

1 Department of Trade and Economic Development

2

3 Adopted Permanent Rules Relating to Independent Wastewater

4 Treatment Grants Program

5

6 Rules as Adopted

7 7380.0500 SCOPE OF RULES.

8       Parts 7380.0500 to 7380.0582 provide for the awarding of  
9 grants by the Minnesota Public Facilities Authority under  
10 Minnesota Statutes, chapter 446A, to municipalities for  
11 wastewater treatment projects certified by the commissioner of  
12 the Minnesota Pollution Control Agency, as provided in Minnesota  
13 Statutes, sections 116.16 to 116.181, and chapter 7075.

14       The division shall assist municipalities in determining  
15 which grants or loans to apply for to finance eligible projects  
16 and the manner in which the municipality shall pay for its  
17 portion of the project cost.

18       Municipalities making complete application must comply with  
19 the requirements of the Pollution Control Agency independent  
20 grant program rules in chapter 7075 in order to receive the  
21 required certification of the commissioner of the agency before  
22 any determination by the authority on the municipality's  
23 application.

24       The authority shall, as provided in Minnesota Statutes,  
25 section 446A.051, review the proposed project financing for a  
26 municipal project certified by the commissioner of the agency to  
27 determine if the municipality has demonstrated in its complete  
28 application that:

29           A. the total financing of the project is assured; and

30           B. the municipality's financial plan to pay for its  
31 portion of the project is feasible.

32 7380.0530 ELIGIBLE COSTS.

33       Eligible costs are the eligible costs provided in the  
34 agency independent grant program rules and certified by the  
35 commissioner of the agency.

1 7380.0560 CORRECTIVE ACTION GRANTS.

2 The authority shall award corrective action grants to  
3 municipalities for projects certified by the commissioner of the  
4 agency, provided that they have satisfied the authority's  
5 application requirements.

6 7380.0570 APPLICATION PROCESS.

7 Subpart 1. In general. To apply for state independent  
8 grants or the other grants programs as provided under parts  
9 7380.0520, 7380.0530, 7380.0540, 7380.0550, and 7380.0560,  
10 applications by municipalities shall be made to the division on  
11 forms provided by the division which require information  
12 prescribed by the agency rules.

13 Subp. 2. [See Repealer.]

14 Subp. 3. Application processing. The authority shall  
15 forward a complete application to the agency within ten days of  
16 receipt of an application by the authority. The agency will  
17 accept and review applications as provided in the program rules  
18 in chapter 7075.

19 Subp. 4. Certified applications. When a complete  
20 application certified by the commissioner of the agency is  
21 returned to the authority on or before the first business day of  
22 the month, the authority shall consider the complete application  
23 at the authority meeting that month. If a certified application  
24 is received after the first business day of the month and can be  
25 reviewed by the executive director before the authority agenda  
26 deadline, the authority may consider the application at the  
27 meeting in that month.

28 Subp. 5. [See Repealer.]

29 Subp. 6. Incomplete applications. If an incomplete  
30 application is received, the applicant shall be notified in  
31 writing.

32 Subp. 7. Applications not receiving certification. An  
33 application not certified by the commissioner of the agency will  
34 not be considered for financial assistance by the authority.  
35 The authority shall notify the applicant of the rejection of the

1 funding request by the authority within ten days of the  
2 rejection of the funding request by the authority.

3 Subp. 8. Rejection of applications by the authority. A  
4 request for financial assistance may be rejected by the  
5 authority for the following reasons:

6 A. failure to develop and document that other  
7 project-required funding commitments have been secured, as  
8 provided in Minnesota Statutes, section 446A.051; and

9 B. failure to demonstrate that the municipality's  
10 financial plan to pay for its portion of the project is  
11 feasible, as provided in Minnesota Statutes, section 446A.051.

12 7380.0580 AWARD OF GRANTS AND LOANS.

13 Subpart 1. In general. Upon certification of a complete  
14 application by the agency and the review and approval of the  
15 complete application by the authority, the authority shall make  
16 the award and notify the municipality that it is to receive a  
17 grant or loan and prepare and advise the municipality of the  
18 grant or loan forms or other documents that must be executed to  
19 complete the grant or loan.

20 Subp. 2. Amendments to grant award. A municipality that  
21 seeks an amendment to a previously awarded grant or loan shall  
22 follow the procedure in part 7380.0570 for applying to the  
23 authority.

24 7380.0581 RELEASE OF FUNDS.

25 Subject to the availability of funds, payments to a  
26 municipality, which have been certified by the commissioner of  
27 the agency, will be made in accordance with applicable federal  
28 and state laws governing those payments. However, payments will  
29 not be made until the authority has determined the total  
30 estimated cost of the project and ascertained that financing of  
31 the project is assured by:

32 A. a grant to the municipality by an agency of the  
33 federal government within the amount of funds then appropriated  
34 to that agency and allocated by it to projects within the state;

35 B. a grant of funds appropriated by state law;

- 1 C. a loan authorized by state law;
- 2 D. the appropriation of proceeds of bonds or other
- 3 funds of the municipality to a fund for the construction of the
- 4 project; or
- 5 E. any or all of the means referred to in items A to
- 6 D; and
- 7 F. an irrevocable undertaking, by resolution of the
- 8 governing body of the municipality, to use all funds made
- 9 available exclusively for the construction of the project, and
- 10 to pay any additional amount by which the cost of the project
- 11 exceeds the estimate, by the appropriation to the construction
- 12 fund of additional municipal funds or the proceeds of additional
- 13 bonds to be issued by the municipality; and
- 14 G. conformity of the project with the state water
- 15 pollution control plan as certified to the federal government
- 16 and with all other conditions under applicable state and federal
- 17 law for a grant of state or federal funds of the nature and in
- 18 the amount involved.

19 7380.0582 REPORTS.

20 During the term of the grant or loan agreement, the  
21 municipality shall make written reports to the authority on  
22 forms provided by the authority on a predetermined schedule  
23 determined by the executive director.

24

25 REPEALER. Minnesota Rules, part 7380.0570, subparts 2 and  
26 5, are repealed.

1 Department of Trade and Economic Development

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3 Proposed Permanent Rules Relating to Independent Wastewater

4 Treatment Grants Program

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6 Rules as Proposed

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9 grants by the Minnesota Public Facilities Authority under  
10 Minnesota Statutes, chapter 446A, to municipalities for  
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14 The ~~executive-director-of-the-authority~~ division shall  
15 assist municipalities in determining which grants or loans to  
16 apply for to finance eligible projects and the manner in which  
17 the municipality shall pay for its portion of the project cost.

18 Municipalities making complete application ~~to-the-authority~~  
19 must comply with the requirements of the Pollution Control  
20 Agency independent grant program rules in chapter 7075 in order  
21 to receive the required certification of the commissioner of the  
22 agency before any determination by the authority on the  
23 municipality's application.

24 The authority shall, as provided in Minnesota Statutes,  
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26 municipal project certified by the commissioner of the agency to  
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30 B. the municipality's financial plan to pay for its  
31 portion of the project is feasible.

32 7380.0530 ELIGIBLE COSTS.

33 Eligible costs ~~for-grant-applications~~ are the eligible  
34 costs provided in the agency independent grant program rules and  
35 certified by the commissioner of the agency.

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2 The authority shall award corrective action grants to  
3 municipalities for projects certified by the commissioner of the  
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8 grants or the other grants programs as provided under parts  
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12 information prescribed by the agency rules.

13 Subp. 2. [See Repealer.]

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15 forward an a complete application to the agency within ten days  
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20 application certified by the commissioner of the agency is  
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25 reviewed by the executive director before the authority agenda  
26 deadline, the authority may consider the application at the  
27 meeting in that month.

28 Subp. 5. [See Repealer.]

29 Subp. 6. Incomplete applications. If ~~the executive~~  
30 ~~director determines, relative to the authority's requirements,~~  
31 ~~that an incomplete application is incomplete received,~~ the  
32 ~~executive director shall notify the applicant of the specific~~  
33 ~~deficiencies in the application. --The applicant has 30 days from~~  
34 ~~the date of mailing of the executive director's notification to~~  
35 ~~complete the application. --If the application is not completed~~

1 ~~and-received-by-the-executive-director-within-30-days-from-the~~  
 2 ~~date-of-mailing, the application is considered rejected and the~~  
 3 ~~applicant, subject to agency rules, shall reapply to be further~~  
 4 ~~considered~~ shall be notified in writing.

5 Subp. 7. Applications not receiving certification. An  
 6 application not certified by the commissioner of the agency will  
 7 not be considered for financial assistance by the authority.  
 8 The ~~executive-director-of-the~~ authority shall notify the  
 9 applicant of the rejection of the ~~application~~ funding request by  
 10 the authority within ten days of the rejection of  
 11 the ~~application~~ funding request by the authority.

12 Subp. 8. Rejection of applications by the authority. An  
 13 ~~application~~ A request for financial assistance may be rejected  
 14 by the authority for the following reasons:

15 A. failure to develop and document that other  
 16 project-required funding commitments have been secured, as  
 17 provided in Minnesota Statutes, section 446A.051; and

18 B. ~~failure-to-submit-a-completed-application-using~~  
 19 ~~the-procedure-provided-in-subpart-6, and~~

20 C. failure to demonstrate that the municipality's  
 21 financial plan to pay for its portion of the project is  
 22 feasible, as provided in Minnesota Statutes, section 446A.051.

23 7380.0580 AWARD OF GRANTS AND LOANS.

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 25 complete application by the agency and the review and approval  
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14 funds of the municipality to a fund for the construction of the  
15 project; or

16 E. any or all of the means referred to in items A to  
17 D; and

18 F. an irrevocable undertaking, by resolution of the  
19 governing body of the municipality, to use all funds made  
20 available exclusively for the construction of the project, and  
21 to pay any additional amount by which the cost of the project  
22 exceeds the estimate, by the appropriation to the construction  
23 fund of additional municipal funds or the proceeds of additional  
24 bonds to be issued by the municipality; and

25 G. conformity of the project ~~and-of-the-grant-or-loan~~  
26 ~~application~~ with the state water pollution control plan as  
27 certified to the federal government and with all other  
28 conditions under applicable state and federal law for a grant of  
29 state or federal funds of the nature and in the amount involved.

30 7380.0582 REPORTS.

31 During the term of the grant or loan agreement, the  
32 municipality shall make written reports to the ~~executive~~  
33 ~~director-of-the~~ authority on forms provided by the authority on  
34 a predetermined schedule determined by the executive director.

35



03/17/89

[REVISOR ] CMR/CF RD1459

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2 5, are repealed.