

## DEFINITIONS

The Phase II MS4 General Permit provides definitions of terms used in the Permit for purposes of clarity. The following definitions are verbatim from the Permit and included to assist the reader in understanding the concepts presented in the City of Millersburg's SWMP.

- **Total Maximum Daily Load (TMDL) or applicable TMDL** is any TMDL, which has been approved by EPA on or before the issuance date of this permit.
  - **Best Management Practices (BMPs)** means schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also mean treatment requirements, operating procedures, and practices to control runoff, spillage, or leaks, sludge, or waste disposal, or drainage from raw material storages. See 40CFR§122.2 and 122.44(k). For the purposes of this permit, BMPs are synonymous with structural and non-structural stormwater controls and include the schedule of activities, controls, prohibition of practices, maintenance procedures and other management practices designed to prevent or reduce pollution.
  - **Bioretention** means the water quality and water quantity stormwater management practice using the chemical, biological and physical properties of plants, microbes and soils for the removal of pollution from stormwater runoff.
  - **CFR** means the Code of Federal Regulations, which is the official annual compilation and all regulations and rules promulgated during the previous year by the agencies of the United States government, combined with all the previously issued regulations and rules of the agencies that are still in effect.
  - **Chronic Illicit Discharges** are continuous illicit discharges resulting from sanitary/wastewater connection to an MS4, sanitary/wastewater inflows into a MS4 and unpermitted industrial wastewater discharges to the MS4.
  - **Clean Water Act (CWA)** refers to what was formally called the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. § 1251 et seq. [40CFR§122.2].
  - **Common Plan of Development** means a contiguous construction project or projects where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan.
  - **Construction Activity** includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to the construction of residential buildings and
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non-residential buildings, and heavy construction (for example, highways, streets, bridges, tunnels, pipelines, transmission lines and industrial non-building structures).

- **Erosion and Sediment Control Plan** is a site-specific plan designed to describe the control of soil, raw materials, or other substances to prevent pollutants in stormwater runoff. For the purposes of this permit, and ESCP means a document that identified potential sources of pollution, describes practices to reduce pollutants in stormwater discharges from the site, and identifies procedures or controls that the operator will implement to reduce impacts to water quality and comply with applicable permit requirements.
  - **Control Measure**, as used in this permit, refers to any action, activity, Best Management Practice or other method used to control the amount of pollutants in MS4 discharges.
  - **Discharge of a pollutant** means any addition of any "pollutant" or combination of pollutants to "waters of the state" 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 definition includes additions of pollutants into waters of the state from surface runoff, which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person, which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger" [40CFR§122.2].
  - **Erosion** is process of carrying away soil particles by the action of water, wind, or other process.
  - **Evaporate** is rainfall that is changed or converted into a vapor.
  - **Evapotranspiration** is the sum of evaporation and transpiration of water from the earth's surface to the atmosphere. It includes evaporation of liquid or solid water plus the transpiration from plants.
  - **Final Stabilization** is determined by satisfying the following criteria: (1) there is no reasonable potential for discharge of a significant amount of construction related sediment or turbidity to surface waters; (2) construction materials and waste have been removed and disposed of properly. This includes any sediment that was being retained by the temporary erosion and sediment controls; (3) all temporary erosion and sediment controls have been removed and disposed of properly, unless doing so conflicts with local requirements; (4) all soil disturbance activities have stopped and all stormwater discharges from construction activities that are authorized by this
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permit have ceased; (5) all disturbed or exposed areas of the site are covered by either final vegetative stabilization or permanent stabilization measures. However, temporary or permanent stabilization measures are not required for areas that are intended to be left unvegetated or unstabilized following construction (such as dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials), provided that measures are in place to eliminate or minimize erosion.

- **Green Infrastructure (GI)** is a specific type of stormwater control using vegetation, soils, and natural processes to manage stormwater. At the scale of a neighborhood or site, green infrastructure refers to stormwater management systems designed to mimic nature by reducing and/or storing stormwater through infiltration, evaporation, and transpiration. At the scale of city or county, green infrastructure refers to the patchwork of natural areas that provides flood protection and natural processes that remove pollutants from stormwater.
  - **Impaired Water** means any waterbody that does not meet applicable water quality standards for one or more parameters as identified on Oregon's 303(d) list.
  - **Infiltration** is the process by which stormwater penetrates into soil.
  - **Illicit Connections** include, but are not limited to, pipes, drains, open channels, or other conveyances that have the potential to result in an illicit discharge.
  - **Illicit Discharge** is any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater except discharges authorized under Section A.1.d, discharges permitted by a NPDES permit or other state or federal permit, or otherwise authorized by DEQ.
  - **Impervious Surface** is any surface resulting from development activities that prevents the infiltration of water. Common impervious surfaces include: building roofs; traditional concrete or asphalt paving on walkways, driveways, parking lots, gravel lots and roads; and heavily-compacted earthen materials.
  - **Large Community** is defined as any permit registrant not defined as a Small Community.
  - **Low Impact Development (LID)** is a stormwater management approach that seeks to mitigate the impacts of increased runoff and stormwater pollution using a set of planning, design and construction approaches and stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater, and can occur at a wide range of landscape scales (i.e., regional, community and site). Low impact development is a comprehensive land planning and engineering design approach to stormwater management with a goal
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of mimicking the pre-development hydrologic regime of urban and developing watersheds.

- **Maintenance Activities**, as used in the definition of Redevelopment means activities such as pavement preservation projects; restoration of impervious surfaces disturbed by construction, maintenance or repair utilities; and roof replacement projects.
  - **Maximum Extent Practicable (MEP)** is the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in stormwater discharges that was established by Section 402(p)(3)(B)(iii) of the Clean Water Act [33U.S.C§1342(p)(3)(B)(iii)].
  - **Minimize** means to reduce and/or eliminated to the extent achievable using control measures (including BMPs) that are technologically available, economically practicable, and achievable in light of best industry or municipal practices.
  - **Municipal Separate Storm Sewer System (MS4)** is defined in 40CFR§122.26(b) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (create 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 Clean Water Act that discharges to waters of the state; (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 as defined at 40CFR§122.2.
  - **Municipality** means a city, town, borough, county, parish, district, association, or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act.
  - **National Pollutant Discharge Elimination System (NPDES)** is 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, 405 of Clean Water Act [40CFR§122.2].
  - **Non-structural Stormwater Controls or BMPs** are stormwater controls in the form of development standards or other regulatory mechanisms intended to minimized and treat stormwater by minimized impervious surfaces and by using soil infiltration, evaporation, and transpiration. These controls may also take the form of procedural
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practices to prevent pollutants from contaminating stormwater. The use of this term in this permit is consistent with the discussion of non-structural stormwater BMPs in 64 Federal Register 68760 (December 9, 1999) which encompasses preventative actions that involve management and source controls such as: (1) policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive waterbodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; (2) policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure; (3) education programs for developer and the public about project designs that minimize water quality impacts; and (4) other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventative maintenance and spill prevention.

- **Outfall** is defined as a point source at the point where a municipal separate storm sewer discharges to waters of the state, and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the state and are used to convey waters of the State.
  - **Owner or Operator** is the owner or operator of any "facility or activity" subject to regulation under the NPDES program.
  - **Pesticide** as used in this permit carries the same definition as used in the Federal Insecticide, Fungicide, and Rodenticide Act and is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. Under FIFRA, a pest is any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism.
  - **Plant Intercept** is the capture of precipitation by the plant canopy and its subsequent return to the atmosphere through evaporation or sublimation.
  - **Pollutant** is dredged soil; solid wastes; incinerator residue; sewage; garbage; sewerage sludge; munitions; chemicals wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharges into water.
  - **Predevelopment Hydrologic Function** is the hydrology of a site reflecting the local rainfall patterns, soil characteristics, land cover, evapotranspiration, and topography. The term predevelopment as used in predevelopment hydrologic function is consistent with the term predevelopment as discussed in Federal Register Volume 64, Number 235 and refers to the runoff conditions that exist onsite immediately before
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the planned development activities occur. Predevelopment is not intended to be interpreted as the period before any human-land induced land disturbance activity has occurred.

- **Post-Construction Site Runoff Plan** is a plan developed by a site owner or operator and/or their designer to demonstrate compliance with the post-construction stormwater management and long-term operation and maintenance requirements of this permit.
  - **Redevelopment** means a project that entails Construction Activities, occurs on a previously developed site and results in the addition or replacement of impervious surface. To the extent allowable under federal law, redevelopment does not include: Maintenance Activities, Construction Activities conducted to ameliorate a public health or safety emergency or natural disaster; and/or Construction Activities within an existing footprint to repair or replace a site or a structure damaged by a public health or safety emergency or natural disaster.
  - **Regulated Small MS4** is a municipal separate storm sewer that is not a medium or large MS4. A large MS4 is defined in 40CFR§122.26(b)(4). A medium MS4 is defined in 40CFR§122.26(b)(7). For the purposes of this permit, a small MS4 is any municipal separate storm sewer system located within a Census-defined Urbanized Area. Regulated small MS4s are automatically designated as needing an NPDES permit pursuant to federal requirements found in 40CFR§122.30-37. A regulated small MS4 also means any MS4 designated by DEQ pursuant to 40CFR§122.26(a)(1)(v) and/or 123.35 as needing a NPDES permit.
  - **Small Community** is defined as permit registrant that has a population of less than 10,000 people or is county that is the sole permit registrant/applicant. If the county is a co-registrant at the time of permit coverage or becomes a co-registrant at any time of permit coverage under this permit, it is not eligible for this exemption.
  - **Small MS4**, is defined at 40CFR§122.26(b)(16) and (17), respectively, and means all separate storm sewers that are: (i) owned or operated by the United States, 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 Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to waters of the state; (ii) not defined as "large" or "medium" municipal separate storm sewer systems pursuant to 40CFR§122.26(b)(4) and (b)(7), or designated under 40CFR§122.26(a)(1)(v); and (iii) includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison
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complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

- **Stormwater or Stormwater Runoff** includes snow melt runoff, and surface runoff and drainage, and is defined in 40CFR§122.26(b)(13). “Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or a constructed infiltration facility.
  - **Stormwater Control** refers to non-structural, structural stormwater controls and/or BMPs.
  - **Stormwater Management Program (SWMP)** refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer systems. For the purposes of this permit, the SWMP consists of the actions and activities conducted by the permit registrant as required by the permit and described in the permit registrant’s SWMP Document.
  - **A SWMP Document** is the written summary describing the unique and/or cooperative means by which an individual permit registrant or entity implements the specific stormwater management control measures required by the permit.
  - **Stormwater Mitigation Bank Program** is a program for offsite compliance that established a market with an entity that tracks the life cycle of an offsite mitigation credit by certifying the credit, issuing a tradable credit to the seller, transferring the ownership of the credit from the seller to the buyer, and use or retirement of the credit to receive a benefit when the buyer of the credit is unable to meet a retention requirement on their site.
  - **Stormwater Payment-in-Lieu Program** is a program for offsite compliance where the permit registrant or site owner/operator pays a fee in lieu of full compliance on the development site with this fee based on volume ratios (i.e., volume of stormwater to be retained onsite to the volume to be retained at the mitigation site) and a rate specified by the registrant. The registrant can aggregate fees and apply them to a public stormwater structural or non-structural control at a later point in time.
  - **Structural Stormwater Controls or BMPs** are stormwater controls that are physically designed, installed, and maintained to prevent or reduce the discharge of pollutants in the stormwater to minimize the impacts of stormwater on waterbodies. As noted in the 64 Federal Register 68760 (December 9, 1999), examples of structural stormwater controls of BMPs include: (1) storage practices such as wet ponds and extended-detention outlet structures; (2) filtration practices such as grassed swales, sand filters and filter strips; and, (3) infiltration practices such as infiltration basins and infiltration trenches.
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- **Subwatershed** is a subdivision of a watershed as is the sixth-level 12-digit unit of the hydrologic unit hierarchy as defined by the National Watershed Boundary Dataset (USGS et al 2013).
  - **Transpiration** means to release water vapor into the atmosphere through plant stomata or pores.
  - **Waters of the State** means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located wholly or partially within or bordering the State, or within its jurisdiction.
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