

## 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. 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, and concurrently to NMED within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

TRC

**C. PERMIT REOPENER CLAUSE**

1. The permit may be reopened and modified during the life of the permit if relevant portions of State of New Mexico Water Quality Standards and/or State Water Quality Management Plans are revised, new water quality standards are established and/or remanded and any other policy, or if procedures and implementation guidelines are adopted by the State that change applicable water quality standards and permit implementation.
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.
3. If a TMDL is established for the receiving stream, the permit may be reopened, and new limitations based on the TMDL may be incorporated into the permit.

**D CONTRIBUTING INDUSTRIES**

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 discharge;

- 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, non-biodegradable 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; and
    - 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.

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.

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

The permittee shall continue a program 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.

**F. WHOLE EFFLUENT TOXICITY TESTING (7-DAY CHRONIC NOEC FRESHWATER) (FOR PIMEPHALES PROMELAS ONLY) 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 AS FINAL OUTFALL: 001

CRITICAL DILUTION (%): 19%

EFFLUENT DILUTION SERIES (%): 8% 11%, 14%, 19%, and 25%.

COMPOSITE SAMPLE TYPE: Defined at PART I

TEST SPECIES/METHODS: 40 CFR Part 136

*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) 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.

## 2. REQUIRED TEST ACCEPTABILITY CRITERIA AND TEST CONDITIONS

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>Pimephales promelas</i>
<b>Test Duration</b>	7 days
<b># of replicates per concentration</b>	5
<b># of organisms per replicate</b>	8
<b># or organisms per concentration</b>	40 (minimum)
<b># of test concentrations per effluent</b>	5 and a control
<b>Holding time *</b>	36 hours for first use
<b>Sampling Requirement *</b>	Minimum of 3 samples
<b>Test Acceptability Criteria</b>	≥80% survival of all control organisms.
	Average dry weight per surviving organism in control must be ≥0.25mg.
<b>Coefficient of Variation **</b>	40% or less unless significant effects are exhibited.
<b>Percent Minimum Significant Difference (PMSD range) for Sublethal Endpoint **</b>	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 and NMED 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 unless the permittee is performing a TRE which may increase the frequency of testing and reporting. One set of biomonitoring data for each species is to be recorded on the DMR for each reporting period. Additional results are reported under the retest codes below.
- c. The permittee shall submit the results of each valid toxicity test on the subsequent monthly DMR for that reporting period as follows below. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.

Reporting Requirement	Parameter STORET CODE <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".	TLP6C
Report the NOEC value for survival	TOP6C
Report the LOEC value for survival	TXP6C
Enter a "1" if the NOEC for growth or reproduction is less than the critical dilution, otherwise enter a "0".	TGP6C
Report the NOEC value for growth or reproduction	TPP6C
Report the LOEC value for growth	TYP6C
Report the highest (critical dilution or control) Coefficient of Variation	TQP6C
(If required) Retest 1 – Enter a "1" if the NOEC for survival, growth or reproduction is less than the critical dilution, otherwise enter "0".	22418
(If required) Retest 2- Enter a "1" if the NOEC for survival, growth or reproduction is less than the critical	22419

dilution, otherwise enter "0".	
(If required) Retest 3- Enter a "1" if the NOEC for survival, growth or reproduction is less than the critical dilution, otherwise enter "0".	51444

#### 4. PERSISTENT TOXICITY

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal and/or sub-lethal effects at or below the critical dilution. Significant toxic effects, are herein defined as a statistically significant difference at the 95% confidence level between the survival, growth or reproduction of the appropriate test organism in a specified effluent dilution and the control (0% effluent). If the initial WET test conducted fails, the permittee will conduct three retests. The purpose of retests 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. If any valid test demonstrates significant lethal and/or sub-lethal effects to a test species at or below the critical dilution, the frequency of testing for this species is automatically increased to once per quarter with no option for frequency reduction.

##### a. Retest

The permittee shall conduct a total of three (3) additional tests for any species that demonstrates significant effects at or below the critical dilution. The three additional tests shall be conducted monthly during the next three consecutive months. If testing on a quarterly basis, the permittee may substitute one of the additional tests in lieu of one routine toxicity test. A full report shall be prepared for each test required by this section in accordance with the reporting requirements previously outlined and available upon request from the Agency.

##### b. Requirement to Initiate a Toxicity Reduction Evaluation

If persistent lethality is demonstrated by failure of one or more retests, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in Part 6 of this section. If persistent sub-lethality is demonstrated by failure of two or more retests, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements. The permittee shall notify EPA in writing within 5 days of notification of the failure of any retest, and the TRE initiation date will be the test completion date of the first failed retest for lethal TREs or second failed retest for sub-lethal TREs. A TRE may also be required due to a demonstration of intermittent effects at or below the critical dilution, or for failure to perform the required retests.

#### 5. TOXICITY REDUCTION EVALUATION (TRE)

EPA Region 6 is currently addressing TREs as follows: A TRE is triggered following three sub-lethal test failures (a failure followed by two retest failures) or two test failures with lethal effects (a failure followed by one retest failure).

- a. Within ninety (90) days of confirming lethality and/or sub-lethality in the retests, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE to the EPA WET Coordinator at 6WQ-PO. The TRE Action Plan shall specify the approach



and methodology to be used in performing the TRE. A TRE is an investigation intended to determine those actions necessary to achieve compliance with water quality based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The TRE Action Plan shall lead to the successful elimination of effluent toxicity at the critical dilution and include the following:

- 1) Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, a Toxicity Identification Evaluation (TIE) and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Identification Evaluations to characterize the nature of the constituents causing toxicity, the permittee shall perform multiple characterizations and follow the procedures specified in the documents "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA 600/6-91/003) or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081), as appropriate.
  - 2) Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified; Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where toxicity was demonstrated within 24 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;
  - 3) Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and
  - 4) Project Organization (e.g., project staff, project manager, consulting services, etc.).
- b. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal.
  - c. The permittee shall submit a quarterly TRE Activities Report to the EPA WET Coordinator (6WQ-PO) in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:

- 1) Any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
  - 2) Any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
  - 3) Any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant toxicity at the critical dilution. A copy of the TRE Activities Report shall also be submitted to the state agency.
  - 4) Any results and interpretation of any chemical specific analysis, and for any characterization, identification, and confirmation tests performed during the quarter.
  - 5) Any changes to the initial TRE plan and schedule that are believed necessary.
- d. Finalizing a TRE
- The permittee shall submit (to EPA 6WQ-PO) a final report on TRE activities no later than twenty-eight (28) months from confirming toxicity in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant toxicity at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism. A copy of the final report on TRE Activities shall also be submitted to the state agency.
- A TRE may be stopped if there is no toxicity at the critical dilution for a period of 12 consecutive months (with at least monthly testing) following confirmation of toxicity in the retests. The permittee would submit a final report to EPA at that time.
- e. Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).

**G. WHOLE EFFLUENT TOXICITY LIMITS (7-DAY CHRONIC NOEC FRESHWATER) (FOR CERIODAPHNIA DUBIA ONLY)**

**WHOLE EFFLUENT TOXICITY (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 (%)	19%
WET LIMIT	<i>Ceriodaphnia dubia</i> , 19%
EFFLUENT DILUTION SERIES (%)	8%, 11%, 14%, 19%, 25%
TEST SPECIES AND METHODS	<i>Ceriodaphnia dubia</i> / Method 1002.0 (EPA-821-R-02-013 or latest version)
	<i>Pimephales promelas</i> / Method 1000.0 (EPA/821/R-02-013 or latest version)
SAMPLE TYPE	b. 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 WET 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 for *Ceriodaphnia dubia*. 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>
<b>Test Duration</b>	Until 60% or more of surviving control females have 3 broods (max 8 days)	7 days
<b># of replicates per concentration</b>	10	5
<b># of organisms per replicate</b>	1	8
<b># of organisms per concentration</b>	10	40 (minimum)
<b># of test concentrations per effluent</b>	5 and a control	5 and a control
<b>Holding time *</b>	36 hours for first use	36 hours for first use
<b>Sampling Requirement *</b>	Minimum of 3 samples	Minimum of 3 samples
<b>Test Acceptability Criteria</b>	≥80% survival of all control organisms.	≥80% survival of all control organisms.
	Average of 15 or more neonates per surviving control female.	Average dry weight per surviving organism in control must be ≥0.25mg.
	60% of surviving control females must produce 3 broods.	
<b>Coefficient of Variation **</b>	40% or less, unless significant effects are exhibited.	40% or less unless significant effects are exhibited.
<b>Percent Minimum Significant Difference (PMSD range) for Sublethal Endpoint **</b>	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

ii.

- 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.
  - iii.
- 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.
  - iv.

c. Samples and Composites

- 1) The permittee shall collect a minimum of three samples (flow-weighted composite if possible) from the outfall(s).
  - v.
- 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.
  - vi.
- 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 *Ceriodaphnia dubia* WET test conducted shall be reported under 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	NA
(If required) Retest 1 – Enter a "1" if the NOEC for survival, growth or reproduction is less than the critical dilution, otherwise enter "0".	NA	22415
(If required) Retest 2- Enter a "1" if the NOEC for survival, growth or reproduction is less than the critical dilution, otherwise enter "0".	NA	22416
(If required) Retest 3- Enter a "1" if the NOEC for survival, growth or reproduction is less than the critical dilution, otherwise enter "0".	NA	51443

#### 4. PERSISTENT TOXICITY

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal and/or sub-lethal effects at or below the critical dilution. Significant toxic effects, are herein defined as a statistically significant difference at the 95% confidence level between the survival, growth or reproduction of the appropriate test organism in a specified effluent dilution and the control (0%

effluent). If the scheduled *Ceriodaphnia dubia* WET test fails, the frequency increases to monthly, see part 1.d above. If the scheduled *Pimephales promelas* WET test conducted fails, the permittee will conduct three consecutive monthly retests. The purpose of retests 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.

a. Retests

The permittee shall conduct a total of three (3) additional tests for *Pimephales promelas* when a test demonstrates significant effects at or below the critical dilution. The three additional tests shall be conducted monthly during the next three consecutive months. If testing on a quarterly basis, the permittee may substitute one of the additional tests in lieu of one routine toxicity test. A full report shall be prepared for each test required by this section in accordance with the reporting requirements previously outlined and available upon request from the Agency.

b. Requirement to Initiate a Toxicity Reduction Evaluation

If persistent lethality is demonstrated by failure of one or more retests of *Pimephales promelas*, or two tests for *Ceriodaphnia dubia* in a three month period, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in Part 6 of this section. If persistent sub-lethality is demonstrated by failure of two or more retests for *Pimephales promelas*, or three tests for *Ceriodaphnia dubia* in a three month period, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements. The permittee shall notify EPA in writing within 5 days of notification of the failure of any retest, and the TRE initiation date will be the test completion date of the first failed retest for lethal TREs or second failed retest for sub-lethal TREs. A TRE may also be required due to a demonstration of intermittent effects at or below the critical dilution, or for failure to perform the required retests.

## 5.TOXICITY REDUCTION EVALUATION (TRE)

EPA Region 6 is currently addressing TREs as follows: A TRE is triggered according to 4.b above.

- a. Within ninety (90) days of confirming lethality and/or sub-lethality, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE to the EPA WET Coordinator at 6WQ-PO. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A TRE is an investigation intended to determine those actions necessary to achieve compliance with water quality based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The TRE Action Plan shall lead to the successful elimination of effluent toxicity at the critical dilution and include the following:

- 1) Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, a Toxicity Identification Evaluation (TIE) and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity

Identification Evaluations to characterize the nature of the constituents causing toxicity, the permittee shall perform multiple characterizations and follow the procedures specified in the documents "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA 600/6-91/003) or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081), as appropriate.

2) Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.).

The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified; Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where toxicity was demonstrated within 24 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;

3) Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and

4) Project Organization (e.g., project staff, project manager, consulting services, etc.).

b. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal.

c. The permittee shall submit a quarterly TRE Activities Report to the EPA WET Coordinator (6WQ-PO) in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:

- 1) Any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;
- 2) Any studies/evaluations and results on the treatability of the facility's effluent toxicity; and
- 3) Any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant toxicity at the critical dilution. A copy of the TRE Activities Report shall also be submitted to the state agency.
- 4) Any results and interpretation of any chemical specific analysis, and for any characterization, identification, and confirmation tests performed during the quarter.
- 5) Any changes to the initial TRE plan and schedule that are believed necessary.

d. Finalizing a TRE



The permittee shall submit (to EPA 6WQ-PO) a final report on TRE activities no later than twenty-eight (28) months from confirming toxicity in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant toxicity at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism. A copy of the final report on TRE Activities shall also be submitted to the state agency.

A TRE may be stopped if there is no toxicity at the critical dilution for a period of 12 consecutive months (with at least monthly testing) following confirmation of toxicity in the retests. The permittee would submit a final report to EPA at that time.

- e. Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).