

7090.0080 DEFINITIONS.

Subpart 1. **Scope.** Terms employed in this chapter for which definitions are given in Minnesota Statutes, sections 115.01 and 116.06, have the meanings given them in those sections. The terms specified in this part have the meanings given them in this part.

Subp. 2. **Best management practices.** "Best management practices" or "BMP's" means practices to prevent or reduce the pollution of the waters of the state, including schedules of activities, prohibitions of practices, and other management practice, and also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage.

Subp. 3. **Common plan of development or sale.** "Common plan of development or sale" means one proposed plan for a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. "One proposed plan" is broadly defined to include design, permit application, advertisement, or physical demarcation indicating that land-disturbing activities may occur.

Subp. 4. **Construction activity.** "Construction activity" means activities for the purpose of construction, including clearing, grading, and excavating, that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated storm water runoff which may lead to soil erosion and movement of sediment. Construction activity does not include a disturbance to the land of less than five acres for the purpose of routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility.

Subp. 5. **Decennial census.** "Decennial census" means the census of population and housing taken in each year ending in zero, as defined by the United States Census Bureau.

Subp. 6. **Industrial activity.** "Industrial activity" means the 11 categories of industrial activity which are directly related to manufacturing, processing, or raw materials storage areas at an industrial plant, as defined in Code of Federal Regulations, title 40, section 122.26(b)(14)(i)-(xi).

Subp. 7. **Municipality.** "Municipality" means a county, a city, a town, the Metropolitan Council when acting under the provisions of Minnesota Statutes, chapter 473, or other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution.

Subp. 8. **Municipal separate storm sewer system.** "Municipal separate storm sewer system" or "MS4" 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:

A. owned or operated by a state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, 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 tribe organization, or a designated and approved management agency under section 208 of the federal Clean Water Act, United States Code, title 33, section 1288, that discharges into waters of the state;

B. designed or used for collecting or conveying storm water;

C. that is not a combined sewer; and

D. that is not part of a publicly owned treatment works as defined in Code of Federal Regulations, title 40, section 122.2.

Municipal separate storm sewer systems do not include separate storm sewers in very discrete areas, such as individual buildings.

Subp. 9. **No exposure.** "No exposure" means that all industrial materials or activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snow melt, or runoff. "Industrial materials or activities" include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, or waste product.

Subp. 10. **Operator.** "Operator" means:

A. the person with primary operational control and legal responsibility for the municipal separate storm sewer system under part 7090.1000;

B. the person designated by the owner who has day-to-day operational control or the ability to modify project plans and specifications related to the storm water pollution prevention plan under part 7090.2000; or

C. the person responsible for the overall operation of an industrial facility under part 7090.3000.

Subp. 11. **Owner.** "Owner" means:

A. the person that owns the municipal separate storm sewer system under part 7090.1000;

B. the person or party possessing the title of the land on which the construction activities will occur; if the construction activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the construction activity under part 7090.2000; or

C. the person who owns an industrial facility or part of an industrial facility under part 7090.3000.

Subp. 12. **Storm water or stormwater.** "Storm water" or "stormwater" means storm water runoff, snow melt runoff, and surface runoff and drainage. It includes the term "stormwater" as used in agency documents.

Subp. 13. **Urbanized area.** "Urbanized area" means a land area consisting of one or more places and the adjacent urban fringe as defined by the United States Census Bureau. These areas contain at least 50,000 people and an overall population density of at least 1,000 people per square mile of land.

Statutory Authority: *MS s 115.03*

History: *30 SR 125*

Published Electronically: *October 2, 2007*