

Definitions and Acronyms

I. Eligibility Definitions

For the purposes of this general permit, remediation and dewatering discharges are those that consist only of the eligible wastewater types, generated as a result of the eligible activities, and contain only the pollutants listed in this general permit at levels that do not exceed water quality standards.

1. Eligible wastewater types are:

“Groundwater” refers to the hydrologic storage below the ground surface, including aquifers, waters exchanged with surface waters, water from rain or melting ice and snow that soaks into the soil and is stored in the pores between rocks and particles of soil, or within fractures in bedrock.

“Stormwater” refers to rainwater or other types of precipitation that runs off streets, lawns, and other sites, as well as flood waters and storm surge.

“Potable Water” refers to water that meets state and federal standards for drinking.

“Surface Water” refers to any body of water above the ground surface, including oceans, streams, rivers, lakes, ponds, wetlands, reservoirs.

2. Eligible activities:

“Site Remediation” refers to the remediation of groundwater and/or soil/sediment containing pollutant(s) (e.g., inorganic, volatile organic compounds (VOCs), and semi-volatile organic compounds (SVOCs)), and related activities, generally conducted under a regulatory program (e.g., federal and State hazardous waste site and/or emergency response cleanup).

“Site Dewatering” refers to activities related to the removal of one or more wastewaters from excavations, trenches, foundations, vaults, or other similar points of accumulation at: 1) sites of any size where pollutants are present in the wastewater(s), including those naturally occurring; or 2) construction sites less than one acre regardless of the presence of pollutants.

“Infrastructure Dewatering/Remediation” refers to dewatering/remediation of building foundations, vaults, tanks, and pipelines.

“Material Dewatering” refers to dewatering of contaminated solids, including dredge drainback waters.

II. Additional Definitions for the Purpose of this General Permit

“Action Area” – all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. See 50 CFR 402. For the purposes of this permit and for application of the threatened and endangered species protection eligibility requirements, the following areas are included in the definition of action area:

- The areas on the site where 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: 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 discharges flow from the site to the point of discharge into receiving waters. (Example: Where stormwater flows or groundwater infiltrates into a ditch that leads to receiving waters and where listed species (such as listed amphibians) are found.
- The areas where wastewater from site activities discharges into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where discharges of wastewater from site activities discharges into a stream segment that is known to harbor endangered aquatic species.)
- The areas where control measures will be constructed and operated, including any areas where wastewater flows to and from the controls. (Example: Where a stormwater retention pond would be built.)
- The areas upstream and/or downstream from the 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.)

“Best Management Practices (BMPs)”, found in Part 2.3 of this general permit, are the minimum technology and control measures, including treatment.

“BMPP” (Best Management Practices Plan) – a site-specific, written document that, among other things: 1) identifies potential sources of pollution at the site; 2) describes control measures to reduce or eliminate pollutants in discharges from the site; and 3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.

“Chemical or Additive” – includes, but is not limited to: algaecides/biocides, antifoams, coagulants, corrosion/scale inhibitors/coatings, disinfectants, flocculants, neutralizing agents, oxidants, oxygen scavengers, pH conditioners, surfactants and bioremedial agents, including microbes. A commonly used chemical at DRGP sites include cationic flocculants that contain an overall positive charge used to reduce turbidity in discharges by chemically bonding to the negative charge of suspended silts and other soil materials and causing them to bind together and settle out.

“Construction Activities” – earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants.

“Contaminated Site” All or part of a site is a current or former federal or state remediation site. Federal remediation sites include cleanups covered by Superfund (both National Priorities List (NPL) sites and non-NPL sites), Resource Conservation and Recovery Act (RCRA) corrective actions sites, cleanups at Federal Facilities, and federal, state, or tribal brownfields sites. State remediation sites could include, brownfield site cleanups funded by the state, or sites regulated under state hazardous waste site cleanup programs (e.g., MCP in MA, GPP in NH). Operators may use online mapping resources to help determine if they are located on a current or former remediation site. For instance, EPA’s Cleanups in My Community Map will show users where the following sites are located: Superfund NPL and non-NPL sites, RCRA corrective action sites, Federal Facility cleanup sites, and brownfields properties (where federal funding is used), MassDEP’s Waste Site Lookup can be used to identify current and former remediation sites subject to the MCP.

“Control Measure” - refers to any best management practice or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

“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 ground water from building foundations, vaults, and trenches.

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

- “Existing discharge” refers to a discharge in accordance with the expired Dewatering General Permit or the expired Remediation General Permit.
- “Emergency discharge” refers to a discharge that is a result of remediation or dewatering activities conducted in response to a public emergency and the discharge requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services.
- “New discharge” refers to any discharge that is not an existing or emergency discharge.

- “Continuous discharge” refers to a discharge which occurs without interruption throughout the operating hours of the site, except for infrequent shutdowns for maintenance, process changes, or other similar activities. 40 CFR § 122.2
- “Non-Continuous discharge” refers to a discharge which does not occur during specific periods of time for reasons other than upset, such periods generally being at least 24 hours in duration (e.g., where wastewaters are routinely stored to be treated, on a batch, i.e., intermittent, basis.

“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. 40 CFR § 122.2.

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

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

“Effluent Limitations” – for the purposes of this permit, any of the numeric or non-numeric values established in Part 2 or Part 6 of the permit, including Appendices E and G.

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

“Eligible” – for the purposes of this permit, refers to wastewater discharges that are authorized for coverage under this general permit.

“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.

“Excursion” – a measured value that exceeds a specified limit.

“Federal Operator” – an entity that meets the definition of “Operator” in this permit and is either any department, agency or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, performing construction activity for any such department, agency, or instrumentality.

“Hazardous” or “Toxic” substances – 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, including Priority Pollutants listed in 40 CFR Part 423, Appendix A, and/or pollutants subject to criteria in State water quality standards. See also 40 CFR §261.2.

“Historic Property” – as defined in the National Historic Preservation Act regulations, means 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” – for the purposes of this permit, a water identified by the state, tribe, or EPA as not meeting an applicable water quality standard. A discharge to an impaired water occurs if the first water of the U.S. or its tributaries thereto 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 and (1) requires development of a total maximum daily load (TMDL) (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody requires a control that meets the requirements of the Clean Water Act. For discharges that enter a storm sewer system prior to discharge, the water of the U.S. to which you discharge is the first water of the U.S. that receives the discharge from the storm sewer system.

“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” or “Indian Country Lands” – defined at 40 CFR §122.2 as:

- 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;
- 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
- All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

“Infeasible” – for the purpose of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. EPA notes that it does not intend for any permit requirement to conflict with state water rights law.

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

“Linear Site” – 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.

“Minimize” – to reduce and/or eliminate to the extent achievable using stormwater controls 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):

- 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;
- Designed or used for collecting or conveying stormwater;
- Which is not a combined sewer; and
- 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.’

“New Operator” – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted site that is either a “new site” or an “existing site”.

“New Site” – a site where construction activities commenced on or after the expiration of EPA Region 1’s Dewatering General Permit or Remediation General Permit, depending on which permit applies to the site.

“New Source” – for the purposes of this permit, a construction project that commenced construction activities after February 1, 2010.

“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.

“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.

“NPDES eReporting Tool” (NeT) – EPA’s online system for submitting electronic Construction General Permit forms.

“Operator” – For purposes of the DRGP, the party responsible for a discharge (hereinafter referred to as the “operator”), as defined by 40 CFR §122.2, of any “facility or activity” (hereinafter referred to as “site”) subject to regulation under the NPDES program is responsible for applying for coverage under the DRGP that meets either of the following criteria:

- The party has operational control over site activities and treatment system specifications, including the ability to make modifications to those plans and specifications; or
- The party determines acceptance of the work and payment for work performed to ensure compliance with the permit conditions; or
- The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

“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” also “Parameter” defined at 40 CFR §122.2. A partial description from this definition includes compounds or components in dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. Some of the types of pollutants that are typically found at sites are:

- Sediment/solids;
- Metals;
- Pesticides and herbicides;
- Oils and greases;
- Nutrients;
- Bacteria and viruses; and
- Treatment chemicals/additives

To determine the applicable pollutants/parameters for a site:

- A pollutant is “known present” if measured above the analytical detection limit in an environmental sample, including any historic water or soil/sediment samples that are still representative of site conditions.

- A pollutant is “believed present” if a pollutant has not been sampled but will be added or generated prior to discharge such as through a treatment process, or, based on the site use and any hazardous waste site cleanup activities conducted, is likely present.
- A pollutant is “known absent” if measured as non-detect relative to the analytical detection limit using a sufficiently sensitive test method in an environmental sample.
- A pollutant “believed absent” if a pollutant has not been measured in an environmental sample but will not be added or generated prior to discharge, and based on the site use, is likely absent.

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

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

“Provisional Coverage” – 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 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” – a “Water of the United States” as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

“Run-On” – sources of wastewater that drain from land located upslope or conveyances upstream from the regulated site.

“Site” – the land or water area where activities will occur and where control measures will be installed and maintained. The site includes areas used to support activities, which may be located at a different part of the property from where the primary activity will take place, or on a different piece of property altogether.

“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.

“Spill” – for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

“Storm Event” – a precipitation event that results in a measurable amount of precipitation.

“Subcontractor” – for the purposes of this permit, an individual or company that takes a portion of a contract from the general contractor or from another subcontractor.

“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.

“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 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 mass per time, toxicity, or other appropriate measure.

“Turbidity” – a condition of water quality characterized by the presence of suspended solids and/or organic material.

“Uncontaminated Discharge” – in the context of authorized discharges, a discharge that does not contain measurable concentrations of pollutants that cause or contribute to an exceedance of applicable water quality standards.

“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, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high-quality waters. 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” – see definition at 40 CFR 122.2.

“Wetland” – those areas that are inundated or saturated by surface or ground water 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. On-site evaluations are typically required to confirm the presence and boundaries of wetlands.

III. Acronyms

BMP – Best Management Practice
BMPP – Best Management Practices Plan
CBI – Confidential Business Information
CGP – Construction General Permit
CFR – Code of Federal Regulations
CWA – Clean Water Act
CZMA – Coastal Zone Management Act
ECHO – EPA Enforcement and Compliance History Online
EFH – Essential Fish Habitat
ELG – Effluent Limitations Guideline
EPA – United States Environmental Protection Agency
ESA – Endangered Species Act
FR – Federal Register
MassDEP – Massachusetts Department of Environmental Protection
MS4 – Municipal Separate Storm Sewer System
MSGP – Multi-Sector General Permit
NeT – NPDES eReporting Tool
NHDES – New Hampshire Department of Environmental Services
NHPA – National Historic Preservation Act
NOAA – National Oceanic and Atmospheric Administration
NOI – Notice of Intent/CNOI – Change Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
NRC – National Response Center
ORW – Outstanding Resource Water
POTW – Publicly Owned Treatment Works
SDS – Safety Data Sheet
SHPO – State Historic Preservation Office
SPCC – Spill Prevention Control and Countermeasure
SWPPP – Stormwater Pollution Prevention Plan
THPO – Tribal Historic Preservation Office
TMDL – Total Maximum Daily Load
TSS – Total Suspended Solids
UIC – Underground Injection Control
USFWS – United States Fish and Wildlife Service
USGS – United States Geological Survey
VTDEC – Vermont Department of Environmental Conservation
WQS – Water Quality Standard