

# Transfer of MPCA Wastewater Treatment Permits

## A Homeowner's Association Guide

The Minnesota Pollution Control Agency (MPCA) issues State Disposal System (SDS) permits for wastewater treatment facilities (WWTFs) designed to treat 10,000 gallons per day or more of wastewater and dispose of the treated wastewater in-ground. The MPCA also issues National Pollutant Discharge Elimination System (NPDES) permits to WWTFs that discharge treated wastewater to a water of the state. Many landowners or developers build the homes and associated utilities, such as water and wastewater systems. Some of these wastewater systems require an NPDES/SDS permit. Usually there exists a Developer's Agreement between the Homeowner's Association (HOA) and the developer. This agreement may stipulate that once the development reaches a certain capacity, the HOA may be required to take over management of the WWTF or partake in joint ownership. If the housing development is to be constructed in phases, the Developer's Agreement should define exactly where the capital dollars will come from (developer or HOA) for the construction of each phase/component (including groundwater monitoring wells if applicable) and at what point (i.e., number of homes constructed and/or wastewater flow rate reached) will transfer of management and or ownership occur. To officially become the permittee, the HOA and existing permittee (Developer) will need to complete specific paperwork and the MPCA must modify the permit. This guidance is an attempt to educate HOA's so they ask the right questions and are prepared to take over management of the WWTF.

### What does ownership entail?

Once the permit is transferred, it is the HOA's responsibility to maintain the WWTF. This means having a point of contact and/or committee assigned to management of the WWTF. The MPCA recommends securing homeowners on this committee who understand the process.

Knowledge of the WWTF is valuable and easily lost if homeowners cycle in and out of this committee. The HOA also must retain a licensed wastewater operator that is required to complete the proper analysis and reporting required by the permit, which in turn, costs money. It is important that the HOA assess the proper finances needed to operate and maintain the WWTF. Costs include annual permit fees, sampling and laboratory analysis of wastewater, operator salary, and most importantly, a reserve/escrow for unforeseen problems. The HOA fees dedicated to the management of the WWTF should not be used for other activities. Problems with a wastewater system can be very expensive, and the HOA needs to plan for the worst.

### What forms are needed?

Permits expire after five years. One hundred eighty days prior to expiration, a permit application needs to be completed and sent to the MPCA. Forms include the Water Transmittal Form (wq-wwprm7-03) and Attachment for Municipal Facilities (wq-wwprm7-09). Call the MPCA regional office for help in completing the correct forms.

## What is my facility's classification and what are the operator requirements?

All MPCA permits have a classification (A, B, C, D) based on the level of complexity. Class A WWTFs are the most sophisticated, while Class D WWTFs are the least complex. It is important to check the permit for classification.

All wastewater operators have different levels of certifications. These certifications range from a level A through D. Operators need to be properly certified by the MPCA. Make sure your operator has the proper level of expertise and a contract to perform his/her duties. For example a level B operator can operate a B, C, or D class WWTF, but cannot operate a class A WWTF. Contracts must specify the number of visits the operator makes and the length of each visit. The contract must also specify:

- The operator's name, certification number and company (if applicable)
- The duties and responsibilities of the operator
- The duties and responsibilities of the permittee (the HOA)
- Provisions for notifying the MPCA 30 days in advance of termination of a contract

If the HOA is hiring a different operator than previously employed, the developer's operator should provide some amount of training to the new operator. Questions about operator certification can be directed to our office at 651-296-6300.

## What should the HOA receive from the existing permittee?

The HOA should ask for the following items.

- A copy of the existing NPDES/SDS Permit
- Copies of Discharge Monitoring Reports (DMRs), Biosolids Annual Reports, Performance Reports, or any other reports required by the permit, at a minimum, from the past three years
- A copy of the Plans and Specifications, as well as approval letters from the MPCA
- A copy of any inspection reports and enforcement documents (if applicable) from MPCA in the last three to five years
- A copy of the As-Built plan and specifications
- Inventory of all equipment, equipment suppliers, spare parts, and warranties (should confirm if warranties transfer to new owner)
- Details on cost of the WWTF, like Operation and Maintenance (O&M) including monitoring, equipment, electric, telephone, mowing, contract operator, permit fees, etc.

It is especially important to receive the As-Built plans and specifications, as these documents show exactly what was installed and any changes or upgrades made by the engineer or contractor.

The HOA is now responsible for the submittal of permit required reports. The permittee must read their permit to know what specifically applies to your facility. The following are some examples of reports.

- DMRs
  - Monthly report to the MPCA
  - Must be signed by the Responsible Official (HOA President or delegated HOA member)
  - Must be complete and accurate
  - Must be postmarked by 21st day following reporting period
- Annual reports
  - Biosolids
  - Pretreatment
  - Compliance schedule/progress reports
  - Phosphorus Management Plans

- **Records** (must retain records for at least three years, biosolids records must be retained for five years, and biosolids metals data must be retained indefinitely)
  - Calibration data
  - Maintenance data
  - Operator logs
  - DMRs and annual reports
  - Everything else relevant to the operation and permit requirements

### **What is an O&M Manual and how important is it?**

The O&M Manual is an important document for the HOA to receive from the previous system owner. It dictates what activities are needed to keep the WWTF running.

### **What needs to happen for transfer?**

The MPCA may require an inspection prior to transfer of ownership to determine compliance of the WWTF. At this time, the MPCA may require the current permittee to complete corrective actions, if necessary, to insure the WWTF is in good working order before transfer of ownership. To contact the proper compliance staff, visit <http://www.pca.state.mn.us> to find your regional office and wastewater contacts, or call toll free at 1-800-657-3864.