

PART II - OTHER REQUIREMENTS

A. MINIMUM QUANTIFICATION LEVEL (MQL)

See list of MQL's at Appendix A of Part II below. For pollutants listed on Appendix A of Part II with MQL's, analyses must be performed to the listed MQL. If any individual analytical test result is less than the MQL listed, a value of zero (0) may be used for that pollutant result for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

In addition, any additional pollutant sampling for purposes of this permit, including renewal applications or any other reporting, shall be tested to the MQL shown on the attached Appendix A of Part II. Results of analyses that are less than the listed MQL may be reported as "non detect" (ND).

B. 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, at (214) 665-6595 and concurrently to Railroad Commission of Texas, at (512) 463-7058 within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

Total Residual Chlorine

C. 40 CFR PART 136 ANALYTICAL REQUIREMENTS

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.

D. REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of the Texas Commission on Environmental Quality (TCEQ) Water Quality Standards for Interstate and Intrastate Streams are revised or remanded. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the Water Quality Standards are either revised or promulgated by the TCEQ. Should the State adopt a State water quality standard, this permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standard in accordance with 40CFR122.44(d). Modification of the permit is subject to the provisions of 40CFR124.5.

Additionally, in accordance with 40 CFR Part 122.62 (s) (2), 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. Permit modifications shall reflect the results of any of these actions and shall follow regulations listed at 40 CFR Part 124.5.

E. PART II

WHOLE EFFLUENT TOXICITY LIMITS (7 DAY CHRONIC NOEC)

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 AS FINAL OUTFALL	001
CRITICAL DILUTION (%)	60%
EFFLUENT DILUTION SERIES (%)	25%, 34%, 45%, 60%, 80%
TEST SPECIES AND METHODS	Ceriodaphnia dubia / Method 1002.0 (EPA-821-R-02-013 or latest version)
	Pimephales promelas/ Method 1000.0 (EPA/821/R-02-013 or latest version)
SAMPLE TYPE	Defined in PART I

- b. The NOEC (No Observed Effect Concentration) is herein defined as the greatest effluent dilution at and below which toxicity 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 chemical specific effluent limits, additional testing, a Toxicity Reduction Evaluation, and/or other appropriate actions to address toxicity.
- d. The conditions of this item are effective beginning with the effective date of the WET limit. When the effluent fails the lethal or sub-lethal endpoint at or below the critical dilution, the permittee shall be considered in violation of this permit limit and the frequency for the affected species will increase to monthly until compliance with the No Observed Effect Concentration (NOEC) effluent limitation is demonstrated for a period of three consecutive months, at which time the permittee may return to the testing frequency stated in PART I of this permit. The purpose of the increased frequency for WET testing after a violation is to determine the duration of a toxic event. A test that meets all test acceptability criteria and demonstrates significant toxic effects does not need additional confirmation. Such testing cannot confirm or disprove a previous test result.

2. REQUIRED TEST CONDITIONS AND TEST ACCEPTABILITY CRITERIA

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:

Condition/Criteria	<i>Ceriodaphnia dubia</i>	<i>Pimephales promelas</i>
Test Duration	Until 60% or more of surviving control females have 3 broods (max 8 days)	7 days
# of replicates per concentration	10	5
# of organisms per replicate	1	8
# of organisms per concentration	10	40 (minimum)
# of test concentrations per effluent	5 and a control	5 and a control
Holding time *	36 hours for first use	36 hours for first use
Sampling Requirement *	Minimum of 3 samples	Minimum of 3 samples
Test Acceptability Criteria	≥80% survival of all control organisms.	≥80% survival of all control organisms.
	Average of 15 or	Average dry weight

	more neonates per surviving control female.	per surviving organism in control must be $\geq 0.25\text{mg}$.
	60% of surviving control females must produce 3 broods.	
Coefficient of Variation **	40% or less, unless significant effects are exhibited.	40% or less unless significant effects are exhibited.
Percent Minimum Significant Difference (PMSD range) for Sublethal Endpoint **	13 – 47	12 - 30

* 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 and the minimum number of effluent portions 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, and must meet the holding time between collection and first use of the sample. When possible, the effluent samples used for the toxicity tests shall be collected on separate 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.

**Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%, or a PMSD value greater than the higher value on the range provided.

a. Statistical Interpretation

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 the appropriate method manual listed in Part II or the most recent update thereof.

b. Dilution Water

- 1) 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;
 - i. toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and
 - ii. toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.

- 2) If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria), 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:
 - i. a synthetic dilution water control which fulfills the test acceptance requirements was run concurrently with the receiving water control;
 - ii. the test indicating receiving water toxicity has been carried out to completion,
 - iii. the permittee includes all test results indicating receiving water toxicity with the full report and information required; and
 - iv. 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.
- c. Samples and Composites
 - 1) The permittee shall collect a minimum of three samples (flow-weighted composite if possible) from the outfall(s).
 - 2) The permittee shall collect a second and third sample (composite samples if possible) for use during the 24-hour renewal of each dilution concentration for each test. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 36 hours for first use of the sample. 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. A holding time up to 72 hrs is allowed upon notification to EPA of the need for additional holding time.
 - 3) The permittee must collect the composite samples such that the effluent samples are representative of the discharge duration, and of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.

3. REPORTING

- a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this part in accordance with the Report Preparation Section of the most current publication of the method manual, for every valid or invalid toxicity test initiated, whether carried to completion or not. The permittee shall retain each full report and submit them 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. One set of biomonitoring data for each species is to be recorded on the DMR for each reporting period.

- c. The permittee shall submit the results of each valid toxicity test on the DMR for that reporting period in accordance with PART I of this permit, as follows below. Any WET test conducted outside of the stipulated frequency in Part I (results of a testing frequency increase) shall be reported under Unscheduled Events for the COMPLIANCE CODE, in the DMR. Only results of valid tests are to be reported.

Reporting Requirement	Parameter STORET CODE	
	<i>Ceriodaphnia dubia</i>	<i>Pimephales promelas</i>
Enter a "1" if the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, otherwise enter a "0".	TLP3B	TLP6C
Report the NOEC value for survival	TOP3B	TOP6C
Report the LOEC value for survival	TXP3B	TXP6C
Enter a "1" if the NOEC for growth or reproduction is less than the critical dilution, otherwise enter a "0".	TGP3B	TGP6C
Report the NOEC value for growth or reproduction	TPP3B	TPP6C
Report the LOEC value for growth	TYP3B	TYP6C
Report the highest (critical dilution or control) Coefficient of Variation	TQP3B	TQP6C
Report the lowest NOEC value (survival, reproduction, or growth) COMPLIANCE CODE	51710	51714

4. MONITORING FREQUENCY REDUCTION

- a. Monitoring frequency reduction is not allowed for any species that has a WET limit.

APPENDIX A of PART II

The following Minimum Quantification Levels (MQL's) are to be used for reporting pollutant data for NPDES permit applications and/or compliance reporting.

POLLUTANTS		MQL	POLLUTANTS	
MQL				
	µg/l			µg/l
METALS, RADIOACTIVITY, CYANIDE and CHLORINE				
Aluminum	2.5		Molybdenum	
Antimony	60			10
Arsenic	0.5		Nickel	0.5
Barium	100		Selenium	5
Beryllium	0.5		Silver	0.5
Boron		100	Thallium	0.5
Cadmium	1		Uranium	0.1
Chromium	10		Vanadium	50
Cobalt		50	Zinc	20
Copper	0	.5	Cyanide	10
Lead		0.5	Cyanide, weak acid dissociable	
Mercury *1			10	
	0.0005		Total Residual Chlorine	33
	0.005			
DIOXIN				
2,3,7,8-TCDD		0.00001		
VOLATILE COMPOUNDS				
Acrolein			1,2-Dichloropropane	10
	50		1,3-Dichloropropylene	10
Acrylonitrile		20	Ethylbenzene	10
Benzene	10		Methyl Bromide	50
Bromoform		10	Methylene Chloride	20
Carbon Tetrachloride	2		1,1,2,2-Tetrachloroethane	10
Chlorobenzene		10	Tetrachloroethylene	10
Chlorodibromomethane		10	Toluene	10
Chloroform		50	1,2-trans-Dichloroethylene	10
Dichlorobromomethane		10	1,1,2-Trichloroethane	10
1,2-Dichloroethane	10		Trichloroethylene	10
1,1-Dichloroethylene	10		Vinyl Chloride	10
ACID COMPOUNDS				
2-Chlorophenol		10	4,6-Dinitro-o-Cresol	50
2,4-Dichlorophenol		10	2,4-Dinitrophenol	50
2,4-Dimethylphenol		10	Pentachlorophenol	5

Phenol	10		2,4,6-Trichlorophenol	10
POLLUTANTS		MQL	POLLUTANTS	
MQL				
	µg/l			µg/l
BASE/NEUTRAL				
Acenaphthene	10		Dimethyl Phthalate	10
Anthracene	10		Di-n-Butyl Phthalate	10
Benzidine	50		2,4-Dinitrotoluene	10
Benzo(a)anthracene	5		1,2-Diphenylhydrazine	20
Benzo(a)pyrene	5		Fluoranthene	10
3,4-Benzofluoranthene	10		Fluorene	10
Benzo(k)fluoranthene	5		Hexachlorobenzene	5
Bis(2-chloroethyl)Ether	10		Hexachlorobutadiene	10
Bis(2-chloroisopropyl)Ether	10		Hexachlorocyclopentadiene	10
Bis(2-ethylhexyl)Phthalate	10		Hexachloroethane	20
Butyl Benzyl Phthalate	10		Indeno(1,2,3-cd)Pyrene	5
2-Chloronaphthalene	10		Isophorone	10
Chrysene	5		Nitrobenzene	10
Dibenzo(a,h)anthracene	5		n-Nitrosodimethylamine	50
1,2-Dichlorobenzene	10		n-Nitrosodi-n-Propylamine	20
1,3-Dichlorobenzene	10		n-Nitrosodiphenylamine	20
1,4-Dichlorobenzene	10		Pyrene	10
3,3'-Dichlorobenzidine	5		1,2,4-Trichlorobenzene	10
Diethyl Phthalate	10			
PESTICIDES AND PCBS				
Aldrin	0.01		Beta-Endosulfan	0.02
Alpha-BHC	0.05		Endosulfan sulfate	0.02
Beta-BHC	0.05		Endrin	0.02
Gamma-BHC	0.05		Endrin Aldehyde	0.1
Chlordane	0.2		Heptachlor	0.01
4,4'-DDT and derivatives	0.02		Heptachlor Epoxide	0.01
Dieldrin	0.02		PCBs	0.2
Alpha-Endosulfan	0.01		Toxaphene	0.3

(MQL's Revised November 1, 2007)

Footnotes:

*1 Default MQL for Mercury is 0.005 unless Part I of your permit requires the more sensitive Method 1631 (Oxidation / Purge and Trap / Cold vapor Atomic Fluorescence Spectrometry), then the MQL shall be 0.0005.

