

1 Minnesota Pollution Control Agency

2

3 Adopted Permanent Rules Relating to the Clean Water Partnership
4 Program

5

6 Rules as Adopted

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CLEAN WATER PARTNERSHIP FINANCIAL ASSISTANCE

8 7076.0100 PURPOSE.

9 This chapter provides for the administration of the state
10 clean water partnership financial assistance program and the
11 federal nonpoint source management program as provided by United
12 States Code, title 33, section 1329. Parts 7076.0100 to
13 7076.0290 implement these programs by establishing the
14 substantive criteria and procedural conditions under which the
15 agency may award state matching grants and provide technical
16 assistance for the development and implementation of nonpoint
17 source projects, and also award low-interest loans from the
18 state Water Pollution Control Revolving Fund for the
19 implementation of nonpoint source projects.

20 7076.0110 DEFINITIONS.

21 Subpart 1. Scope. The terms used in parts 7076.0100 to
22 7076.0290 have the meanings given them in Minnesota Statutes,
23 chapter 116, and rules adopted under that chapter and the
24 meanings given them in this part. If terms defined in this part
25 conflict with the definitions in Minnesota Statutes, chapter
26 116, and the rules adopted under that chapter, the definitions
27 in this part govern.

28 [For text of subps 2 to 4, see M.R.]

29 Subp. 4a. Financial assistance. "Financial assistance"
30 means a resource investigation or project implementation grant,
31 or a project implementation loan.

32 Subp. 5a. Loan sponsor. "Loan sponsor" means a local unit
33 of government that enters into a loan contract ~~and operating~~
34 ~~agreement~~ with the agency ~~and secures the loan as a general~~
35 ~~obligation, pledging its full faith and credit to repayment of~~

1 ~~the loan~~. There may be more than one loan sponsor for a project.

2 Subp. 6. **Local share**. "Local share" means the
3 contributions of a local unit of government to the eligible cost
4 of a project, including the value of cash expenditures; project
5 implementation loans used on eligible project implementation
6 activities; and in kind contributions of labor, equipment,
7 material, and real property used for and expended on eligible
8 project activities.

9 [For text of subps 7 to 13, see M.R.]

10 Subp. 14. [See repealer.]

11 Subp. 15. **Project coordination team**. "Project
12 coordination team" means the public interagency group
13 established in Minnesota Statutes, section 103F.761.

14 Subp. 18. **Project implementation**. "Project implementation"
15 means the implementation of an approved diagnostic study and
16 implementation plan, or their equivalent, that identify best
17 management practices to be implemented.

18 Subp. 18a. **Project implementation continuation**. "Project
19 implementation continuation" or "project continuation" means an
20 award of additional project implementation financial assistance
21 to continue implementation activities identified in the
22 implementation plan or work plan that were not funded or were
23 partially funded by the initial project implementation financial
24 assistance.

25 Subp. 19. **Project implementation grant**. "Project
26 implementation grant" means a grant from the agency to the
27 project sponsor for the implementation of a diagnostic study and
28 implementation plan, or their equivalent, that identify best
29 management practices to be implemented.

30 Subp. 19a. **Project implementation loan**. "Project
31 implementation loan" means a loan from the agency to the loan
32 sponsor for the implementation of a diagnostic study and
33 implementation plan, or their equivalent, that identify best
34 management practices to be implemented.

35 Subp. 19b. **Project implementation loan set rate**. "Project
36 implementation loan set rate" means the interest rate designated

1 by the Merrill Lynch 500 Municipal Bond Index, as published
2 every Friday in the Wall Street Journal.

3 Subp. 19c. Project implementation period. "Project
4 implementation period" means a three-year segment of project
5 implementation, which may be extended an additional year upon
6 written approval by the commissioner.

7 Subp. 20. Project sponsor. "Project sponsor" means the
8 local unit of government that is responsible for development and
9 implementation of the project and applies for financial
10 assistance. For resource investigation, the project sponsor
11 enters into the grant contract. For project implementation, the
12 project sponsor ~~may enter into a grant contract and/or act as a~~
13 ~~loan sponsor and enter into a loan contract, or it may manage~~
14 ~~the project with the financial support of the loan~~
15 sponsors shall be a party to all grant and loan contracts
16 entered into by the agency to provide financial assistance.

17 [For text of subps 20a and 20b, see M.R.]

18 Subp. 20c. Second-tier borrower. "Second-tier borrower"
19 means a person who receives a second-tier loan from a loan
20 sponsor.

21 Subp. 20d. Second-tier loan. "Second-tier loan" means a
22 loan made by the loan sponsor, using project implementation loan
23 funds, for implementation of project activities by a person
24 other than the loan sponsor.

25 Subp. 20e. State revolving fund. "State revolving fund"
26 means the state Water Pollution Control Revolving Fund created
27 by Minnesota Statutes, section 446A.07.

28 [For text of subps 21 and 22, see M.R.]

29 Subp. 23. Water of concern. "Water of concern" means the
30 specific surface water or groundwater of the state which the
31 project is focused on improving or protecting.

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

33 7076.0120 AVAILABLE ASSISTANCE.

34 Subpart 1. Grants. There are two types of grants
35 available for nonpoint source projects: (1) resource

1 investigation grants, and (2) project implementation grants.
2 The grants are for a maximum of 50 percent of the eligible cost
3 of the project.

4 Subp. 1a. Loans. Loans are available for project
5 implementation. Loans may cover up to 100 percent of the
6 eligible costs of the project or may be used to finance the
7 local share of a project implementation grant. Loans and grants
8 will be awarded, within the limits of available appropriations,
9 to those applicants having the highest priority as determined by
10 the project ranking.

11 Subp. 2. Technical assistance. The agency may provide
12 technical assistance to local units of government in order to
13 ensure efficient and effective development and implementation of
14 projects. Technical assistance must be given to local units of
15 government that receive financial assistance, within the limits
16 of available resources.

17 7076.0130 ELIGIBILITY CRITERIA.

18 Subpart 1. Grant-eligible applicants. Only local units of
19 government are eligible to apply for grants and receive
20 technical assistance. A local unit of government is eligible to
21 apply for grants and request technical assistance if it has the
22 following:

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

24 C. the authority to adopt and enforce official
25 controls; and

26 D. an approved local water plan that addresses the
27 water of concern.

28 Subp. 1a. Loan-eligible applicants. Only local units of
29 government that meet the requirements of subpart 1 are eligible
30 to apply for loans and receive technical assistance. A local
31 unit of government is eligible to receive a loan if it has the
32 following:

33 A. the ability to pledge its full faith and credit to
34 ensure repayment of a project implementation loan;

35 B. the authority to generate cash revenues for the

1 repayment of a loan; and

2 C. the authority to enter into a loan agreement with
3 the agency.

4 If the local unit of government submitting the application
5 does not meet the criteria in items A to C, it must submit a
6 resolution from at least one local unit of government that does
7 meet the criteria stating that the loan-eligible local unit of
8 government resolves to participate in the project as a loan
9 sponsor.

10 Subp. 2. **Eligible costs.** Project costs are eligible for
11 financial assistance if they are reasonable, necessary, and
12 allocable to the project. Costs associated with resource
13 investigation are eligible for grant funds only. Both grants
14 and loans may be awarded for the costs of project
15 implementation. The dredging of harbors, lakes, ditches,
16 constructed wetlands, and existing sedimentation basins; sewage
17 treatment system upgrades when part of an approved project
18 implementation; and the use of ferric chloride, aluminum
19 sulfate, or other chemicals to precipitate phosphorus are
20 eligible for loan funds but are not eligible for grant funds.
21 In addition, costs related to any of the following activities
22 are eligible for financial assistance:

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

24 C. selection, design, layout, and installation of
25 best management practices consistent with section 319 or 320 of
26 the federal Clean Water Act, as amended;

27 D. development, review, and inspection of procedures
28 for the installation, operation, and maintenance of best
29 management practices;

30 E. the costs of implementation of best management
31 practices for animal feedlot operations if the best management
32 practice installation is not related to a criminal enforcement
33 action or a civil enforcement action involving financial
34 penalties;

35 F. development and implementation of public education
36 materials and activities;

1 G. development and implementation of official
2 controls;

3 H. acquisition of easements and property; and

4 I. other activities determined by the agency or
5 established by federal regulation to be necessary to carry out
6 the project.

7 Subp. 3. Ineligible costs. Ineligible costs include any
8 costs that are not related to the activities in subpart 2.
9 Costs identified under subpart 2 are ineligible if the related
10 project activities are started before the grant or loan contract
11 has been signed by the commissioner of finance. Costs
12 identified under subpart 2 that are related to a resource
13 investigation project are ineligible for loan funds. In
14 addition, the following costs are ineligible for financial
15 assistance whether or not they relate to the activities in
16 subpart 2:

17 A. installation of best management practices before
18 the financial assistance award;

19 B. operation and maintenance of best management
20 practices;

21 C. activities regulated by ~~the State Disposal System~~
22 ~~permit program~~; the Petroleum Tank Release Cleanup Act,
23 Minnesota Statutes, chapter 115C; the Environmental Compensation
24 and Liability Act, Minnesota Statutes, chapter 115B; the
25 Chemical Liability Act, Minnesota Statutes, chapter 18D; the
26 Comprehensive Environmental Response, Compensation, and
27 Liability Act, United States Code, title 42, sections 9601 to
28 9675; and the Resource Conservation and Recovery Act, United
29 States Code, title 42, sections 6901 to 6991;

30 D. activities regulated by the National Pollutant
31 Discharge Elimination System permit program, parts 7001.1000 to
32 7001.1100, except that the following are eligible costs:

33 (1) the costs of outreach, technical assistance,
34 and education activities concerning animal waste management, and
35 the costs of best management practices for animal feedlot
36 operations are eligible if the implementation activities are

1 part of an eligible watershed or groundwater project and if the
 2 best management practice installation is not related to a
 3 criminal enforcement action or a civil enforcement action
 4 involving financial penalties; and

5 (2) the costs of outreach, technical assistance,
 6 implementation of source control and runoff control best
 7 management practices, and education activities related to
 8 stormwater control.

9 E. activities regulated by a condition of a solid
 10 waste or hazardous waste permit or the agency solid waste rules,
 11 chapter 7035; or the agency hazardous waste rules, chapter 7045;

12 F. activities funded by state or federal grants or
 13 loans for publicly owned treatment works;

14 G. regulated practices to control spills of
 15 pesticides, fertilizer, petroleum, and related materials from
 16 bulk storage facilities;

17 H. regulated practices to manage toxic or hazardous
 18 materials;

19 I. commercial operations and industrial processes and
 20 land use and land management activities directly related to
 21 commercial operations and industrial processes including plant
 22 yards, access roads, drainage ponds, refuse piles, storage
 23 piles, and material product loading areas, excluding farming
 24 operations occurring on the farm itself;

25 J. active and inactive mining activities;

26 K. building and utility construction;

27 L. highway and road construction;

28 M. activities intended primarily for flood control;

29 and

30 N. activities that violate local, state, and federal
 31 statutes, rules, and regulations.

32 Subp. 4. Eligible local share for grant-funded projects.

33 Any grant- or loan-eligible project costs as described in
 34 subparts 2 and 3 that are not funded through a resource
 35 investigation or project implementation grant are eligible as
 36 local share. At least 30 percent of the project costs must be

1 derived from nonstate and nonfederal sources. Project
2 implementation loans are considered nonstate and nonfederal
3 sources for the purposes of this subpart. Costs incurred by a
4 land occupier for the installation of best management practices
5 may be considered a part of the local share paid by the local
6 unit of government provided the following conditions are met:
7 A. the primary purpose of the best management
8 practices is for improvement and protection of water quality;
9 B. any structural best management practices must be
10 designed for a minimum effective life of ten years;
11 C. any equipment purchased for operational best
12 management practices must have a minimum effective life of ten
13 years and be maintained or replaced by the land occupier during
14 this period of time, or there must be a plan approved by the
15 commissioner scheduling the phase-out of the operational best
16 management practices;
17 D. the best management practices are a part of an
18 approved implementation plan; and
19 E. there must be an operation and maintenance plan
20 for the minimum effective life of the best management practices.

21 7076.0140 NOTICE OF FINANCIAL ASSISTANCE AVAILABILITY.

22 Subpart 1. Notice. The commissioner will publish in the
23 State Register a notice that applications for resource
24 investigation grants and project implementation grants and loans
25 will be accepted whenever the commissioner determines that funds
26 are available to award the financial assistance. The notice
27 will contain a deadline for application submittal, which must be
28 no less than 60 days from the date of publication.

29 Subp. 2. Notification list. The commissioner shall
30 maintain a list of those local governmental bodies that wish to
31 be notified of application periods. Any local governmental body
32 that wishes to be placed on the list shall notify the
33 commissioner by writing to the director of the water quality
34 division. Whenever the commissioner publishes notice in the
35 State Register, the commissioner shall mail notice of the

1 application period to those local governmental bodies on the
2 list.

3 Subp. 3. Financial assistance application periods. The
4 commissioner may establish a financial assistance application
5 period from time to time but there must be at least one
6 application period each calendar year if funds are available.

7 7076.0150 FINANCIAL ASSISTANCE APPLICATION.

8 Subpart 1. General requirements. The financial assistance
9 application must be submitted by the local unit of government
10 that will be the project sponsor. The financial assistance
11 application must be submitted in a timely fashion to be
12 considered. The application must be submitted on a form
13 provided by the agency and must contain the information required
14 in the form and by this part.

15 Subp. 2. Resource investigation grant. An application for
16 a resource investigation grant must contain the following
17 information:

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

19 B. written documentation that the project sponsor has
20 consulted with the local water planning authority, soil and
21 water conservation districts, and watershed districts in the
22 project area in preparing the grant application;

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

24 D. letters of support from each participating local
25 unit of government, agency, and organization which identify
26 their technical role in resource investigation and their
27 estimated contribution to the local share of resource
28 investigation costs;

29 E. the amount of grant funding requested, based on
30 estimated project costs;

31 F. a list identifying the amount, type, and source of
32 the local share;

33 G. a project proposal that contains the following:

34 (1) preliminary goals and objectives;

35 (2) a list of existing reports and data

1 concerning the quality of the water of concern and land use in
2 the project area;

3 (3) a statement of existing water quality
4 conditions and problems and the existing and desired uses of the
5 water of concern;

6 (4) an identification and summary of activities
7 that the grant would make possible;

8 (5) a preliminary schedule of project activities;
9 and

10 (6) an estimated project budget; and

11 H. documents required by state or federal statutes,
12 rules, and regulations.

13 Subp. 3. Project implementation financial assistance. An
14 application for project implementation financial assistance must
15 contain the following information:

16 A. a resolution by the local unit of government that
17 will be the project sponsor, authorizing the filing of the
18 application and designating an official authorized to execute
19 the application;

20 B. written documentation that the project sponsor has
21 consulted with the local water planning authority, soil and
22 water conservation districts, and watershed districts in the
23 project area in preparing the application;

24 C. a diagnostic study and implementation plan
25 approved under part 7076.0260, or an equivalent study and plan
26 that addresses the requirements of a diagnostic study and
27 implementation plan and that has been approved under part
28 7076.0260;

29 D. letters of support from each participating local
30 unit of government, agency, and organization that identify their
31 technical role in project implementation and their contribution,
32 if any, to the local share of project implementation costs;

33 E. a detailed preliminary work plan and schedule for
34 project implementation during the project implementation period;

35 F. a detailed budget for the project implementation
36 period including the identification of the amount and type of

1 financial assistance requested;

2 G. a list identifying the amount, type, and source of
3 the local share, if any;

4 H. documents required by state or federal statutes,
5 rules, and regulations;

6 I. for applicants requesting a loan:

7 (1) identification of the dedicated sources of
8 revenue to be used for repayment of the project implementation
9 loan from the agency; and

10 (2) a resolution from each local unit of
11 government that will be a loan sponsor authorizing the filing of
12 the application, stating the total project implementation loan
13 amount requested, and stating the amount of the total loan that
14 the loan sponsor is requesting which, when added to all other
15 loan sponsor requests, must equal the total project
16 implementation loan request; and

17 J. an opinion and supporting documentation from the
18 project sponsor's attorney stating that the project sponsor and
19 participating local units of government have the legal authority
20 to conduct the project.

21 7076.0160 REJECTION OF FINANCIAL ASSISTANCE APPLICATION.

22 Subpart 1. Grounds. An application for financial
23 assistance shall be rejected by the commissioner for the
24 following reasons:

25 [For text of items A to D, see M.R.]

26 Subp. 2. Procedure. The commissioner shall review each
27 financial assistance application within 30 days after the
28 deadline for application submittal. The commissioner shall
29 notify each rejected applicant of the rejection of its
30 application and the reasons for the rejection.

31 Subp. 3. Effect of rejection. An applicant whose
32 application is rejected must reapply in a subsequent application
33 period to be considered for financial assistance.

34 7076.0170 PROJECT RANKING.

35 Subpart 1. Process of ranking. Upon completion of the

1 commissioner's review of the applications for acceptability, the
2 agency shall rank the acceptable applications in order of
3 priority. Each project for which an acceptable application has
4 been submitted must be awarded the number of priority points the
5 project is entitled to under subparts 2 and 3. The project with
6 the highest number of priority points will be given the highest
7 priority. All projects will be given a ranking depending on the
8 number of points awarded. The resource investigation grant
9 applications must be ranked separately from the project
10 implementation applications.

11 Subp. 2. Priority points for resource investigation grant
12 applications. The agency and the project coordination team must
13 use the following criteria to determine the number of priority
14 points to be awarded in the evaluation of each resource
15 investigation grant application. Each project shall receive a
16 whole number from zero to ten under each of the following
17 criteria, depending on how well the project satisfies the
18 criteria. The number of points awarded under each of the five
19 criteria assigned by the agency and the project coordination
20 team must be added together to determine the project's total
21 point value. This total number must be used to determine the
22 project's overall ranking and priority.

23 A. The criteria for the agency are as follows:

24 (1) the extent to which the proposed project
25 demonstrates a high potential for project success based on the
26 project organization and management structure and a broad
27 coalition of community support and involvement within the
28 project area;

29 (2) the extent to which the project proposal
30 identifies preliminary goals and objectives, the existing and
31 desired uses of the water of concern, and the perceived water
32 quality problem or threat;

33 (3) the extent to which the water of concern is
34 identified as a priority water in the local water plan;

35 (4) the extent to which the water of concern in
36 the proposed project is of state and regional significance and

1 priority; and

2 (5) the likelihood of water quality protection or
3 improvement of the water of concern identified in the proposed
4 project.

5 B. The criteria for the project coordination team are
6 as follows:

7 (1) the extent to which the proposed project
8 demonstrates a high potential for project success based on
9 broad-based community support and involvement within the project
10 area;

11 [For text of subitems (2) to (5), see M.R.]

12 Subp. 3. **Priority points for project implementation**
13 **financial assistance applications.** The agency and the project
14 coordination team must use the following criteria to determine
15 the number of priority points to be awarded in the evaluation of
16 each project implementation application. Each project shall
17 receive a whole number from zero to ten under each of the
18 following criteria, depending on how well the project satisfies
19 the criteria. The number of points under each of the five
20 criteria assigned by the agency and the project coordination
21 team must be added together to determine the project's total
22 point value. This total number must be used to determine the
23 project's overall ranking and priority.

24 A. The agency criteria are as follows:

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

26 (2) the extent to which the water of concern in
27 the proposed project is of state and regional significance and
28 priority;

29 (3) the extent to which the proposed project
30 implementation activities are technically feasible and will
31 result in water quality protection or improvement;

32 [For text of subitem (4), see M.R.]

33 (5) the extent to which the proposed project
34 demonstrates a high potential for project success based on
35 broad-based community support and involvement within the project
36 area and the project sponsor's and cooperator's local

1 capability, organization, and authority to carry out the
2 identified activities.

3 B. The project coordination team criteria are as
4 follows:

5 (1) the extent to which the proposed project
6 employs technically feasible best management practices to meet
7 the proposed water quality goals and objectives, and the
8 likelihood of adoption of the best management practices by the
9 community in the project area;

10 [For text of subitems (2) to (5), see M.R.]

11 Subp. 4. Project coordination team. The project
12 coordination team has 60 days from the close of the application
13 period to assign points to each project seeking financial
14 assistance. In the event that the project coordination team
15 fails to assign points to all projects with accepted
16 applications, the projects must be ranked without considering
17 any points under the category for the project coordination team.

18 7076.0180 ALLOCATION OF FUNDING.

19 Subpart 1. Continuation of project implementation. Each
20 year, the agency shall determine how much of the available
21 funding will be set aside to meet that year's anticipated
22 requests for project implementation continuations. If the
23 agency subsequently determines that the amount set aside for
24 project continuations is more than is required for that year,
25 the agency may reallocate this money to other resource
26 investigation and project implementation projects or carry over
27 the money to another application period.

28 Subp. 2. Grant fund allocation. Within 90 days following
29 the close of an application period, the agency shall determine
30 how much of the remaining funds, after setting aside funds for
31 project implementation continuations, will be made available for
32 resource investigation and project implementation grant awards.
33 In deciding how much money to make available for new grant
34 awards, the agency shall consider the necessity to have money
35 available for subsequent grant periods, the necessity to have

1 money available for anticipated project continuations in the
2 next year, and other factors relating to the agency's ability to
3 ensure that money will be available for upcoming projects. If
4 the agency is appropriated grant funding for special purposes,
5 that funding can be set aside for a designated use.

6 Subp. 3. Resource investigation; project implementation
7 split of available grant funds. Within 90 days following the
8 close of an application period, the agency shall determine how
9 much of the funding available for new grants in that application
10 period will be available for resource investigation and project
11 implementation grants. In determining the allocation of funds
12 between resource investigation and project implementation
13 grants, the agency shall consider:

14 A. the availability and conditions for use of federal
15 funds;

16 B. the phasing in and continuity of projects in the
17 program; and

18 C. the availability of loan funds for project
19 implementation.

20 If the money intended for resource investigation or project
21 implementation grants, or both, is not awarded during a grant
22 period, the agency may reallocate the funds to the other kind of
23 grant or to a subsequent grant period.

24 Subp. 4. Loan fund allocation. Within 90 days following
25 the close of an application period, the agency shall determine
26 how much of the remaining loan funding, after setting aside
27 funds for project implementation continuations, will be made
28 available for project implementation loan awards. In deciding
29 how much money to make available for new loan awards, the agency
30 shall consider the necessity to have money available for
31 subsequent loan periods and other factors relating to the
32 agency's ability to ensure that money will be available for
33 upcoming projects.

34 7076.0190 SELECTION OF PROJECTS FOR AWARD.

35 Subpart 1. Ranking. The agency shall complete its ranking

1 of all projects for which an acceptable application has been
2 submitted within 90 days of the close of the application
3 period. The agency shall rank resource investigation separately
4 from implementation projects.

5 Subp. 2. **Projects funded.** The agency shall offer
6 financial assistance to the highest priority resource
7 investigation and project implementation applications within the
8 limits of available funds established under part 7076.0180. A
9 project that receives less than 50 percent of the available
10 points will not be considered for award of funds.

11 Subp. 3. **Agency decision.** All decisions of the agency in
12 ranking projects and awarding financial assistance must be made
13 at a regular or special board meeting.

14 Subp. 4. **Timing.** The agency shall make its decision on
15 fund allocation, project ranking, and projects to which
16 financial assistance will be awarded within 90 days following
17 the close of the application period. After the decision is
18 made, an applicant may request a written justification of the
19 priority points awarded the application by the agency.

20 Subp. 5. **Reapplication.** An applicant whose application is
21 not awarded financial assistance must reapply in a subsequent
22 application period to be considered for financial assistance.

23 7076.0200 CONTINUATION OF PROJECT IMPLEMENTATION.

24 Subpart 1. **Eligibility.** A project sponsor who has been
25 awarded project implementation financial assistance is eligible
26 for a project implementation continuation to continue the
27 project after the expiration of the initial financial assistance
28 award. Project continuation financial assistance is only
29 available for the continuation of implementation activities
30 outlined in the project implementation work plan developed
31 according to part 7076.0230, as amended and approved by the
32 commissioner, or the implementation plan developed according to
33 part 7076.0250, as amended and approved by the commissioner.
34 The project continuation may be for up to three years, with a
35 possible one-year extension upon written approval by the

1 commissioner. A project sponsor is eligible for one project
2 continuation on a particular implementation project. If the
3 project sponsor wishes to receive additional financial
4 assistance beyond the one project continuation, a new
5 application must be submitted during the application period and
6 the project must be ranked.

7 Subp. 2. Request. The commissioner shall solicit requests
8 for project continuations in May of each year that funds are
9 available for project implementation continuations. A project
10 sponsor who seeks a project implementation continuation shall
11 submit a request for the continuation in the June prior to the
12 date that the activities funded through the initial project
13 implementation financial assistance award will be completed and
14 additional funds will be required to continue project
15 implementation. The request must be submitted on a form
16 provided by the commissioner. A project sponsor who fails to
17 submit a request for a project continuation in the June prior to
18 the date that the funds are required forfeits the right to a
19 continuation. That project sponsor may apply in a subsequent
20 application period to continue the project and compete with
21 other applicants for project implementation financial assistance.

22 Subp. 3. Approval. Subject to the availability of funds,
23 the agency shall approve all or part of the project sponsor's
24 request for a project implementation continuation if it meets
25 the following conditions:

26 A. the project sponsor has satisfied the terms and
27 conditions of the grant or loan to date;

28 B. the project sponsor has identified the source of
29 the local share of funds necessary for the project continuation,
30 if applicable; and

31 C. the request specifies the activities to be funded
32 through the project continuation, and these activities are
33 outlined in the implementation plan or project implementation
34 work plan, as amended and approved by the commissioner.

35 7076.0210 GRANT CONDITIONS.

1 Subpart 1. Amount. A grant may be made for a maximum of
2 50 percent of the eligible cost of resource investigation or
3 project implementation. When awarding grants, the agency may
4 award the project all or part of the grant request identified in
5 the application.

6 Subp. 2. [See repealer.]

7 Subp. 3. Grant contract. The project sponsor must enter
8 into a grant contract with the agency to receive grant funds.
9 The grant contract may be amended upon agreement of the agency
10 and the project sponsor and execution by all the parties that
11 signed the original contract, or their successors in office.
12 Grant increase amendments shall be subject to the availability
13 of funds. The grant contract period for a resource
14 investigation grant shall be for up to three years, with a
15 possible one-year extension upon approval by the commissioner.
16 The grant contract period for a project implementation grant
17 shall be equal to the project implementation period and may be
18 extended upon agency approval of a project continuation request
19 according to part 7076.0200. The grant contract must:

20 A. establish the terms and conditions of the grant;

21 B. provide that the project sponsor may enter into
22 subcontracts, under terms and conditions specified by the
23 agency, to complete the work specified in the contract;

24 C. provide that cost overruns are the sole
25 responsibility of the project sponsor;

26 D. require that the project sponsor submit periodic
27 progress reports and a final report to the commissioner in a
28 format and schedule prescribed by the commissioner; and

29 E. incorporate terms and conditions required by
30 federal or state statutes, rules, and regulations.

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

32 Subp. 5. Audit. The project sponsor must agree that the
33 books, records, documents, and accounting procedures and
34 practices of the project sponsor relevant to this program may be
35 examined at any reasonable time and location by the commissioner
36 or the commissioner's designee, legislative auditor, or state

1 auditor.

2 Subp. 6. [See repealer.]

3 Subp. 7. [See repealer.]

4 Subp. 8. [See repealer.]

5 Subp. 9. [See repealer.]

6 Subp. 10. Eligible costs. No grant funds shall be
7 provided to the project sponsor for grant eligible project
8 activities started before the grant contract period or
9 continuing after the end of the contract period.

10 7076.0215 LOAN CONDITIONS.

11 Subpart 1. Amount. A loan may be made for up to 100
12 percent of the eligible cost of project implementation, or for
13 all or part of the local share of a project implementation
14 grant. When awarding loans, the agency may award the project
15 all or part of the loan request identified in the application.

16 Subp. 2. Interest rate. The interest rate of the project
17 implementation loan must be at or below the project
18 implementation loan set rate. The commissioner shall determine
19 the project implementation loan interest rate for each
20 application cycle based on current market conditions, the
21 project implementation loan set rate, and the need to maintain
22 the fiscal integrity of the state revolving fund.

23 Subp. 3. Second-tier loans. A loan sponsor awarded a loan
24 by the agency may use the funds it receives to provide loans to
25 second-tier borrowers. The loan sponsor must provide the
26 information and assurances required in the loan contract as
27 described in subpart 6 5.

28 Subp. 4. Repayment. Repayment of loan funds received must
29 begin not more than one year after the end of the project
30 implementation period, and the loan must be fully amortized not
31 later than 20 years after the end of the project implementation
32 period. Loan repayments must be remitted to the agency at least
33 annually, according to a schedule set forth in the loan contract.

34 ~~Subp. 5. Operating agreement. Except in the case where~~
35 ~~the project sponsor is the only loan sponsor and the project~~

1 ~~sponsor is receiving both a project implementation grant and~~
2 ~~loan, the project sponsor and any loan sponsors must enter into~~
3 ~~an operating agreement with the agency to administer the project.~~

4 ~~The operating agreement must:~~

5 ~~A. establish the roles and responsibilities of the~~
6 ~~project sponsor and any loan sponsors in regard to the~~
7 ~~coordination and management of the project;~~

8 ~~B. provide that any subcontracts entered into by the~~
9 ~~project sponsor or loan sponsors to complete the work specified~~
10 ~~in the loan contracts must include the terms and conditions~~
11 ~~specified by the agency;~~

12 ~~C. require that the project sponsor submit periodic~~
13 ~~progress reports and a final report to the commissioner in a~~
14 ~~format and schedule prescribed by the commissioner;~~

15 ~~D. establish the guidelines for and management of a~~
16 ~~second-tier loan program, if any;~~

17 ~~E. incorporate by reference loan contracts entered~~
18 ~~into by the project sponsor or loan sponsors in accordance with~~
19 ~~subpart 6;~~

20 ~~F. provide that the agency may withhold disbursement~~
21 ~~of project implementation loan funds if the conditions of the~~
22 ~~operating agreement are not met; and~~

23 ~~G. incorporate terms and conditions required by~~
24 ~~federal or state statutes, rules, and regulations.~~

25 Subp. 6 5. Loan contract. To receive loan funds, the
26 project sponsor and one or more loan sponsors must enter into a
27 loan contract with the agency. A loan contract may be amended
28 upon agreement of the agency, the project sponsor, and the loan
29 sponsor and executed by all parties that signed the original
30 contract, or their successors in office. Loan increase
31 amendments are subject to the availability of funds. All loan
32 contracts must:

33 A. establish the terms and conditions of the loan;

34 B. require the loan sponsor to undertake an
35 irrevocable obligation and secure the project implementation
36 loan with its full faith and credit, and include an opinion from

1 a bond ~~council~~ counsel attorney stating that the project loan
2 sponsor has the authority to pledge its full faith and credit;

3 C. establish default provisions;

4 D. ~~provide that the project sponsor is responsible~~
5 ~~for technical and administrative oversight of the project, and~~
6 ~~specify the roles of the loan sponsors;~~

7 E. ~~address, in the case where the project involves~~
8 ~~providing second tier loans, the following elements:~~

9 (1) ~~the administrative procedures for the~~
10 ~~second tier loan program and the types, terms, and conditions of~~
11 ~~the second tier loans;~~

12 (2) ~~an obligation stating that all principal,~~
13 ~~interest, and fees received by the loan sponsor from the~~
14 ~~second tier borrower and any interest earned on this money must~~
15 ~~be used by the loan sponsor in the following manner:~~

16 (a) ~~for the repayment of any interest~~
17 ~~charged by the agency on the project implementation loan;~~

18 (b) ~~for the repayment of the project~~
19 ~~implementation loan principal to the agency; and~~

20 (c) ~~for eligible costs of the implementation~~
21 ~~project;~~

22 (3) ~~a statement identifying the mechanisms by~~
23 ~~which the loan sponsor will collect repayment for a second tier~~
24 ~~loan in the event that the second tier borrower does not make~~
25 ~~repayment on the loan; and~~

26 (4) ~~a provision that states that defaults by~~
27 ~~second tier borrowers do not affect the responsibility of the~~
28 ~~loan sponsor to repay in full the project implementation loan;~~
29 establish the roles and responsibilities of the project sponsor
30 and any loan sponsors in regards to the coordination and
31 management of the project;

32 E. provide that any subcontracts entered into by the
33 project sponsor or loan sponsors to complete the work specified
34 in the loan contract must include the terms and conditions
35 specified by the agency;

36 F. require that the project sponsor submit periodic

1 progress reports and a final report to the commissioner in a
2 format and schedule prescribed by the commissioner;

3 G. establish the guidelines for and management of a
4 second-tier loan program, if any;

5 F H. provide that the agency is not responsible for
6 cost overruns; and

7 G I. incorporate terms and conditions required by
8 federal or state statutes, rules, and regulations.

9 Subp. 7 6. Records. The project sponsor and any loan
10 sponsors must maintain all records relating to the receipt and
11 expenditure of loan funds for at least three years from the date
12 of termination of the loan contract ~~and operating agreement,~~
13 according to the responsibilities identified in the ~~operating~~
14 ~~agreement~~ loan contract. Records relating to the installation,
15 operation, and maintenance of best management practices must be
16 maintained for three years beyond the loan contract, or the
17 design or useful life, whichever is longer.

18 Subp. 8 7. Audit. The project sponsor and any loan
19 sponsors must obtain audits in accordance with the Single Audit
20 Act of 1984, United States Code, title 31, section 7501-7, and
21 federal Environmental Protection Agency regulations, including
22 Code of Federal Regulations, title 40, section 31.26, as
23 applicable. All books, records, documents, and accounting
24 procedures and practices of the project sponsor and any loan
25 sponsors relevant to this program may be examined at any
26 reasonable time and location by the commissioner or
27 commissioner's designee, the legislative auditor, the state
28 auditor, or the Environmental Protection Agency.

29 Subp. 9 8. Eligible costs. No loan funds shall be
30 provided to the loan sponsor for loan-eligible project
31 activities started before the project implementation period
32 established in the loan contract, or continuing after the end of
33 the project implementation period established in the loan
34 contract.

35 7076.0225 PROJECT REPORTING REQUIREMENTS.

1 Subpart 1. **Annual progress report.** The project sponsor
2 must submit an annual progress report to the commissioner by
3 February 1 of each year of the resource investigation or project
4 implementation period. The report must include the following
5 information:

6 A. a discussion of work progress relative to the
7 schedule, and difficulties encountered meeting the schedule
8 during the year;

9 B. a discussion of the project findings appropriate
10 to the work conducted during the year;

11 C. a report of expenditures in the year and those
12 anticipated during the upcoming year;

13 D. a discussion and summary analysis of monitoring
14 data and a discussion of the changes in water quality that
15 appear to have resulted from the protective and restorative
16 activities implemented during the year;

17 E. water quality monitoring data collected during the
18 year in the format required by the agency;

19 F. an assessment of the monitoring and modeling plan
20 component of the work plan and any necessary revisions; and

21 G. for project implementation, a listing of the
22 specific best management practices implemented and their
23 locations.

24 Subp. 2. **Semiannual update.** During each year of the
25 resource investigation grant or project implementation period,
26 the project sponsor must prepare for semiannual submittal or
27 presentation to the commissioner an update of project activities
28 and project expenditures.

29 Subp. 3. **Work plan.** The project sponsor, in cooperation
30 with agency staff, must prepare a work plan according to part
31 7076.0230 and submit it to the commissioner.

32 Subp. 4. **Diagnostic study and implementation plan.** The
33 project sponsor for a resource investigation grant shall submit
34 to the commissioner before the final grant payment is made a
35 diagnostic study and implementation plan that meets the
36 requirements of parts 7076.0240 and 7076.0250.

1 Subp. 5. Project implementation final report. Upon
2 completion of project implementation, the project sponsor must
3 submit to the commissioner a final report that contains the
4 following:

5 A. a summary of the activities completed during the
6 project implementation period, and difficulties encountered
7 during project implementation;

8 B. a summary of any implementation activities listed
9 in the work plan that were not completed during project
10 implementation, and an explanation of why they were not
11 completed;

12 C. an evaluation of the monitoring data collected
13 during project implementation, including a discussion of
14 pollutant load reductions and changes in the water quality of
15 the water of concern;

16 D. an electronic summary of all data collected during
17 the implementation monitoring phase for storage in the
18 Environmental Protection Agency STORET data bank;

19 E. a discussion of land use changes in the watershed
20 that have resulted from project implementation;

21 F. an evaluation of the effectiveness of the public
22 participation and education plans for the project;

23 G. recommendations for future implementation
24 activities in the project area; and

25 H. a final financial report containing a detailed
26 summary of project expenditures that are correlated to the
27 elements and tasks of the work plan developed according to part
28 7076.0230.

29 7076.0230 WORK PLAN.

30 Subpart 1. **Requirements.** The work plan required to be
31 submitted to the commissioner, in a format specified by the
32 commissioner, as a condition of the financial assistance must
33 include the requirements in item A for resource investigation
34 grants and the requirements in item B for project implementation
35 financial assistance.

1 A. For resource investigation grants, the work plan
2 must be developed in cooperation with agency staff after the
3 grant is awarded, and must include the following:

4 (1) a description of the water of concern, the
5 project area, the existing and desired resource uses, and the
6 economic significance of the water of concern;

7 (2) a summary and evaluation of existing water
8 quality and land use information;

9 (3) a description of existing and suspected or
10 potential water quality problems;

11 (4) a description of specified goals for project
12 results, for water quality characterization and quantitative
13 analysis research and assessment, and for citizen education;

14 (5) an outline that identifies specific tasks to
15 be completed during the project, including the tasks needed to
16 fulfill the requirements under parts 7076.0240 and 7076.0250,
17 the individuals responsible for the tasks, and the dates for
18 task initiation and completion;

19 (6) a public participation plan for the project;

20 (7) a monitoring and modeling plan as described
21 in subpart 1a;

22 (8) detailed source and expenditure budgets;

23 (9) a list identifying the technical assistance
24 the project sponsor needs from agency staff; and

25 (10) a resolution from each participating local
26 unit of government, agency, and organization that specifically
27 identifies their technical role in the project and their
28 contribution to the local share of the project costs.

29 B. For project implementation financial assistance,
30 the sponsor shall prepare and submit a detailed work plan that
31 includes any necessary revisions to the approved implementation
32 plan and the following:

33 [For text of subitems (1) to (4), see M.R.]

34 (5) a monitoring and modeling plan as required in
35 subpart 1a that has been revised to evaluate the effectiveness
36 of best management practices and the improvement of water

1 quality;

2 (6) a public participation plan for the project;

3 (7) permits and authorities for implementation

4 activities;

5 (8) a list identifying the technical assistance

6 the project sponsor needs from agency staff; and

7 (9) a resolution from each participating local

8 unit of government, agency, and organization that specifically

9 identifies their technical role in the project and their

10 contribution, if any, to the local share of the project costs.

11 Subp. 1a. **Monitoring and modeling plan.** A monitoring and

12 modeling plan is a component of the work plan. For both

13 resource investigation and project implementation, a monitoring

14 and modeling plan must be developed in cooperation with agency

15 staff. The monitoring and modeling plan must:

16 A. develop monitoring objectives based on project

17 goals;

18 B. define the information needs for water quality and

19 the methods that will be used to evaluate this information;

20 C. set the data requirements that are to be met for

21 meaningful modeling and statistical analysis to be completed;

22 D. contain a list of predictive and diagnostic

23 computer or statistically based models that are to be used for

24 the project and a description and statistical definition of

25 predictive and diagnostic uncertainties;

26 E. delineate and provide rationale for the selection

27 of monitoring sites, frequency, parameters, and sampling

28 protocols and explain the quality assurance and quality control

29 procedures for data gathering;

30 F. identify laboratories, which must be certified by

31 the Minnesota Department of Health, that will be doing analyses

32 for the project, and include the following information:

33 (1) the specific analytical methods that the

34 laboratories will use for the project;

35 (2) an explanation of the laboratories' quality

36 assurance and quality control procedures; and

1 (3) the certification number assigned by the
2 Department of Health to prove the laboratories are fulfilling
3 the requirements under chapter 4740;

4 G. integrate the watershed or aquifer recharge area
5 assessment and water quality monitoring efforts; and

6 H. outline a plan to analyze monitoring and project
7 area land use data and to use the data to assess the project
8 area, water and pollutant loading, and alternative best
9 management practices.

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

11 7076.0240 DIAGNOSTIC STUDY.

12 Subpart 1. General requirements. The diagnostic study
13 required to be submitted by a project sponsor under part
14 7076.0225, subpart 4, must include:

15 A. a compilation of existing information and the
16 results of water quality monitoring and modeling activities into
17 a detailed description of the water of concern;

18 B. a detailed description of the project area
19 developed from the information collected;

20 [For text of items C and D, see M.R.]

21 Subp. 1a. [See repealer.]

22 Subp. 2. Water of concern. The diagnostic study must
23 contain a detailed description of the water of concern that
24 includes:

25 A. a summary of historical uses and changes resulting
26 from water quality degradation;

27 B. a discussion of previous studies and other
28 historic physical, chemical, and biological data;

29 C. biological, physical, and chemical monitoring data
30 that provides a thorough characterization of the current water
31 quality of the water of concern;

32 D. water quality data that describes the sources and
33 magnitude of pollutants impacting the water of concern; and

34 E. other data as defined in the work plan that
35 provides an understanding of the dynamics and interactions of

1 the physical, chemical, and biological processes of the project
2 area and the water of concern.

3 Subp. 3. Project area. The diagnostic study must contain
4 a detailed description of the project area that includes:

5 A. a physical description of the project area
6 including:

7 (1) project area maps, including soils maps where
8 available;

9 (2) a map of the project area divided into
10 subunits on a hydrologic basis including boundaries and flow
11 directions for each subunit;

12 (3) a description of known geologic
13 characteristics that may pose concerns relating to water
14 quality; and

15 (4) a description of waters of the state and
16 public drainage ditches, including dams and control structures,
17 that are located within the project area;

18 B. a description of existing and predicted future
19 land uses, land cover, sources of pollution that may impact the
20 water of concern, and resource uses including public, private,
21 recreational, and other water uses;

22 C. hydrologic monitoring data that provides a
23 thorough characterization of the surface and groundwater
24 conditions in the project area that affect the quality of the
25 water of concern; and

26 D. other data as defined in the work plan that
27 provides an understanding of the dynamics and interactions
28 between the project area and the quality of the water of concern.

29 Subp. 4. Analysis and assessment. The diagnostic study
30 must contain an analysis and assessment of the data and
31 information collected as a requirement of subparts 2 and 3
32 including the following:

33 A. the identification of existing and potential water
34 quality problems as they relate to the water of concern;

35 B. a watershed or aquifer recharge area assessment
36 that includes:

1 (1) an identification of the project area and its
2 subunits defined on a hydrologic basis;

3 (2) an analysis of the current and predicted
4 future land uses and management practices in the project area
5 and their impact on the quality of the water of concern;

6 (3) an estimate of the pollutants coming from the
7 subunits of the project area defined on a hydrologic basis and
8 the identification of the target levels of pollutant reduction
9 necessary to meet the project objectives and water quality
10 goals; and

11 (4) the prioritization of the ~~subunit~~ subunits of
12 the project area defined on a hydrologic basis into priority
13 management areas on which to focus implementation of best
14 management practices;

15 C. the identification of specific water quality goals
16 for the water of concern that includes, for lakes, an in-lake
17 phosphorus goal defined relative to the ecoregion phosphorus
18 criteria;

19 D. the identification of project objectives in terms
20 of:

21 (1) specific water chemical, biological, and
22 physical measurements;

23 (2) economic, recreational, and health factors;
24 and

25 (3) project area characteristics and priority
26 management areas.

27 7076.0250 IMPLEMENTATION PLAN.

28 The implementation plan required to be submitted by a
29 project sponsor under part 7076.0225, subpart 4, must include:

30 A. a discussion of how the implementation plan will
31 advance the water quality goals and objectives identified in the
32 diagnostic study;

33 B. an analysis of the need for best management
34 practices or categories of best management practices that will
35 aid in the achievement of target levels of pollutant reduction

1 in the areas identified as priority management areas, that
2 considers:

3 (1) identification of best management practices
4 or categories of practices;

5 (2) an estimate of costs for best management
6 practice implementation;

7 (3) a schedule for implementation;

8 (4) an estimate of engineering and other
9 assistance needs, including best management practice design, and
10 inspection of best management practice installation, operation,
11 and maintenance;

12 (5) an estimate of pollutant reduction; and

13 (6) identification of the standards and criteria
14 for best management practice design;

15 C. a water quality monitoring and evaluation plan
16 identifying procedures and schedules for determining project
17 progress and accomplishments, that considers:

18 (1) a monitoring and modeling plan that includes
19 the chemical, physical, and biological parameters that will be
20 measured to enable comparisons with goals and objectives
21 established in the diagnostic study;

22 (2) a procedure to document and evaluate the
23 implementation of best management practices; and

24 (3) a procedure to identify the effectiveness of
25 implemented best management practices on water quality, and
26 their impact on water resources in the project area;

27 D. a plan and schedule to implement an information
28 and education program in the project area;

29 E. an identification of roles and responsibilities of
30 the project sponsor, its representatives, and cooperating
31 agencies in implementing the project;

32 F. a proposed schedule for project implementation or
33 other planned project activities, segmented into three-year
34 periods;

35 G. an estimated budget for project implementation or
36 other planned project activities, segmented into three-year

1 periods;

2 H. a plan to maintain project goals and
3 accomplishments and prevent further nonpoint source pollution;
4 and

5 I. a list of any federal, state, or local permits and
6 approvals required to complete the project.

7 7076.0260 DIAGNOSTIC STUDY AND IMPLEMENTATION PLAN APPROVAL.

8 [For text of subps 1 and 2, see M.R.]

9 Subp. 3. **Resubmittal.** A disapproved diagnostic study and
10 implementation plan must be revised by the project sponsor and
11 resubmitted to the commissioner. Upon receipt of the revised
12 diagnostic study and implementation plan, the commissioner shall
13 review the revised diagnostic study and implementation plan in
14 accordance with this part.

15 7076.0270 BEST MANAGEMENT PRACTICE EVALUATION.

16 In selecting best management practices for inclusion in an
17 implementation plan, the project sponsor shall consider the
18 following factors in evaluating the best management practices:

19 [For text of items A to C, see M.R.]

20 D. whether a less costly best management practice
21 could achieve a similar result;

22 E. whether the best management practice is reasonably
23 suited for the individual site or priority management area; and

24 F. the likelihood of adoption of the best management
25 practice.

26 7076.0280 GRANT PAYMENTS.

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

28 Subp. 2. **Second payment.** Upon written approval by the
29 commissioner of the work plan required under part 7076.0225,
30 subpart 3, the agency shall provide to the project sponsor 35
31 percent of the grant award provided in the grant contract. The
32 cumulative assistance paid to the project sponsor shall equal 60
33 percent of the grant award.

34 [For text of subps 3 to 6, see M.R.]

1 Subp. 7. [See repealer.]

2 7076.0285 LOAN PAYMENTS.

3 Subpart 1. **Payments.** Loan funds cannot be used for any
4 project costs incurred before the loan contract is signed by the
5 commissioner of finance. The project sponsor or loan sponsor
6 must submit to the agency a certification of incurred costs in a
7 format and schedule acceptable to the agency, which certifies
8 that eligible costs have been incurred, but not necessarily
9 paid, by the project sponsor or loan sponsor for work on the
10 project. Upon receiving the certification, the agency must pay
11 the project sponsor or loan sponsor if the sponsor is in
12 compliance with the conditions of the loan contract and the
13 requirements of parts 7076.0100 to 7076.0290.

14 Subp. 2. **Mid-project review and budget adjustment.** Upon
15 expenditure of 50 percent of total eligible project costs, the
16 project sponsor must submit to the commissioner for review and
17 approval a detailed summary of project expenditures and
18 completed work activities. The commissioner shall review the
19 summary to verify cost eligibility and acceptable completion of
20 work plan activities, to compare actual expenditures with the
21 approved project work plan budget, and to verify that the terms
22 of the loan contract are being met.

23 Subp. 3. **Final project review.** Upon completion of the
24 project, the project sponsor must submit to the commissioner for
25 review and approval a detailed summary of project expenditures
26 and completed work activities. The commissioner shall review
27 the summary to verify cost eligibility and acceptable completion
28 of work plan activities, to compare actual expenditures with the
29 approved project work plan budget, and to verify that the terms
30 of the loan contract are being met. If the commissioner finds
31 that loan funds were used for ineligible projects costs, those
32 funds must be returned to the agency, along with any interest or
33 fees, as outlined in the loan contract.

34 7076.0290 RESCISSION OF FINANCIAL ASSISTANCE.

35 The agency may rescind and seek repayment of a financial

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1 assistance award if the project is not being completed in
2 accordance with the terms and conditions of the grant or loan
3 contract, including time schedules.

4 REPEALER. Minnesota Rules, parts 7076.0110, subpart 14;
5 7076.0210, subparts 2, 6, 7, 8, and 9; 7076.0220; 7076.0240,
6 subpart 1a; and 7076.0280, subpart 7, are repealed.