



**NPDES Permit No NM0020770**

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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"),

City of Bloomfield  
P.O. Box 1839  
Bloomfield, NM 87413

is authorized to discharge from a facility located at 1176 South Church Street, in the city of Bloomfield, in San Juan County, NM, to San Juan River in Segment 20.6.4.408 of the San Juan River Basin from a discharge point located at approximately:

Outfall 001: Latitude 36° 43' 42" N, Longitude 107° 57' 00" W

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. NM0020770 with an effective date of November 1, 2020.

This permit shall become effective on

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

Issued on

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Troy C. Hill, P.E.  
Director  
Water Division

## LIST OF DOCUMENT ABBREVIATIONS

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

<b>4Q3</b>	Lowest four-day average flow rate expected to occur once every three-years
<b>BAT</b>	Best available technology economically achievable
<b>BCT</b>	Best conventional pollutant control technology
<b>BPT</b>	Best practicable control technology currently available
<b>BMP</b>	Best management plan
<b>BOD<sub>5</sub></b>	Biochemical oxygen demand (five-day unless noted otherwise)
<b>BPJ</b>	Best professional judgment
<b>CD</b>	Critical dilution
<b>CFR</b>	Code of Federal Regulations
<b>cfs</b>	Cubic feet per second
<b>COD</b>	Chemical oxygen demand
<b>COE</b>	United States Corp of Engineers
<b>CWA</b>	Clean Water Act
<b>DMR</b>	Discharge monitoring report
<b>E. coli</b>	Escherichia coli
<b>ELG</b>	Effluent limitation guidelines
<b>EPA</b>	United States Environmental Protection Agency
<b>ESA</b>	Endangered Species Act
<b>FCB</b>	Fecal coliform bacteria
<b>FDA</b>	Food and Drug Administration
<b>F&amp;WS</b>	United States Fish and Wildlife Service
<b>gpm</b>	Gallons per minute
<b>lb/day</b>	Pounds/day
<b>mg/L</b>	Milligrams per liter (one part per million)
<b>ug/L</b>	Micrograms per liter (one part per billion)
<b>MGD</b>	Million gallons per day
<b>NMAC</b>	New Mexico Administrative Code
<b>NMED</b>	New Mexico Environment Department
<b>NMIP</b>	New Mexico NPDES Permit Implementation Procedures
<b>NMWQS</b>	New Mexico State Standards for Interstate and Intrastate Surface Waters
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>MQL</b>	Minimum quantification level
<b>O&amp;G</b>	Oil and grease
<b>PFAS</b>	Per- and polyfluoroalkyl substances
<b>POTW</b>	Publicly owned treatment works
<b>RP</b>	Reasonable potential
<b>SIC</b>	Standard industrial classification
<b>SOPS</b>	Standard Operating Procedures
<b>s.u.</b>	Standard units (for parameter pH)
<b>SWQB</b>	Surface Water Quality Bureau
<b>TDS</b>	Total dissolved solids
<b>TMDL</b>	Total maximum daily load
<b>TRC</b>	Total residual chlorine
<b>TSS</b>	Total suspended solids
<b>UAA</b>	Use attainability analysis
<b>UV</b>	Ultraviolet light
<b>USFWS</b>	United States Fish & Wildlife Service
<b>USGS</b>	United States Geological Service
<b>WLA</b>	Waste-load allocation
<b>WET</b>	Whole effluent toxicity
<b>WQCC</b>	New Mexico Water Quality Control Commission
<b>WQMP</b>	Water Quality Management Plan
<b>WQS</b>	Water Quality Standards
<b>WWTP</b>	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 – 0.93 MGD Design Flow

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 San Juan River. Such discharges shall be limited and monitored by the permittee and reported as specified below:

POLLUTANT	MINIMUM	MAXIMUM	FREQUENCY	TYPE
pH	6.6 s.u.	9.0 s.u.	5/week	Instantaneous Grab

POLLUTANT *1	30-DAY AVG	7-DAY AVG	DAILY MAX	30-DAY AVG	7-DAY AVG	DAILY MAX	FREQUENCY	TYPE
Flow	Report, MGD	Report, MGD	NA	NA	NA	NA	Daily	Totalized Meter
BOD <sub>5</sub>	233	349	NA	30 mg/L	45 mg/L	NA	1/week	24-hour Composite
BOD <sub>5</sub> , influent	NA	NA	NA	Report	NA	NA	1/month	24-hour Composite
BOD, minimum removal	85%	NA	NA	NA	NA	NA	1/month	Calculation *2
TSS	233 lb/day	349 lb/day	NA	30 mg/L	45 mg/L	NA	1/week	24-hour Composite
TSS, influent	NA	NA	NA	Report	NA	NA	1/month	24-hour Composite
TSS, minimum removal	85%	NA	NA	NA	NA	NA	1/month	Calculation *2
E. coli bacteria *4	4.3 x 10 <sup>9</sup> cfu/day	N/A	4.3 x 10 <sup>9</sup> cfu/day	126 cfu/100 mL	NA	126 cfu/100 mL	1/week	Grab *3
TRC	NA	NA	NA	NA	NA	11 ug/L *5	5/week	Instantaneous Grab
TDS, Net increase *6	N/A	NA	NA	400	NA	NA	1/month	Grab *3
Nitrogen, total	***	***	***	Report	Report	***	1/month	24-hour Composite
Phosphorous, total	***	***	***	Report	Report	***	1/month	24-hour Composite
Oil & grease	Report with Present or Absent *7					3/month	Observation	
Floating solid	Report with Present or Absent *7					3/month	Observation	
PFAS Analytes, (Influent) *8, 9	NA	NA	NA	NA	NA	Report ng/L	Quarterly	24-hour Composite
PFAS Analytes, (Effluent) *8, 9	NA	NA	NA	NA	NA	Report ng/L	Quarterly	24-hour Composite

PFAS Analytes, (Biosolids) *9,10, 11	NA	NA	NA	NA	NA	Report ng/g	Quarterly	24-hour Composite
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WHOLE EFFLUENT TOXICITY TESTING (48-Hr Acute Static Renewal/ NOEC) *13	VALUE	FREQUENCY *12	TYPE
<i>Daphnia pulex</i>	Report	Once/Quarter	24-Hr Composite
<i>Pimephales promelas</i>	Report	Once/Quarter	24-Hr Composite

Footnotes:

\*1. See Appendix A of Part II of the permit for minimum quantification limits.

\*2. Percent removal is calculated using the following equation:

[average monthly influent concentration (mg/L) – average monthly effluent concentration (mg/L)] ÷ [ average monthly influent concentration (mg/L)] x 100.

\*.3 Analyzed within the maximum holding time specified in 40 CFR 136.

\*4. E.coli bacteria may be measured as either Colony Forming Units (cfu)/ 100 mL or as Most Probable Number (MPN) /100 mL.

\*5. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes.

\*6. Net increase = effluent TDS concentration – intake drinking water supply TDS concentration, (mg/L) Samples taken with 24 hours of each other

\*7. Permittee shall report whether or not it presents after effluent passes the discharging pipe. Observation is made at the end of discharging pipe. A “Present” report shall be a violation of the permit condition stated in Part I.A.2

\*8 Report in nanograms per liter (ng/L). This reporting requirement for the 40 PFAS parameters takes effect the first full calendar quarter after 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. 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.

\*9 PFAS Analysis data should be submitted annually to NMED at SWQ.Reporting@env.nm.gov 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.

\*10 Report in nanograms per gram (ng/g). This reporting requirement for the 40 PFAS parameters takes effect the first full calendar quarter after 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. 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.

\*11 Biosolids 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>.

\*12.Once/quarter for the first four quarters. If all tests pass, reduce the frequency to once/6-months for *Daphnia pulex* and to once/year for *Pimephales promelas*. If fails any test, frequency returns to once/quarter for the remainder of the permit term. Frequency reverts to once/quarter on the last day of the permit.

\*13. 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. Grab samples are allowed per method, if needed.

## 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. In addition, 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.

## 3. SAMPLE LOCATION(S)

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 REPORTING (MAJOR 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. 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.

e-Reporting Programs (if applicable)	e-Reporting Compliance Date	Frequency
DMRs	Permit effective date Monthly	Monthly
Biosolids/Sewage Sludge Report	Permit effective date Annually	Annually
Pretreatment Program Reports	By 21 December 2025 Annually	Annually
Sewer Overflow/Bypass Event Reports and Anticipated Bypass Notices	By 21 December 2025 Monthly	Monthly

3. If any 30-day average, monthly 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.
4. Any 30-day average, monthly 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.
5. Other measurements of oxygen demand (e.g., TOC and COD) may be substituted for five-day Biochemical Oxygen Demand ( $BOD_5$ ) or for five-day Carbonaceous Biochemical Oxygen Demand ( $CBOD_5$ ), as applicable, where the permittee can demonstrate long-term correlation of the method with  $BOD_5$  or  $CBOD_5$  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.

6. The permittee shall submit a copy of an annual summary of the data that results from whole effluent toxicity testing to each of the following entities:

EPA: Compliance Assurance and Enforcement Division  
Water Enforcement Branch (6EN-W)  
U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500, Dallas, TX 75270-2102

NMED: Program Manager, Surface Water Quality Bureau  
New Mexico Environment Department  
P.O. Box 5469, 1190 Saint Francis Drive  
Santa Fe, NM 87502-5469  
swq.reporting@env.nm.gov

7. NO DISCHARGE REPORTING: A list of the NODI codes is available in the Net-DMR system. For example, if there is no discharge from any outfall during the sampling month, enter a NODI code “C.”

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

The permittee is required to report all overflow and bypass events through the designated website by the compliance date specified above. If paper reports are submitted before this compliance date, they will be summarized and presented in a table. The summaries must include the following information: date, time, duration, location, estimated volume, cause of the overflow, observed environmental impacts, actions taken to address the overflow, and the ultimate discharge location if it was not contained (for example, storm sewer system, ditch, or tributary).

Sewer overflow and bypass events that pose a risk to health or the environment must be reported via email to R6\_NPDES\_Report@epa.gov and to the New Mexico Environment Department (NMED) Surface Water Quality Bureau at (505) 827-0187 or swq.reporting@env.nm.gov (email is preferred) as soon as possible, but no later than 24 hours after the permittee becomes aware of the event.

Additionally, the permittee must use NeT-SewerOverflow, accessible at <https://cdx.epa.gov/>, to submit a Sewer Overflow/Bypass Event Report to the EPA and NMED within five days of becoming aware of any sewer overflow or bypass event that poses a threat to health or the environment. For all other overflow or bypass events that do not pose a similar threat, the permittee must file a Sewer Overflow/Bypass Event Report with the EPA using NeT-SewerOverflow by the due date of the next Discharge Monitoring Report (DMR) submission. Furthermore, the permittee must coordinate with downstream users and stakeholders to develop a communication plan for notifying the public about any sewer overflow and bypass events that affect a water body. A copy of this public notification should also be sent to NMED at swq.reporting@env.nm.gov.

#### **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.

#### **F. APPLICATION, DMR, AND COMPLIANCE STATUS REPORT**

A duplicate copy of application for permit renewal, monthly Discharge Monitoring Report, and compliance status report, if there are any, shall be sent to New Mexico Environment Department (NMED) at the mailing address listed in Part III.D of this permit.



## PART II - OTHER CONDITIONS

## A. MINIMUM QUANTIFICATION LEVEL (MQL)

The permittee shall use sufficiently sensitive EPA-approved analytical methods (under 40 CFR part 136 or required under 40 CFR chapter I, subchapters N or O) when quantifying the presence of pollutants in a discharge for analyses of pollutants or pollutant parameters under the permit. In case the approved methods are not sufficiently sensitive to the limits, the most sufficiently sensitive methods (lowest minimum levels) must be used as defined under 40 CFR 122.44(i)(1)(iv)(A). 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

For pollutants listed on Appendix A of Part II with MQL's, analyses *may* be performed at 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 DMR reporting requirements. In addition, any additional pollutant sampling for purposes of this permit, including renewal applications or any other reporting, may be tested to the MQL, permit limit(s) or the state WQS. Results of analyses that are less than the listed MQL, permit limit(s) or the state WQS may be reported as "non-detect." Upon written approval by the EPA Region 6 NPDES Permits Branch (6WQ-P), the effluent specific MQL may be utilized by the permittee for all future DMR reporting requirements until/or unless changes are required for adoption of a lower MQL.

## 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: E. coli and TRC

## C. PERMIT MODIFICATION AND REOPENER

In accordance with 40 CFR Part 122.44(c), 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 the New Mexico Water Quality Control Commission. 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. In accordance with 40 CFR Part 122.62(a)(2), the permit may also 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.

## D. 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, waste streams 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 (BOD, etc.), 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 the alternate temperature limit;
  - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral 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.
- 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 such change in the quality or quantity of effluent to be discharged from the publicly owned treatment works.

#### **E. WHOLE EFFLUENT TOXICITY TESTING (48-HOUR ACUTE 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 AS FINAL OUTFALL	001
CRITICAL DILUTION (%)	10%
EFFLUENT DILUTION SERIES (%)	4%, 6%, 8%, 10%, and 13%
TEST SPECIES AND METHODS	Daphnia pulex/ Method 2021.0 (EPA/821/R02-012 or latest version)
	Pimephales promelas/ Method 2000.0 (EPA821-R-02-012 or latest version)
SAMPLE TYPE	Defined in PART I

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. Acute 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

c. This permit may be reopened to require WET limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

##### **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	Daphnia pulex	Pimephales promelas
# of replicates per concentration	4	2
# of organisms per replicate	5	10
# of organisms per concentration	20	20
# 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
Test Acceptability Criteria	≥90% survival of all control organisms.	≥90% survival of all control organisms.
Coefficient of Variation **	40% or less, unless significant effects are exhibited.	40% or less unless significant effects are exhibited.

\* 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 because 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 like 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.

a. Samples and Composites

1. The permittee shall collect two samples (flow-weighted composite if possible) from the outfall(s).
2. The permittee shall collect a second 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 (WET Coordinator at mail code WDPN) and NMED (swq.reporting@env.nm.gov) 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 to EPA (WET Coordinator at mail code WDPN) and NMED (swq.reporting@env.nm.gov).

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 Daphnia pulex	Parameter STORET CODE Pimephales promelas
Enter a "1" if the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, otherwise enter a "0".	TEM3D	TEM6C
Report the NOEC value for survival	TOM3D	TOM6C
Report the highest (critical dilution or control) Coefficient of Variation	TQM3D	TQM6C
(If required) Retest 1 – Enter a "1" if the NOEC for survival is less than the critical dilution, otherwise enter "0".	22418	22415
(If required) Retest 2- Enter a "1" if the NOEC for survival is less than the critical dilution, otherwise enter "0".	22419	22416
(If required) Retest 3- Enter a "1" if the NOEC for survival is less than the critical dilution, otherwise enter "0".	51444	51443

### 4. MONITORING FREQUENCY REDUCTION

a. The permittee may apply to EPA (WET Coordinator at mail code WDPN) and NMED (swq.reporting@env.nm.gov) for a testing frequency reduction upon the successful completion of the first four consecutive quarters of testing for a test species,

with no lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the vertebrate species) and not less than twice per year for the more sensitive test species (usually the invertebrate species).

b. Certification - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria above. In addition, the permittee must provide a list with each test performed including test initiation date, species, and NOECs. Upon review and acceptance of this information, the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's compliance section to update the permit reporting requirements.

c. Failures - If any test demonstrates lethal or sub-lethal effects at or below the critical dilution at any time during the life of this permit, three monthly retests are required. If a frequency reduction had been granted, the monitoring frequency for the affected test species reverts to once per quarter until the permit is re-issued.

d. This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

## 5. PERSISTENT TOXICITY

The requirements of this subsection apply only when a toxicity test demonstrates significant 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 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 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 lethal 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. The permittee shall notify EPA (WET Coordinator at mail code WDPN) and NMED (swq.reporting@env.nm.gov) 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. 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.

## 6.TOXICITY REDUCTION EVALUATION (TRE)

A TRE is triggered following two test failures (a failure followed by one retest failure).

- a. Within ninety (90) days of confirming lethality in the retests, the permittee shall submit a TRE Action Plan and Schedule for conducting a TRE to the EPA (WET Coordinator at mail code WDPN) and NMED (swq.reporting@env.nm.gov). 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.).

- a. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal.
- b. The permittee shall submit a quarterly TRE Activities Report to the EPA (WET Coordinator at mail code WDPN) and NMED (swq.reporting@env.nm.gov) 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.

#### Finalizing a TRE

The permittee shall submit to EPA (WET Coordinator at mail code WDPN) and NMED (swq.reporting@env.nm.gov) 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.

- a. 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).