shall comply
22 with the conditions in items A to E during the course of
23 constructing the wastewater treatment system.

24 A. Within 365 days after the grant award date, the
25 grantee shall submit to the commissioner for technical review
26 and approval complete plans and specifications for the
27 wastewater treatment system. The commissioner shall approve or
28 deny approval of the plans and specifications within 90 days
29 after initial submittal. The grantee and the commissioner may
30 agree to one extension of up to an additional 90 days.

31 [For text of items B to D, see M.R.]

32 E. Before placing the wastewater treatment system
33 into operation, the grantee shall submit to the commissioner an
34 operations and maintenance manual for the wastewater treatment
35 system. The commissioner shall review the manual and provide

1 comments to the grantee.

2 7077.0650 GRANT PAYMENT.

3 [For text of subpart 1, see M.R.]

4 Subp. 2. Schedule of payment. Capital cost component
5 grants shall be paid in accordance with the following schedule:

6 A. 80 percent of the grant upon compliance by the
7 grantee with the following conditions:

8 (1) submission of a certification that the
9 wastewater treatment system has been completed in accordance
10 with the approved plans and specifications and approved change
11 orders;

12 [For text of subitems (2) to (4), see M.R.]

13 (5) submission of written documentation to the
14 commissioner of actual design and construction costs incurred
15 for the wastewater treatment system.

16 [For text of item B, see M.R.]

17 [For text of subps 3 and 4, see M.R.]

18 INDIVIDUAL SEWAGE TREATMENT SYSTEMS GRANTS PROGRAM

19 7077.0700 PURPOSE.

20 The individual sewage treatment systems grants program
21 provides grants to municipalities to assist owners of individual
22 sewage treatment systems to upgrade or replace their failed
23 systems according to the provisions of Minnesota Statutes,
24 section 116.18, subdivision 3c. The program is jointly
25 administered by the Minnesota Pollution Control Agency and the
26 Minnesota Public Facilities Authority. The program applies to
27 grants awarded before, on, or after July 1, 1990. Parts
28 7077.0700 to 7077.0765 provide for the agency's responsibilities
29 for the administration of the program.

30 7077.0705 DEFINITIONS.

31 [For text of subpart 1, see M.R.]

32 Subp. 2. Abatement notice. "Abatement notice" means an
33 official document issued by the municipality to the owner of an
34 individual sewage treatment system stating that the owner is in

1 violation of the municipality's ordinance that adopts the
2 requirements of chapter 7080. The abatement notice must include
3 a citation to the ordinance alleged to have been violated and a
4 time frame for correcting the alleged violations.

5 Subp. 2a. Application cycle. "Application cycle" means
6 the development of a funding list and the acceptance, review,
7 and approval of written applications for individual sewage
8 treatment system grant funds.

9 Subp. 5a. [See repealer.]

10 Subp. 6. Construction cost. "Construction cost" means the
11 cost of the materials, labor, overhead, and profit necessary for
12 installation, construction, and repair of an individual sewage
13 treatment system established by a contract between a system
14 owner and a system installer.

15 Subp. 7. [See repealer.]

16 [For text of subp 8, see M.R.]

17 Subp. 9. Failed system. "Failed system" means an
18 individual sewage treatment system that does not conform to
19 chapter 7080 and has been issued an abatement notice by the
20 municipality.

21 Subp. 10. Individual on-site treatment systems program.
22 "Individual on-site treatment systems program" means the same as
23 "individual sewage treatment systems grants program," which is
24 administered according to parts 7077.0700 to 7077.0765.

25 Subp. 11. Inspector. "Inspector" means a person employed
26 by or under contract to the municipality who inspects individual
27 sewage treatment systems for conformance with the ordinance that
28 adopts the requirements of chapter 7080, and has received agency
29 approval under part 7077.0720.

30 Subp. 12. Installer. "Installer" means a person who
31 constructs or repairs individual sewage treatment systems
32 according to chapter 7080, and has received agency approval
33 under part 7077.0720.

34 Subp. 12a. [See repealer.]

35 [For text of subps 13 to 15, see M.R.]

36 Subp. 16. [See repealer.]

1 Subp. 16a. Planning area. "Planning area" means an area
2 of contiguous structures with wastewater flows. A planning area
3 is the entire geographic area within a municipality's
4 jurisdiction unless the commissioner approves an alternative
5 area.

6 [For text of subp 16b, see M.R.]

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

12 Subp. 17a. Site evaluation costs. "Site evaluation costs"
13 means the expenses associated with a site evaluation, which
14 include the cost of an evaluator/designer, soil borings,
15 percolation tests, and the determination of topographical
16 features.

17 Subp. 18. [See repealer.]

18 Subp. 18a. System design costs. "System design costs"
19 means the expenses charged by an evaluator/designer to complete
20 the necessary calculations for system size, location, materials,
21 and other items necessary to develop a bed, trench, or mound
22 wastewater treatment system design that conforms to chapter 7080.

23 [For text of subp 19, see M.R.]

24 7077.0710 ELIGIBILITY.

25 Subpart 1. Eligibility to participate. Only
26 municipalities, as defined under part 7077.0105, subpart 24, are
27 eligible to participate in the individual sewage treatment
28 systems grants program.

29 Subp. 2. Eligibility of individual sewage treatment
30 systems.

31 A. For an individual sewage treatment system to be
32 eligible to be included in a municipality's grant application it
33 must meet the following conditions:

34 (1) be a failed system;

35 (2) have been constructed before January 1, 1977;

- 1 (3) not be serving a seasonal residence;
2 (4) not have been constructed with state or
3 federal water pollution control funds; and
4 (5) be located within the project planning area.

5 B. For an individual sewage treatment system to be
6 eligible to receive grant funds it must meet the following
7 conditions:

8 (1) replace or correct a system that meets the
9 requirements of part 7077.0710, subpart 2A, identified on a
10 municipality's grant application;

11 (2) meet the requirements under Minnesota
12 Statutes, section 116.18, subdivision 3c, paragraph (b);

13 (3) have a capacity to treat no more than 5,000
14 gallons of wastewater per day; and

15 (4) meet the applicable design, location,
16 installation and use standards and criteria established under
17 chapter 7080.

18 Subp. 3. Eligibility of funded areas. Individual sewage
19 treatment systems located in geographic areas that were included
20 in planning areas of projects previously funded with state or
21 federal water pollution control funds are not eligible for
22 funding under this program.

23 Subp. 4. Eligibility of alternative planning area. The
24 commissioner shall evaluate any written municipal proposal for a
25 project planning area that is less than the municipality's
26 entire geographic jurisdiction. The commissioner's evaluation
27 of the proposal shall be based on housing density, water quality
28 impact, and public health impact. Separate structures with
29 wastewater flows that are not part of a contiguous area shall
30 not be approved as or part of a planning area.

31 Subp. 5. Eligibility to submit a request to be placed on
32 the funding list. The commissioner shall only accept requests
33 to place projects on the funding list under part 7077.0713 from
34 municipalities that:

35 [For text of items A and B, see M.R.]

36 Subp. 6. Eligibility to submit grant application. The

1 authority shall accept grant applications only from
2 municipalities that have:

3 A. successfully submitted requests to be placed on
4 the funding list;

5 [For text of items B and C, see M.R.]

6 7077.0713 FUNDING LIST.

7 Subpart 1. Funding list. A funding list shall be compiled
8 by the commissioner before each grant application period. The
9 list shall be used to determine which municipalities are
10 eligible to apply for individual sewage treatment system grant
11 funds.

12 Subp. 2. Requirements for placement on the funding list.
13 To be placed on the funding list a municipality must meet the
14 requirements of part 7077.0710, subpart 5, and either item A, B,
15 or C, as appropriate.

16 A. A municipality with a project proposal must submit
17 a written request for the project to be placed on the funding
18 list to the commissioner during a submittal period announced by
19 a notice in the State Register. The notice shall include
20 submittal deadlines and conditions. The placement request must
21 be made on forms provided by the agency and must include:

22 (1) a resolution of the governing body of the
23 municipality that designates the municipality as the responsible
24 party for the funding list placement request and future grant
25 application, authorizes the filing of the request and future
26 application, and designates the municipal official authorized to
27 sign the request, future application, and related documents;

28 [For text of subitem (2), see M.R.]

29 (3) a preliminary list that identifies the
30 addresses of the individual sewage treatment systems that are
31 suspected to be failed and that meet the eligibility
32 requirements under part 7077.0710, subpart 2;

33 [For text of subitems (4) and (5), see M.R.]

34 (6) a copy of a draft ordinance for adopting the
35 requirements of chapter 7080 and establishing a maintenance plan

1 for the individual sewage treatment systems within the
2 jurisdiction of the municipality; and

3 [For text of subitem (7), see M.R.]

4 [For text of items B and C, see M.R.]

5 Subp. 3. Incomplete requests. Municipalities that submit
6 placement requests that do not include the information required
7 in subpart 2 or that are not postmarked by the published
8 deadline shall not be placed on the funding list.

9 Subp. 4. Priority ranking. Priority ranking of projects
10 will be based on the median household income approved by the
11 commissioner for the project planning area. Ranking on the
12 funding list shall be determined as described in items A to C:

13 [For text of item A, see M.R.]

14 B. Grant increase amendments other than for partial
15 awards shall be ranked after the lowest priority partial award
16 project on the funding list and before project proposals. These
17 grant increases shall be ranked with the lowest median household
18 income receiving the highest priority.

19 C. Project proposals shall be ranked after the lowest
20 priority grant increase amendment project on the funding list.
21 Project proposals shall be ranked with the lowest median
22 household income receiving the highest priority.

23 Subp. 5. Determination of fundable range. To determine
24 the fundable range on the funding list, the commissioner shall
25 subtract the estimated grant amount or calculated grant increase
26 for each project, in order of decreased priority, from the
27 amount available in the individual sewage treatment system grant
28 fund. The projects classified as fundable are those that have
29 their estimated or calculated project costs subtracted before
30 the grant fund amount is depleted or diminished to an amount too
31 small to complete the majority of the project next in priority
32 on the funding list.

33 Subp. 6. Determination of projects eligible to submit
34 applications. Only municipalities with projects classified as
35 fundable on the funding list are eligible to submit applications.

36 Subp. 7. Exclusion from fundable range. Projects not

1 classified as fundable on the funding list must resubmit the
2 documents required under subpart 2 during a subsequent placement
3 request period.

4 Subp. 8. Commissioner notification. The commissioner
5 shall notify each municipality of the funding list priority for
6 its project.

7 7077.0720 APPROVAL OF INDIVIDUAL SEWAGE TREATMENT PERSONNEL.

8 Subpart 1. General requirement. For the purposes of parts
9 7077.0700 to 7077.0765, inspectors, evaluator/designers, and
10 installers who inspect, evaluate sites for, design, and install
11 individual sewage treatment systems under those parts must be
12 approved by the commissioner under subpart 2 or 3.

13 [For text of subp 2, see M.R.]

14 Subp. 3. Second alternate approval criteria. A person
15 referred to in subpart 1 may apply for approval under this
16 subpart by submitting an application provided by the
17 commissioner upon request. An applicant will be approved by the
18 commissioner if the applicant meets the requirements of items A
19 and B.

20 [For text of item A, see M.R.]

21 B. An applicant must document experience by
22 completing the following requirements:

23 (1) An inspector must submit a list of individual
24 sewage treatment systems inspected by the applicant in the past
25 three years. The inspector must certify that a minimum of 30
26 systems, or parts of systems, listed conform with the criteria
27 in chapter 7080.

28 (2) An evaluator/designer must submit a list of
29 individual sewage treatment systems for which the
30 evaluator/designer has conducted site evaluations in the past
31 three years. The evaluator/designer must certify that a minimum
32 of 20 sites for the systems listed were evaluated according to
33 the criteria in chapter 7080.

34 (3) An evaluator/designer must submit a list of
35 individual sewage treatment systems designed by the applicant in

1 the past three years. The evaluator/designer must certify that
2 a minimum of 20 systems listed were designed according to the
3 criteria in chapter 7080.

4 (4) An installer must submit a list of individual
5 sewage treatment systems constructed or repaired by the
6 applicant in the past three years. The installer must certify
7 that a minimum of ten systems listed were constructed or
8 repaired according to the criteria in chapter 7080.

9 [For text of subp 4, see M.R.]

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

17 7077.0725 GRANT APPLICATION.

18 Subpart 1. Eligibility. No municipality shall submit an
19 individual sewage treatment system grant application unless it
20 meets the eligibility requirements of part 7077.0710, subpart
21 6. The written notification from the commissioner shall include
22 application submittal conditions and deadlines. No municipality
23 is eligible for a grant unless a complete grant application has
24 been submitted to the authority and has been certified by the
25 commissioner. A complete application includes all the documents
26 required under subpart 2.

27 Subp. 2. Application requirements. The municipality must
28 apply for a grant on a form provided by the commissioner or the
29 authority. The municipality must submit to the authority the
30 following information with the application:

31 A. the wastewater treatment plan adopted by the
32 municipality's governing body that identifies wastewater
33 treatment needs, proposes long-term solutions for a planning
34 area, and includes:

35 [For text of subitem (1), see M.R.]

1 (2) site evaluations, including soil
2 investigations, soil borings, and percolation tests for the
3 failed systems identified in subitem (1) prepared by an
4 evaluator/designer and a determination if it is feasible to
5 replace or upgrade the failed systems on site made by an
6 evaluator/designer;

7 (3) a summary of the proposed systems that
8 includes sizing, location, and design, prepared by an
9 evaluator/designer using data from the site evaluations prepared
10 under subitem (2);

11 (4) a list of the failed individual sewage
12 treatment systems, including addresses and names of property
13 owners, that meet the eligibility requirements under part
14 7077.0710, subpart 2, item A, and copies of the abatement
15 notices;

16 [For text of subitem (5), see M.R.]

17 (6) documentation of approval of the project
18 inspector, evaluator/designers, and installer under part
19 7077.0720; and

20 [For text of subitem (7), see M.R.]

21 B. a copy of the enacted ordinance that adopts the
22 requirements of chapter 7080, individual sewage treatment system
23 standards, and establishes a maintenance plan for the individual
24 sewage treatment systems in the municipal jurisdiction and
25 certification that the ordinance is being enforced;

26 [For text of items C to F, see M.R.]

27 G. an assurance from the municipality that states
28 that all property owners who plan to be connected to an
29 individual sewage treatment system that serves two or more
30 structures with wastewater flows agree to be part of the system,
31 to participate in the construction projects, and to participate
32 in and finance future operation, maintenance, and replacement of
33 the system.

34 [For text of subps 3 and 4, see M.R.]

35 Subp. 5. **Incomplete applications.** Municipalities that
36 submit applications postmarked by the application deadline that

1 require additional information to be considered complete under
2 subpart 2, have 45 days from the application deadline to submit
3 the information needed to make the application approvable. If
4 an application is not completed within this 45 days, the
5 municipality is ineligible for funding. Ineligible
6 municipalities must wait to reapply until the funding list
7 placement requirements have been met and the project has been
8 classified as fundable under part 7077.0713 during a subsequent
9 application cycle.

10 Subp. 6. **Three copies.** Individual sewage treatment system
11 grant application forms and attachments must be submitted in
12 triplicate to the authority. At least one set of forms and
13 attachments must contain original signatures.

14 [For text of subp 7, see M.R.]

15 7077.0730 ELIGIBLE COSTS.

16 Subpart 1. **Eligible costs.** Only the actual site
17 evaluation, system design, and construction costs of upgrading
18 or replacing failed individual sewage treatment systems that
19 have been identified under part 7077.0725, subpart 2, item A,
20 subitem (4), are eligible. Upgraded or replacement systems must
21 be a trench, bed, or mound design and meet the requirements
22 under part 7077.0710, subpart 2, item B, to be eligible for
23 grant participation. Only the costs associated with one system
24 shall be eligible for each structure with wastewater flows.

25 Subp. 2. **Ineligible costs.** All inspection,
26 administrative, land, and easement costs are ineligible for
27 grant assistance. Planning and engineering costs, other than
28 for site evaluation and system design, are also ineligible for
29 grant assistance.

30 [For text of subp 4, see M.R.]

31 7077.0735 AMOUNT OF GRANT AWARD.

32 Subpart 1. **Grant amount.** The amount of the grant to be
33 awarded will be the sum of items A and B:

34 A. 50 percent of the construction costs eligible
35 under part 7077.0730 up to a maximum amount of \$2,500 per

1 structure with wastewater flows for a trench or bed system and
2 \$3,750 per structure with wastewater flows for a mound system;
3 and

4 B. 50 percent of the site evaluation and system
5 design costs eligible under part 7077.0730 up to a maximum
6 amount of \$150 per structure with wastewater flows.

7 Subp. 2. Partial awards. A municipality that receives
8 only a part of the grant to which it is entitled, due to the
9 limitation of funding, will be entitled to receive a grant
10 amendment in the next year or years, if individual sewage
11 treatment systems grant funding is available, until the full
12 amount of the grant is awarded. If a municipality accepts a
13 partial grant it must identify which project elements will be
14 completed with the grant as part of the grant agreement.

15 Subp. 3. Funds not allocated. Individual sewage treatment
16 system grant funds that are not allocated for a fundable
17 project, that are refused by a municipality, or that are denied
18 award by the commissioner or authority shall remain in the grant
19 fund for distribution during the next application cycle.

20 Subp. 4. Amendments. Grant amendments shall be made as
21 described in items A and B.

22 A. Grant increase amendments shall only be made to
23 fulfill the original grant entitlement for municipalities that
24 receive partial awards as described under subpart 2, to
25 reimburse the eligible cost for failed individual sewage
26 treatment systems in a project planning area that were not
27 identified on the funding list placement request, and to
28 reimburse site evaluation and system design costs eligible under
29 subpart 1, item B, for municipalities that received individual
30 sewage treatment system grant awards before July 1, 1990. Grant
31 increases shall be made during an application cycle when funds
32 are available and the grant increase has been classified as
33 fundable on the corresponding funding list.

34 [For text of item B, see M.R.]

35 7077.0750 PAYMENT CONDITIONS.

1 Payment of the grant is contingent on complying with the
2 following conditions:

3 A. The upgrade or replacement to the existing system
4 must be designed by an evaluator/designer using data from an
5 evaluator/designer.

6 [For text of items B to E, see M.R.]

7 7077.0755 PAYMENTS.

8 [For text of subpart 1, see M.R.]

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

12 Subp. 3. Documentation. Before payment of any part of the
13 grant is made, the municipality must certify to the agency that
14 the payment conditions under part 7077.0750 have been fulfilled
15 and invoices that document incurred site evaluation, system
16 design, and construction costs for each upgraded or replaced
17 individual sewage treatment system will be kept on file for
18 state audit purposes.

19 [For text of subp 4, see M.R.]

20 REPEALER. Minnesota Rules, parts 7077.0105, subparts 4, 16, 20,
21 21, 22, 23, 33, 34, 35, 36, 40, 42, and 46; 7077.0110;
22 7077.0120; 7077.0125; 7077.0130; 7077.0135; 7077.0140;
23 7077.0145; 7077.0150, subpart 4; 7077.0160; 7077.0200;
24 7077.0205; 7077.0210; 7077.0215; 7077.0220; 7077.0225;
25 7077.0230; 7077.0235; 7077.0240; 7077.0245; 7077.0250;
26 7077.0255; 7077.0260; 7077.0265; 7077.0305; 7077.0420;
27 7077.0430; 7077.0435; 7077.0605; 7077.0630; 7077.0635;
28 7077.0645; 7077.0655; 7077.0660; and 7077.0705, subparts 5a, 7,
29 12a, 16, and 18, are repealed.

30
31 RENUMBER. The part numbers in column A shall be renumbered as
32 the part numbers in column B and all internal references shall
33 be changed accordingly.

34	A	B
35	7077.0400	7077.0111

04/05/93

[REVISOR] CMR/BD AR2159

1	7077.0150	7077.0272
2	7077.0155	7077.0274
3	7077.0405	7077.0278
4	7077.0410	7077.0280
5	7077.0415	7077.0281
6	7077.0425	7077.0284
7	7077.0440	7077.0288
8	7077.0445	7077.0292