

**7050.0255 DEFINITIONS.**

Subpart 1. **Applicability.** For purposes of parts 7050.0250 to 7050.0335, the following terms have the meanings given in this part. Terms in parts 7050.0250 to 7050.0335 that are not specifically defined in applicable federal or state law shall be construed in conformance with the context, in relation to the applicable section of the statutes pertaining to the matter and professional usage as of November 21, 2016.

Subp. 2. **Agency.** "Agency" has the meaning given under Minnesota Statutes, section 115.01, subdivision 2, unless otherwise specified.

Subp. 3. **Applicant.** "Applicant" means a person requesting a control document.

Subp. 4. **Beneficial use.** "Beneficial use" means a designated use described under part 7050.0140 and listed under parts 7050.0400 to 7050.0470 for each surface water or segment thereof, whether or not the use is being attained.

Subp. 5. **Calcareous fen.** "Calcareous fen" means an area listed in part 7050.0335, subpart 1, item E, and described under part 8420.0935, subpart 2.

Subp. 6. **Class 2 surface water.** "Class 2 surface water" means a surface water that is protected for aquatic life and recreation beneficial uses and to which water quality standards described in part 7050.0222 apply.

Subp. 7. **Class 7 surface water.** "Class 7 surface water" means a surface water that is protected for limited resource value beneficial uses and to which water quality standards described in part 7050.0227 apply.

Subp. 8. **Clean Water Act.** "Clean Water Act" means the federal Water Pollution Control Act, United States Code, title 33, sections 1251 et seq.

Subp. 9. **Compensatory mitigation.** "Compensatory mitigation" means the restoration, establishment, or enhancement of surface waters to preserve an existing use when there is a physical alteration of a surface water after all prudent and feasible alternatives have been implemented to avoid and minimize degradation.

Subp. 10. **Control document.** "Control document" means an authorization issued by the commissioner that specifies water pollution control conditions under which a regulated activity is allowed to operate. Control document includes Clean Water Act authorizations used to administer NPDES permits and section 401 certifications. For purposes of parts 7050.0250 to 7050.0335, total maximum daily loads are not control documents.

Subp. 11. **Degradation or degrade.** "Degradation" or "degrade" means a measurable change to existing water quality made or induced by human activity resulting in diminished chemical, physical, biological, or radiological qualities of surface waters. For municipal sewage and industrial waste discharges, degradation is calculated at the edge of the mixing

zone upon reasonable allowance for dilution of the discharge according to part 7053.0205, subparts 5 to 7.

Subp. 12. **Discharge.** "Discharge" means the addition of pollutants to surface waters.

Subp. 13. **Effective date.** "Effective date" means:

A. for the protection of high water quality:

(1) when applied to a previously unregulated activity, the date when the control document is issued; or

(2) when applied to a currently regulated activity, the date of the most recently issued control document; or

B. for the protection of exceptional characteristics of outstanding resource value waters, except as provided in subitems (1) and (2), the date when the outstanding resource value water was designated in rule.

(1) When the commissioner determines there is an improvement in exceptional characteristics of the outstanding resource value water as a result of changes to water pollution control conditions specified in a reissued control document, the effective date is the date when the control document was reissued.

(2) When the commissioner determines there is an improvement in exceptional characteristics of the outstanding resource value water as a result of a regulated activity ceasing to discharge to or otherwise adversely impact an outstanding resource value water, the effective date is the expiration date of the associated control document.

Subp. 14. **Exceptional characteristics of outstanding resource value waters.** "Exceptional characteristics of outstanding resource value waters" means characteristics for which an outstanding resource value water is designated, including wilderness, scientific, educational, ecological, recreational, cultural, or aesthetic resource characteristics or other special qualities that warrant stringent protection from degradation.

Subp. 15. **Existing uses.** "Existing uses" means those uses actually attained in the surface water on or after November 28, 1975.

Subp. 16. **Existing water quality.** "Existing water quality" means the physical, chemical, biological, and radiological conditions of a surface water, taking into account natural variability, on the effective date. Existing water quality is expressed either as a concentration of a water quality parameter or by other means to describe the condition of a surface water.

Subp. 17. **Feasible alternative.** "Feasible alternative" means a pollution control alternative that is consistent with sound engineering and environmental practices,

affordable, and legal and that has supportive governance that can be successfully put into practice to accomplish the task.

Subp. 18. **Federally designated recreational river segment.** "Federally designated recreational river segment" means a surface water or segment thereof designated as a recreational river under the federal Wild and Scenic Rivers Act, United States Code, title 16, sections 1271 to 1287.

Subp. 19. **Federally designated scenic river segment.** "Federally designated scenic river segment" means a surface water or segment thereof designated as a scenic river under the federal Wild and Scenic Rivers Act, United States Code, title 16, sections 1271 to 1287.

Subp. 20. **Federally designated wild river segment.** "Federally designated wild river segment" means a surface water or segment thereof designated as a wild river under the federal Wild and Scenic Rivers Act, United States Code, title 16, sections 1271 to 1287.

Subp. 21. **High water quality or of high quality.** "High water quality" or "of high quality" means water quality that exceeds, on a parameter-by-parameter basis, levels necessary to support the protection and propagation of aquatic life and recreation in and on the water as described in part 7050.0140, subpart 3.

Subp. 22. **Loading.** "Loading" means the quantity of pollutants, expressed as mass, resulting from a discharge or proposed discharge to a surface water.

Subp. 23. **Loading offset.** "Loading offset" means reductions in loading from regulated or unregulated activities, which reductions create additional capacity for proposed net increases in loading. A loading offset must:

- A. occur concurrently with or prior to the proposed net increase in loading;
- B. be secured with binding legal instruments between any involved persons for the life of the project that is being offset; and
- C. occur either adjacent to or upstream of the proposed activity.

Subp. 24. **Measurable change.** "Measurable change" means the practical ability to detect a variation in water quality, taking into account limitations in analytical technique and sampling variability.

Subp. 25. **National pollutant discharge elimination system permit or NPDES permit.** "National pollutant discharge elimination system permit" or "NPDES permit" means an authorization issued by the agency under sections 307, 318, 402, and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342, and 1345. A general NPDES permit means an NPDES permit issued pursuant to Code of Federal Regulations, title 40, section 122.28.

Subp. 26. **Net increase in loading or other causes of degradation.** "Net increase in loading or other causes of degradation" means:

A. when applied to a proposed activity that is not regulated by an existing control document, any loading or other causes of degradation resulting from the proposed activity; or

B. when applied to a proposed activity that is regulated by an existing control document, an increase in loading or other causes of degradation exceeding the maximum loading or other causes of degradation authorized through water pollution control conditions specified in the existing control document as of the effective date. Application of new effluent limitations based on improved monitoring data or new water quality standards that are not a result of changes in loading or other causes of degradation within the existing capacity and processes authorized by an applicable control document is not considered a net increase in loading or other causes of degradation.

Subp. 27. **Outstanding resource value waters.** "Outstanding resource value waters" mean waters of the state designated under part 7050.0335 for their exceptional characteristics.

Subp. 28. **Parameter.** "Parameter" means a chemical, physical, biological, or radiological characteristic used to describe water quality conditions.

Subp. 29. **Person.** "Person" has the meaning given under Minnesota Statutes, section 115.01, subdivision 10.

Subp. 30. **Physical alteration.** "Physical alteration" means a physical change that degrades surface waters, such as the dredging, filling, draining, or permanent inundation of a surface water.

Subp. 31. **Pollutant.** "Pollutant" has the meaning given under Minnesota Statutes, section 115.01, subdivision 12.

Subp. 32. **Prohibited outstanding resource value waters.** "Prohibited outstanding resource value waters" mean surface waters identified in part 7050.0335, subparts 3 and 4.

Subp. 33. **Proposed activity.** "Proposed activity" means a regulated activity for which control document authorization is being requested.

Subp. 34. **Prudent alternative.** "Prudent alternative" means a pollution control alternative selected with care and sound judgment.

Subp. 35. **Regulated activity.** "Regulated activity" means an activity that requires a control document.

Subp. 36. **Restricted outstanding resource value waters.** "Restricted outstanding resource value waters" mean surface waters identified in part 7050.0335, subparts 1 and 2.

Subp. 37. **Scientific and natural areas.** "Scientific and natural areas" mean areas listed in part 7050.0335, subpart 3, item D, and described under Minnesota Statutes, section 86A.05, subdivision 5, paragraph (b).

Subp. 38. **Section 303(d) of the Clean Water Act.** "Section 303(d) of the Clean Water Act" means, pursuant to United States Code, title 33, section 1313(d), a requirement for states, territories, and authorized tribes to develop lists of waters that do not meet applicable water quality standards, establish priority rankings, and develop total maximum daily loads for these waters.

Subp. 39. **Section 401 certification.** "Section 401 certification" means an authorization issued by the commissioner under section 401 of the Clean Water Act, United States Code, title 33, section 1341.

Subp. 40. **Section 404 permit.** "Section 404 permit" means an authorization issued under section 404 of the Clean Water Act, United States Code, title 33, section 1344. A general section 404 permit means a section 404 permit issued pursuant to section 404 of the Clean Water Act, United States Code, title 33, section 1344, paragraph (e).

Subp. 41. **State designated recreational river segment.** "State designated recreational river segment" means a surface water or segment thereof designated as a recreational river under the Minnesota Wild and Scenic Rivers Act, Minnesota Statutes, sections 103F.301 to 103F.345, and described under Minnesota Statutes, section 103F.311, subdivision 4.

Subp. 42. **State designated scenic river segment.** "State designated scenic river segment" means a surface water or segment thereof designated as a scenic river under the Minnesota Wild and Scenic Rivers Act, Minnesota Statutes, sections 103F.301 to 103F.345, and described under Minnesota Statutes, section 103F.311, subdivision 7.

Subp. 43. **State designated wild river segment.** "State designated wild river segment" means a surface water or segment thereof designated as a wild river under the Minnesota Wild and Scenic Rivers Act, Minnesota Statutes, sections 103F.301 to 103F.345, and described under Minnesota Statutes, section 103F.311, subdivision 9.

Subp. 44. **Total maximum daily load or TMDL.** "Total maximum daily load" or "TMDL" has the meaning given under Minnesota Statutes, section 114D.15, subdivision 10.

Subp. 45. **Unregulated activity.** "Unregulated activity" means an activity that does not require a control document.

Subp. 46. **Water pollution control conditions.** "Water pollution control conditions" means effluent limitations as defined in part 7001.1020, subpart 13, or other conditions specified in a control document that limit water pollution as defined in Minnesota Statutes, section 115.01, subdivision 13.

Subp. 47. **Water quality standard.** "Water quality standard" means a parameter concentration, level, or narrative statement representing a quality of water that supports a beneficial use. When water quality standards are met, water quality will generally protect the beneficial use.

**Statutory Authority:** *MS s 115.03; 115.44*

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