

**Part I. DEFINITIONS**

All definitions in the Texas Water Code §26.001 and Title 30 Texas Administrative Code Chapter 305 apply to the TPDES permit and are incorporated by reference. Some specific definitions of words or phrases used in the TPDES permit and SWP3 are as follows:

**Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, maintenance procedures, and other techniques to control, prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spills or leaks, sludge or waste disposal, or drainage from raw material storage areas.

**Co-located Industrial Activities.** Industrial activities conducted at a facility that are described by two or more SIC codes listed in the TPDES permit.

**Co-located Industrial Facilities.** Industrial facilities, having different operators, that are located on a common property or adjoining property and that conduct industrial activities described by one or more sectors of the TPDES permit.

**Composite Sample.** A sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, combined in volumes proportional to flow, and collected at the intervals required by 30 TAC §319.9 (b).

**Constituent of Concern.** For the purpose of the TPDES permit, a pollutant that is identified in the Clean Water Act §303(d) List as a cause of impairment for a water body.

**Control Measure.** Any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to water in the state.

**Daily Average Concentration.** The arithmetic average of all effluent samples, composite or grab as required by the TPDES 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 (weighted by flow) of all values taken during the month must be used as the daily average concentration.

**Daily Maximum Concentration.** The maximum concentration measured on a single day, as determined by laboratory analysis of a grab sample or a composite sample.

**Deicing.** The process of removing frost, snow, or ice from aircraft or pavement. Deicing also includes anti-icing activities (i.e., preventing accumulation of frost, snow, or ice) unless otherwise noted.

**Diffuse Point Source.** A conveyance from which pollutants are or may be discharged that results from grading land for the purpose of adding parking lots, roads, and buildings so as to collect and convey storm water off-site to prevent flooding (i.e. without a single point of origin or not introduced into a receiving stream from a specific outlet). Diffuse point sources include any identifiable conveyance from which pollutants might enter surface water in the state. By changing the surface or establishing grading patterns of the land, runoff is conveyed along the resulting drainage or grading patterns. A diffuse point source is not true sheet flow.

**Discharge.** For the purpose of the TPDES permit, the drainage, release, or disposal of storm water associated with industrial activity and certain allowable non-storm water sources listed in the TPDES permit to surface water in the state.

**Drought.** For the purpose of the TPDES permit, an extended period of no precipitation in which a storm water discharge does not occur during a monitoring or reporting period.

**Dry Weather Discharge.** Discharges into a storm sewer system during dry weather.

**Existing Discharge.** For the purpose of the TPDES permit, this term applies to the discharge of storm water associated with industrial activity and certain allowable non-storm water sources listed in the TPDES permit that has been authorized previously under an NPDES or TPDES general or individual permit.

**Facility.** For the purpose of the TPDES permit, all contiguous land and fixtures (including ponds and lagoons), structures, or appurtenances used at an industrial facility described by one or more of Sectors A through AD of the TPDES permit.

**Grab Sample.** An individual sample collected in less than 15 minutes.

**General Permit.** A permit issued to authorize the discharge of waste into or adjacent to water in the state for one or more categories of waste discharge within a geographical area of the state or the entire state as provided by Texas Water Code §26.040.

**Hyperchlorinated Water.** Water resulting from hyperchlorination of waterlines or vessels, with a chlorine concentration greater than 10 milligrams per liter (mg/l).

**Hyperchlorination of Waterlines or Vessels.** Treatment of potable water lines or tanks with chlorine for disinfection purposes, typically following repair or partial replacement of the waterline or tank, and subsequently flushing the contents.

**Illicit Discharge.** Any discharge to a municipal separate storm sewer that is not composed entirely of storm water or an allowable non-storm water discharge specified in Part II Section 6.

**Impaired Water.** A surface water body that is identified on the latest approved Clean Water Act §303(d) List as not meeting applicable state water quality standards. Impaired waters include waters with approved or established total maximum daily loads (TMDLs), and those where a TMDL has been proposed by TCEQ but has not yet been approved or established.

**Inactive Industrial Facilities.** A facility where all industrial activities that are described in Part II, Section A.1.of the TPDES permit are suspended, and authorization under the TPDES permit is required to be maintained. Also see sector-specific definitions for Inactive facilities in Part V, Sections G, H, J, and L of the TPDES permit.

**Industrial Activity.** Any of the ten (10) categories of industrial activities included in the definition of "storm water discharges associated with industrial activity" as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi).

**Inland Waters.** All surface water in the state other than those defined as tidal waters.

**Material Safety Data Sheets (MSDS).** A formal document containing product information

intended to provide workers and emergency personnel with safe handling procedures. The MSDS is mandated by the US Occupational Safety and Health Administration (OSHA).

**Municipal Separate Storm Sewer System (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):

- a) 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 the 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 CWA §208 that discharges to surface water in the state;
- b) that is 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 (POTW) as defined in 40 CFR §122.2.

**National Pollutant Discharge Elimination System (NPDES).** (from 40 CFR §122.2). The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §§307, 402, 318, and 405. The term includes an "approved program."

**New Discharge.** For the purpose of the TPDES permit, this term applies to the discharge of storm water associated with industrial activity that did not commence prior to August 13, 1979, that is not a new source, and that has never received an NPDES or TPDES water quality permit for the storm water discharge from the site. See 40 CFR §122.2.

**Non-structural Controls.** Pollution prevention methods that are not physically constructed, including best management practices used to prevent or reduce the discharge of pollutants.

**No Exposure.** A condition at an industrial facility where all industrial activities are conducted indoors or protected in a manner to prevent exposure of those activities to rain, snow, snowmelt, or runoff.

**No Exposure Certification (NEC).** A written submission to the executive director from an applicant notifying that they intend to obtain a conditional exclusion from permit requirements by certifying that there is no exposure of industrial materials or activities to rain, snow, snowmelt, or storm water runoff.

**Notice of Change (NOC).** Written notification from the permittee to the executive director providing changes to information that was previously provided to the agency in a notice of intent or no exposure certification (NEC) form.

**Notice of Intent (NOI).** A written submission to the executive director from an applicant requesting coverage under the TPDES permit.

**Notice of Termination (NOT).** A written submission to the executive director from a discharger authorized under a general permit requesting termination of coverage.

**Operator.** A person responsible for the management of an industrial facility subject to the provisions of the TPDES permit. Industrial facility operators include entities with operational control over industrial activities, including the ability to modify those activities; or entities with day-to-day operational control of activities at a facility necessary to ensure compliance with the permit (e.g., the entity is authorized to direct workers at a facility to carry out activities required by the permit).

**Outfall.** For the purpose of the TPDES permit, a point source at the point where storm water runoff associated with industrial activity, and certain non-storm water discharges listed in the TPDES permit, exits the facility and discharge(s) to surface water in the state or a municipal or private separate storm sewer system. An outfall from a diffuse point source includes the point or points where the diffuse point source discharges to surface water in the state or a municipal or private separate storm sewer system.

**Permittee.** An operator authorized under the TPDES permit to discharge storm water runoff associated with industrial activity and certain non-storm water discharges to surface water in the state.

**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. For the purpose of the TPDES permit, a point source includes any identifiable conveyance from which pollutants might enter surface water in the state, including a diffuse point source as defined in this section.

**Pollutant.** (from Texas Water Code, §26.001(13)) Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any water in the state. The term: (A) includes: (i) tail water or runoff water from irrigation associated with an animal feeding operation or concentrated animal feeding operation that is located in a major sole source impairment zone as defined by Texas Water Code (TWC) §26.502; or (ii) rainwater runoff from the confinement area of an animal feeding operation or concentrated animal feeding operation that is located in a major sole source impairment zone, as defined by TWC §26.502; and (B) does not include tail water or runoff water from irrigation or rainwater runoff from other cultivated or uncultivated rangeland, pastureland, and farmland or rainwater runoff from an area of land located in a major sole source impairment zone, as defined by TWC §26.502, that is not owned or controlled by an operator of an animal feeding operation or concentrated animal feeding operation on which agricultural waste is applied.

**Pollution Prevention Team (P2Team).** A team established by the operator to develop and implement the storm water pollution prevention plan (SWP3).

**Qualified Personnel.** A person or persons who are knowledgeable of the requirements of the TPDES permit, familiar with the industrial facility, knowledgeable of the storm water pollution prevention plan (SWP3) at the industrial facility, able to assess conditions and activities that

could impact storm water quality at the facility, and able to evaluate the effectiveness of control measures.

**Reportable Quantity Spill or Release.** A discharge or spill of oil, petroleum product, used oil, industrial solid waste, hazardous substances including mixtures, streams, or solutions, or other substances into the environment in a quantity equal to or greater than the reportable quantity listed in 30 TAC §327.4 (relating to Reportable Quantities) in any 24-hour period and subject to 30 TAC §327.3 (relating to Notification Requirements).

**Separate storm sewer system.** A conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), designed or used for collecting or conveying storm water; that is not a combined sewer, and that is not part of a publicly owned treatment works (POTW).

**Sheet Flow.** An overland flow or downslope movement of water taking the form of a thin, continuous film over relatively smooth soil or rock surfaces that have not been changed or graded, where there are no defined channels, and the flood water spreads out over a large area at a uniform depth. This definition does not include changing the surface of land or establishing grading patterns on land where a facility described in the TPDES permit is located, which would result in a point source as defined in the TPDES permit.

**Significant Materials.** Including, but not limited to: raw materials; fuels; materials (e.g., solvents, detergents, and plastic pellets); final products that are not designed for outdoor use; raw materials that are used for food processing or production; hazardous substances designated under CERCLA §101(14) of; any chemical the operator is required to report pursuant to Emergency Planning & Community Right-To-Know Act (EPCRA) §313, also known as Title III of Superfund Amendments and Reauthorization Act (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

**Spill Prevention Control and Countermeasure plan (SPCC).** A plan developed by the operator that establishes site-specific procedures to minimize and cleanup spills.

**Standard Industrial Classification (SIC) Code.** A four (4) digit code created by the U.S. Office of Management & Budget for statistical classification purposes that describes an industrial activity that takes place at a facility or site. It is possible for a facility or site to have multiple SIC codes depending on the varying activities that take place.

**Primary SIC Code - (also known as “Site SIC Code” or “Facility SIC Code”).** For the purpose of the TPDES permit, an SIC code that describes the principal product or group of products produced or distributed at a facility, or that describes services rendered. The primary SIC code may be determined based on the value of receipts or revenues or, if such information is not available for a particular facility, the number of employees or production rate for each process may be compared. The operation that generates the most revenue or employs the most personnel is the operation in which the facility is primarily engaged. In situations where the vast majority of on-site activity falls within one SIC code, that activity may be the primary SIC code.

**Secondary SIC Code.** For the purpose of the TPDES permit an SIC code that describes an industrial activity that is performed at a regulated facility or site that is in addition to the primary SIC code. Determining the secondary industrial activity that occurs at a facility or

site is accomplished by using the same criteria as determining the primary industrial activity at the facility (e.g., production value, receipts, employment).

**Storm Resistant Shelter.** A building or structure that is completely roofed and walled, or a structure with only a top cover but no side coverings, provided that any material or industrial activity located under or within the structure is not subject to any run-on and subsequent runoff of storm water, or mobilization by wind.

**Storm Water and Storm Water Runoff.** Rainfall runoff, snow melt runoff, and surface runoff and drainage.

**Storm Water Discharge Associated with Industrial Activity.** The discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. For the purpose of the TPDES permit, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling areas; refuse/waste disposal areas; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms), intermediate products, and final products; similar areas where storm water can contact pollutants related to industrial activity; and areas where industrial activity have taken place in the past and significant materials remain and are exposed to storm water. For the purposes of this definition, materials handling areas include storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located at industrial sites that are separate from the facility's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from areas of a facility that are covered by the TPDES permit. This term includes discharges from facilities described under the TPDES permit that are operated by federal, state, or municipal entities. For the complete regulatory definition, including the categories of industrial activity, see 40 CFR §122.26(b)(14).

**Storm Water Pollution Prevention Plan (SWP3).** A plan developed by the operator that establishes practices and controls to effectively reduce pollution in storm water discharges.

**Structural Controls.** Physical or constructed features, such as silt fencing, sediment traps, and detention/retention ponds that prevent or reduce the discharge of pollutants.

**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 that are authorized by state or federal law, regulation, or permit, and that are created for the purpose of waste treatment are not considered to be water in the state.

**Texas Pollutant Discharge Elimination System (TPDES).** The state program for issuing, amending, terminating, monitoring, and enforcing permits, and imposing and enforcing

pretreatment requirements, under the Clean Water Act §§ 307, 402, 318 and 405, Texas Water Code, and Texas Administrative Code regulations.

**Total Maximum Daily Load (TMDL).** The total amount of a pollutant that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

**Waters of the United States** (from 40 Code of Federal Regulations §122.2). Waters of the United States or waters of the U.S. means:

- a) all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that 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 that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - 1) that 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) that 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 the Clean Water Act (CWA) (other than cooling ponds as defined in 40 CFR §423.11(m) that also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water that 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. [See Note 1 of this section.] 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 EPA.