

Appendix A - Definitions and Acronyms

Definitions

"Action Area" - for the purposes of this permit and for application of the Endangered Species Act requirements, the following areas are included:

- The areas on the construction site where stormwater discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: 1. Where bald eagles nest in a tree that is on or bordering a construction site and could be disturbed by the construction activity or where grading causes stormwater to flow into a small wetland or other habitat that is on the site that contains listed species.)
- The areas where stormwater discharges flow from the construction site to the point of discharge into receiving waters. (Example: Where stormwater flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as amphibians) are found in the ditch, swale, or gully.)
- The areas where stormwater from construction activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where stormwater from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls. (Example: Where a stormwater retention pond would be built.)
- The downstream from the stormwater discharge into a stream segment that may be affected by these discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

"Agricultural Land" - cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

"Antidegradation Policy" - the water quality standards regulation that requires States and Tribes to establish a three-tiered antidegradation program:

1. Tier 1 maintains and protects existing uses and water quality conditions necessary to support such uses. An existing use can be established by demonstrating that fishing, swimming, or other uses have actually occurred since November 28, 1975, or that the water quality is suitable to allow such uses to occur. Where an existing use is established, it must be protected even if it is not listed in the water quality standards as a designated use. Tier 1 requirements are applicable to all surface waters.
2. Tier 2 maintains and protects "high quality" waters -- water bodies where existing conditions are better than necessary to support CWA § 101(a)(2) "fishable/swimmable" uses. Water quality can be lowered in such waters. However, State and Tribal Tier 2 programs identify procedures that must be followed and questions that must be

answered before a reduction in water quality can be allowed. In no case may water quality be lowered to a level which would interfere with existing or designated uses.

3. Tier 3 maintains and protects water quality in outstanding national resource waters (ONRWs). Except for certain temporary changes, water quality cannot be lowered in such waters. ONRWs generally include the highest quality waters of the United States. However, the ONRW classification also offers special protection for waters of exceptional ecological significance, i.e., those which are important, unique, or sensitive ecologically. Decisions regarding which water bodies qualify to be ONRWs are made by States and authorized Indian Tribes.

"Arid Areas" - areas with an average annual rainfall of 0 to 10 inches.

"Bank" (e.g., stream bank or river bank) - the rising ground bordering the channel of a water of the U.S.

"Benchmark Monitoring" - for the purposes of this permit, the requirement to sample stormwater discharges for sediment-related parameters and nutrients, including nitrogen and phosphorus, to determine if established water quality criteria, which is also the benchmark level, is exceeded. As used in this permit, the benchmark monitoring requirement only applies to sites with disturbances of 10 or more acres that discharge to sediment and/or nutrient-impaired waters without an EPA-approved or established TMDL.

"Bluff" - a steep headland, promontory, riverbank, or cliff.

"Borrow and Fill Areas" - the areas where materials are dug for use as fill and the areas where the fill is used, either onsite or off-site.

"Buffer" - for the purposes of this permit, an area of natural vegetation surrounding streams, rivers, lakes, wetlands, or other waters of the U.S within which construction activities are restricted.

"C-Factor" - the 'cover management factor' from the Revised Universal Soil Loss Equation (RUSLE), which is used to determine the relative effectiveness of soil and vegetative management systems in preventing soil loss. The C-Factor is a ratio comparing the soil loss from land under a specific soil or vegetative system to the corresponding loss from continuously fallow and tilled land. The continuous fallow soil condition reflects a cover factor value equal to one. Vegetative or other cover systems reduce erosion, which is reflected in a C-factor value of less than one.

"Combined Sewer System" - sewers that are designed to collect rainwater runoff, domestic sewage, and industrial wastewater in the same pipe.

"Commencement of Earth-Disturbing Activities" - the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

"Commencement of Pollutant-Generating Activities" - at construction sites (for the purposes of this permit) occurs in any of the following circumstances:

- Clearing, grubbing, grading, and excavation has begun;
- Raw materials related to your construction activity, such as building materials or products, landscape materials, fertilizers, pesticides, herbicides, detergents, fuels, oils, or other chemicals have been placed at your site;

- Use of authorized non-stormwater for washout activities, or dewatering activities, have begun; or
- Any other activity has begun that causes the generation of or the potential generation of pollutants.

"Construction Activities" - earth-disturbing activities, such as the clearing, grading, and excavation of land.

"Construction and Development Rule" (C&D Rule) - as published in 40 CFR § 450 is the regulation requiring effluent limitations guidelines (ELG's) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

"Construction Site" - the land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property where the primary construction activity will take place, or on a different piece of property altogether. The construction site is often a smaller subset of the lot or parcel within which the project is taking place.

"Construction Support Activities" - the various construction-related activities that occur alongside the construction activity, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

"Construction Waste" - discarded material (such as packaging materials, scrap construction materials, masonry products, timber, steel, pipe, and electrical cuttings, plastics, and styrofoam) and soil generated by construction activities.

"Control Measure" - refers to any stormwater control, BMP, or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

"Conveyance Channel" - a temporary or permanent waterway designed and installed to safely convey stormwater flow within and out of a construction site.

"Corrective Action" - for the purposes of the permit, any action taken to (1) repair, modify, or replace any stormwater control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; and (3) remedy a permit violation.

"Critical Habitat" - as defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

"CWA" - the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

“Dewatering” - the act of draining rainwater and/or groundwater from building foundations, vaults, and trenches.

“Discharge” - when used without qualification means the “discharge of a pollutant.”

“Discharge of a Pollutant” - any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

“Discharge of Stormwater Associated with Construction Activity” - as used in this permit, a discharge of pollutants in stormwater from areas where land-disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck chute washdown, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants), are located.

“Discharge Point” - for the purposes of this permit, the location where collected and concentrated stormwater flows are discharged from the construction site.

“Discharge-Related Activity” - activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged.

“Discharge to an Impaired Water” - for the purposes of this permit, a discharge to an impaired water occurs if the first named water of the U.S. to which you discharge is identified by a State, Tribe, or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting an applicable water quality standard, or is included in an EPA-approved or established total maximum daily load (TMDL). For discharges that enter a storm sewer system prior to discharge, the water of the U.S. to which you discharge is the first named water of the U.S. that receives the stormwater discharge from the storm sewer system.

“Domestic Waste” - for the purposes of this permit, typical household trash, garbage or rubbish items generated by construction activities.

“Drainageway” means an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

“Earth-Disturbing Activity” or “Land-Disturbing Activity” - actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, and excavating.

“Effluent Limitations Guideline” (ELG) - defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

“Electronic Notice of Intent” (e-NOI) - EPA's online system for submitting electronic Construction General Permit forms.

“Endangered Species” - defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a

species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

“Entrance and Exit Points” - any points of entry to and exit from the construction site to be used by vehicles and equipment during construction activities.

“Eligible” - qualified for coverage for stormwater (and allowable non-stormwater) discharges under this general permit.

“Ephemeral Stream” - one that flows only in direct response to precipitation, and whose channel is at all times above the water table.

“Existing permitted discharger” - a construction project that is not a new source, because construction activities commenced prior to February 1, 2010, and that received prior coverage for its construction discharges under an effective NPDES permit, such as the 2003 CGP or 2008 CGP.

“Existing unpermitted discharger” - a construction project that is not a new source, because construction activities commenced prior to February 1, 2010, but has never received coverage for its construction discharges under an effective NPDES permit.

“Exposed Soils” - for the purposes of this permit, soils that have been disturbed due to the commencement of construction activities.’

“Federal Facility” - any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the Federal government.

“Final Stabilization” - on areas not covered by permanent structures, either (1) vegetation has been established, or for arid or semi-arid areas, will be established that provides (1) a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover, or (2) a vegetative or non-vegetative cover sufficient to achieve a C-factor of 0.05. Certain exceptions to this rule exists for final stabilization of individual lots within a larger common plan of development or sale.

“Footprint” - for the purposes of this permit, the ground area that will be subject to earth-disturbing activities.

“Hazardous Waste” - for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

“Historic Property” - defined in the “Protection of Historic Properties Regulations” at 36 CFR § 800.16 as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

“Impaired Water” (or “Water Quality Impaired Water” or “Water Quality Limited Segment”) - for purposes of this permit, waters identified by a State, Tribe, or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called “water quality limited segments” under 40 CFR 30.2(j)). Impaired waters include both

waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

“Impervious Surface” - for the purpose of this permit, any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops.

“Indian Country” - defined at 40 CFR §122.2 as:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

“Install” or “Installation” - when used in connection with stormwater controls, to connect or set in position stormwater controls to make them operational.

“Intermittent (or Seasonal) Stream” - one which flows at certain times of the year when groundwater provides water for stream flow, as well as during and immediately after some precipitation events or snowmelt.

“Jar test” - a test designed to simulate full-scale coagulation/flocculation/sedimentation water treatment processes by taking into account the possible conditions.

“Landward” - positioned or located away from a waterbody, and towards the land.

“Large Construction Activity” - defined at 40 CFR §122.26(b)(14)(x) and incorporated here by reference. A large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

“Level Spreader” - a temporary stormwater control used to spread stormwater flow uniformly over the ground surface as sheet flow to prevent concentrated, erosive flows from occurring.

“Linear Project” - includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

“Material Handling and Staging Area” - a temporary area on the construction site used for receiving, processing, storing materials to prevent the material from being spilled or coming into contact with runoff.

“Material Washout Area” - a temporary containment area used for the washing of applicators and containers of paint, concrete, and other materials.

“Minimize” - to reduce and/or eliminate to the extent achievable using stormwater controls (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practices.

“Municipal Separate Storm Sewer System” or “MS4” - defined at 40 CFR §122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

“National Pollutant Discharge Elimination System (NPDES)” - defined at 40 CFR §122.2 as the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an ‘approved program.’

“Native Topsoil” - the uppermost layer of naturally occurring soil for a particular area, and is often rich in organic matter, biological activity, and nutrients.

“Native Vegetation” - the species of plants that have developed over hundreds or thousands of years for a particular region or ecosystem and are considered endemic to that region or ecosystem.

“Nephelometer” - refer to “turbidimeter”.

“New operator of a new source or existing permitted discharger” - an operator that replaces an existing operator on a construction project through transfer of ownership and/or operation.

“New Source” - for the purpose of this permit, a construction project that commenced construction activities after February 1, 2010, and that requires NPDES permit coverage for its construction discharges under Part 1.2.

“New Source Performance Standards (NSPS)” - for the purposes of this permit, NSPS are technology-based standards that apply to construction sites that are new sources under 40 CFR 450.24.

“Non-Stormwater Discharges” - discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

“Notice of Intent” (NOI) - the form (electronic or paper) required for authorization of coverage under the Construction General Permit.

“Notice of Termination” (NOT) - the form (electronic or paper) required for terminating coverage under the Construction General Permit.

“NTU” (Nephelometric Turbidity Unit) - an expression of the optical property that causes light to be scattered and absorbed rather than transmitted in a straight line through the water.

“Operational” - for the purpose of this permit, stormwater controls are made “operational” when they have been installed and implemented, are functioning as designed, and are properly maintained.

“Operator” - for the purpose of this permit and in the context of stormwater associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

1. The party possesses the title of the land where the construction activity will take place and has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of EPA’s interpretation of how the regulatory definitions of “owner or operator” and “facility or activity” are applied to discharges of stormwater associated with construction activity.

“Outfall” - see “Discharge Point.”

“Perennial Stream” - one which flows year-round during a typical year. Baseflow is maintained by groundwater discharge, as the stream channel is usually below the water table.

“Permitted Ongoing Project” - a construction project that commenced prior to the effective date of this permit, which has been covered by a prior NPDES permit for stormwater discharges associated with construction activities.

“Permitting Authority” - for the purposes of this permit, EPA, a Regional Administrator of EPA, or an authorized representative.

“Point Source” - any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

“Pollutant” - defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

“Pollutant-Generating Activities” - at construction sites (for the purposes of this permit), those activities that lead to or could lead to the generation of pollutants, either as a result of earth-disturbance or a related support activity. Some of the types of pollutants that are typically found at construction sites are:

- sediment;

- nutrients;
- heavy metals;
- pesticides and herbicides;
- oil and grease;
- bacteria and viruses;
- trash, debris, and solids;
- treatment polymers; and
- any other toxic chemicals.

“Pollution Prevention Measures” - stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

“Polymers” - for the purposes of this permit, coagulants and flocculants used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacrylamide (PAM), chitosan, alum, polyaluminum chloride, and gypsum.

“Prohibited Discharges” - discharges that are not allowed under this permit, including:

1. Wastewater from washout of concrete;
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
4. Soaps or solvents used in vehicle and equipment washing;
5. Toxic or hazardous substances from a spill or other release; and
6. Waste, garbage, floatable debris, construction debris, and sanitary waste from pollutant-generating activities.

“Primary Operator” - for the purposes of this permit, for a construction project that has more than one operator, a primary operator is an operator who has received coverage under this permit for discharges from all earth-disturbing activities at a construction site.

“Provisionally Covered Under this Permit” - for the purposes of this permit, EPA provides temporary coverage under this permit for emergency-related projects prior to receipt of a complete and accurate NOI. Discharges from earth-disturbing activities associated with the emergency-related projects are subject to the terms and conditions of the permit during the period of temporary coverage.

“Receiving Water” - the “Water of the United States” as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

“Run-on” - sources of stormwater that drain from land located upslope or upstream from the regulated site in question.

"Sampling Point" - for the purposes of this permit, the point at which stormwater samples are collected where the stormwater or authorized non-stormwater is discharged from the site.

"Secondary Operator" – for the purposes of this permit, for a construction project that has more than one operator, a secondary operator is an operator who seeks permit coverage under this permit for discharges from earth-disturbing activities on all or a portion of a site that has already received permit coverage under this permit for a primary operator. All areas of the site from which discharges resulting from the secondary operator's earth-disturbing activities must have already received permit coverage before the operator can be treated as a secondary operator under this section.

"Semi-Arid Areas" - areas with an average annual rainfall of 10 to 20 inches.

"Sheet Flow" - slow-velocity runoff that flows or is directed to flow across an overland area where there are no defined channels and the water spreads out over a large area at a uniform depth.

"Site" - for construction activities, the land or water area where earth-disturbing activities take place, including construction support activities.

"Small Construction Activity" - defined at 40 CFR § 122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Snowmelt" - the conversion of snow into overland stormwater and groundwater flow as a result of warmer temperatures.

"Spill" - for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

"Stabilization" - the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

"Steep Slopes" - for the purposes of this permit, any slopes occurring on the construction site that are 15 percent or greater in grade.

"Stormwater" - stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater Controls" - see "Control measure."

"Stormwater Inlet" - a structure placed below grade to conduct water used to collect stormwater runoff for conveyance purposes.

"Stormwater Team" - the group of individuals responsible for oversight of the development and modifications of the SWPPP, and oversight of compliance with the permit requirements. The individuals on the "Stormwater Team" must be identified in the SWPPP.

"Storm Event" - a precipitation event that results in a discharge.

"Storm Sewer" - a system of pipes (separate from sanitary sewers) that carries stormwater runoff from buildings and land surfaces.

"SWPPP" (Stormwater Pollution Prevention Plan) - a site-specific, written document that: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater control measures to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.

"Temporary Stabilization" - a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

"Threatened Species" - defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

"Tier 2 Waters" - for antidegradation purposes, pursuant to 40 CFR 131.12(a)(2), are characterized as having water quality that exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

"Tier 2.5 Waters" - for antidegradation purposes, those waters designated by States or Tribes as neither Tier 2 nor Tier 3. States have special requirements for these waters. These waters are given a level of protection equal to and above that given to Tier 2 waters, but less than that given Tier 3 waters.

"Tier 3 Waters" - for antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 waters are identified by states as having high quality waters constituting an Outstanding Natural Resource Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

"Total Maximum Daily Load" or "TMDL" - the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

"Toxic Waste" - see "Hazardous Waste."

"Turbidimeter" - for the purposes of this permit, an instrument that measures the amount of light scattered at right angles to an incident light beam by particles present in a stormwater sample.

"Turbidity" - a condition of water quality characterized by the presence of suspended solids and/or organic material.

"Unprovisionally Covered Under this Permit - for the purposes of this permit, after providing provisional coverage under this permit for discharges from emergency-related projects, and after receipt of a complete and accurate NOI, EPA provides full, or "unprovisional", coverage under this permit.

“Upland” - the dry land area above and ‘landward’ of the ordinary high water mark.

“Unpermitted Ongoing Project” - a construction project that commenced prior to the effective date of this permit, but the discharges related to this project have not been authorized under an NPDES permit.

“Water-Dependent Uses” - structures or facilities that require the proximity of structures to be directly adjacent to a waterbody or wetland, such as a marina, pier, boat ramp, etc.

“Waterfront Setback” - for the purposes of this permit, a minimum distance that separates where construction and/or structures can be placed from waterbodies. A waterfront setback does not include front yard, side yard, or rear yard setbacks that do not specifically include waterbodies as the reference point from which to measure the setback.

“Water Quality Impaired” - see “Impaired Water.”

“Water Quality Standards” - defined in 40 CFR § 131.3, and are provisions of State or Federal law which consist of a designated use or uses for the waters of the United States and water quality criteria for such waters based upon such uses. Water quality standards protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.

“Waters of the United States” - defined at 40 CFR § 122.2 as:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (1) through (4) of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United

States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

"Wetland" - those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Acronyms

C&D - Construction & Development

CGP - Construction General Permit

CFR - Code of Federal Regulations

CWA - Clean Water Act

eNOI - Electronic Notice of Intent

EPA - United States Environmental Protection Agency

ESA - Endangered Species Act

FWS - United States Fish and Wildlife Service

MS4 - Municipal Separate Storm Sewer System

MSGP - Multi-Sector General Permit

NHPA - National Historic Preservation Act

NMFS - United States National Marine Fisheries Service

NOI - Notice of Intent

NOT - Notice of Termination

NPDES - National Pollutant Discharge Elimination System

NRC - National Response Center

NRCS - National Resources Conservation Service

NTU - Nephelometric Turbidity Units

POTW - Publicly Owned Treatment Works

SHPO - State Historic Preservation Officer

SPCC - Spill Prevention Control and Countermeasure

SWPPP - Stormwater Pollution Prevention Plan

THPO - Tribal Historic Preservation Officer

TMDL - Total Maximum Daily Load

USGS - United States Geological Survey

WQS - Water Quality Standard