

Appendix A

Definitions, Abbreviations and Acronyms

All definitions contained in Section 502 of the Clean Water Act and 40 C.F.R. § 122 shall apply to this permit, and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the statute or regulation takes precedence.

Best Management Practices (BMPs) means schedules of activities, practices (and prohibitions of practices), structure, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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

Conventional Small MS4 refers to the typical design of municipally-owned conveyance or system of conveyances for collecting and conveying stormwater. It is primarily an urban political unit having corporate status and usual powers of self-government in which it handles and maintain a conveyance or system of conveyances. In Puerto Rico, there are no first-order administrative divisions as defined by the United States Government, but Puerto Rico has 78 municipalities or “municipios” at the secondary order. For U.S. Census purposes, the municipalities are equivalent to counties.

Clean Water Act or CWA or The Act is formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, and, as amended by, Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. Part 1251 et. seq.)

Director means a Regional Administrator of the Environmental Protection Agency or an authorized representative.

Discharge, when used without a qualifier, refers to “discharge of a pollutant” as defined at 40 C.F.R. § 122.2.

Discharge of a pollutant means 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 C.F.R. § 122).

Discharge-related activities means activities which cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction and operation of BMPs to control, reduce, or prevent pollution in the discharges.

Existing Discharger means an operator applying for coverage under this permit for discharges covered previously under an NPDES general or individual permit.

Facility or Activity means any NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

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

Illicit Connection means any man-made conveyance connecting an illegal discharge directly to a municipal separate storm sewer.

Illicit Discharge is defined at 40 C.F.R. § 122.26(b)(2), and refers to any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4), and discharges resulting from firefighting activities.

Impaired Water means a water is impaired if it does not meet one or more of its designated use(s). For purposes of this permit, “impaired” refers to categories 4 and 5 of the five-part categorization approach used for classifying the water-quality standards attainment status for water segments under the TMDL program. Impaired waters compilations are also sometimes referred to as “303(d) lists.” Category 5 waters are impaired because at least one designated use is not being supported or is threatened, and a TMDL is needed. Category 4 waters indicate that at least one designated use is not being supported, but a TMDL is not needed (4a indicates that a TMDL has been approved, or established by EPA; 4b indicates that other required control measures are expected to result in the attainment of water-quality standards in a reasonable period of time; and 4c indicates that the non-attainment of the water-quality standard is the result of pollution (e.g., habitat), and is not caused by a pollutant. See USEPA’s 2006 Integrated Report Guidance, July 29, 2005 for more detail on the five-part categorization of waters [under EPA National TMDL Guidance <http://www.epa.gov/tmdl>]).

Industrial Activity means the 10 categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity,” as defined in 40 C.F.R. § 122.26(b)(14)(i-ix) and (xi).

Industrial Stormwater means stormwater runoff associated with the definition of “stormwater discharges associated with industrial activity.”

Junction Manhole means, for the purposes of this permit, a manhole or structure with two or more inlets accepting flow from two or more MS4 alignments. Manholes with inlets solely from private storm drains, individual catch basins, or both are not considered junction manholes for these purposes.

Key Junction Manhole means, for the purposes of this permit, those junction manholes that can represent one or more junction manholes without compromising adequate implementation of the illicit discharge program. Adequate implementation of the illicit discharge program would not be compromised if the exclusion of a particular junction manhole as a key junction manhole would not affect the permittee's ability to determine the possible presence of an upstream illicit discharge. A permittee may exclude a junction manhole located upstream from another located in the immediate vicinity or that is serving a drainage alignment with no potential for illicit connections.

Large Construction Activity is defined at 40 CFR § 122.26(b)(14)(x) and incorporated here by reference. 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.

Maximum Extent Practicable or "MEP" means, for the purposes of this permit, the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in stormwater discharges that was established by CWA Section 402(p). A discussion of MEP, as it applies to small MS4s, is found at 40 C.F.R. § 122.34.

Municipal Separate Storm Sewer or "MS4" is defined at 40 C.F.R. § 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, municipality, 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;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW), as defined at 40 C.F.R. § 122.2, nor of the Puerto Rico Aqueduct and Sewer Authority.

National Pollutant Discharge Elimination System (NPDES) is 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.’

NPDES Construction General Permit means EPA’s general permit for stormwater discharges associated with construction activities.

New Source means any building, structure, facility, or installation from which there is or may be a “discharge of pollutants,” the construction of which commenced:

- i. after promulgation of standards of performance under Section 306 of the CWA, which are applicable to such sources, or
- ii. after proposal of standards of performance in accordance with Section 306 of the CWA, which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 of the CWA within 120 days of their proposal.

New Source Performance Standards (NSPS) means the technology-based standards for facilities that qualify as new sources under 40 C.F.R. §§ 122.2 and 122.29.

No exposure means that all industrial materials or activities are protected by a storm-resistant shelter to prevent exposure to rain, hail and/or runoff.

Non-Conventional Small MS4 refers to a conveyance or system of conveyances that collects stormwater which are owned and operated by the Commonwealth of Puerto Rico and/or the federal government which are located within an urbanized area. The term MS4 does not solely need to be municipally-owned storm sewer systems. These Commonwealth of Puerto Rico and federally-operated facilities include universities, prisons, hospitals, military bases (e.g., State Army National Guard barracks, parks and office building complexes), flood control pumps, and transportation authorities, among others.

Notice of Intent or “*NOI*” means the application form used to “register” for coverage under a general permit.

Owner or *operator* means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

Permitting Authority means the EPA Regional Administrator or an authorized representative.

Person means an individual, association, partnership, corporation, municipality, State (i.e., Commonwealth of Puerto Rico) or Federal agency, or an agent or employee thereof.

Point source means 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, as stated under 40 C.F.R. § 122.2.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water, as stated under 40 C.F.R. § 122.2.

Pollutant of concern means a pollutant which causes or contributes to a violation of a water-quality standard, including a pollutant which is identified as causing an impairment to waters listed in the Commonwealth of Puerto Rico's 303(d) list (<https://www.epa.gov/tmdl/puerto-rico-impaired-waters-list>).

Puerto Rico Sediment and Erosion Control Plan (SEC Plan) means the Commonwealth of Puerto Rico permit issued under the Regulation for the Control of Erosion and Sediment Prevention.

Reportable Quantity Release means a release of a hazardous substance at or above the established legal threshold that requires emergency notification. Refer to 40 C.F.R. §§ 110, 177, and 302 for complete definitions and reportable quantities for which notification is required.

Runoff coefficient means the fraction of total rainfall that will appear at the conveyance as runoff.

Significant materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); any chemical that the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

Small Construction Activity is 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

Small Municipal Separate Storm Sewer System means all separate storm sewers that are (as defined in 40 C.F.R. § 122.26(b)(16)):

- i. Owned or operated by the United States, a State, city, town, borough, municipality, 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.
- ii. Not defined as “large” or “medium” municipal separate storm sewer system pursuant to sections 40 C.F.R. §§ 122.26(b)(4) and (b)(7), or designated under section 40 C.F.R. § 126.26(a)(1)(v).
- iii. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Small MS4 means a small municipal separate storm sewer system.

Small MS4 Area means municipality or municipalities where any Small MS4 is located.

State for purpose of this permit will include the Commonwealth of Puerto Rico.

Stormwater is defined at 40 C.F.R. § 122.26(b)(13) and means stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Discharges Associated with Construction Activity means a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. (see 40 C.F.R. §§ 122.26(b)(14)(x) and 122.26(b)(15)).

Stormwater Discharges Associated with Industrial Activity means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 C.F.R. Part 122. For the categories of industries identified in this section, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 C.F.R. Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or

disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this section, material handling activities include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as administrative office buildings and accompanying employee parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those that are federally, State, or municipally owned or operated that meet the description of the facilities listed in Appendix D of this permit. The term also includes those facilities designated under the provisions of 40 C.F.R. § 122.26(a)(1)(v).

Stormwater Management Program (SWMP) refers to a comprehensive program to manage the quality of stormwater discharged from a municipal separate storm sewer system.

Total Maximum Daily Loads (TMDLs) means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See Section 303(d) of the CWA and 40 C.F.R. §§ 130.2 and 130.7).

Urbanized Area comprises a place and the adjacent densely settled surrounding territory that together have a minimum population of 50,000 people. The "densely settled surrounding territory" adjacent to the place consists of:

1. Territory made up of one or more contiguous census blocks having a population density of at least 1,000 people per square mile that is:
 - a. Contiguous with and directly connected by road to another qualifying territory, or
 - b. Noncontiguous with another qualifying territory, and:
 - i. Within 1 ½ road miles of the main body of the urbanized area and connected to it by one or more non-qualifying census blocks that (a) are adjacent to the connecting road, and (b) together with the outlying qualifying territory have a total population density of at least 500 people per square mile, or
 - ii. Separated by water or other undevelopable territory from the main body of the urbanized area, but within 5 road miles of the main body of the urbanized area, as long as the 5 miles includes no more than 1 ½ miles of otherwise non-qualifying developable territory.

2. A place containing territory qualifying on the basis of criterion 1 [above] will be included in the urbanized area in its entirety (or partially, if the place is an extended city), if that qualifying territory includes at least 50 percent of the population of the place. If the place does not contain any territory qualifying on the basis of the above criterion, or if that qualifying territory includes less than 50 percent of the place's population, the place is excluded in its entirety.
3. Another territory with a population density of less than 1,000 persons per square mile, provided that it:
 - a. Eliminates an enclave of no more than 5 square miles in the territory otherwise qualifying for the urbanized area when the surrounding territory qualifies on the basis of population density, or
 - b. Closes an indentation in the boundary of the territory otherwise qualifying for the urbanized area when the contiguous territory qualifies on the basis of population density, provided that the indentation is no more than 1 mile across the open end, has a depth at least two times greater than the distance across the open end, and encompasses no more than 5 square miles.

Water Quality Impaired – See “Impaired Water.”

Water Quality Standards (WQS) means a water quality standard that defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. The Commonwealth of Puerto Rico and EPA adopt WQS to protect public health or welfare, enhance the quality of water, and serve the purposes of the Clean Water Act (See CWA Sections 101(a)(2) and 303(c)).

ABBREVIATIONS AND ACRONYMS

BMP – Best Management Practice

BPJ – Best Professional Judgment

CGP – Construction General Permit

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 et. seq.)

CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act

DCIA – Directly Connected Impervious Area

EPA – U.S. Environmental Protection Agency

ESA – Endangered Species Act

FWS – U.S. Fish and Wildlife Service

IA – Impervious Area

IDDE – Illicit Discharge Detection and Elimination

LA – Load Allocations

MOS – Margin of Safety

MS4 – Municipal Separate Storm Sewer System

MSGP – Multi-Sector General Permit

NAICS – North American Industry Classification System

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NMFS – U.S. National Marine Fisheries Service

NOI – Notice of Intent

NPDES – National Pollutant Discharge Elimination System

NRHP – National Register of Historic Places

OMB – U.S. Office of Management and Budget

SHPO – State Historic Preservation Officer

SIC – Standard Industrial Classification

SWMP – Stormwater Management Program

SWPPP – Stormwater Pollution Prevention Plan

TMDL – Total Maximum Daily Load

USGS – United States Geological Survey

WLA – Wasteload Allocation

WQRP – Water Quality Response Plan

WQS – Water Quality Standard