



REGION 6  
1201 ELM STREET SUITE 500  
DALLAS, TEXAS 75270

NPDES Permit No NM0031208

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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"),

Quail Run Services – Hobbs  
PO Box 570177  
Houston, TX 77257

is authorized to discharge from a facility located on Pearl Valley Road (CR 43) at U.S. HWY 62, city of Hobbs, Lea County, New Mexico. The discharge will be to unnamed tributary to Iron house Draw and/or Monument Draw, from a point located approximately:

Outfall 001: Latitude 32° 40' 04" North and Longitude 103° 27' 19" West

in accordance with this cover page and the effluent limitations, monitoring requirements and other conditions set forth in Part I, Part II, III and Part IV hereof.

This permit supersedes and replaces NPDES Permit No. NM0031208 issued on November 18, 2018.

This is a reissue permit, prepared by Ruben Alayon-Gonzalez, Environmental Engineer, Permitting Section, and shall become effective on September 1, 2024

This permit and the authorization to discharge shall expire at midnight, July 31, 2029

Issued on July 17, 2024

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Troy C. Hill, P.E.  
Director  
Water Division (6WD)

## 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
F&WS	United States Fish and Wildlife Service
mg/l	Milligrams per liter (one part per million)
ug/l	Micrograms per liter (one part per billion)
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
ML	Minimum quantification level
O&G	Oil and grease
PFAS	Per- and Polyfluoroalkyl Substances
POTW	Publicly owned treatment works
RP	Reasonable potential
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
USFWS	United States Fish & Wildlife Service
USGS	United States Geological Service
WLA	Waste load allocation
WET	Whole effluent toxicity
WQCC	New Mexico Water Quality Control Commission
WQMP	Water Quality Management Plan
WWTP	Wastewater treatment plant

In this document, references to State WQS and/or rules shall collectively mean the State of New Mexico

## PART I – REQUIREMENTS FOR NPDES PERMITS

## A. LIMITATIONS AND MONITORING REQUIREMENTS

## 1. OUTFALL 001 - FINAL Effluent Limits – 0.15 MGD

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge treated domestic wastewater from Outfall 001 to unnamed tributary to Iron house Draw and/or Monument Draw. Such discharges shall be limited and monitored by the permittee as specified below:

POLLUTANT	MINIMUM	MAXIMUM	FREQUENCY	TYPE
pH	6.6 s.u.	9.0 s.u.	5/week	Instantaneous Grab <sup>*4</sup>

  

POLLUTANT	30-DAY AVG	7-DAY AVG	30-DAY AVG <sup>*1</sup>	7-DAY AVG <sup>*1</sup>	DAILY MAX	FREQUENCY	TYPE
Flow	Report MGD	Report MGD	N/A	N/A	N/A	Daily	Totalized meter
BOD <sub>5</sub> Effluent	37.5 lbs./day	56.3 lbs./day	30 mg/L	45 mg/L	N/A	Two /Month	Grab
BOD <sub>5</sub> Influent	Report	N/A	N/A	N/A	N/A	Two /Month	Grab
TSS Effluent	37.5 lbs./day	56.3 lbs./day	30 mg/L	45 mg/L	N/A	Two /Month	Grab
TSS Influent	Report	N/A	N/A	N/A	N/A	Two/Month	Grab
BOD <sub>5</sub> % removal, minimum	≥85 <sup>*2</sup>	N/A	N/A	N/A	N/A	Once/Month	Calculation
TSS % removal, minimum	≥85 <sup>*2</sup>	N/A	N/A	N/A	N/A	Once/Month	Calculation
E. coli bacteria (cfu/100 ml; mpn/100 ml)	NA	N/A	206 cfu/100 ml	N/A	940 cfu/100 ml	Two /Month	Grab
TRC	N/A	N/A	N/A	N/A	11 ug/l <sup>*3</sup>	Five /Week	Instant. Grab <sup>*4</sup>
DO	N/A	N/A	N/A	N/A	Report	Once/Quarter	Instant. Grab <sup>*4</sup>

  

WHOLE EFFLUENT TOXICITY TESTING 7-DAY CHRONIC NOEC FRESHWATER <sup>*6</sup>					NOEC	FREQUENCY <sup>*5</sup>	TYPE
Ceriodaphnia dubia					Report	Once/Permit term	Grab
Pimephales promelas					Report	Once/Permit term	Grab

EFFLUENT CHARACTERISTICS	30-DAY	DAILY MAX	7-DAY AVG	30-DAY AVG	DAILY MAX	7-DAY AVG	FREQUENCY	TYPE
PFAS Analytes, Influent <sup>*7</sup>	N/A	N/A	N/A	N/A	Report ng/L <sup>*9</sup>	N/A	Three/Permit Term <sup>*10</sup>	Grab
PFAS Analytes, Effluent <sup>*7</sup>	N/A	N/A	N/A	N/A	Report ng/L <sup>*9</sup>	N/A	Three/Permit Term <sup>*10</sup>	Grab
PFAS Analytes, Sludge <sup>*8</sup>	N/A	N/A	N/A	N/A	Report ng/g <sup>*9</sup>	N/A	Three/Permit Term <sup>*10</sup>	Grab

## Footnotes:

- \*1 See **Appendix A of Part II** of the permit for minimum quantification limits.
- \*2 Percent removal is calculated using the following equation:  

$$[\text{average monthly influent concentration (mg/l)} - \text{average monthly effluent concentration (mg/l)}] \div [\text{average monthly influent concentration (mg/l)}] \times 100.$$
- \*3 The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes.
- \*4 Analyzed within 15 minutes of collection.
- \*5 The test shall take place between November 1 and April 30; during the 1st to 4th year of the permit term or as soon as possible. EPA may reopen the permit if the test fails.
- \*6 Monitoring and reporting requirements begin on the effective date of this permit. See Part II of the permit for WET testing requirements for additional WET monitoring and reporting conditions.
- \*7 Report in nanograms per liter (ng/L). This reporting requirement for the 40 PFAS parameters takes effect on the effective date of the authorization to discharge under the permit. Until there is an analytical method approved in 40 CFR Part 136 for PFAS in wastewater, monitoring shall be conducted using Method 1633. The Adsorbable Organic Fluorine CWA wastewater method 1621 can be used in conjunction with Method 1633, if appropriate. Additionally, report in Net-DMR the results of all 40 PFAS analytes required to be tested as part of the method as shown in Appendix B of Part II.
- \*8 Sludge sampling shall be Reported in nanograms per gram (ng/g). This reporting requirement for the 40 PFAS parameters takes effect on the effective date of the authorization to discharge under the permit. Until there is an analytical method approved in 40 CFR Part 136 for PFAS in sludge, monitoring shall be conducted using Method 1633. The Adsorbable Organic Fluorine CWA wastewater method 1621 can be used in conjunction with Method 1633, if appropriate. Additionally, report in Net-DMR the results of all 40 PFAS analytes required to be tested as part of the method, as shown in Appendix B of Part Sludge sampling shall be as representative as possible based on guidance found at <https://www.epa.gov/sites/production/files/2018-11/documents/potw-sludge-sampling-guidance-document.pdf>.
- \*9 PFAS samples must be collected and analyzed in three separate calendar years. PFAS Analysis data should be submitted annually to NMED (See Part III.D.IV) and NMENV-PFAS-DATA@env.nm.gov. The data submittal should include the electronic data deliverable and sampling narrative report provided by the analytical laboratory used to complete the analysis. NMED PFAS sampling standard operating procedures (SOPs) can be found at <https://www.env.nm.gov/surface-water-quality/sop/>.
- \*10 Each sample needs to be collected and analyzed in a separate calendar year.

### 3. 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.

### 4. SAMPLE LOCATION

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)

Applicable reports (DMRs, Biosolids/Sewage Sludge, Sewer Overflow/Bypass Event Pretreatment Program) shall be electronically reported to EPA at <https://cdx.epa.gov/>. The permittee may seek a waiver from electronic reporting or until approved for electronic reporting, the permittee shall first submit an electronic reporting waiver request to: U.S. EPA - Region 6, Water Enforcement Branch, New Mexico State Coordinator (6EN-WC), (214) 665-7179. If paper reporting is granted, the permittee shall submit reports on paper in accordance with signature and certification as required by Part III.D.11, and all other reports required by Part III.D. to the EPA and copies to NMED (under Part III.D.4 of the permit).

Applicable e-Reporting Program	e-Reporting Compliance Date	Reporting Frequency
DMRs	Permit effective date	Quarterly
Biosolids/Sewage Sludge Report	Permit effective date	Annually for major permit
Pretreatment Program Reports	By 21 December 2025	Annually
Sewer Overflow/Bypass Event Reports and Anticipated Bypass Notices	By 21 December 2025	Quarterly

Discharge Monitoring Report (DMR) results shall be electronically reported to EPA per 40 CFR 127.16. To submit electronically, access the Net-DMR website at [https://usepa.servicenowservices.com/oeca\\_icis?id=netdmr\\_homepage](https://usepa.servicenowservices.com/oeca_icis?id=netdmr_homepage). 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, New Mexico State Coordinator (6EN-WC), (214) 665-6468. 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). Reports shall be submitted quarterly.

- Reporting periods shall end on the last day of the months March, June, September, and December.
- The permittee is required to submit regular monthly reports as described above postmarked no later than the 28<sup>th</sup> day of the month following each reporting period.
- 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 DMR.
- If any 7-day 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, 7-day average, or daily maximum value reported in the required DMR which is more than 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.

#### D. OVERFLOW REPORTING

The permittee shall report all overflow/bypass via the website <https://cdx.epa.gov/> with the compliance date mentioned above. If the reports on paper are submitted before the compliance date, 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).

Overflow/bypass that endanger health or the environment shall be reported via email to EPA (to the contact information in Part III.D.7) within 24 hours, and to NMED Surface Water Quality Bureau via phone at (505) 827-0187 or email at SWQ.Reporting@env.nm.gov (email preferred) (to the contact information in Part III.D.7) 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. 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 at SWQ.Reporting@env.nm.gov from the time the permittee becomes aware of the violation followed by a written report in five days.

*\* Total Residual Chlorine & E. coli bacteria*

## C. PERMIT MODIFICATION AND REOPENER

In accordance with [40 CFR Part 122.44(d)], the permit may be reopened and modified during the life of the permit 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 New Mexico Water Quality Control Commission, respectively.

In accordance with [40 CFR Part 122.62(a)(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. 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 (%):	32, 42, 56, 75 and 100
CRITICAL DILUTION (%):	100
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 or sub-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.

## 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 (**grab** sample is authorized for this permit)

- The permittee shall collect **two grab** samples from the outfall(s) listed at Item 1.a above.
- The permittee shall collect a second grab sample for use during the 24-hour renewal of each dilution concentration for both tests. The permittee must collect the grab samples so that the maximum holding time for any effluent sample shall not exceed 36 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first grab sample. Samples shall be chilled to 6 degrees Centigrade during collection, shipping, and/or storage.
- The permittee must collect the grab 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.
- 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 grab 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 grab 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 EPA, 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'
- For retest number 3, Parameter 51443, enter a '1' if the NOEC for survival is less than the critical dilution; otherwise, enter a '0'