PART V: DEFINITIONS AND STANDARD PERMIT CONDITIONS

A. Definitions:

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§ 305.121- 305.129, Subchapter F, "Permit Characteristics and Conditions" as promulgated under the Texas Water Code§§ 5.103 and 5.105, and the Texas Health and Safety Code§§ 361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit.

All definitions contained in Section 26.001 of the Texas Water Code and 30 TAC Chapter 305 shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

1. **Best Management Practices (BMPs)-** schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution in discharges that reach waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

2. **CWA- the Clean Water Act** (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.)

3. **Copermittee** - one of several entities authorized under a single individual permit that is only responsible for permit conditions relating to the discharge for which it is the operator.

4. **Core Municipality-** the municipality whose corporate boundary (unincorporated area for counties and parishes) defines the municipal separate storm sewer system. (ex. City of Dallas for the Dallas Municipal Separate Storm Sewer System, Harris County for unincorporated Harris County).

5. **Daily average concentration-** the arithmetic average of all discharge samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements. When four samples are not available in a calendar month, the arithmetic average of the four most recent measurements or the arithmetic average (weighted by flow) of all values taken during the month shall be used as the daily average concentration.

6. **Daily maximum concentration** -the maximum concentration measured on a single day, by composite sample unless otherwise specified elsewhere in this permit, within a period of one calendar month.

7. **Discharge-** unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).

8. **Fecal coliform concentration, or fecal coliform bacteria concentration-** the number of colonies of fecal coliform bacteria per 1OO milliliters of sample analyzed. The

fecal coliform bacteria daily average is a geometric mean of the values for the discharge samples collected in a calendar month. The geometric mean shall be determined by calculating the nth root of the product of all measurements made in a calendar month, where n equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of fecal coliform bacteria equaling zero (o), a substituted value of one (1) shall be made for input into either computation method.

9. **Flow-weighted composite sample** - a composite sample consisting of a mixture of aliquots collected at either:
    1) a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge; or
    2) a constant volume at varying time intervals, proportional to the discharge flow rate.

10. **Grab sample-** an individual sample collected in less than 15 minutes.

11. **Illicit connection** - any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

12. **Illicit discharge** - any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES or TPDES permit (other than the NPDES or TPDES permit for certain discharges from the municipal separate storm sewer), discharges resulting from fire fighting activities, and other allowable non-storm water discharges described in Part III.B.6. of this permit.

13. **Landfill** - an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

14. **Large or medium municipal separate storm sewer system (MS4)** – all MS4s that are either:

    (a) located in an incorporated place (city) with a population of 100,000 or more as determined by the 1990 Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or

    (b) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or

    (c) owned or operated by a municipality other than those described in paragraph (a) or (b) and that are designated by the EPA as part of the large or medium municipal separate storm sewer system.

15. **Major Outfall-** an outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than so acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge

from other than a circular pipe associated with a drainage area of 2 acres or more).

16. **MEP, or "Maximum Extent Practicable"-** the technology-based discharge standard for MS4 established by Section 402(p) of the Federal Clean Water Act.

17. **Municipal separate storm sewer system, or MS4-** 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 (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 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 storm water; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 30 TAC § 305.2

18. **Outfall-**a point source as defined by 40 CFR § 122.2 at the point where a municipal separate storm sewer discharges to surface water in 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 surface water in the state and are used to convey surface water in the state.

19. **Permittee** - any entity authorized by this permit to discharge to surface water in the state.

20. **Point source** - 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 storm water runoff.

21. **Storm sewer-** unless otherwise indicated, a municipal separate storm sewer (MS4).

22. **Storm water** - storm water runoff, snow melt runoff, and surface runoff and drainage.

23. **Storm water associated with industrial activity-** defined in TPDES General Permit No. TXR050000.

24. **Storm Water Management Program, or SWMP-** a comprehensive program to manage the quality of discharges from the municipal separate storm sewer system. For the purposes of this permit, the SWMP is considered a single document, but may actually consist of separate components (e.g. "chapters") for each permittee.

25. **Structural Control (or Practice)-** A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

26. **Surface Water in the State-** Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

27. **Time-weighted composite-** a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

28. **Waters of the United States-** For the purposes of this permit, waters of the United States or waters of the U.S. means:

    a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

    b) all interstate waters, including interstate wetlands;

    c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

        (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;

        (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

        (3) which are used or could be used for industrial purposes by industries in interstate commerce;

    d) all impoundments of waters otherwise defined as waters of the United States under this definition;

    e) tributaries of waters identified in paragraphs (a) through (d) of this definition;

    f) the territorial sea; and

    g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the

United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.