

1.1 **Pollution Control Agency**1.2 **Proposed Permanent Rules Relating to Wastewater and Storm Water Treatment**
1.3 **Financial Assistance**1.4 **7077.0105 DEFINITIONS.**1.5 [For text of subps 1 to 8, see M.R.]

1.6 Subp. 8a. **Best management practices.** "Best management practices" ~~has the~~
1.7 ~~meaning given it in Code of Federal Regulations, part 40, section 122.2~~ means practices
1.8 to prevent or reduce the pollution of the waters of the state, as defined in Minnesota
1.9 Statutes, section 115.01, subdivision 22, including schedules of activities, prohibitions
1.10 of practices, and other management practices and including treatment requirements,
1.11 operating procedures, and practices to control plant site runoff, spillage or leaks, sludge,
1.12 or waste disposal or drainage from raw material storage.

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

1.14 Subp. 11b. **Environmental information worksheet.** "Environmental information
1.15 worksheet" means a form prescribed by the commissioner to gather information about
1.16 a proposed clean water revolving fund project that is used to assess any potential
1.17 environmental, historical, or archeological impacts that may be caused by the project.

1.18 Subp. ~~Hb 11c.~~ **Evaluator/designer.** "Evaluator/designer" means a person approved
1.19 by the commissioner, in accordance with part 7077.0720, who investigates soils and site
1.20 characteristics to determine suitability, limitations, soil type, and sizing requirements
1.21 for individual sewage treatment systems and design treatment systems that conform to
1.22 chapter 7080.

1.23 [For text of subps 12 to 15, see M.R.]

1.24 Subp. 15a. **Impaired water.** "Impaired water" means a water identified as impaired
1.25 by the agency and approved by the United States Environmental Protection Agency,

2.1 according to section 303(d) of the Clean Water Act, United States Code, title 33, section
2.2 1313(d).

2.3 [For text of subps 16 to 27, see M.R.]

2.4 Subp. 28. **Outstanding resource value water or ORVW.** "Outstanding resource
2.5 value water" or "ORVW" means ~~those waters~~ a water defined in part 7050.0180, subpart
2.6 2, item A.

2.7 [For text of subps 29 to 43a, see M.R.]

2.8 Subp. 43b. **Trout waters.** "Trout waters" has the meaning given in part 7050.0420.

2.9 [For text of subps 44 to 48, see M.R.]

2.10 Subp. 49. **Water use classification.** "Water use classification" means the
2.11 classifications listed under part ~~7050.0200~~ 7050.0140.

2.12 [For text of subp 50, see M.R.]

2.13 **7077.0115 PROJECT PRIORITY LIST.**

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

2.15 Subp. 3. **Request for placement on list.** To be placed on the project priority list, a
2.16 municipality may submit a written request to the commissioner on forms prescribed by the
2.17 commissioner for eligibility review under subpart 4; and assignment of priority points; ~~and~~
2.18 ~~placement of a project on the project priority list.~~ A municipality that does not submit
2.19 information necessary for eligibility review under subpart 4 shall be placed on the list with
2.20 total points equal to one until the information is provided or until removed under subpart 6.

2.21 Subp. 4. **Eligibility review.** The commissioner shall review each request and take
2.22 the action specified in items A to D.

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

3.1 C. Storm water treatment system projects shall be added to the project priority
3.2 list if the commissioner finds that:

3.3 (1) the project addresses water quality needs; ponds for water quality
3.4 may have associated flood control benefits;

3.5 (2) the project consists of permanent storm water treatment ~~structures~~
3.6 systems; and

3.7 (3) the project is based on acceptable engineering practices. Determination
3.8 as to acceptability will be based on reasonable assurance of providing water quality
3.9 benefits.

3.10 [For text of item D, see M.R.]

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

3.12 **7077.0117 POINTS FOR PROJECTS WITH EXISTING NPDES OR SDS PERMIT.**

3.13 Subpart 1. **Flow capacity.** Five points shall be assigned to a project if the project
3.14 involves a treatment facility addressed by the project that is operating at or above 85
3.15 percent of its NPDES or SDS permitted hydraulic flow or organic loading capacity, or a
3.16 collection facility that is operating at or above 85 percent of its hydraulic design capacity,
3.17 or both, and if the project would expand capacity or reduce loadings so that the facility
3.18 will operate at less than 85 percent of its capacity.

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

3.20 B. For collection facilities, a comparison of actual measured peak flows shall
3.21 ~~be compared to~~ and the documented hydraulic design peak instantaneous wet weather
3.22 flow of the pipe section or other component, or written documentation of other physical
3.23 conditions, such as bypassing events occurring at less than design peak instantaneous wet
3.24 weather flow, shall be submitted, ~~which show~~ comparison or documentation shows that
3.25 the facilities are operating at or above 85 percent of their hydraulic design capacity.

4.1 [For text of subps 2 to 8, see M.R.]

4.2 Subp. 9. **Discharges to impaired or outstanding resource value waters.**

4.3 A. Five points shall be assigned if the existing facility discharges into an
4.4 outstanding resource value water, or into an impaired water as identified by the agency
4.5 and approved by the United States Environmental Protection Agency under section 303(d)
4.6 of the Clean Water Act, or into both types of waters.

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

4.8 [For text of subps 10 to 14, see M.R.]

4.9 Subp. 15. **Project implements corrective measures.** Five points shall be assigned
4.10 to a project if it implements actions that contribute to the correction of a water quality
4.11 problem identified in one or more of the following studies or an equivalent study:

4.12 A. a clean water partnership ~~phase I diagnostic study under part 7076.0240,~~
4.13 ~~where the corrective actions are set forth in an implementation plan approved under part~~
4.14 ~~7076.0260~~ project pursuant to chapter 7076;

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

4.16 Subp. 16. **Project helps meet total maximum daily load for receiving water.**

4.17 Twenty points shall be assigned to the project if the project contributes to the achievement
4.18 of a total maximum daily load (TMDL). To be considered as contributing to the
4.19 achievement of a TMDL, the project must:

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

4.21 Subp. 17. **New or expanded discharge; points subtracted.** Five points shall be
4.22 subtracted from the project's priority score if the project involves one or more of the
4.23 following:

5.1 A. a facility that will produce a new or expanded discharge to one or more
5.2 of the following types of waters:

5.3 (1) outstanding resource value ~~waters~~ water;

5.4 (2) ~~an impaired water as identified by the agency and approved by the~~
5.5 ~~United States Environmental Protection Agency under section 303(d) of the federal Clean~~
5.6 ~~Water Act; or~~

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

5.8 B. a facility that will produce a new or expanded discharge exceeding 200,000
5.9 gallons per day to one or more of the following waters:

5.10 (1) waters defined as Class 2A waters under part 7050.0222, subpart 2; or

5.11 (2) ~~a wetland~~ wetlands as defined in part ~~7050.0130, item F~~ 7050.0186,
5.12 subpart 1a.

5.13 For purposes of this subpart, if a reissued permit for a facility incorporates limits on
5.14 pollutant loading which were frozen in a previous permit, a facility operating under the
5.15 same limits in the reissued permit shall not be considered to have an expanded discharge.

5.16 **7077.0118 PRIORITY POINTS FOR PROJECTS IN UNSEWERED AREAS.**

5.17 Subpart 1. **Discharges posing threat to public health or safety.** Points shall be
5.18 assigned to a project by multiplying 45 times the ratio of the number of existing structures
5.19 with individual sewage treatment systems or other systems that collect and discharge
5.20 wastewater in the proposed project service area that have the potential to immediately
5.21 and adversely affect or threaten public health or safety, including any ground surface or
5.22 surface water discharge or sewage backup into a dwelling or other establishment resulting
5.23 from the system, to the total number of existing structures with wastewater flows to
5.24 individual sewage treatment systems or other systems in the proposed project service area
5.25 as described in part 7080.1500, subpart 4, item A.

6.1 Subp. 2. **Discharges that fail to protect groundwater.** Points shall be assigned to
6.2 a project by multiplying 15 times the ratio of the number of existing structures in the
6.3 proposed project service area not counted in subpart 1 with individual sewage treatment
6.4 systems or similar systems that have one or more sewage tanks which obviously leak
6.5 below the designated operating depth or have less than the required vertical separation
6.6 as described in part ~~7080.0060, subpart 3, item B~~ 7080.1500, subpart 4, items D and E,
6.7 to the total number of existing structures with individual sewage treatment systems in
6.8 the proposed project service area.

6.9 Subp. 3. **Noncompliance with setback requirements.** Points shall be assigned to
6.10 a project by multiplying five times the ratio of the number of existing structures with
6.11 individual sewage treatment systems in the proposed project service area that do not
6.12 conform to a setback requirement set forth or cited by reference in part ~~7080.0170~~
6.13 7080.2150, subpart 1 2, item F, and that were not counted under subpart 1 or 2, to the total
6.14 number of existing structures with individual sewage treatment systems in the proposed
6.15 project service area.

6.16 Subp. 4. **Proximity of individual sewage treatment systems to impaired or**
6.17 **outstanding resource value water.** Five points shall be assigned to a project if one or
6.18 more existing individual sewage treatment systems in the proposed project service area
6.19 are located within 500 feet of an outstanding resource value water; or an impaired water
6.20 ~~as identified by the agency and approved by the United States Environmental Protection~~
6.21 ~~Agency under section 303(d) of the federal Clean Water Act, or both.~~

6.22 Subp. 5. **Proximity of failing individual sewage treatment systems to outstanding**
6.23 **resource value or impaired water.** Five points shall be assigned to a project where one or
6.24 more of the following systems are located within 500 feet of an outstanding resource value
6.25 water; or an impaired water ~~as identified by the agency and approved by the United States~~
6.26 ~~Environmental Protection Agency under section 303(d) of the federal Clean Water Act:~~

7.1 A. individual sewage treatment systems or similar systems that have one or
 7.2 more tanks which obviously leak below the designated operating depth or have less than
 7.3 the required vertical separation as described in part ~~7080.0060, subpart 3~~ 7080.1500,
 7.4 subpart 4, items D and E; or

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

7.6 [For text of subps 6 and 7, see M.R.]

7.7 Subp. 8. **Project implements corrective measures.** Five points shall be assigned to
 7.8 a project if it implements actions that contribute to correction of a water quality problem
 7.9 identified in one or more of the following studies or an equivalent study:

7.10 A. a clean water partnership ~~phase I diagnostic study under part 7076.0240,~~
 7.11 ~~where the corrective actions are set forth in an implementation plan approved under part~~
 7.12 ~~7076.0260~~ project pursuant to chapter 7076;

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

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

7.15 Subp. 10. **New or expanded discharge; points subtracted.** Five priority points
 7.16 shall be subtracted from the project's priority score if the project involves one or more of
 7.17 the following:

7.18 A. a facility which will produce a new or expanded discharge to one or more of
 7.19 the following types of ~~waters~~ water:

7.20 (1) outstanding resource value ~~waters~~ water;

7.21 (2) an impaired water ~~as identified by the agency and approved by the~~
 7.22 ~~United States Environmental Protection Agency under section 303(d) of the federal Clean~~
 7.23 ~~Water Act; or~~

7.24 (3) a lake ~~as defined in part 7077.0105, subpart 19a; or~~

8.1 B. a facility that will produce a new or expanded discharge exceeding 200,000
8.2 gallons per day to one or more of the following ~~waters~~ water:

8.3 (1) waters defined as Class 2A waters under part 7050.0222, subpart 2; or

8.4 (2) ~~a wetland~~ wetlands as defined in part ~~7050.0130, item F~~ 7050.0186,
8.5 subpart 1a.

8.6 **7077.0119 POINTS FOR STORM WATER PROJECTS.**

8.7 Subpart 1. **Discharges to impaired ~~or outstanding resource value~~ waters.**

8.8 A. ~~Five~~ Four points shall be assigned if:

8.9 (1) ~~the storm water project provides treatment that reduces the quantity or~~
8.10 ~~improves the quality of storm water discharges and if the storm water project~~ service area
8.11 ~~currently discharges into an impaired water as identified by the agency and approved by~~
8.12 ~~the United States Environmental Protection Agency under section 303(d) of the federal~~
8.13 ~~Clean Water Act, or an outstanding resource value water, or both.; and~~

8.14 (2) the project reduces the level of the pollutant for which the receiving
8.15 water is impaired.

8.16 B. For the purposes of this part, discharge into a subwatershed that flows into
8.17 an impaired water is considered a discharge into that impaired water.

8.18 Subp. 1a. Discharges to ORVW, trout lakes, or trout streams. Five points shall be
8.19 assigned if the storm water project provides treatment that improves the quality of storm
8.20 water discharges and if the storm water project area currently discharges into an ORVW or
8.21 a trout water. For the purposes of this part, discharge into a subwatershed that flows into
8.22 an ORVW or trout water is considered a discharge into that water.

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

9.1 Subp. 3. **Project implements corrective measures.** Five points shall be assigned
 9.2 to a storm water project if it implements actions that contribute to correction of a water
 9.3 quality problem identified in one or more of the following studies or an equivalent study:

9.4 A. a clean water partnership phase I ~~diagnostic study under part 7076.0240,~~
 9.5 ~~where the corrective actions are set forth in an implementation plan approved under part~~
 9.6 ~~7076.0260~~ project pursuant to chapter 7076;

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

9.8 Subp. 4. [See repealer.]

9.9 Subp. 5. **New or expanded diversion of storm water; points subtracted.** Five
 9.10 priority points shall be subtracted from the project's priority score if the project involves
 9.11 ~~one or more of the following:~~

9.12 ~~A.~~ a new or expanded diversion of storm water to one or more of the following
 9.13 types of ~~waters~~ water or to a subwatershed that flows into that water:

9.14 A. ~~(1)~~ outstanding resource value ~~waters~~ water;

9.15 B. ~~(2)~~ impaired ~~waters as identified by the agency and approved by the United~~
 9.16 ~~States Environmental Protection Agency under section 303(d) of the federal Clean Water~~
 9.17 ~~Act~~ water;

9.18 C. ~~(3)~~ ~~waters~~ water defined as a Class 2A ~~waters~~ water under part 7050.0222,
 9.19 subpart 2; ~~or~~

9.20 D. ~~(4)~~ a ~~wetland~~ wetlands as defined in part 7050.0130, ~~item F~~ 7050.0186,
 9.21 subpart 1a; or

9.22 ~~B.~~ E. a lake as defined in part 7077.0105, subpart 19a.

9.23 Subp. 6. **Project helps municipal separate storm sewer system meet total**
 9.24 **maximum daily load requirements.** Eighteen points shall be assigned if the municipality

10.1 proposing the project holds a NPDES permit for a municipal separate storm sewer system
10.2 and is implementing a storm water pollution prevention program according to Code of
10.3 Federal Regulations, title 40, section 122.34, that addresses requirements resulting from a
10.4 total maximum daily load.

10.5 Subp. 7. **Impervious surface ratio.** Up to ten points shall be assigned to a storm
10.6 water project by multiplying 20 times the ratio of the project service area's impervious
10.7 surface area to the total project service area to be served by the proposed best management
10.8 practices.

10.9 Subp. 8. **Volume reduction.** Nine points shall be assigned if the proposed project
10.10 will result in a storm water volume reduction from an existing discharge. The proposed
10.11 project must incorporate volume reduction as a major component of the treatment system,
10.12 or volume reduction must comprise a majority of the cost of the overall proposal.

10.13 Qualifying best management practices include:

10.14 A. rain gardens;

10.15 B. bioretention basins;

10.16 C. enhanced swales designed to infiltrate;

10.17 D. tree boxes, if designed to capture a certain volume;

10.18 E. storm water capture and reuse;

10.19 F. porous pavement, if designed to infiltrate;

10.20 G. redevelopment projects that reduce impervious surfaces;

10.21 H. green roof technology; and

10.22 I. other similar practices that will result in a storm water volume reduction
10.23 from an existing discharge.

11.1 Subp. 9. **New treatment systems.** Additional points shall be assigned if the
11.2 proposed project includes new best management practices that provide treatment to an
11.3 existing discharge, where the discharge is presently untreated. The number of points
11.4 shall be awarded based on whether the applicant holds a municipal separate storm sewer
11.5 system (MS4) NPDES permit that already requires a load reduction based on a total
11.6 maximum daily load (TMDL):

11.7 A. applicant holds an MS4 NPDES permit and is assigned a waste load
11.8 allocation based on a TMDL - one point; and

11.9 B. all other eligible applicants - 18 points.

11.10 Subp. 10. **Multiple environmental benefits.** Six points shall be assigned if the
11.11 proposed project will result in multiple environmental benefits. Eligible projects must
11.12 include a storm water treatment system component or best management practice, as well
11.13 as another type of environmental benefit that results from the project. Flood protection is
11.14 already a priority goal of storm water management, so it does not constitute another type
11.15 of environmental benefit. Qualifying multiple environmental benefits include:

11.16 A. storm water capture and reuse;

11.17 B. creation of wildlife habitat;

11.18 C. creation of a wildlife corridor or preservation of open or connected green
11.19 space;

11.20 D. reduced use or need for water, energy, or consumption of other natural
11.21 resources;

11.22 E. green roof technology that results in measurable reductions to storm water
11.23 volume; and

11.24 F. other similar practices that provide multiple environmental benefits.

12.1 **7077.0121 RANKING OF PROJECTS WITH EQUAL TOTAL NUMBER OF**
 12.2 **POINTS.**

12.3 Subpart 1. **Tie breaker based on environmental and human health threat.** When
 12.4 two or more projects on the project priority list have been assigned the same total number
 12.5 of priority points under parts 7077.0116 to ~~7077.0118~~ 7077.0119, the project that has the
 12.6 highest number of points assigned based upon environmental and human health threats
 12.7 shall be ranked higher. For purposes of this part, points assigned under parts 7077.0117,
 12.8 subparts 6 to 11; 7077.0118, subparts 1 to 5; and 7077.0119, ~~subpart~~ subparts 1 and 2,
 12.9 are based upon environmental and human health threats.

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

12.11 **7077.0272 FACILITIES PLAN FOR WASTEWATER TREATMENT SYSTEMS.**

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

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

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

12.16 D. An analysis of all feasible treatment alternatives that are capable of meeting
 12.17 the applicable effluent, water quality, and public health requirements for 20 years. Where
 12.18 the project service area is currently served by individual sewage treatment systems, the
 12.19 analysis of feasible treatment alternatives must be submitted on a form prescribed by the
 12.20 commissioner. The discussion of the considered alternatives must include:

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

12.22 [For text of items E and F, see M.R.]

12.23 [For text of subps 2a to 5, see M.R.]

12.24 **7077.0277 STORM WATER PROJECT PLAN.**

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

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

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

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

13.8 C. A brief narrative describing project alternatives that were considered and
13.9 a description of how the proposed project was selected.

13.10 € D. A complete description of the project including location, best management
13.11 practices to be implemented for the use of storm water treatment, estimated construction
13.12 costs, ~~annual operation and maintenance,~~ and equipment replacement costs.

13.13 Ð E. A description of the long-term maintenance plan including annual
13.14 operation and maintenance costs and who will be responsible for performing maintenance
13.15 activities. The maintenance plan must describe the intended life span of any proposed
13.16 storm water treatment system.

13.17 E F. An estimate of the reduction in pollutants. When applicable, the estimate
13.18 must include any pollutants causing or contributing to the impairments in receiving waters.

13.19 Subp. 3. **Storm water project plan supplement.** The following items must be
13.20 submitted to the commissioner with the storm water project plan ~~under subpart 2.~~ The
13.21 commissioner shall not approve a plan without the following items:

13.22 A. a completed environmental information worksheet;

13.23 B. a complete list of addresses ~~used for the commissioner will use for a 30-day~~
 13.24 ~~public notice purposes and~~ of a summary of the environmental information worksheet.
 13.25 The addresses must be listed on a form provided prescribed by the agency commissioner;

14.1 ~~B~~ C. a summary of the information presented and public comments received at a
 14.2 public hearing, required under subpart 4, and the action taken to address those comments;

14.3 ~~C~~ D. a formal resolution of the municipality's governing body adopting the
 14.4 storm water project plan;

14.5 ~~D~~ E. a list of ordinances and intermunicipal agreements necessary for the
 14.6 successful implementation and administration of the project; and

14.7 ~~E.~~ ~~a completed environmental worksheet; and~~

14.8 F. a certification from the appropriate county or watershed management
 14.9 organization assuring that the storm water project plan is consistent with the
 14.10 comprehensive local water plan.

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

14.12 **7077.0279 PLANS AND SPECIFICATIONS FOR STORM WATER TREATMENT**
 14.13 **SYSTEMS.**

14.14 [For text of subp 1, see M.R.]

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

14.17 A. plans and specifications signed by a professional engineer registered in
 14.18 Minnesota;

14.19 B. a summary of design parameters for the storm water treatment units;

14.20 C. a summary of the storm water treatment system flow conditions for average
 14.21 design flow and maximum design flow ~~on a form prescribed by the commissioner;~~

14.22 D. ~~a hydraulic profile of the flow through the storm water treatment system~~
14.23 a storm water pollution prevention plan to meet construction storm water permit
14.24 requirements during construction of the storm water treatment systems;

15.1 E. ~~a plan for interim treatment to meet permit construction storm water permit~~
15.2 requirements during construction of the storm water treatment systems;

15.3 F. ~~E.~~ the latest detailed cost estimate, including operation and maintenance
15.4 costs, based on the plans and specifications submitted; and

15.5 G. ~~F.~~ administrative, bidding, and contract documents according to the
15.6 applicable requirements under Minnesota Statutes, including a 100 percent performance
15.7 bond from the contractors.

15.8 [For text of subp 3, see M.R.]

15.9 **7077.0287 COMPLETION OF CONSTRUCTION AND INITIATION OF**
15.10 **OPERATION; STORM WATER TREATMENT SYSTEMS.**

15.11 **Subpart 1. Notification required.**

15.12 A. Within ten days following submission of a notice of termination for the
15.13 construction storm water permit obtained for the project or, when no permit is required,
15.14 within ten days of the completion of construction, the municipality must notify the
15.15 commissioner in writing of the initiation of operation date.

15.16 **Subp. 2. Date of initiation of operation.**

15.17 B. The date of initiation of operation is the date the notice of termination for
15.18 the construction storm water permit for the project is submitted and is the first day of
15.19 the one-year performance period. When no permit is required, the date of initiation of
15.20 operation is the date the municipality submitted to the agency as the completion date
15.21 of construction under subpart 1.

15.22 Subp. 3. **Inspection required.** The municipality must notify the commissioner in
15.23 writing when the municipality is ready to initiate operation and request that an inspection
15.24 be scheduled. The municipality may not initiate operation until an inspection under this
15.25 subpart is completed. The purpose of the inspection is to ensure that the construction
16.1 conforms with the approved plans and specifications and any change orders, to identify
16.2 construction deficiencies, and to set target dates for the completion of construction items.

16.3 Subp. 4. **Operation and maintenance manual.** The project engineer must submit to
16.4 the commissioner an operation and maintenance manual for the storm water treatment
16.5 systems implemented by the project.

16.6 **7077.0288 PROJECT PERFORMANCE.**

16.7 Subpart 1. [Repealed, 15 SR 288]

16.8 Subp. 2. **Performance certification for wastewater and storm water treatment**
16.9 **systems.** One year after the initiation of operation of a wastewater treatment project, the
16.10 municipality shall submit to the commissioner the following items, as appropriate for
16.11 a the project:

16.12 A. A certification on a form prescribed by the commissioner and signed by a
16.13 professional engineer registered in the state of Minnesota stating that the project meets the
16.14 following performance standards:

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

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

16.19 (6) septage treatment and disposal is accomplished in accordance with
16.20 applicable state, federal, and local standards; and

16.21 (7) the project meets the requirements in the approved plans and
16.22 specifications for the prevention of contamination of underground drinking water sources
16.23 beyond the property boundary.
16.24 The certification shall include one copy of "as-built" plans and specifications ~~on microfiche~~
16.25 in a format designated by the commissioner.

17.1 B. A revised operation and maintenance manual or revised maintenance plan
17.2 based on actual operating experience obtained during the one-year ~~start-up~~ performance
17.3 period, or a certificate of completion of a revised operation and maintenance manual on
17.4 a form prescribed by the commissioner.

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

17.6 Subp. 2a. **Performance certification for storm water treatment systems.** One year
17.7 after the initiation of operation of the storm water treatment project, the municipality shall
17.8 submit to the commissioner the following items, as appropriate for the project:

17.9 A. a certification stating whether the project meets the following performance
17.10 standards:

17.11 (1) the project has been completed according to the approved storm water
17.12 project plan and is operating as intended;

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

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

17.18 (4) an operation and maintenance manual appropriate for the best
17.19 management practices implemented during the project has been provided to the
17.20 municipality by the project engineer; and

17.21 (5) one copy of "as-built" plans and specifications in a format designated
17.22 by the commissioner; and

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

17.24 Subp. 3. **Corrective action report.** If the commissioner or the municipality
17.25 determines that the wastewater treatment project does not meet the project performance
18.1 standards under subpart 2, item A, or that the storm water treatment project does not meet
18.2 the project performance standards under subpart 2a, item A, the municipality shall:

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

18.4 B. following the completion of corrective action work, submit a performance
18.5 certification as specified under subpart 2 or 2a, as applicable, according to the schedule in
18.6 item A, subitem (3).

18.7 **7077.0290 COMMISSIONER'S NOTIFICATION OF PERFORMANCE.**

18.8 The commissioner shall provide written notification about the satisfactory
18.9 performance of a wastewater treatment project or a storm water treatment project to the
18.10 authority upon receipt and approval by the commissioner of the items listed in part
18.11 7077.0288, subpart 2, item A, or 2a, item A, as applicable.

18.12 **REPEALER.** Minnesota Rules, part 7077.0119, subpart 4, is repealed.

18.13 **EFFECTIVE PERIOD.** The amendments to parts 7077.0105 to 7077.0290 are effective
18.14 July 1, 2013.