

7001.1020 DEFINITIONS.

Subpart 1. **Scope.** The definitions in Minnesota Statutes, section 115.01, subdivisions 2, 4, 5, 8, 9, 11 to 13, and 16 to 22, and in part 7001.0010 apply to the terms used in parts 7001.1000 to 7001.1100 unless the terms are defined in this part.

As used in parts 7001.1000 to 7001.1100, the terms in subparts 2 to 31 have the meanings given them.

Subp. 2. **Average monthly discharge limitation.** "Average monthly discharge limitation" means the highest allowable average of daily discharge over a calendar month, calculated as the sum of all daily discharges measured during a calendar month, divided by the number of daily discharges during that month.

Subp. 3. **Average weekly discharge limitation.** "Average weekly discharge limitation" means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week, divided by the number of daily discharges measured during that week.

Subp. 4. **Best available technology.** "Best available technology" means the application to a treatment facility of the best available technology economically achievable as required by section 301(b)(2) of the Clean Water Act, United States Code, title 33, section 1311(b)(2) as amended.

Subp. 5. **Best management practices.** "Best management practices" 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. 6. **Bypass.** "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

Subp. 7. **Clean Water Act.** "Clean Water Act" means the Federal Water Pollution Control Act as amended, commonly referred to as the Clean Water Act, United States Code, title 33, sections 1251 et seq.

Subp. 8. **Commencement of construction.** "Commencement of construction" means:

A. to begin or cause to begin as a part of a continuous program the placement, assembly, or installation of facilities or equipment; or to conduct significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, which site preparation is necessary for the placement, assembly, or installation of facilities or equipment; or

B. to enter into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used within a reasonable time in the operation of a new source. For the purpose of these rules, "binding contractual obligation" does not include an option to purchase or a contract which option or contract can be terminated without substantial financial loss, and does not include contracts for feasibility, engineering, or design studies.

Subp. 9. **Continuous discharge.** "Continuous discharge" means a discharge of a pollutant that occurs throughout the operating hours of a facility without interruption, except for occasional shutdowns for maintenance, process changes, or similar activities.

Subp. 10. **Daily discharge.** "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the discharge during the calendar day for the purposes of sampling.

Subp. 11. **Direct discharge.** "Direct discharge" means the discharge of a pollutant.

Subp. 12. **Discharge of a pollutant.** "Discharge of a pollutant" means the addition of any pollutant to surface waters of the state. "Discharge of a pollutant" does not include the addition of pollutants into the waters of the state by an "indirect discharger."

Subp. 13. **Effluent limitation.** "Effluent limitation" means a restriction established by rule or permit condition on quantities, discharge rates, and concentrations of pollutants that are discharged from point sources into waters of the state.

Subp. 14. **Effluent limitation guideline.** "Effluent limitation guideline" means a regulation adopted by the Environmental Protection Agency under section 304(b) of the Clean Water Act, United States Code, title 33, section 1314(b), which provides for the establishment of effluent limitations.

Subp. 15. **Indirect discharger.** "Indirect discharger" means a nondomestic discharger that introduces pollutants into a publicly owned treatment works.

Subp. 16. **Facilities, equipment.** "Facilities" or "equipment" means buildings, structures, process or production equipment, or machinery that form a permanent part of a source and that will be used in the operation of the source such that the construction of these facilities or the installation of this equipment must represent a substantial commitment to the construction of the source. These terms do not include facilities or equipment used in connection with feasibility, engineering, and design studies.

Subp. 16a. [Repealed, 30 SR 125]

Subp. 16b. [Repealed, 30 SR 125]

Subp. 16c. [Repealed, 30 SR 125]

Subp. 16d. [Repealed, 30 SR 125]

Subp. 17. **Maximum daily discharge.** "Maximum daily discharge" means the highest allowable daily discharge.

Subp. 17a. [Repealed, 30 SR 125]

Subp. 18. **Municipality.** "Municipality" means a county; a city; a town; the Metropolitan Waste Control Commission established in Minnesota Statutes, chapter 473; 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 in the state.

Subp. 19. **National pollutant discharge elimination system or NPDES.** "National pollutant discharge elimination system" or "NPDES" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements under sections 307, 318, 402, and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342, and 1345.

Subp. 20. **New discharger.** "New discharger" means a building, structure, facility, or installation, including an indirect discharger which commences to discharge a pollutant and:

A. from which there is or may be a new or additional discharge of pollutants at a site at which on October 18, 1972, it had never before discharged pollutants;

B. which has not received a finally effective national pollutant discharge elimination system permit for discharges at that site; and

C. which is not a new source as defined in subpart 21.

Subp. 21. **New source.** "New source" means a source that is constructed on a site at which no other source is located, or that totally replaces an existing source, or construction of which results in a change in the nature or quantity of pollutants discharged, if construction of it commenced:

A. after the Environmental Protection Agency promulgated standards of performance under section 306 of the Clean Water Act, United States Code, title 33, section 1316, that are applicable to the source;

B. after the Environmental Protection Agency has proposed standards of performance under section 306 of the Clean Water Act, United States Code, title 33, section 1316, that are applicable to the source, but only if the standards are promulgated within 120 days of their proposal.

Subp. 22. **Noncontact cooling water.** "Noncontact cooling water" means water used to reduce temperature which does not come into contact with a raw material, intermediate

product, waste product other than heat, or finished product. "Noncontact cooling water" includes water used in air conditioning equipment.

Subp. 23. **Point source.** "Point source" means a discernible, confined, and discrete conveyance, including, but not limited to, a pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Subp. 24. **Pollutant.** "Pollutant" has the meaning given to it by Minnesota Statutes, section 115.01, subdivision 12.

Subp. 25. **Primary industry category.** "Primary industry category" means any of the following industry categories:

- A. adhesives and sealants;
- B. aluminum;
- C. auto and other laundries;
- D. battery manufacturing;
- E. coal mining;
- F. coil coating;
- G. copper forming;
- H. electrical and electronic components;
- I. electroplating;
- J. explosives manufacturing;
- K. foundries;
- L. gum and wood chemicals;
- M. inorganic chemicals manufacturing;
- N. iron and steel manufacturing;
- O. leather tanning and finishing;
- P. mechanical products manufacturing;
- Q. nonferrous metals manufacturing;
- R. ore mining;
- S. organic chemicals manufacturing;
- T. paint and ink formulation;
- U. pesticides;

- V. petroleum refining;
- W. pharmaceutical preparations;
- X. photographic equipment and supplies;
- Y. plastics processing;
- Z. plastic and synthetic materials manufacturing;
- AA. porcelain enameling;
- BB. printing and publishing;
- CC. pulp and paper mills;
- DD. rubber processing;
- EE. soap and detergent manufacturing;
- FF. steam electric power plants;
- GG. textile mills; and
- HH. timber products processing.

Subp. 26. **Process wastewater.** "Process wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of a raw material, intermediate product, finished product, by-product, or waste product.

Subp. 27. **Publicly owned treatment works.** "Publicly owned treatment works" means a device or system used in the treatment, recycling, or reclamation of municipal sewage or industrial wastes of a liquid nature which is owned by the state or a municipality. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a publicly owned treatment works for treatment.

Subp. 28. **Source.** "Source" means a building structure, facility, or installation from which there is or may be a discharge of pollutants.

Subp. 28a. [Repealed, 30 SR 125]

Subp. 29. **Technology-based effluent limitation, standard, or prohibition.** "Technology-based effluent limitation, standard, or prohibition" means an effluent limitation, standard, or prohibition promulgated by the Environmental Protection Agency at Code of Federal Regulations, title 40, parts 400 to 460, under sections 301 and 306 of the Clean Water Act, United States Code, title 33, sections 1311 and 1316.

Subp. 30. **Toxic pollutant.** "Toxic pollutant" means a pollutant listed as toxic under section 307(a)(1) of the Clean Water Act, United States Code, title 33, section 1317(b)(1), or as defined by Minnesota Statutes, section 115.01, subdivision 20.

Subp. 31. **Vessel.** "Vessel" means a watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the state.

Statutory Authority: *MS s 115.03; 116.07*

History: *8 SR 2277; 13 SR 2453; 19 SR 1901; 30 SR 125*

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