Permit Attachment C:

Definitions of Terms in the Order

DEFINITIONS

The following are definitions for terms in this Order:

Adverse Impact - means a detrimental effect upon water quality or beneficial uses caused by a discharge of waste.

Agriculture - means the science, art, and business of cultivating the soil, producing crops, and raising livestock.

Antidegradation Policies - means State policies that protect surface and ground waters from degradation, and federal policies that protect high quality surface waters. In particular, these policies protect water bodies where existing quality is higher than that necessary for the protection of beneficial uses including the protection of fish and wildlife propagation and recreation on and in the water (*Statement of Policy with Respect to Maintaining High Quality Water in California*, State Board Resolution No. 68-16).

Applicable Standards and Limitations - means all State, interstate, and federal standards and limitations to which a "discharge" or a related activity is subject, including effluent limitations, water quality standards, standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under the CWA and Porter-Cologne Water Quality Act.

Areas of Special Biological Significance (ASBS) - means all those areas listed specifically within the California Ocean Plan or so designated by the State Water Board.

Authorized Discharge - means any discharge that is authorized pursuant to an NPDES permit or meets the conditions set forth in this Order.

Automotive Repair Shop - means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

Automotive Service Facilities - means a facility that is categorized in any one of the following SIC and North American Industry Classification System (NAICS) codes. For inspection purposes, Co-Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to storm water.

SIC Code	Corresponding NAICS Code
5013	425120, 441310, 425110, & 423120
5014	425120, 425110, 423130, & 441320
5511	441110

SIC Code	Corresponding NAICS Code
5541	447110, & 447190
7532	811121
7533	811112
7534	326212, & 811198
7536	811122
7537	811113
7538	811111
7539	811198, & 811118

Beneficial Uses - means the existing or potential uses of receiving waters in the permit area as designated by the Regional Water Board in the Basin Plan.

Best Management Practices (BMPs) - means methods, measures, policies or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges including storm water. BMPs include structural and nonstructural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution producing activities.

Bioretention BMPs - means post-construction storm water treatment BMPs that treat storm water vertically through an engineered soil filter media and vegetation and/or retain storm water runoff onsite through infiltration or evapotranspiration.

California Environmental Quality Act (CEQA) - means a California statute that requires state and local agencies to identify significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible (Reference: California Public Resources Code § 21000 et seq.)

Channel - means an open conduit either naturally or artificially created that periodically or continuously contains moving water, or which forms a connecting link between two water bodies.

Commercial Area(s) - means any geographic area of the Co-Permittees' jurisdiction that is not heavy industrial or residential. A commercial area includes, but is not limited to areas surrounding: commercial activity, hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, restaurants, public warehouses and other light industrial complexes.

Commercial Development - means any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls and other business complexes, shopping

malls, restaurants, hotels, office buildings, public warehouses and other light industrial complexes.

Construction - means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that results in a land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

Construction Activities Storm Water General Permit (Construction General Permit) - means general NPDES permit adopted by the State Water Board, which authorizes the discharge of storm water from construction activities under certain conditions.

Control - means to minimize, reduce, eliminate, or prohibit by technological, management, legal, contractual or other means, the discharge of pollutants from an activity or activities.

Co-Permittee(s) - means Co-Permittee(s) and any agency named in this Order as being responsible for permit conditions within its jurisdiction, as defined by Federal Regulation. Co-Permittees to this Order are the City of Santa Rosa, the County of Sonoma and the Sonoma County Water Agency.

Dechlorinated/Debrominated Swimming Pool Discharge - means any swimming pool discharge with a residual chlorine or bromine level of 0.02 mg/L or less; and does not contain any detergents, wastes, algaecides, or cyanuric acid in excess of 50 ppm, or any other chemicals including salts from pools commonly referred to as “salt water pools”. The term does not include swimming pool filter backwash or swimming pool water containing bacteria.

Development - means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and any other non-residential projects, including public agency projects; or mass grading for future construction.

Discharge - means when used without qualification the “discharge of a pollutant or waste”.

Discharge of a Pollutant - means any addition of any “pollutant” or combination of pollutants to receiving waters from any “point source” or, any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source.

Dry Season - means dry weather days occurring from May 1st through October 31st of each year.

Emergency - means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage. (Reference: California Public Resources Code § 21060.3. Emergency).

Environment - means the physical conditions existing within an area that will be affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. The "environment" includes both natural and man-made conditions.

Federal Clean Water Act (CWA) - means (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92—500, as amended by Public Law 95—217, Public Law 95—576, Public Law 96—483 and Public Law 77—117, 33 U.S.C. 1251 et seq.

Groundwater Dewatering - means the active practice of removing standing water from below surface grades using a pump(s), artificial drains or other means.

Hillside - means property located in an area with known erosive soil conditions, where the development will result in grading on any slope that is 20% or greater or an area designated by the municipality under a General Plan or ordinance as a "hillside area".

Hydromodification - means altering the drainage patterns of a site and the flows or the beds or banks of rivers, streams, or creeks, including ephemeral washes, away from their natural state, which results in hydrogeomorphic or habitat changes.

Illegal Discharge - means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges authorized by an NPDES permit.

Illicit Connection - means any engineered conveyance that is connected to the storm drain system without a permit or municipal authorization. It also means any engineered conveyance that discharges pollutants to the separate storm drainage systems, where those discharges are not composed entirely of storm water or are not authorized by an NPDES permit.

Illicit Discharge - means any discharge to a municipal separate storm sewer that is not in compliance with applicable laws and regulations.

Impervious Surface - means an area that has been modified to reduce storm water runoff capture and percolation into underlying soils. Such surfaces include rooftops, walkways, and parking areas. Permeable pavements shall be considered impervious for this section if they have subdrains to preclude infiltration into underlying soils.

Industrial Facility - means any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facilities includes, but is not limited to, any facility defined by either the Standard Industrial Classifications (SIC) or the North American Industry Classification System (NAICS). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

Industrial Activities Storm Water General Permit (Industrial General Permit) - means the general NPDES permit adopted by the State Board, which authorizes the discharge of storm water from certain industrial activities under certain conditions.

Industrial Park - means a land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which may have offices and light industry.

Inspection - means entering onto a property to conduct a review of a facility and its operations to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection, include, but are not limited to:

1. Pre-inspection documentation research.
2. Request for entry.
3. Interview of facility personnel.
4. Facility walk-through.
5. Visual observation of the condition of facility premises.
6. Examination and copying of records, as required.
7. Sample collection (if necessary or required).
8. Exit conference (to discuss preliminary evaluation).
9. Report preparation, and if appropriate, recommendations for coming into compliance.

Integrated Pest Management (IPM) - means a sustainable approach to managing pests by combining biological, cultural, physical and chemical tools in a way that minimizes economic, health, and environmental risks.

Low Impact Development (LID) - means a development site design strategy with a goal of maintaining or reproducing the pre-development hydrologic system through the use of design techniques to create a functionally equivalent hydrologic setting. Hydrologic functions of storage, infiltration, and ground water recharge, as well as the

volume and frequency of discharges are maintained through the use of integrated and distributed small-scale storm water retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. LID techniques also utilize natural processes to reduce or eliminate pollutants contained in storm water runoff. Other strategies include the preservation and protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable trees, flood plains, woodlands, native vegetation and permeable soils.

LID principles are based on controlling storm water as close to the source as possible by using small scale controls that are distributed throughout the site. This is unlike conventional approaches to site design that typically convey and manage storm water runoff in large facilities located at the base of drainage areas or just before the runoff leaves the site.

Maximum Extent Practicable (MEP) - means the standard for implementation of storm water management programs to reduce pollutants in storm water. CWA § 402(p)(3)(B)(iii) requires that municipal permits "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and systems, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants." Also, see State Board Order WQ 2000-11, page 20 and Defenders of Wildlife v. Browner, 191 F.3d 1159 (9th Cir. 1999).

Method Detection Limit (MDL) - means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in 40 CFR 136.

Minimum Level (ML) - means the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed. The ML value represents the lowest quantifiable concentration in a sample based on the proper application of all method-based analytical procedures and the absence of any matrix interferences. Assuming that all method-specific analytical steps are followed, the ML value will also represent, after the appropriate application of method-specific factors, the lowest standard in the calibration curve for that specific analytical technique.

Municipal Separate Storm Sewer System (MS4) - means a conveyance or system of conveyances (including roads w/drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains), as defined in 40 CFR 122.26(b)(8):

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) 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 into waters of the United States.

2. Designed or used for collecting or conveying storm water.
3. Which is not a combined sewer.
4. Which is not part of a Publicly Owned Treatment Works (POTW), as defined in 40 CFR 122.2.

NAICS - means North American Industry Classification System.

National Pollutant Discharge Elimination System (NPDES) - means 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 Development - means land disturbing activities; structural development, including construction or installation of a building or structure, creation and replacement of impervious surfaces; and land subdivision.

Non-Storm Water Discharge - means any discharge to a storm drain that is not composed entirely of storm water.

Nuisance - means anything that meets all of the following requirements: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; (3) occurs during, or as a result of, the treatment or disposal of wastes.

Parking Lot - means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use.

Permit - means an authorization, license, or equivalent control document issued by EPA or an "approved State" to implement the requirements of 40 CFR Parts 122, 123, and 124. "Permit" includes an NPDES "general permit" (§ 122.28). Permit does not include any permit, which has not yet been the subject of final agency action, such as a "draft permit" or a "proposed permit."

Point Source - means 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, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural storm water discharges and return flows from irrigated agriculture.

Pollutants - means those "pollutants" defined in CWA § 502(6) (33.U.S.C.§ 1362(6)), and incorporated by reference into CWC § 13373.

Pollutants of Concern (POC) - means constituents that have exceeded Basin Plan Objectives, and/or CTR chronic or acute objectives and/or where receiving waters are listed on the 303(d) list and/or where a TMDL has been developed. Pollutants of concern are also identified based on land use (ex. petroleum at gas stations).

Potable Water Sources - means the potable water system for the treatment, distribution, and provision of water for residential, commercial, industrial, or institutional use that meets all California safe drinking water regulatory standards for human consumption.

Pre-Developed Condition - means native vegetation and soils that existed at a site prior to first development. The pre-developed condition may be assumed to be an area with the typical vegetation, soil, and storm water runoff characteristics of open space areas in Sonoma County unless reasonable historic information is provided that the area was atypical.

Priority Pollutants - means those constituents referred to in 40 CFR 401.15 and listed in the U.S. EPA NPDES Application Form 2C, pp. V-3 through V-9.

Project - means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Reference: California Public Resources Code § 21065).

Redevelopment - means land-disturbing activity that results in the creation, addition, or replacement of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

Report of Waste Discharge (ROWD) - means an application for renewal of the NPDES Permit for Waste Discharge Requirements for Municipal Separate Storm Sewer Discharges.

Restaurant - means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812).

Restoration - means the reestablishment of predisturbance aquatic functions and related physical, chemical and biological characteristics (Reference: National Research Council. 1992. Restoration of Aquatic Ecosystems: Science, Technology and Public Policy. National Academy Press, Washington, D.C.)

Retail Gasoline Outlet (RGO) - means any facility engaged in selling gasoline and lubricating oils (SIC Code 5541 and NAICS 447110 & 447190).

1. RGOs - 447190 Other Gasoline Stations: This industry is comprised of establishments known as gasoline stations (except those with convenience stores) primarily engaged in one of the following: (1) retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline) or (2) retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/ or providing food services.
2. RGOs - 447110 Gasoline Stations with Convenience Stores:
   Retailing automotive fuels in combination with a convenience store or food mart.

Screening - means using proactive methods to identify illicit connections and discharges through a continuously narrowing process. The methods may include: performing baseline monitoring of open channels, conducting special investigations using a prioritization approach, analyzing maintenance records for catch basin and storm drain cleaning and operation, and verifying all permitted connections into the storm drains. Special investigation techniques may include: dye testing, visual inspection, smoke testing, flow monitoring, infrared, aerial and thermal photography, and remote control camera operation.

Site - means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.

Source Control BMP - means any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.

Stream - means a body of flowing water containing water at least part of the year.

Strip Mall - means a commercial development that is a shopping center where the stores are arranged in a row, with a sidewalk in front. Strip malls are typically developed as a unit and have large parking lots in front. They face major traffic arterials and tend to be self-contained with few pedestrian connections to surrounding neighborhoods. It is also called a plaza.

Storm Event Monitoring- means a rainfall event that produces more than 0.50 inches of precipitation and that, which is separated from the previous storm event by at least one week of dry weather, for the purpose of monitoring.

Storm Water - means storm water runoff, snow melt runoff, and surface runoff and drainage, as defined in 40 CFR 122.26(b)(13).

Storm Water Discharge Associated with Industrial Activity - means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or storing raw materials or processed materials at an industrial plant, as defined in 40 CFR 122.26(b)(14).

Structural BMP - means any structural mechanism or apparatus designed and constructed to mitigate the adverse impacts of storm water runoff pollution (e.g. canopy, structural enclosure). The category may include both treatment control BMPs and source control BMPs.

Targeted Employees - means management and staff who perform or direct activities that directly or indirectly have an effect of storm water quality. The employees generally are employed in the following areas: department of public works, engineering, sanitation, storm water maintenance, drainage and flood control, transportation, streets and roads, parks and recreation, public landscaping and corporation yards, planning or community development, code enforcement, building and safety, harbor or port departments, airports, or general services and fleet services.

Total Maximum Daily Load (TMDL) - means the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background.

Treatment - means the application of designed systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

Urbanization - means the process of changing of land use and land patterns from rural characteristics to urban characteristics. These changes include (i) the replacement of pervious surfaces with impervious surfaces such as rooftops and buildings, and impervious materials such as asphalt and concrete; and (ii) the conversion of rural land to house new residents, support new businesses, and facilitate vehicular traffic flow.

U.S. EPA Phase I Facilities - means facilities in specified categories that are required to obtain an NPDES permit for storm water discharges, as required by 40 CFR 122.26(c).These categories include:

1. Facilities subject to storm water effluent limitation guidelines, new source performance.
2. Standards, or toxic pollutant effluent standards (40 CFR N).
3. Manufacturing facilities.
4. Oil and gas/ mining facilities.
5. Hazardous waste treatment, storage, or disposal facilities.
6. Landfills, land application sites, and open dumps.
7. Recycling facilities.
8. Steam electric power generating facilities.
9. Transportation facilities.
10. Sewage of wastewater treatment works.
11. Light manufacturing facilities.

Vehicle Maintenance/Material Storage Facilities/Corporation Yards - means any Co-Permittee owned or operated facility or portion thereof that:

1. Conducts industrial activity, operates or stores equipment, materials, or provides services similar to Federal Phase I facilities;
2. Performs fleet vehicle service/maintenance including repair, maintenance, washing, or fueling;
3. Performs maintenance and/ or repair of machinery/ equipment; or
4. Stores chemicals, raw materials, or waste materials.

Water Quality Objectives - means water quality criteria contained in the Basin Plan, the California Ocean Plan, the National Toxics Rule, the California Toxics Rule, and other state or federally approved surface water quality plans. Such plans are used by the Regional Water Board to regulate all discharges, including storm water discharges.

Water Quality Standards (WQS) - means the State Water Quality Standards, which are comprised of beneficial uses, water quality objectives and the State's Antidegradation Policy.

Waters of the State - means any surface water or groundwater, including saline waters, within boundaries of the state (Reference: CWC § 13050).

Waters of the United States or Waters of the U.S. - means:

1. 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 which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate “wetlands”;
3. 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

a) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
b) From which fish or shellfish are or could be taken and sold in interstate; or
c) Foreign commerce; or
d) Which are used or could be used for industrial purposes by industries in interstate commerce;

4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in the preceding paragraph (a) through (d) of this definition;
6. The territorial sea; and
7. "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in the preceding paragraph (a) through (d) 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 423.22(m), which also meet the criteria of this definition) are <u>not</u> waters of the United States. This exclusion applies only to man-made 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 CWA, the final authority regarding CWA jurisdiction remains with U.S. EPA. (Solid Waste Agency Of Northern Cook City. v. Army Corps Of Engineers (531 U.S. 159 (Sup. Ct. 2001)) ("SWANCC Decision"). The U.S. Supreme Court's SWANCC Decision upheld the primary rights and responsibilities of States over land and water, but limited the water and wetland areas subject to federal regulation under the Clean Water Act.

Watercourse - means any natural or artificial channel for passage of water, including the Sonoma County Water Agency's jurisdictional channels.

Watershed Management - is an approach to water resources protection. It is a strategy for integrating and managing resources, both human and fiscal that focuses less on regulation of point sources, to a more regional approach that acknowledges environmental impacts from other activities.

Wet Season - means the calendar period beginning November 1st through April 30th.

Winter Dry Weather - means dry weather days occurring from November 1st through April 30th of each year.