

RECEIVED

96 SEP -5 AM 10:19

ADMINISTRATIVE HEARINGS

1 Pollution Control Agency

2

3 Adopted Permanent Rules Relating to Wastewater and Storm
4 Assistance

5

6 Rules as Adopted

7 WASTEWATER AND STORM WATER TREATMENT ASSISTANCE

8 7077.0100 PURPOSE.

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

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

14 B. the combined sewer overflow program for grants
15 awarded on or after July 1, 1990, under Minnesota Statutes,
16 section 116.162; and

17 C. the individual sewage treatment systems grants
18 program for grants awarded on or after July 1, 1990, under
19 Minnesota Statutes, section 116.18, subdivision 3c.

20 Parts 7077.0111 to 7077.0292 apply to the financial
21 assistance program.

22 Parts 7077.0300 to 7077.0330 apply to the combined sewer
23 overflow program.

24 Parts 7077.0700 to 7077.0765 apply to the individual sewage
25 treatment systems grants program.

26 7077.0105 DEFINITIONS.

27 [For text of subps 1 to 8, see M.R.]

28 Subp. 8a. Best management practices. "Best management
29 practices" has the meaning given it in Minnesota Statutes,
30 section 103F.711, subdivision 3.

31 [For text of subps 9 to 18, see M.R.]

32 Subp. 18a. Initiation of operation. "Initiation of
33 operation" means the date on which all components of the storm
34 water treatment system or the wastewater treatment system and
35 all individual sewage treatment systems within a project service

1 area are complete and functioning and the project begins
2 operating for the purposes for which it was planned, designed,
3 and built.

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

14 [For text of subps 19a to 22a, see M.R.]

15 Subp. 24. **Municipality.** "Municipality" means any county,
16 city, town, the Metropolitan Council Environmental Services, the
17 Metropolitan Council when acting under chapter 473, an Indian
18 tribe or an authorized Indian tribal organization, or any other
19 governmental subdivision of the state responsible by law for the
20 prevention, control, and abatement of water pollution in any
21 area of the state.

22 Subp. 25. **Need.** "Need" means a new or upgraded wastewater
23 treatment system is necessary for a municipality to comply with
24 chapter 7040, 7050, 7060, or 7080. "Need" also means that
25 treatment and disposal systems are necessary to improve water
26 quality and reduce pollution caused by storm water runoff as
27 determined by a local water plan, an area-wide assessment, NPDES
28 permit requirements, or other water quality based reason defined
29 by a need assessment produced by the applicant.

30 [For text of subps 25a to 30, see M.R.]

31 Subp. 31. **Performance certification.** "Performance
32 certification" means a certification made by a municipality one
33 year after initiation of operation that states its newly
34 constructed wastewater or storm water treatment system is
35 meeting performance standards, as specified under parts
36 7077.0288 and 7077.0325.

1 [For text of subps 32 and 32a, see M.R.]

2 Subp. 33a. **Project priority list.** "Project priority list"
3 means the priority list prepared by the commissioner under parts
4 7077.0115 to 7077.0197.

5 Subp. 33b. **Project service area.** "Project service area"
6 means that area of the state served by the proposed project and
7 identified by clearly defined boundaries in the facilities plan
8 or storm water project plan.

9 [For text of subps 35a to 41a, see M.R.]

10 Subp. 41b. **Storm water.** "Storm water" means precipitation
11 runoff, storm water runoff, snow melt off, and any other surface
12 runoff and drainage.

13 Subp. 41c. **Storm water project plan.** "Storm water project
14 plan" means the plans, studies, and reports necessary to
15 determine storm water treatment needs of a project service area,
16 to systematically evaluate storm water treatment alternatives
17 that shall result in water quality improvement, and to identify
18 the best management practices to be implemented.

19 Subp. 41d. **Storm water treatment system.** "Storm water
20 treatment system" means a device, method, system or systems
21 designed to reduce, store, treat, separate, stabilize, or
22 dispose of storm water for purposes of preventing or abating
23 pollution or maintaining or improving water quality.

24 [For text of subps 43 to 50, see M.R.]

25 7077.0115 PROJECT PRIORITY LIST.

26 Subpart 1. **Requirement.** The commissioner shall develop
27 and maintain a project priority list of projects for
28 municipalities that have a need for a new or upgraded wastewater
29 treatment system or a storm water treatment system.

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

31 Subp. 3. **Request for placement on list.** A municipality
32 may submit a written request to the commissioner for placement
33 of a project on the project priority list. The request must
34 include a description of the need for the new or upgraded
35 wastewater or storm water treatment system. If known, the

1 request shall also include a description of the proposed project
2 and its costs. The municipality must submit any information
3 that is necessary for the project to receive accurate review
4 under subpart 4. Unless a municipality requests that its
5 wastewater treatment project be placed on the list with total
6 points equal to one, information must be submitted according to
7 items A to C.

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

9 Subp. 4. **Review.** The commissioner shall review each
10 request and take the action specified in items A to D.

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

12 C. Storm water treatment system projects shall be
13 assigned total points equal to one on the project priority list
14 if:

15 (1) the project addresses water quality needs;
16 ponds for water quality may have associated flood control
17 benefits;

18 (2) the project consists of permanent storm water
19 treatment structures; and

20 (3) the project is based on acceptable
21 engineering practices. Determination as to acceptability will
22 be based on reasonable assurance of providing water quality
23 benefits.

24 D. Projects that do not meet the criteria in item A,
25 B, or C as applicable, shall not be added to the list and the
26 commissioner shall notify the municipality of the reasons for
27 the determination.

28 [For text of subps 5 and 6, see M.R.]

29 7077.0277 STORM WATER PROJECT PLAN.

30 Subpart 1. **In general.** The storm water project plan must
31 be prepared and signed by a professional engineer registered in
32 the state of Minnesota.

33 Subp. 2. **Contents.** A storm water project plan must
34 address items A to E in the amount of detail that is appropriate
35 to describe the project accurately.

1 A. A complete description of the storm water
2 collection system, storm water treatment system if existent, and
3 the identified need in the project service area.

4 B. A complete description of the project service area
5 including the number of acres served, the estimated flow and a
6 description of the watershed.

7 C. A complete description of the project including
8 location, best management practices to be implemented for the
9 use of storm water treatment, estimated construction, annual
10 operation and maintenance, and equipment replacement costs.

11 D. A description of the long-term maintenance plan.

12 E. An estimate of the reduction in pollutants.

13 **Subp. 3. Storm water project plan supplement.** The
14 following items must be submitted to the commissioner with the
15 storm water project plan under subpart 2:

16 A. a complete list of addresses used for public
17 notice purposes and listed on a form provided by the agency;

18 B. a summary of the information presented and public
19 comments received at a public hearing, required under subpart 4,
20 and the action taken to address those comments;

21 C. a formal resolution of the municipality's
22 governing body adopting the storm water project plan;

23 D. a list of ordinances and intermunicipal agreements
24 necessary for the successful implementation and administration
25 of the project;

26 E. a completed environmental worksheet; and

27 F. a certification from the appropriate county or
28 watershed management organization assuring that the storm water
29 project plan is consistent with the comprehensive local water
30 plan.

31 **Subp. 4. Public hearing.** Before adopting the storm water
32 project plan, the municipality must hold at least one public
33 hearing to discuss the proposed project. The storm water
34 project plan must be made available for review by interested
35 persons before the date of the hearing. At the public hearing,
36 information must be presented on the various treatment

1 alternatives considered, the reasons for choosing the selected
2 alternative, and the location of the proposed project site.

3 7077.0278 INTENDED USE PLAN.

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

5 Subp. 3. **Requirements.** To be eligible for placement on
6 the intended use plan, the conditions in items A to C must be
7 met.

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

9 C. For a construction loan, a municipality must first
10 receive the commissioner's approval of its facilities plan, as
11 required under part 7077.0272, or its storm water project plan,
12 as required under part 7077.0277, before it will be placed on
13 the intended use plan. If the municipality is proposing to
14 change the selected treatment method or any other major element
15 of a previously approved facilities plan or storm water project
16 plan, the municipality must receive the commissioner's approval
17 of a facilities plan addendum.

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

19 7077.0280 CERTIFICATION SUBMITTAL REQUIREMENTS.

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

21 Subp. 2. **Planning projects.** Municipalities seeking
22 certification for planning projects shall submit:

23 A. a description of the scope of work and estimated
24 costs that will lead to an approved facilities plan or storm
25 water project plan;

26 B. a schedule for completion of the facilities plan
27 or the storm water project plan on a form provided by the
28 agency; and

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

30 Subp. 3. **Design projects.** Municipalities seeking
31 certification for design projects shall submit:

32 A. for wastewater and storm water treatment projects,
33 a schedule for completion of plans and specifications; and

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

35 Subp. 4. **Construction projects.** Municipalities seeking

1 certification for construction projects shall submit:

2 A. for wastewater treatment systems, plans and
3 specifications as required under part 7077.0274 for the
4 commissioner's review and approval;

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

6 C. for wastewater treatment systems, a copy of the
7 municipality's resolution adopting the sewer service charge
8 system;

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

13 [For text of subitems (1) to (8), see M.R.]

14 E. for wastewater treatment systems, an affidavit of
15 publication for the sewer use ordinance and the sewer rate
16 ordinance;

17 F. for individual sewage treatment system projects, a
18 certification that the municipality has enacted an ordinance
19 that:

20 (1) adopts the requirements of chapter 7080;

21 (2) prohibits nonsewage discharges from
22 nonresidential structures with wastewater flows or nonsewage
23 discharges from residential structures with a water-using
24 business to individual sewage treatment systems; and

25 (3) establishes a maintenance plan;

26 G. for wastewater treatment systems, a certification
27 that the municipality is enforcing the ordinance under item F;
28 and

29 H. for storm water treatment systems, the
30 municipality must submit the following:

31 (1) a project schedule on a form provided by the
32 agency; and

33 (2) if applicable, finalized and executed
34 intermunicipal agreements necessary for the successful
35 implementation and administration of the project.

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

1 7077.0287 COMPLETION OF CONSTRUCTION AND INITIATION OF
2 OPERATION; STORM WATER TREATMENT SYSTEMS.

3 A. Within ten days following ~~initiation-of~~ completion
4 of construction, the municipality must notify the commissioner
5 in writing of the initiation of operation date.

6 B. The date of initiation of operation is the first
7 day of the one-year performance period.

8 7077.0288 PROJECT PERFORMANCE.

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

10 Subp. 2a. Performance certification for storm water
11 treatment systems. One year after the initiation of operation
12 of the storm water treatment project, the municipality shall
13 submit to the commissioner the following items, as appropriate
14 for the project:

15 A. a certification stating whether the project meets
16 the following performance standards:

17 (1) the project has been completed according to
18 the approved storm water project plan;

19 (2) state revolving fund loan money has only been
20 used for work directly associated with storm water treatment
21 activities as described in the storm water project plan;

22 (3) all pipe outlets have been provided with
23 permanent energy dissipation where the pipe's outlet velocity
24 exceeds the permanent cover's erosive velocity; and

25 (4) an operation and maintenance manual
26 appropriate for the best management practices implemented during
27 the project has been provided to the municipality by the project
28 engineer; and

29 B. an evaluation report describing the performance of
30 the project as it pertains to the problems in need of correction
31 identified in the storm water project plan.

32 Subp. 3. Corrective action report. If the commissioner or
33 the municipality determines that the wastewater treatment
34 project does not meet the project performance standards under
35 subpart 2, item A, the municipality shall:

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

2 7077.0290 COMMISSIONER'S NOTIFICATION OF PERFORMANCE.

3 The commissioner shall provide written notification about
4 the satisfactory performance of a wastewater treatment project
5 to the authority upon receipt and approval by the commissioner
6 of the items listed in part 7077.0288, subpart 2, item A.

7 REPEALER. Minnesota Rules, parts 7077.0500; 7077.0505;
8 7077.0510; 7077.0515; 7077.0520; 7077.0525; 7077.0530;
9 7077.0535; 7077.0540; 7077.0545; 7077.0550; 7077.0555;
10 7077.0560; 7077.0600; 7077.0610; 7077.0615; 7077.0620;
11 7077.0625; 7077.0640; and 7077.0650, are repealed.