



**REGION 6**  
**1445 ROSS AVENUE**  
**DALLAS, TEXAS 75202-2733**

**NPDES Permit No NM0030520**

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## **AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the "Act"),

Dulce Wastewater Treatment Plant  
Jicarilla Apache Utility Authority  
P.O. Box 916  
Dulce, NM 87528

is authorized to discharge from the Dulce Wastewater Treatment Plant located at 290 Narrow Gauge Road, Dulce, Rio Arriba County, New Mexico, to Amargo Creek, thence to the Navajo River in the San Juan River Basin, from a point located approximately:

Outfall 001: Latitude 36° 52' 30" North, Longitude 106° 52' 30" West

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, III, and IV hereof.

This permit, prepared by Ruben Alayon-Gonzalez, Environmental Engineer, Permitting Section (6WQ-PP), supersedes and replaces NPDES Permit No. NM0030520 with an effective date of August 1, 2014.

This permit shall become effective on

This permit and the authorization to discharge shall expire at midnight,

Issued on

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Charles W. Maguire  
Director  
Water Division (6WQ)

## DOCUMENT ABBREVIATIONS

In the document that follows, various abbreviations are used. They are as follows:

4Q3	Lowest four-day average flow rate expected to occur once every three-years
BAT	Best available technology economically achievable
BCT	Best conventional pollutant control technology
BPT	Best practicable control technology currently available
BMP	Best management plan
BOD	Biochemical oxygen demand (five-day unless noted otherwise)
BPJ	Best professional judgment
CBOD	Carbonaceous biochemical oxygen demand (five-day unless noted otherwise)
CD	Critical dilution
CFR	Code of Federal Regulations
cfs	Cubic feet per second
COD	Chemical oxygen demand
COE	United States Corp of Engineers
CWA	Clean Water Act
DMR	Discharge monitoring report
ELG	Effluent limitation guidelines
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FCB	Fecal coliform bacteria
FWS	United States Fish and Wildlife Service
mg/l	Milligrams per liter
ug/l	Micrograms per liter
lbs	Pounds
MGD	Million gallons per day
NMAC	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMIP	New Mexico NPDES Permit Implementation Procedures
NMWQS	New Mexico State Standards for Interstate and Intrastate Surface Waters
NPDES	National Pollutant Discharge Elimination System
MQL	Minimum quantification level
O&G	Oil and grease
POTW	Publicly owned treatment works
RP	Reasonable potential
SS	Settleable solids
SIC	Standard industrial classification
s.u.	Standard units (for parameter pH)
SWQB	Surface Water Quality Bureau
TDS	Total dissolved solids
TMDL	Total maximum daily load
TRC	Total residual chlorine
TSS	Total suspended solids
UAA	Use attainability analysis
USGS	United States Geological Service
WLA	Wasteload allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plan

**PART I – REQUIREMENTS FOR NPDES PERMITS****A. LIMITATIONS AND MONITORING REQUIREMENTS**

## 1. OUTFALL 001 - Final Effluent Limits – 0.6 MGD Design Flow

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from outfall serial number 001. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
	lbs/day, unless noted		mg/l, unless noted (*1)				
POLLUTANT	30-DAY AVG	7-DAY AVG	30-DAY AVG	7-DAY AVG	DAILY MAX	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	***	***	***	Daily	Instantaneous
Biochemical Oxygen Demand, 5-day	150	225	30	45	N/A	2/Month	3-Hour Composite
BOD % Removal, minimum (*3)	≥ 85%	N/A	N/A	N/A	N/A	1/Month	Calculation (*2)
Total Suspended Solids	150	225	30	45	N/A	2/Month	3-Hour Composite
TSS % Removal, minimum (*3)	≥ 85%	N/A	N/A	N/A	N/A	1/Month	Calculation (*2)
<i>E. coli</i> Bacteria	N/A	N/A	126 (*4)	N/A	235 (*4)	1/Week	Grab
Total Residual Chlorine	N/A	N/A	Report	N/A	11 ug/l (*5)	Daily	Instantaneous Grab
Total Dissolved Solids, Drinking Water Plant Intake (*6)	N/A	N/A	Report	N/A	Report	1/Quarter	Grab
Total Dissolved Solids, Wastewater Plant Discharge (*7)	N/A	N/A	Report	N/A	Report	1/Quarter	Grab
Total Dissolved Solids, Net Increase (*8)	N/A	N/A	400 (*9)	N/A	Report	1/Quarter	Grab

<b>EFFLUENT CHARACTERISTICS</b>	<b>DISCHARGE LIMITATIONS</b>		<b>MONITORING REQUIREMENTS</b>	
<b>POLLUTANT</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>	<b>MEASUREMENT FREQUENCY</b>	<b>SAMPLE TYPE</b>
pH	6.6 s.u.	9.0 s.u.	Daily	Instantaneous Grab

<b>EFFLUENT CHARACTERISTIC</b>	<b>DISCHARGE MONITORING</b>	<b>MONITORING REQUIREMENTS</b>	
Whole Effluent Toxicity Testing (7-Day Static Renewal) (*10)	VALUE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<i>Ceriodaphnia dubia</i>	Report	Once/Year	24-hr Composite
<i>Pimephales promelas</i>	Report	Once/Year	24-hr Composite

Footnotes:

- 1 See Part II. Section A. Minimum Quantification Level (MQL) of permit.
- 2  $\{(30\text{-day Ave Conc})_{\text{inflow}} - (30\text{-day Ave Conc})_{\text{effluent}}\} \div (30\text{-day Ave Conc})_{\text{inflow}} \times 100\%$ .
- 3 Minimum value.
- 4 Colony forming units (cfu) per 100 ml or MPN.
- 5 The effluent limitation for TRC is the instantaneous maximum grab sample taken during periods of chlorine use and cannot be averaged for reporting purposes. Instantaneous maximum is defined in 40 CFR Part 136 as being measured within 15-minutes of sampling.
- 6 For permit compliance purposes, the TDS intake sample shall be taken at the intake of the drinking water plant.
- 7 Total dissolved solids measured at the Dulce WWTP Outfall 001.
- 8 Net total dissolved solids incremental increases in salinity shall be 400 mg/l or less. The increase shall be the difference between the TDS measured at the drinking water plant intake.
- 9 If one sample is collected, then the increase shall be the difference between the TDS measured from Outfall 001 and the TDS measured at the drinking water plant intake. If additional samples are collected, then the increase shall be the difference between the 30-day average TDS measured from Outfall 001 and the 30-day average TDS measured at the drinking water plant intake.
- 10 This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple failures. However, upon failure of any WET test, the permittee must report the results to EPA and NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification of the test failure. EPA and NMED will review the test results and determine the appropriate action necessary, if any.

**2. FLOATING SOLIDS, VISIBLE FOAM AND/OR OILS**

There shall be no discharge of floating solids or visible foam in other than trace amounts.

There shall be no discharge of visible films of oil, globules of oil, grease or solids in or on the water, or coatings on stream banks.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge from the final treatment unit prior to the receiving stream. The sample point shall be clearly marked by the facility if it is not at the final outfall location. There shall be no flow from any source into the piping system after the sample point and prior to the final outfall.

**B. SCHEDULES OF COMPLIANCE**

None

**C. MONITORING AND E- REPORTING (MINOR DISCHARGERS)**

1. The permittee shall effectively monitor the operation and efficiency of all treatment and control facilities and the quantity and quality of the treated discharge.
2. Discharge Monitoring Report (DMR) results shall be electronically reported to EPA per 40 CFR 127.16. To submit electronically, access the NetDMR website at <https://netdmr.epa.gov>. Until approved for Net DMR, the permittee shall request temporary or emergency waivers from electronic reporting. To obtain the waiver, please contact: U.S. EPA - Region 6, Water Enforcement Branch. If paper reporting is granted temporarily, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA and copies to NMED as required (See Part III.D.IV of the permit).
  - a. Monitoring information shall be submitted quarterly. Each quarterly submittal shall include separate forms for each month of the reporting period.
  - b. Reporting periods shall end on the last day of the months March, June, September, and December.
  - c. The permittee is required to submit regular quarterly reports as described above postmarked no later than the 28<sup>th</sup> day of the month following each reporting period.
3. If the permittee monitors any pollutant more frequently than required in Part I.A, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR, or the annual sludge report required in Part IV of the permit.
4. If any 30-day average, monthly average, 7-day average, weekly average, or daily maximum value exceeds the effluent limitations specified in Part I.A, the permittee shall report the excursion in accordance with the requirements of Part III.D.
5. Any 30-day average, monthly average, 7-day average, weekly average, or daily maximum value reported in the required DMR which is in excess of the effluent limitation specified in Part I.A shall constitute evidence of violation of such effluent limitation and of this permit.

6. Other measurements of oxygen demand (e.g., TOC and COD) may be substituted for five day Biochemical Oxygen Demand (BOD<sub>5</sub>) or for five day Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>), as applicable, where the permittee can demonstrate long term correlation of the method with BOD<sub>5</sub> or CBOD<sub>5</sub> values, as applicable. Details of the correlation procedures used must be submitted and prior approval granted by the permitting authority for this procedure to be acceptable. Data reported must also include evidence to show that the proper correlation continues to exist after approval.
7. No discharge reporting.

If there is no discharge at Outfall 001 during the sampling month, place an X in the NO DISCHARGE box located in the upper right corner of the Discharge Monitoring Report.

#### **D. OVERFLOW REPORTING**

The permittee shall report all overflows with the Discharge Monitoring Report submittal. These reports shall be summarized and reported in tabular format. The summaries shall include: the date, time, duration, location, estimated volume, and cause of the overflow; observed environmental impacts from the overflow; actions taken to address the overflow; and ultimate discharge location if not contained (e.g., storm sewer system, ditch, tributary).

Overflows that endanger health or the environment shall be orally reported to EPA at (214) 665-6595, within 24 hours from the time the permittee becomes aware of the circumstance. A written report of overflows that endanger health or the environment shall be provided to EPA and the NMED Surface Water Quality Bureau within 5 days of the time the permittee becomes aware of the circumstance.

#### **E. POLLUTION PREVENTION REQUIREMENTS**

The permittee shall institute a program within 12 months of the effective date of the permit (or continue an existing one) directed towards optimizing the efficiency and extending the useful life of the facility. The permittee shall consider the following items in the program:

- a. The influent loadings, flow and design capacity;
- b. The effluent quality and plant performance;
- c. The age and expected life of the wastewater treatment facility's equipment;
- d. Bypasses and overflows of the tributary sewerage system and treatment works;
- e. New developments at the facility;
- f. Operator certification and training plans and status;
- g. The financial status of the facility;
- h. Preventative maintenance programs and equipment conditions and;
- i. An overall evaluation of conditions at the facility.

**PART II - OTHER CONDITIONS****A. MINIMUM QUANTIFICATION LEVEL (MQL)**

EPA-approved test procedures (methods) for the analysis and quantification of pollutants or pollutant parameters, including for the purposes of compliance monitoring/DMR reporting, permit renewal applications, or any other reporting that may be required as a condition of this permit, shall be sufficiently sensitive. A method is "sufficiently sensitive" when (1) the method minimum level (ML) of quantification is at or below the level of the applicable effluent limit for the measured pollutant or pollutant parameter; or (2) if there is no EPA-approved analytical method with a published ML at or below the effluent limit (see table below), then the method has the lowest published ML (is the most sensitive) of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, for the measured pollutant or pollutant parameter; or (3) the method is specified in this permit or has been otherwise approved in writing by the permitting authority (EPA Region 6) for the measured pollutant or pollutant parameter. The Permittee has the option of developing and submitting a report to justify the use of matrix or sample-specific MLs rather than the published levels. Upon written approval by EPA Region 6 the matrix or sample-specific MLs may be utilized by the Permittee for all future Discharge Monitoring Report (DMR) reporting requirements.

Current EPA Region 6 minimum quantification levels (MQLs) for reporting and compliance are provided in Appendix A of Part II of this permit. The following pollutants may not have EPA approved methods with a published ML at or below the effluent limit, if specified:

POLLUTANT	CAS Number	STORET Code
Total Residual Chlorine	7782-50-5	50060
Cadmium	7440-43-9	01027
Silver	7440-22-4	01077
Thallium	7440-28-0	01059
Cyanide	57-12-5	78248
Dioxin (2,3,7,8-TCDD)	1764-01-6	34675
4, 6-Dinitro-0-Cresol	534-52-1	34657
Pentachlorophenol	87-86-5	39032
Benzidine	92-87-5	39120
Chrysene	218-01-9	34320
Hexachlorobenzene	118-74-1	39700
N-Nitrosodimethylamine	62-75-9	34438
Aldrin	309-00-2	39330
Chlordane	57-74-9	39350
Dieldrin	60-57-1	39380
Heptachlor	76-44-8	39410
Heptachlor epoxide	1024-57-3	39420
Toxaphene	8001-35-2	39400

Unless otherwise indicated in this permit, if the EPA Region 6 MQL for a pollutant or pollutant parameter is sufficiently sensitive (as defined above) and the analytical test result is less than the MQL, then a value of zero (0) may be used for reporting purposes on DMRs. Furthermore, if the EPA Region 6 MQL for a pollutant or parameter is not sufficiently sensitive, but the analytical test result is less than the published ML from a sufficiently sensitive method, then a value of zero (0) may be used for reporting purposes on DMRs.

**B. CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS**

1. The following pollutants may not be introduced into the treatment facility:
  - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;
  - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference;
  - d. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
  - e. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
  - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and
  - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
2. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Act, including any requirements established under 40 CFR Part 403.
3. The permittee shall provide adequate notice of the following:
  - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Act if it were directly discharging those pollutants
  - b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.



- c. Any notice shall include information on (i) the quality and quantity of effluent to be introduced into the treatment works, and (ii) any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

### **C. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS**

Under the provisions of Part III.D.7.b.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to EPA Region 6, Compliance and Assurance Division, Water Enforcement Branch (6EN-W), Dallas, Texas, within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

*E. Coli* Bacteria  
Total Residual Chlorine

Twenty-four hour reporting:

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A report shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather. As of December 21, 2020 all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Director or initial recipient, as defined in 40 CFR 127.2(b), in compliance with this section and 40 CFR part 3 (including, in all cases, subpart D to part 3), § 122.22, and 40 CFR part 127. Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of part 127, permittees may be required to electronically submit reports related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section by a particular permit or if required to do so by state law. The Director may also require permittees to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section.
- (ii) The following shall be included as information which must be reported within 24 hours under this paragraph.
  - (A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See § 122.41(g).

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours. (See § 122.44(g).)

#### **D. PERMIT MODIFICATION AND REOPENER**

Because the Jicarilla Apache Nation has adopted the NM WQS until such time as the Nation establishes WQS, the permit may be reopened and modified during the life of the permit in accordance with 40 CFR § 122.62(a)(3) if relevant portions of New Mexico's Water Quality Standards for Interstate and Intrastate Streams are revised, or new State water quality standards are established and/or remanded by the New Mexico Water Quality Control Commission. In addition, the permit may be reopened and modified during the life of the permit in accordance with 40 CFR § 122.62(a)(3) if new Jicarilla Apache Nation water quality standards are established.

In accordance with), the permit may be reopened and modified if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance.

If a TMDL is established for the Amargo Creek, the permit may be reopened, and new limitations based on the TMDL may be incorporated into the permit.

Permit modifications shall reflect the results of any of these actions and shall follow regulations listed at 40 CFR § 122.44 and 124.5(c).

#### **E. WHOLE EFFLUENT TOXICITY TESTING (7-DAY CHRONIC NOEC FRESHWATER)**

It is unlawful and a violation of this permit for a permittee or his designated agent, to manipulate test samples in any manner, to delay sample shipment, or to terminate or to cause to terminate a toxicity test. Once initiated, all toxicity tests must be completed unless specific authority has been granted by EPA Region 6 or the State NPDES permitting authority.

##### **1. SCOPE AND METHODOLOGY**

- a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO FINAL OUTFALL(S):	001
REPORTED ON DMR AS FINAL OUTFALL:	001
EFFLUENT DILUTION SERIES:	28%, 37%, 50%, 66%, and 88%
CRITICAL DILUTION:	88%
COMPOSITE SAMPLE TYPE:	Defined at PART I
TEST SPECIES/METHODS:	40 CFR Part 136

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA 821 R 02 013, or the most recent update thereof. This test should be terminated when 60% of the surviving females in the control produce three broods or at the end of eight days, whichever comes first.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA 821 R 02 013 or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

- b. The NOEC (No Observed Lethal Effect Concentration) is herein defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. Chronic lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Chronic sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.
- c. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.
- d. This permit does not establish requirements to automatically increase the WET testing frequency after a test failure, or to begin a toxicity reduction evaluation (TRE) in the event of multiple test failures. However, upon failure of any WET test, the permittee must report the test results to NMED, Surface Water Quality Bureau, in writing, within 5 business days of notification the test failure. NMED will review the test results and determine the appropriate action necessary, if any.

## 2. REQUIRED TOXICITY TESTING CONDITIONS

### a. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

- The toxicity test control (0% effluent) must have survival equal to or greater than 80%.
- The mean number of Ceriodaphnia dubia neonates produced per surviving female in the control (0% effluent) must be 15 or more.
- 60% of the surviving control females must produce three broods.
- The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.
- The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test.

- The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or nonlethal effects are exhibited for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test.
- A PMSD range of 13 - 47 for Ceriodaphnia dubia reproduction;
- A PMSD range of 12 - 30 for Fathead minnow growth.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

b. Statistical Interpretation

- For the Ceriodaphnia dubia survival test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be Fisher's Exact Test as described in EPA/821/R-02-013 or the most recent update thereof.
- For the Ceriodaphnia dubia reproduction test and the Fathead minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA/821/R-02-013 or the most recent update thereof.
- If the conditions of Test Acceptability are met in Item 2.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 3 below.

c. Dilution Water

- Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and alkalinity to the closest downstream perennial water for;
  - toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and
  - toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.
- If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 2.a), the permittee may substitute synthetic dilution water

for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

- a synthetic dilution water control which fulfills the test acceptance requirements of Item 3.a was run concurrently with the receiving water control;
- the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);
- the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 3 below; and
- the synthetic dilution water shall have a pH, hardness, and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. Samples and Composites

- The permittee shall collect a minimum of three flow-weighted composite samples from the outfall(s) listed at Item 1.a above.
- The permittee shall collect second and third composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.
- The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage.
- If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section.

3. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA/821/R-02-013, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.3 of this permit. The permittee shall submit full reports upon the specific request of the Agency. For any test which fails, is considered invalid or which is terminated early for any reason, the full report must be submitted for agency review.
- b. A valid test for each species must be reported during each reporting period specified in PART I of this permit unless the permittee is performing a TRE which may increase the frequency of testing and reporting. Only ONE set of biomonitoring data for each species is to be recorded for each reporting period. The data submitted should reflect the LOWEST lethal and sub-lethal effects results for each species during the reporting period. All invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached for EPA review.
- c. The permittee shall submit the results of each valid toxicity test as follows below. Submit retest information, if required, clearly marked as such. Only results of valid tests are to be reported.
  - Pimephales promelas (Fathead Minnow)
    - If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TLP6C
    - Report the NOEC value for survival, Parameter No. TOP6C
    - Report the LOEC value for survival, Parameter No. TXP6C
    - Report the NOEC value for growth, Parameter No. TPP6C
    - Report the LOEC value for growth, Parameter No. TYP6C
    - If the No Observed Effect Concentration (NOEC) for growth is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TGP6C
    - Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQP6C
  - Ceriodaphnia dubia
    - If the NOEC for survival is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TLP3B
    - Report the NOEC value for survival, Parameter No. TOP3B
    - Report the LOEC value for survival, Parameter No. TXP3B

- Report the NOEC value for reproduction, Parameter No. TPP3B
  - Report the LOEC value for reproduction, Parameter No. TYP3B
  - If the No Observed Effect Concentration (NOEC) for reproduction is less than the critical dilution, enter a '1'; otherwise, enter a '0' for Parameter No. TGP3B
  - Report the higher (critical dilution or control) Coefficient of Variation, Parameter No. TQP3B
- d. If retests are required by NMED, enter the following codes:
- For retest number 1, Parameter 22415, enter a '1' if the NOEC for survival is less than the critical dilution; otherwise, enter a '0'
  - For retest number 2, Parameter 22416, enter a '1' if the NOEC for survival is less than the critical dilution; otherwise, enter a '0'