



# Notification Requirements for New Wastewater Treatment Plants

March 1999

In 1998, subdivision 3a "Notification Of Other Governmental Units" was added to Minn. Statute 116.182. It is designed to give municipalities surrounding a proposed new project the opportunity to comment on what is being proposed, ensuring opportunities for collaboration on construction projects and proposals that are consistent with local plans.

A new wastewater treatment system is one that provides treatment to an area that previously did not have wastewater treatment. Upgrades to existing facilities or the construction of a facility to serve essentially the same area would not fall under this requirement.

With the expectation of the Metropolitan Council Environmental Services (MCES) and Western Lake Subordinate Service District (WLSSD) projects, the Minnesota Pollution Control Agency (MPCA) cannot approve or certify a project to the Public Facilities Authority for a **new** treatment system, unless:

1. Before initiation of the facilities planning process, the project proposer gives written notice to **all** municipalities within 10 miles of the project's service area, the county, the MPCA and the Minnesota Office of Strategic and Long Range Planning. The notice must include description of project need and give 30 days (from notice date) for other government units to notify the proposer that they want to receive and to comment on the facilities plan. (Note: A municipality as defined in 116.182 Subdivision 1f is a "county, home rule charter or statutory city, town, the metropolitan council, an Indian tribe or an authorized Indian tribal organization; or any other governmental subdivision of the state responsible by law for the prevention, control and abatement of

water pollution in any area of the state.")

2. During development of the facility plan's analysis of service alternatives, the proposer has requested information from existing facilities that may have current or potential capacity (if the plant is upgraded) to meet the proposer's needs. The proposer must contact all municipalities and sanitary districts whose boundaries are within three miles of the project's service area.
3. Sixty days before the municipality's public hearing to adopt the facility plan, the proposer has given a copy of the draft facilities plan to all government units that requested an advanced copy.
4. The affected county has certified that projects located outside the corporate limits of a city are consistent with the county's comprehensive plan and zoning and subdivision regulations.
5. Copies of all notifications, certifications and comments received have been included by the proposer in the submission of its facilities plan to the MPCA.

To determine whether your project must complete the notification requirements, simply follow the flow chart on the back of this factsheet. If you have questions regarding the notification requirements, call Ron Omann at (651) 296-4555.



## NOTIFICATION REQUIREMENT FLOWCHART

